

**San Bernardino City Unified School District**

Regular Meeting of the Board of Education

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

**AGENDA**

February 21, 2006

**SESSION ONE - Opening**

**1.0 *Opening***

- 1.1 Call to Order
- 1.2 Pledge of Allegiance to the Flag

**SESSION TWO - Special Presentation**

**2.0 *Special Presentation***

- 2.1 Hillwood Check Presentation  
(Prepared by Superintendent)

John Magness, Senior Vice President, and representatives from Hillwood will be in attendance to make a formal presentation of checks to the District. The checks represent developer fees for the Medline and Pactiv projects.

**SESSION THREE - School Showcases**

**3.0 *School Showcases***

- 3.1 Monterey Elementary School
- 3.2 Golden Valley Middle School

## SESSION FOUR - Public Hearings

### 4.0 *Public Hearings*

- 4.1 Public Hearing Regarding the Consideration and Adoption of Reports Entitled, Residential Development School Fee Justification Study for San Bernardino City Unified School District and Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District, Prepared as of February 2006, and Consideration of Adoption of a Resolution Entitled Resolution of the Board of Education of the San Bernardino City Unified School District Approving an Increase in Statutory School Facility Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995  
(Prepared by Facilities/Operations Division)

On January 13, 2004, the San Bernardino City Unified School District adopted the 2004 Residential Development School Fee Justification Study (Level 1 Fees) and the 2004 Commercial/Industrial Development School Fee Justification Study (collectively "School Fees Justification Studies") for a period of two years pursuant to Education Code Section 17620 and Government Code Section 65995 (Item 4.2). The maximum Statutory School Fees in the amounts of \$2.24 per square foot for residential construction within the District and \$0.36 per square foot for commercial/industrial construction within the District were adopted by the District on May 18, 2004 (Items 4.1 and 4.2). The school fees justified by the 2004 School Fees Justification Studies are valid for a period of two (2) years, and, therefore, must be again justified in order for the District to levy school fees in the amounts specified by the State of California pursuant to Education Code Section 17620 and Government Code Section 65995.

San Bernardino City Unified School District ("District") Staff believes that the facts set forth in the fee justification studies entitled, "Residential Development School Fee Justification Study for San Bernardino City Unified School District" and "Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District" ("Studies"), prepared by David Taussig & Associates as of February 2006, are reflective of the average student generation rates, amount of future development and costs of school facilities to accommodate the students generated from such development. Based on the facility cost impacts to the District for the average new home and for commercial/industrial construction as set forth in the Studies, it appears that the District may collect the maximum Statutory School Fees in the amounts of \$2.63 per square foot for residential construction within the District and \$0.42 per square foot for commercial/industrial construction within the District.

It is appropriate at this time to conduct a Public Hearing.

#### Conduct Public Hearing

It is recommended that the following resolution be adopted:

**RESOLUTION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING AN INCREASE IN STATUTORY SCHOOL FACILITY FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO EDUCATION CODE SECTION 17620 AND GOVERNMENT CODE SECTION 65995**

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

**WHEREAS**, the Board has previously adopted and imposed statutory school fees pursuant to Education Code Section 17620 and Government Code Section 65995 in the amounts of \$2.24 per square foot of assessable space of new residential construction in the District (“Residential Statutory School Fees”), and \$0.36 per square foot of chargeable covered and enclosed space for all categories of new commercial/industrial construction in the District (“Commercial/Industrial Fees”) (collectively, “Statutory School Facility Fees”); and

**WHEREAS**, the Board has previously adopted by Resolution alternative school facility fees pursuant to Government Code Sections 65995.5, (ASF/Level 2 Fees) and 65995.7 (ASF/Level 3 Fees) (collectively, Alternative School Facility Fees); and

**WHEREAS**, on January 25, 2006, the State Allocation Board authorized an adjustment in the Statutory School Fee amounts pursuant to Government Code Section 65995(b)(3) to \$2.63 per square foot for assessable space of new residential construction and \$0.42 per square foot of chargeable covered and enclosed space for the categories of new commercial/industrial construction, as long as such increases are properly justified by the District pursuant to law; and

**WHEREAS**, new residential and commercial/industrial construction continues to generate additional students for the District’s schools and the District is required to provide school facilities (School Facilities) to accommodate those students; and

**WHEREAS**, overcrowded schools within the District have an impact on the District’s ability to provide an adequate quality education and negatively impact the educational opportunities for the District’s students; and

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

**WHEREAS**, the Board has received and considered the reports entitled, “Residential Development School Fee Justification Study for San Bernardino City Unified School District”

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and “Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District,” which include information, documentation, and analysis of the School Facilities needs of the District, including: (a) the purpose of the Statutory School Facility Fees; (b) the use to which the Statutory School Facility Fees are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential and commercial/industrial construction and (1) the use for Statutory School Facility Fees, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Statutory School Facility Fees from new residential and commercial/industrial construction; (d) a determination of the impact of the increased number of employees anticipated to result from the commercial/industrial construction (by category) upon the cost of providing School Facilities within the District; (e) an evaluation and projection of the number of students that will be generated by new residential construction; (f) the new School Facilities that will be required to serve such students; and (g) the cost of such School Facilities; and

**WHEREAS**, the Studies pertaining to the Statutory School Facility Fees and to the capital facilities needs of the District has been available to the public for at least ten (10) days before the Board considered at a regularly scheduled public meeting the increase in the Statutory School Facility Fees; and

**WHEREAS**, all notices of the proposed increase in the Statutory School Facility Fees have been given in accordance with applicable law; and

**WHEREAS**, a public hearing was duly held at a regularly scheduled meeting of the Board relating to the proposed increase in the Statutory School Facility Fees on February 21, 2006; and

**WHEREAS**, as to the Statutory School Facility Fees, Education Code Section 17621 provides that the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to Education Code Section 17620 shall not be subject to the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

It is recommended that the following resolution be adopted:

**NOW, THEREFORE, BE IT RESOLVED THAT THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the Board accepts and adopts the Studies.

**Section 2.** That the Board finds that the purpose of the Statutory School Fees imposed upon new residential construction are to fund the additional School Facilities required to serve the students generated by the new residential construction upon which the Statutory School Fees are imposed.

**Section 3.** That the Board finds that the Statutory School Fees imposed on new residential construction will be used only to finance those School Facilities described in the Studies and related documents, and that these School Facilities are required to serve the students generated by the new residential construction within the District; and that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms, and technology, and acquiring and installing additional portable classrooms and related School Facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new residential construction, as well as any required central administrative and support facilities, within the District.

**Section 4.** That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and the new residential construction within the District because the Statutory School Fees imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction.

**Section 5.** That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new residential construction within the District and the District does not have student capacity in the existing School Facilities to accommodate these students.

**Section 6.** That the Board finds that the amount of the Statutory School Fees imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

**Section 7.** That the Board finds that the purpose of the Statutory School Fees imposed on new commercial/industrial construction is to fund the additional School Facilities required to serve the students generated by the new commercial/industrial construction upon which the Commercial/Industrial Fees are imposed.

**Section 8.** That the Board finds that the Statutory School Fees imposed on new commercial/industrial construction (by category) will be used only to finance those School Facilities described in the Studies and related documents and that these School Facilities are required to serve the students generated by such new commercial/industrial construction; and that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms and technology, and acquiring and installing additional portable classrooms and related facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new commercial/industrial construction, as well as any required central administrative and support facilities within the District.

**Section 9.** That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and new commercial/industrial construction by category within the District because the Statutory School Fees imposed on commercial/industrial construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new commercial/industrial construction.

**Section 10.** That the Board finds that there is a roughly proportional, reasonable relationship between the new commercial/industrial construction by category, upon which the Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new commercial/industrial construction within the District and the District does not have student capacity in the existing School Facilities to accommodate these students.

**Section 11.** That the Board finds that the amount of the Statutory School Fees imposed on new commercial/industrial construction by category as set forth in this Resolution is roughly proportional and reasonably related to and does not exceed the cost of providing the School Facilities required to serve the students generated by such new commercial/industrial construction within the District.

**Section 12.** That the Board finds that a separate fund ("Fund") of the District has been created or is authorized to be established for all monies received by the District for the deposit of Residential Statutory School Fees, ASF/Level 2 Fees and ASF/Level 3 Fees (if applicable) imposed on residential construction within the District, as well as Commercial/Industrial Fees and mitigation payments ("Mitigation Payments") collected by the District and that said Fund and said monies received at all times have been separately maintained, except for temporary investments, from other funds of the District as authorized by applicable law.

**Section 13.** That the Board finds that the monies of the separate Fund or the separate Sub-Funds described in Section 12, consisting of the proceeds of Statutory School Fees, ASF/Level 2 Fees, ASF/Level 3 Fees and Mitigation Payments have been imposed for the purposes of constructing and reconstructing those School Facilities necessitated by new residential and/or commercial/industrial construction, and thus, these monies may be expended for all those purposes permitted by applicable law. The Statutory School Fees may also be expended by the District for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of Section 66001 of the Government Code. In addition, the District may also retain, as appropriate, an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees.

**Section 14.** That the Board hereby increases the Statutory School Fees as a condition of approval of new residential development projects and imposes the Statutory School Fees on such development projects in the following amounts:

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a. \$2.63 per square foot of assessable space for new residential construction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code Section 17625, and including residential construction or reconstruction other than new construction where such construction or reconstruction results in an increase of assessable space, as defined in Government Code Section 65995, in excess of five hundred (500) square feet.

b. \$0.42 per square foot of assessable space, for new residential construction used exclusively for the housing of senior citizens, as described in Section 51.3 of the Civil Code or as described in subdivision (k) of Section 1569 of the Health and Safety Code or paragraph 9 of subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobile home park, subdivision, cooperative or condominium for mobile homes limited to older persons as defined by the Federal Fair Housing Amendments of 1988.

**Section 15.** That this Board hereby increases the Statutory School Fees as a condition of approval of new commercial/industrial construction projects and levies the Statutory School Fees on such development projects in the following amount per square foot of chargeable covered and enclosed space for all categories of commercial/industrial construction to \$0.42.

**Section 16.** That the proceeds of the Statutory School Fees increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the Statutory School Fees are to be collected, including, as to Statutory School Fees, accomplishing any study, findings or determinations required by subdivisions (a), (b) and (d) of Section 66001 of the Government Code, or retaining an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees or in financing the described Studies or in defending the imposition of Statutory School Fees.

**Section 17.** That the District's Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the Cities and the County along with a copy of all the supporting documentation referenced herein and a map of the District clearly indicating the boundaries thereof, advising the Cities and the County that new residential and commercial/industrial construction is subject to the Statutory School Fees increased pursuant to this Resolution and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential development project, mobile home or manufactured home subject to the Statutory School Fees absent a certification of compliance ("Certificate of Compliance") from the District demonstrating compliance of such project with the requirements of the Statutory School Fees, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable Statutory School Fees.

**Section 18.** That the Board hereby establishes a process that permits the party against whom the Commercial/Industrial Fees are imposed, the opportunity for a hearing to appeal that imposition of Commercial/Industrial Fees for commercial/industrial construction as required by Education Code Section 17621(e)(2). The appeal process is as follows:

a. Within ten (10) calendar days of being notified, in writing, (by personal delivery or deposit in the U.S. Mail) of the Commercial/Industrial Fees to be imposed or paying the Commercial/Industrial Fees, pursuant to Education Code Section 17620, a party shall file a written request for a hearing regarding the imposition of Commercial/Industrial Fees. The party shall state in the written request the grounds for opposing the imposition of Commercial/Industrial Fees and said written request shall be served by personal delivery or certified or registered mail to the Superintendent.

b. The possible grounds for that appeal include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the Commercial/Industrial Fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.

c. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of Commercial/Industrial Fees, the Superintendent, or designee, shall give notice in writing of the date, place and time of the hearing to the party appealing the imposition of Commercial/Industrial Fees. The Superintendent, or designee, shall schedule and conduct said hearing within thirty (30) calendar days of receipt of the written request. The Superintendent, or designee, shall render a written decision within ten (10) days following the hearing on the party's appeal and serve it by certified or registered mail to the last known address of the party.

d. The party against whom the Commercial/Industrial Fees are imposed may appeal the Superintendent or designee's decision to the Board.

e. The party appealing the Superintendent's or designee's decision shall state in the written appeal the grounds for opposing the imposition of the Commercial/Industrial Fees and said written appeal shall be served by personal delivery or certified or registered mail to the Superintendent.

f. The possible grounds for that appeal to the Board include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the Commercial/Industrial Fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.



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g. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of Commercial/Industrial Fees, the Superintendent, or designee, shall give notice in writing of the date, place and time of the hearing to the party appealing the imposition of Commercial/Industrial Fees. The Board, shall schedule and conduct said hearing at the next regular meeting of the Board, provided that the party is given notice at least five (5) working days prior to the regular meeting of the Board. The Board shall render a written decision within ten (10) days following the hearing on the party's appeal and serve the decision by certified or registered mail to the last known address of the party.

h. The party appealing the imposition of the Commercial/Industrial Fees shall bear the burden of establishing that the Commercial/Industrial Fees are improper.

**Section 19.** That the Superintendent is authorized to cause a Certificate of Compliance to be issued for each development project, mobile home and manufactured home for which there is compliance with the requirement for payment of the Statutory School Fees in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of Statutory School Fees for a development project, mobile home or manufactured home and it is later determined that the statement or other representation made by an authorized party concerning the development project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate Cities or County shall be so notified.

**Section 20.** That no statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

**Section 21.** That if any portion or provision hereof is held invalid, the remainder hereof is intended to be and shall remain valid.

**Section 22.** That the increase in the District's Statutory School Facility Fees will become effective immediately pursuant to a separate resolution increasing the fees on an urgency basis.

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4.2 Public Hearing Regarding the Consideration and Adoption of an Urgency Resolution for an Increase in Statutory School Facility Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995  
(Prepared by Facilities/Operations Division)

On February 21, 2006, the Board of Education of the San Bernardino City Unified School District adopted a resolution increasing the District's statutory school facilities fees ("Level 1 Fees") to \$2.63 per square foot of assessable space for residential development and \$0.42 per square foot of chargeable covered and enclosed space for all commercial/ industrial construction categories ("Commercial/Industrial Fees") (collectively, "Statutory School Facilities Fees"). Normally changes in Statutory School Facilities Fees are effective after sixty (60) days. In cases of current and immediate threat to the public health, welfare or safety, an urgency resolution may be approved, making the new Statutory School Facilities Fees effective immediately.

It is appropriate at this time to conduct a Public Hearing on the question of making the adopted School Facilities Fees referred to above effective immediately.

Conduct Public Hearing

Subject to the outcome of the Public Hearing, it is recommended that the following resolution be adopted:

Resolution of the San Bernardino City Unified School District Approving an Urgency Resolution for an Increase in Statutory School Facilities Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995

WHEREAS, on February 21, 2006, the Board of Education ("Board") of the San Bernardino City Unified School District ("District") adopted a resolution increasing the District's statutory school facilities fees ("Level 1 Fees") to \$2.63 per square foot of assessable space for residential development and \$0.42 per square foot of chargeable covered and enclosed space for all commercial/industrial construction categories ("Commercial/Industrial Fees") (collectively, "Statutory School Facility Fees"); and

WHEREAS, although Education Code Section 17621(a) provides that an increase in Statutory School Facility Fees shall not take effect until sixty (60) days after Board action increasing the Statutory School Facility Fees, Education Code Section 17621(b) allows the District to adopt an urgency measure, upon a four-fifths (4/5ths) vote, as an interim authorization for an increase in school facilities fees, where necessary, to respond to a current and immediate threat to the public health, welfare or safety; and

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WHEREAS, the District's school facilities are currently overcrowded, and the current Statutory School Facility Fees collected by the District are insufficient to fund the total cost for new school facilities per residential unit and State funding to make up the shortfall is not likely, thereby creating a threat to the public health, welfare or safety; and

WHEREAS, an immediate increase in the Statutory School Facility Fees is necessary to more adequately house new students to be generated from new construction and to avoid such threat to the public health, safety or welfare.

NOW, THEREFORE, BE IT RESOLVED that the San Bernardino City Unified School District does hereby resolve, determine and order as follows:

Section 1. That this Board finds that a current and immediate threat to the public health, welfare, and safety exists in that without an interim authorization to increase Statutory School Facility Fees, building permits for new residential units would be issued without the District having sufficient funds to provide facilities to accommodate students generated by these new units, resulting in inadequate or nonexistent school facilities for those students, with resulting harm.

Section 2. That the interim urgency authorization increasing the District's Statutory School Facility Fees shall take effect immediately and is valid for thirty (30) days, and is subject to a thirty (30) day extension.

## **SESSION FIVE - Administrative Presentation**

### **5.0 *Administrative Presentation***

This is the time during the agenda when the Board of Education is prepared to receive the comments of members of the public as well as get information from the school staff. If you wish to address the Board relative to the specific topic under Board consideration, complete a "Request to Address the Board of Education" form and submit this form to the Administrative Assistant. When recognized by the President of the Board, please step to the microphone at the podium, give your name and address, and limit your remarks to five minutes.

If you wish to speak on items elsewhere in the agenda or appropriate matters not on the agenda, you may do so in *Session Seven - Other Matters Brought by Citizens.*

#### **5.1 English Learners and Support Programs Update (Prepared by Educational Services Division)**

Daniel Arellano, Director, will present an update on our English Learners and Support Programs.

## SESSION SIX - Administrative Reports

### 6.0 *Administrative Reports*

#### 6.1 Proposed Associated Student Body Policy (Second Reading) (Prepared by Business Services Division)

#### ASSOCIATED STUDENT BODY

The Superintendent or designee shall have the responsibility and authority to implement all policies and procedures pertaining to supervision and administration of student activity funds. The Superintendent or designee shall periodically review the organizations' general financial structures and accounting procedures. The site principal, as trustee, shall have ultimate responsibility for the conduct of student financial activities and the overall operation of the fund.

- A) The constitution and bylaws of each student body organization shall contain a budget philosophy, and general rules and regulations for management of student body funds, including provisions for an annual budget. Student organizations may raise and spend money in order to promote the general welfare, morale, and educational experiences of the students. Student funds shall finance worthwhile activities, which go beyond those provided by the District. Minutes shall be kept of student organization meetings and shall properly reflect all financial activities.

Student funds shall be managed in accordance with sound business procedures designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a Board-designated official, the certificated employee who is the student organization advisor and a student organization representative.

1. Projects and activities of student bodies shall have only two purposes:
  - a) to promote the general welfare, education, and morale of the majority of students; and
  - b) to finance approved extracurricular activities
2. With Governing Board approval, student funds shall be held or invested in one of the following ways:
  - a) Deposited or invested in a federally insured bank or savings and loan or in a state or federally insured credit union.
  - b) Invested in U.S. savings bonds or obligations.
  - c) Loaned to other district student organizations or invested in district property improvements pursuant to Education Code 48936.

**B) *All student clubs shall be composed entirely of students enrolled in schools of the District. Any group of students shall apply for permission to form a club by submitting for approval to the Board authorized authority, a proposed constitution which specifies among other things, a) the title, power and duties of various officers, and how elected, b) the scope of proposed activity and c) the name of the advisor. The class or club accounts shall be subject to the same standard procedures for cash receipting and disbursement as the general associated student body and shall be handled through the associated student body bookkeeper. Proper records shall be maintained and minutes showing approval for all transactions shall be kept.***

- 1. *No disbursement shall be made from class or club accounts that will result in a deficit of the club account.***
- 2. *All club funds shall be for the benefit of the club and shall not be used for any purpose other than established in the charter of the club.***

**C) Fund-raising activities held at a school for the benefit, in whole or in part, of that school, or of any organization directly under control of school authorities, must be sponsored by an organization directly under the control of school authorities.**

**1. Solicitation of Funds From and By Students**

The Governing Board recognizes that student participation in fund-raising activities of the schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

Whether solicitations are made on behalf of the school or on behalf of a charitable organization, students shall not be barred from an event or activity because they did not participate in fundraising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system or charitable organization. Staff is expected to emphasize the fact that donations are always voluntary.

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of the fund-raisers.

**2. Solicitations on Behalf of the School**

With the prior written approval of the Superintendent or designee, official school-related organizations may organize fund-raising events involving students.

After the fund-raiser has been held, parents/guardians shall be informed how much money was raised and how it was spent.

3. Solicitations on Behalf of Charities

When approved in advance by the Superintendent or designee, nonprofit, nonpartisan organizations that are properly chartered or licensed by state or federal law may solicit students on school grounds during school hours and within one hour before school has opened and one hour after school has closed.

- D) The Board of Education policies and guidelines govern food sales by student organizations on school premises, including vending machine sales.
- E) Books and accounts of associated student body funds shall be audited in conformance with legal and district requirements. Auditing cost shall be paid from district funds.
- F) Fraud Prevention and Investigation

The Board expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining a business relationship with the District to act with integrity and due diligence in duties involving the District's fiscal resources.

The Superintendent or designee shall be responsible for developing internal controls, which aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district. Each member of the management team shall be alert for any indication of fraud, financial impropriety, or irregularity within his/her area of responsibility.

An employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the Superintendent or designee. The Superintendent or designee shall have primary responsibility for any necessary investigations in coordination with legal counsel and other internal or external departments and agencies as appropriate.

The Board of Education adopted manuals: *Associated Student Bodies Legal Aspects for Hands On Accounting for Organized Associated Student Bodies* and *Associated Student Bodies Legal Aspects and Hands On Accounting for Unorganized Student Bodies* shall be the established procedures for operating the ASB funds of the District. (Approved 11/15/2005.)

6.2 Citizens' Oversight Committee Annual Report  
(Prepared by Facilities/Operations Division)

Per the Citizens' Oversight Committee bylaws, the Committee shall present to the Board of Education, in public session, an annual written report.

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6.3 Adoption of 2006-2007 Traditional and Year-Round (60-20) School Calendars  
(Prepared by Human Resources Division)

The proposed 2006-2007 traditional and year-round (60-20) school calendars have been prepared for adoption.

The calendars provide for 180 instructional days. The year-round (60-20) school calendar is not a precise 60/20 calendar with 60 days of instruction followed by 20 days of intersession. It has been adapted to limit sessions that end on a Monday or begin on a Friday. All legal holidays required by the Education Code and Collective Bargaining Agreements are included.

**San Bernardino City Unified School District  
SCHOOL CALENDAR  
2006-2007  
FOUR-TRACK YEAR ROUND PROGRAM  
(Modified 60-20 Schedule)**

**FIRST DAY OF SCHOOL**

Classroom Teachers  
Students

**TRACKS A-B-C**

July 3, 2006  
July 6, 2006

**TRACK D**

July 26, 2006  
July 31, 2006

**LAST DAY OF SCHOOL**

Classroom Teachers  
Students

**TRACK A**

May 25, 2007  
May 25, 2007

**TRACKS B-C-D**

June 28, 2007  
June 28, 2007

**LEGAL HOLIDAYS**

July 4, 2006  
September 4, 2006  
November 10, 2006  
November 23, 2006  
December 25, 2006  
January 1, 2007  
January 15, 2007  
February 12, 2007  
February 19, 2007  
May 28, 2007

Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Christmas Day  
New Year's Day  
Dr. Martin Luther King Day  
Lincoln Day  
Washington Day  
Memorial Day

**SCHOOL RECESS DATES**

November 24, 2006  
December 22, 2006, through  
January 1, 2007

Day After Thanksgiving  
Christmas/Winter Recess

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**ELEMENTARY PARENT CONFERENCES**

Track A	September 13-21, 2006
Tracks B-C-D	October 11-19, 2006
Track A	January 22 – January 30, 2007
Tracks B-C-D	February 16 - 27, 2007

**San Bernardino City Unified School District  
SCHOOL CALENDAR  
2006-2007  
TRADITIONAL PROGRAM**

**FIRST DAY OF SCHOOL**

Classroom Teachers	August 22, 2006
Students	August 28, 2006

**LAST DAY OF SCHOOL**

Students	June 14, 2007
Classroom Teachers	June 15, 2007

**LEGAL HOLIDAYS**

September 4, 2006	Labor Day
November 10, 2006	Veterans Day
November 23, 2006	Thanksgiving Day
December 25, 2006	Christmas Day
January 1, 2007	New Year's Day
January 15, 2007	Dr. Martin Luther King Day
February 12, 2007	Lincoln Day
February 19, 2007	Washington Day
May 28, 2007	Memorial Day

**SCHOOL RECESS DATES**

November 20-24, 2006	Thanksgiving Recess
December 18, 2006, through January 1, 2007	Christmas/Winter Recess
January 25 and 26, 2007	Semester Break- Elem. & H. S. Teachers Only (Teacher Workday/No Students)

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March 12 and 13, 2007	Second Trimester Break - Middle School Teachers Only (Teacher Workday/No Students)
April 2-6, 2007	Spring Recess

### **ELEMENTARY PARENT CONFERENCES**

November 8-17, 2006  
March 22 - March 30, 2007

### **QUARTERS (HIGH SCHOOL)**

Last Day of First Quarter	November 17, 2006
Last Day of Second Quarter/First Semester	January 24, 2007
Last Day of Third Quarter	March 30, 2007
Last Day of Fourth Quarter/Second Semester	June 14, 2007

### **TRIMESTERS (MIDDLE SCHOOL)**

Last Day of First Trimester	November 17, 2006
Last Day of Second Trimester	March 9, 2007
Last Day of Third Trimester	June 14, 2007

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

### ***7.0 Other Matters Brought by Citizens***

This is the time during the agenda when the Board of Education is prepared to receive the comments of the public regarding any other items on this agenda or any school-related issues. Please complete a “Request to Address the Board of Education” form and adhere to the provisions described therein. Please submit this form to the Administrative Assistant. The Board requests that any persons wishing to make complaints against District employees file the appropriate complaint form prior to this meeting. The Board may not have complete information available to answer questions and may refer specific concerns to the appropriate staff person for attention. When the Board goes into Session Eight, there will be no further opportunity for citizens to address the Board on items under consideration.

## **SESSION EIGHT - Reports and Comments**

### ***8.0 Report by Board Members***

Individual Board members may wish to share a comment, concern, and/or observation with other Board members and/or staff about a topic not on the agenda. In addition, individual Board members may wish to suggest items to be scheduled on a future agenda.

#### **8.1 Legislative Update**

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**9.0 Report by Superintendent and Staff Members**

The Superintendent and other members of the management staff may discuss events and future activities significant to the school district.

**SESSION NINE - Legislation and Action**

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

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

10.1 Approval of Minutes  
(Prepared by Superintendent's Office)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on February 7, 2006, be approved as presented.

10.2 Compensation for School Board Members  
(Prepared by Superintendent's Office)

Board Member Antonio Dupre was ill and unable to attend the February 7, 2006, School Board meeting. Board Member Teresa Parra is attending the CASH 27<sup>th</sup> Annual Conference on School Facilities in Sacramento, and is unable to attend the February 21, 2006. Using District Policy No. 8311 and Education Code 35120(a) as a guideline, it is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves compensation for Board Member Antonio Dupre for the February 7, 2006, School Board meeting.

BE IT FURTHER RESOLVED that the Board of Education approves compensation for Board Member Teresa Parra for the February 21, 2006, School Board meeting.

10.3 Payment for Course of Study Activities  
(Prepared by Business Services Division)

District schools find it to be educationally advantageous to employ persons outside of the District in order to provide activities that enhance their educational programs.



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Davidson Elementary School wishes to hire Mr. Quinn Harris, through African American Award Scholarship Program, to present “Black History” on February 21, 2006, in celebration of Black History Month. Mr. Harris’s one-man show is a walking history book, with a strong musical background, audience participation, and dancing. Mr. Harris has been on the Johnny Carson Show with Tavares, and on tour with Lou Rawls and Al Green. He is a former teacher at San Andreas High School in the San Bernardino City Unified School District, and a participant in the City of Readers Program. The cost, not to exceed \$300.00, will be paid from Davidson Elementary School Account No. 419.

Davidson Elementary School wishes to hire Mark Icanberry, “The Professor,” through Look, Learn, & Do Publications, to present “Amazing Science Assemblies” on February 21, 2006. This presentation ignites the imagination of the audience by combining science, history and adventure with building “extraordinary projects” out of ordinary school or household objects. Mr. Icanberry has developed the Look, Learn & Do Series of books and project strips that combine history, fantasy, and science into exciting adventures for kids. He is a regular contributor to major publications such as *Scientific American*, *American Airlines*, and the *LA Times*, and he has regularly appeared on local and national news stations. The cost, not to exceed \$800.00, will be paid from Davidson Elementary School Account No. 419.

Kimbark Elementary School wishes to hire Full Spectrum Educational Services, Inc., to present “Star Lab-The Mobile Planetarium” on March 2, 2006. This presentation enables the students to gaze into the starry nights to see the constellations in our galaxy, using special effects, lazer lights, and music in a portable planetarium. They will learn about Astronomy, The Sun and Solar System, African Mythology, and Greek Mythology through programs written by leading experts. The cost, not to exceed \$650.00, will be paid from Kimbark Elementary School Account No. 610.

The Special Education Department wishes to hire Ford Entertainment Inc., doing business as Clean Comedians, to present a Transition Assembly, at each of the District’s five high schools on March 13-15, 2006. Each of the presentations promotes self-empowerment and making choices for the future. Clean Comedians was founded by and features Adam Christing. The cost, not to exceed \$4,800.00, will be paid from the Restricted General Fund - WorkAbility 1 Program, Account No. 570.

Anton Elementary School wishes to hire Bob Sparenberg and De Coster’s Kids to present “Prevention Through Motivation” on February 17, 2006. This program includes an exciting student interactive assembly that involves, motivates, and challenges students to make positive lifestyle choices, a mobile education unit featuring pathological exhibits on the dangers of drugs, alcohol and tobacco use, and a performance by a member of the Suzuki Dream Team and Suzuki fighter pilot in its war on drugs. De Coster’s Kids, a group of positively oriented motor sports enthusiasts, has been presenting its school assemblies for the past 20 years, comparing road racing to the human race, showing that desire, drive, and determination are needed to succeed in both. The cost, not to exceed \$1,100.00, will be paid by sponsors, through De Coster’s Kids.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2005-06 school year and approves payment to the following:

Full Spectrum Educational Services, Inc., to present “Star Lab-The Mobile Planetarium” on March 2, 2006. The cost, not to exceed \$650.00, will be paid from Kimbark Elementary School Account No. 610.

Ford Entertainment Inc., doing business as Clean Comedians, to present a Transition Assembly at each of the District’s five high schools on March 13-15, 2006. The cost, not to exceed \$4,800.00, will be paid from the Restricted General Fund - WorkAbility 1 Program, Account No. 570.

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

Mr. Quinn Harris, through African American Award Scholarship Program, to present “Black History” on February 21, 2006, in celebration of Black History Month. The cost, not to exceed \$300.00, will be paid from Davidson Elementary School Account No. 419.

Mark Icanberry, “The Professor,” through Look, Learn, & Do Publications, to present “Amazing Science Assemblies” on February 21, 2006. The cost, not to exceed \$800.00, will be paid from Davidson Elementary School Account No. 419.

Bob Sparenberg and De Coster’s Kids to present “Prevention Through Motivation” on February 17, 2006. The cost, not to exceed \$1,100.00, will be paid by sponsors, through De Coster’s Kids.

10.4 Payment for Services Rendered by Non-Classified Experts and Organizations  
(Prepared by Business Services Division)

Schools and departments of the District employ persons outside of the classified service or organizations to provide expertise not available in the District for inservice training or consultant services.

The Special Education’s Transition Office, as part of the Inland Empire Transition Partnership Program (TPP) Steering Committee, wishes to hire Scott Keele to present an overview of the Personal Data Wizard website, at the Fourth Annual Regional Cross Training on March 8, 2006. This website, which he created, allows students to create and save their own electronic portfolio, including resume, cover and thank you letters, budgets and applications, independently assess and research their career interests, create their own DMV study guide, and download many useful transition tools. Mr. Keele has been a Transition Services Teacher for Humboldt County Office of Education for 33 years, and a WorkAbility and Transition Partnership Program site coordinator for 20 years. The cost, not to exceed \$815.00, will be paid from Special Education TPP Account No. 568.

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It is recommended that the following resolution be adopted:

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

Scott Keele to present an overview of the Personal Data Wizard website, at the Fourth Annual Regional Cross Training on March 8, 2006. The cost, not to exceed \$815.00, will be paid from Special Education TPP Account No. 568.

10.5 Business and Inservice Meetings  
(Prepared by Business Services Division)

During the course of the school year, members of the Board of Education, as well as students, parents, volunteers, community members, and other individuals who are not District employees, are involved in activities that include attendance at various conferences, inservices, training sessions, and other business meetings, the cost of which must be approved by the Board of Education.

It is recommended that the following resolution be adopted:

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

SHEILA ANCHONDO (Retired teacher)	To attend the California Test for English Learners (CTEL) Training of Trainers (TOT) at San Bernardino County Office of Education on March 10 and March 21, 2006. The total cost, not to exceed \$570.00, will be paid from Account No. 543.
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TERESA PARRA (Governing Board Member)	Attend the CSBA Federal Issues Council 2006, Washington, DC, March 4-9, 2006. Total cost, not to exceed \$2,300.00, will be paid from Board of Education Account No. 066.
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BE IT FURTHER RESOLVED that the Board of Education ratifies the attendance and participation of the following individual in a scheduled business and inservice meeting:

TERESA PARRA (Governing Board Member)	Attend the CASH 27 <sup>th</sup> Annual Conference on School Facilities, Sacramento, CA, February 21-23, 2006. Total cost, not to exceed \$1,500.00, will be paid from Board of Education Account No. 066.
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10.6 Sale of Used District Computer Equipment and Peripherals  
(Prepared by Business Services Division)

The Purchasing Department requests Board of Education approval to sell surplus obsolete computer equipment and peripherals, including but not limited to, CPUs, monitors, keyboards, mice, printers, servers and storage devices, in accordance with Education Code Section 17545. Most of the computers and printers are not complete working systems.

These computers and peripherals are no longer of use to the District and not suitable for donation, due to their age and lack of software support. During the recycling process, all computer equipment will be destroyed.

Bid 09-05 was awarded by the Board of Education on May 17, 2005, to E-Recycling of California, Paramount, CA, as the highest responsible bidder for the purchase of used District computer equipment and peripherals for recycling.

It is recommended that the following resolution be adopted:

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. 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 B, Price List, which states the District shall receive \$3.00 per monitor, \$1.25 per CPU, \$3.00 per TV, \$1.25 per printer, \$3.00 per server, \$1.50 per storage device, and \$.05 per keyboard or mouse. All prices include associated cables. Proceeds from the sale shall be deposited into the Unrestricted General Fund.

BE IT ALSO RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated February 14, 2006.

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

10.7 Sale of Used District Salvage Vehicles and Equipment  
(Prepared by Business Services Division)

The Purchasing Department requests Board of Education approval to enter into a contract for auction services to sell used District salvage vehicles and equipment. In accordance with California Education Code Section 17545, the sale of salvage vehicles and equipment is permitted to take place when it is determined that items are unsatisfactory or no longer suitable for school use. The District may choose to conduct a sale of such property by contracting with a private auction firm.

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A request for proposal for auction services was performed by the Purchasing Department during the week of November 8, 2004. The results indicated that contracting with The Liquidation Company, Fontana, CA, to provide auction services on behalf of the District would provide the optimum returns even after fees were taken out. The auction company's fee is 35 percent of the gross sales for auctions conducted at their facility in Fontana, including the services of a licensed auctioneer, marketing, newspaper advertisements, labor for auction set up, cashier services, bookkeeping, labor for assisting successful buyers in removing their purchases, and assistance with Department of Motor Vehicles paperwork.

Notices of the sale will be posted by the District in accordance with the requirements of California Education Code Section 17545.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and unsatisfactory or no longer suitable for school use: List of District Salvage Vehicles and Equipment dated February 14, 2006, and the District shall give notice of the sale.

BE IT ALSO RESOLVED that the District enters into an agreement with The Liquidation Company, Fontana, CA, to provide auction services for the sale of District surplus as stated above. Payment to be made to The Liquidation Company, Fontana, CA, in the amount of 35 percent of the total gross sales, less sales tax, for auctions conducted at The Liquidation Company's Fontana facility. Proceeds from the auction shall be deposited into the Unrestricted General Fund.

BE IT ALSO RESOLVED that Mohammad Z. Islam, Assistant Superintendent, Business and Finance; Sylvia Cleary, Director of Purchasing; or Bruce Coonrod, Buyer, be authorized to sign the Certificates of Ownership on behalf of the Board of Education and the District for the purpose of transfer of title for the vehicles sold.

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

10.8 Cafeteria Warrant Register, Ending January 31, 2006  
(Prepared by Business Services Division)

It is requested that the Board of Education adopts the Cafeteria Warrant Register and authorizes specific individuals to sign disbursements on its behalf.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Cafeteria Warrant Register, ending January 31, 2006, be approved.

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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.

10.9 Takeover Agreement with Hartford Fire Insurance Company of Hartford, Connecticut for Modernization of Kimbark, Muscoy, and Vermont Elementary Schools and Martin L. King Middle School  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into a takeover agreement with Hartford Fire Insurance Company of Hartford, Connecticut, effective February 22, 2006, through December 31, 2006. The District called upon Hartford Fire Insurance Company to remedy the alleged default of Turnkey Forces, Inc., on the project and to complete or cause the completion of the contract in accordance with the contract documents for the project at Kimbark, Muscoy, and Vermont Elementary Schools and Martin L. King Middle School Modernization. Hartford Fire Insurance Company desires to arrange for completion of the contract and proposes to have the work completed by a qualified contractor approved by the District. Tri-Citi Electric shall be Hartford Fire Insurance Company's representative with regard to completion of work of the contract.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a Takeover Agreement with Hartford Fire Insurance Company of Hartford, Connecticut, effective February 22, 2006, through December 31, 2006.

WHEREAS the District has called upon Hartford Fire Insurance Company to remedy the alleged default of Turnkey Forces, Inc., on the project and to complete or procure the completion of the contract in accordance with the contract documents for the project at Kimbark, Muscoy, and Vermont Elementary Schools and Martin L. King Middle School Modernization.

WHEREAS Hartford Fire Insurance Company desires to arrange for completion of the contract and proposes to have the work completed by a qualified contractor approved by the District.

WHEREAS Tri-Citi Electric shall be Hartford Fire Insurance Company's representative with regard to completion of work of the contract.

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

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10.10 Bid No. F05-02, Belvedere Elementary School Modernization  
(Prepared by Facilities/Operations Division)

On December 20, 2005, the Board of Education approved Bid No. F05-02, for Belvedere Elementary School Modernization, to be awarded the Base Bid and portions of Alternate No. 1 (for Building B, C, and E only) for the low bidders for each bid package.

The Facilities Management Department requests the Board of Education to approve the remaining portion of Alternate No. 1 (Building D) and Alternate No.2 for Bid No. F05-02, for Belvedere Elementary School Modernization as follows:

<b>Category 01 – Hazmat/ Demolition</b>	<b>Base Bid</b>	<b>Add. Alt 1 for Bldgs. B, C, and E</b>	<b>Total Bid Awarded</b>	<b>Add. Alt 1 for Bldg. D</b>	<b>Add. Alt 2</b>	<b>Revised Total Bid Awarded</b>
Environmental Concerns DBA Southwest Industries Upland, CA	\$ 138,690.00	\$ 28,000.00	\$ 166,690.00	\$ 19,000.00	\$ 24,500.00	\$ 210,190.00

<b>Category 02 – Multi-Trade</b>	<b>Base Bid</b>	<b>Add. Alt 1 for Bldgs. B, C, and E</b>	<b>Total Bid Awarded</b>	<b>Add. Alt 1 for Bldg. D</b>	<b>Add. Alt 2</b>	<b>Revised Total Bid Awarded</b>
Harik Construction Inc. Covina, CA	\$1,247,000.00	\$ 50,000.00	\$1,297,000.00	\$ 43,000.00	\$465,000.00	\$1,805,000.00

<b>Category 03 – Plumbing</b>	<b>Base Bid</b>	<b>Add. Alt 1 for Bldgs. B, C, and E</b>	<b>Total Bid Awarded</b>	<b>Add. Alt 1 for Bldg. D</b>	<b>Add. Alt 2</b>	<b>Revised Total Bid Awarded</b>
Pro-Craft Plumbing Company Yucaipa, Ca	\$ 78,331.00	\$ 14,824.00	\$ 93,155.00	\$ 6,104.00	n/a	\$ 99,259.00

<b>Category 04 – HVAC</b>	<b>Base Bid</b>	<b>Add. Alt 1 for Bldgs. B, C, and E</b>	<b>Total Bid Awarded</b>	<b>Add. Alt 1 for Bldg. D</b>	<b>Add. Alt 2</b>	<b>Revised Total Bid Awarded</b>
Cool Air Supply Glendale, CA	\$ 29,568.00	\$ 97,399.00	\$ 126,967.00	\$ 67,295.00	n/a	\$ 194,262.00

<b>Category 05 – Electrical</b>	<b>Base Bid</b>	<b>Add. Alt 1 for Bldgs. B, C, and E</b>	<b>Total Bid Awarded</b>	<b>Add. Alt 1 for Bldg. D</b>	<b>Add. Alt 2</b>	<b>Revised Total Bid Awarded</b>
Champion Electric Inc. Riverside, CA	\$ 387,000.00	\$ 7,000.00	\$ 394,000.00	\$ 4,900.00	n/a	\$ 398,900.00

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Base Bid Total	\$	1,880,589.00
Additive Alternates 1 (Bldgs. B, C, & E) Total	\$	197,223.00
Additive Alternate 1 (Bldg. D) Total	\$	140,299.00
Additive Alternate 2 Total	\$	489,500.00
Grand Total	\$	2,707,611.00

The not-to-exceed cost of \$629,799.00 for the portion of Alternate No. 1 (Building D) and Alternate No. 2, will be charged to Deferred Maintenance Fund 14, Account No. 6205.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the remaining portion of Alternate No. 1 (Building D) and Alternate No.2 for Bid No. F05-02, for Belvedere Elementary School Modernization. The not-to-exceed cost of \$629,799.00 for the portion of Alternate No. 1 (Building D) and Alternate No. 2, will be charged to Deferred Maintenance Fund 14, Account No. 6205.

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

10.11 Bid No. F05-04, Cajon High School Modernization  
(Prepared by Facilities/Operations Division)

Bid No. F05-04, Cajon High School – Modernization, was advertised on January 2, 2006, and January 9, 2006, and opened on January 31, 2006, at 2:00 p.m. Bids were received from:

Category 01 – Hazmat/ Demolition	Base Bid	Add. Alt 1	Add. Alt 2	Add. Alt 3	Add. Alt 4	Total Received Bids
Brickley Environmental	\$909,228.00	-	-	-	\$46,000.00	\$955,228.00
American Technologies, Inc.	\$1,289,327.00	\$40,000.00	-	-	\$120,000.00	\$1,449,327.00
Environmental Concerns DBA Southwest Industries	\$1,781,700.00	\$42,400.00	-	-	\$25,600.00	\$1,849,700.00
Miller Environmental	\$2,245,000.00	\$90,000.00	-	-	\$40,000.00	\$2,375,000.00
CST Environmental	\$2,487,800.00	-	-	-	\$780,000.00	\$3,267,800.00

Category 02 – Sitework, Railings, and Fencing	Base Bid	Add. Alt 1	Add. Alt 2	Add. Alt 3	Add. Alt 4	Total Received Bids
Harik Construction, Inc.	\$334,000.00	-	-	-	-	\$334,000.00
IAC Engineers, Inc.	\$558,000.00	-	-	-	-	\$558,000.00



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Fisher Inc.	\$589,278.00	-	-	-	-	\$589,278.00
Romero General Construction	\$835,000.00	-	-	-	-	\$835,000.00
Amtek Construction	\$1,498,000.00	-	-	-	-	\$1,498,000.00

<b>Category 03 – General Construction</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Harik Construction, Inc.	\$2,784,000.00	-	-	-	\$39,000.00	\$2,823,000.00
Angels Contracting Inc.	\$4,014,000.00	-	-	-	\$35,000.00	\$4,049,000.00

<b>Category 04 – Casework</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Lozano Caseworks	\$934,875.00	-	-	-	-	\$934,875.00

<b>Category 05 – Flooring</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Moore Flooring	\$269,000.00	-	-	-	-	\$269,000.00
Continental Flooring	\$283,890.00	-	-	-	-	\$283,890.00
DM Hoover company	\$284,775.00	-	-	-	-	\$284,775.00
Mikes Custom Flooring	\$349,000.00	-	-	-	-	\$349,000.00

<b>Category 06 – Painting</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Simmons and Wood	\$302,500.00	-	-	\$124,700.00	-	\$427,200.00
Borbon Inc.	\$315,366.00	-	-	\$290,000.00	-	\$605,366.00
Painting and Decor	\$368,390.00	-	-	\$129,000.00	-	\$497,390.00
Prime Painting	\$531,000.00	-	-	\$140,000.00	-	\$671,000.00
Saunders & McMillan	\$555,000.00	-	-	\$325,000.00	-	\$880,000.00

<b>Category 07 – Ceiling</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Cochran Interiors	\$120,345.00	-	-	-	-	\$120,345.00
Southcoast	\$246,900.00	-	-	-	-	\$246,900.00
Preferred	\$257,777.00	-	-	-	-	\$257,777.00
Amber Construction	\$317,742.00	-	-	-	-	\$317,742.00

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Inland Acoustics	\$348,660.00	-	-	-	-	\$348,660.00
Elljay Acoustics	\$364,647.00	-	-	-	-	\$364,647.00
Excel Acoustics	\$396,192.00	-	-	-	-	\$396,192.00

<b>Category 08 – Plumbing</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Continental Plumbing	\$648,935.00	-	-	-	-	\$648,935.00
Benel Mechanical Inc.	\$667,000.00	-	-	-	-	\$667,000.00
JPI Development	\$727,000.00	-	-	-	-	\$727,000.00
Pro-Craft Plumbing	\$747,202.00	-	-	-	-	\$747,202.00
Dan Worley	\$821,514.00	-	-	-	-	\$821,514.00
Fisher Inc.	\$920,200.00	-	-	-	-	\$920,200.00
Temecula Mechanical	\$1,024,000.00	-	-	-	-	\$1,024,000.00

<b>Category 09 –HVAC</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
West-Tech	\$2,355,000.00	-	-	-	-	\$2,355,000.00
ACH Mechanical	\$2,500,750.00	-	-	-	-	\$2,500,750.00

<b>Category 10 – Electrical</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
RIS Electrical Contractors, Inc.	\$1,963,000.00	\$353,000.00	\$296,000.00	-	\$15,000.00	\$2,627,000.00
Champion Electric Inc.	\$2,087,000.00	\$315,000.00	\$242,000.00	-	-	\$2,644,000.00
Gregg Electric	\$2,339,000.00	\$430,000.00	\$390,000.00	-	-	\$3,159,000.00
BEC Inc.	\$3,300,000.00	\$400,000.00	\$200,000.00	-	-	\$3,900,000.00

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Bid No. F05-04, Cajon High School– Modernization, be awarded to the lowest responsible bidder for each Bid Package, including Base Bid and Alternates No. 1, No. 2, No. 3, and No. 4 as follows:

<b>Category 01 – Hazmat/ Demolition</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Brickley Environmental San Bernardino, CA	\$909,228.00	-	-	-	\$46,000.00	\$955,228.00

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<b>Category 02 – Sitework, Railings, and Fencing</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
IAC Engineers, Inc. Upland, CA	\$558,000.00	-	-	-	-	\$558,000.00

<b>Category 03 – General Construction</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Harik Construction, Inc. Covina, CA	\$2,784,000.00	-	-	-	\$39,000.00	\$2,823,000.00

<b>Category 04 – Casework</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Lozano Caseworks, Inc. Colton, CA	\$934,875.00	-	-	-	-	\$934,875.00

<b>Category 05 – Flooring</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Moore Flooring, Inc. Chino, CA	\$269,000.00	-	-	-	-	\$269,000.00

<b>Category 06 – Painting</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Simmons and Wood, Inc. San Bernardino, CA	\$302,500.00	-	-	\$124,700.00	-	\$427,200.00

<b>Category 07 – Ceiling</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Southcoast Acoustical Interiors Rancho Cucamonga, CA	\$246,900.00	-	-	-	-	\$246,900.00

<b>Category 08 – Plumbing</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
Continental Plumbing, Inc. Mira Loma, CA	\$648,935.00	-	-	-	-	\$648,935.00

<b>Category 09 –HVAC</b>	<b>Base Bid</b>	<b>Add. Alt 1</b>	<b>Add. Alt 2</b>	<b>Add. Alt 3</b>	<b>Add. Alt 4</b>	<b>Total Received Bids</b>
West-Tech, Mechanical Inc. Montclair, CA	\$2,355,000.00	-	-	-	-	\$2,355,000.00

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Category 10 – Electrical	Base Bid	Add. Alt 1	Add. Alt 2	Add. Alt 3	Add. Alt 4	Total Received Bids
RIS Electrical Contractors, Inc. Riverside, CA	\$1,963,000.00	\$353,000.00	\$296,000.00	-	\$15,000.00	\$2,627,000.00

Base Bid Total	\$	10,971,438.00
Additive Alternate 1 Total	\$	353,000.00
Additive Alternate 2 Total	\$	296,000.00
Additive Alternate 3 Total	\$	124,700.00
Additive Alternate 4 Total	\$	100,000.00
Grand Total	\$	11,845,138.00

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

10.12 Bid No. 27-05, Service Vehicles  
(Prepared by Business Services Division)

Bid No. 27-05, Service Vehicles, was advertised January 12, 2006, and January 19, 2006, and was opened January 26, 2006, at 11:00 a.m. The vehicle to be purchased by the Warehouse is described as one 2006 dual rear wheel regular cab chassis cab with 16' stake bed and lift gate. The vehicles available to be purchased for Maintenance and Operations are described as one 2006 ¾-ton standard cargo van; two 2006 ¾-ton regular cab utility body trucks with overhead racks; one 2006 ¾-ton regular cab chassis cab with 12' stake bed; one 2006 ½-ton extended cab 4-door pickup truck; one 2006 ½-ton crew cab pickup truck; two 2006 ¼-ton extended cab pickup trucks; one 2006 ¾-ton eight-passenger van; one 2006 standard work mini-van; one 2006 1-ton dual rear wheel crew cab with 8' bed; two 2006 1-ton dual rear wheel regular cab chassis cab utility body trucks with overhead racks; two 2006 dual rear wheel forward control chassis step vans with 18' bodies; and three 2006 1-ton pickup trucks with 8' beds and cross-bed toolboxes. The vehicle for the Warehouse will be charged to Business Services Warehouse Account No. 083. Any vehicles purchased for Maintenance and Operations will be charged to the Business Services Routine Operations/Maintenance Account No. 080.

Bids were received from Crest Chevrolet, San Bernardino, CA; Fairview Ford, San Bernardino, CA; Lake Chevrolet, Lake Elsinore, CA; Raceway Ford, Riverside, CA; Fairway Ford, Placentia, CA; and Burch Ford, La Habra, CA.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that low bid on Line Item No. 9 be rejected due to not being bid as specified.

BE IT ALSO RESOLVED that Bid No. 27-05, Service Vehicles, be awarded to the lowest responsible bidder by line item, based on the unit prices bid, meeting District specifications, for a total bid award as follows:

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<u>BIDDER</u>	<u>TOTAL BID AWARD TAX INCLUDED</u>	<u>LINES AWARDED</u>
Crest Chevrolet San Bernardino, CA	\$36,730.90	Lines 6 & 9
Fairview Ford San Bernardino, CA	\$211,165.24	Lines 3, 4, 5, 8, 10 & 12
Lake Chevrolet Lake Elsinore, CA	No Award	
Raceway Ford Riverside, CA	\$55,990.14	Line 13
Fairway Ford Placentia, CA	\$36,450.75	Line 1
Burch Ford La Habra, CA	\$87,002.08	Lines 2, 7 & 11

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated, as needed, throughout the initial one-year term of the bid, and all extensions, not to exceed five years total.

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

- 10.13 Resolution Authorizing the Issuance of San Bernardino City Unified School District (San Bernardino County, California) Election of 2004 General Obligation Bonds, Series B  
(Prepared by Business Services Division)

San Bernardino City Unified School District

### **CERTIFICATION OF MINUTES**

The Board met in regular session on the 21st day of February 2006, at the usual meeting place thereof. The meeting was called to order at 5:30 p.m.

Members present:

Members absent:

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

AYES:

NOES:

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

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

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

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

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

- Installing/repairing fire safety equipment;
- Fixing leaky roofs/decaying walls;
- Removing asbestos;
- Upgrading bathrooms, plumbing, sewers/electrical wiring for computer technology;
- Building new schools;
- Improving disabled access;
- Repairing, expanding, constructing, acquiring/equipping classrooms, labs, sites, libraries

shall San Bernardino City Unified School District issue \$140,000,000 in bonds, at legal rates, with **guaranteed annual audits**, citizen's oversight, and no money for administrators salaries?"

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

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

WHEREAS, at this time this Board of Education of the District (the "Board") has determined that it is necessary and desirable to issue a series of such Bonds in the aggregate principal amount not to exceed \$68,000,000, or such lower principal amount that is determined can be issued within all limits prescribed by law (the "Bonds");

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

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

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

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

SECTION 1. Purpose. To raise money for the purposes authorized by voters of the District at the Election and to pay all necessary legal, financial, engineering and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Bonds and orders such Bonds sold at a negotiated sale such that the Bonds shall be dated as of a date to be determined by the Board, shall have a true interest cost not to exceed that authorized at the Election, shall be payable upon such terms and provisions as shall be set forth in the Bonds, and shall be in an aggregate principal amount not to exceed \$68,000,000, or such lower principal amount that is determined by the District's underwriters and bond counsel can be issued within all limits prescribed by law, for purposes authorized by the Bond Measure (the "Projects").

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

SECTION 3. Terms and Conditions of Sale. The Bonds shall be sold at a negotiated sale upon the direction of the Superintendent of the District (the "Superintendent") or Assistant

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Superintendent of Business and Finance of the District (the “Assistant Superintendent of Business and Finance”). The Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

SECTION 4. Approval of Purchase Contract. The form of Purchase Contract (the “Purchase Contract”) by and between the District and Citigroup Global Markets, as representative of the Underwriters (the “Representative”), for the purchase and sale of the Bonds, substantially in the form on file with the Secretary of the Board, is hereby approved and the Superintendent or the Assistant Superintendent of Business and Finance, each alone, are hereby authorized and requested to acknowledge the execution of such Purchase Contract, if necessary; provided, however, that the maximum true interest cost on the Bonds shall not exceed the maximum rate permitted by law and the underwriter’s discount, excluding original issue discount, thereon shall not exceed 2.5 percent of the aggregate of principal amount of Bonds issued. The Superintendent or the Assistant Superintendent of Business and Finance, each alone, is further authorized to determine the principal amount of the Bonds to be specified in the Purchase Contract for sale by the District up to \$68,000,000 and to enter into and execute the Purchase Contract with the Representative, if the conditions set forth in this Resolution are satisfied.

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

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

(b) “Accretion Rate” means, unless otherwise provided by the Purchase Contract, that rate which, when applied to the Denominational Amount of any Capital Appreciation Bond and compounded semiannually on each February 1 and August 1 (commencing August 1, 2006), produces the Accreted Value on the maturity date.

(c) “Accreted Value” means with respect to the Capital Appreciation Bonds, as of the date of calculation, the Denominational Amount thereof, plus Accreted Interest thereon to such date of calculation, compounded semiannually on each February 1 and August 1 (commencing August 1, 2006 (unless otherwise provided in the Purchase Contract)) with respect to the Capital Appreciation Bonds which mature on August 1 of a given year at the stated Accretion Rate to maturity thereof, assuming in any such semiannual period that such Accreted Value increases in equal daily amounts on the basis of a 360-day year of twelve 30-day months.

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



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(e) “Bond Payment Date” means (unless otherwise provided by the Purchase Contract), February 1 and August 1 of each year commencing August 1, 2006 with respect to the interest on the Current Interest Bonds; August 1 of each year, commencing August 1, 2006 with respect to the principal payments on the Current Interest Bonds; and, with respect to the Capital Appreciation Bonds, the stated maturity dates thereof, as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(w) “Underwriters” means UBS Financial Services Inc. and Citigroup Global Markets Inc.

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

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

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

Each Current Interest Bond shall be dated the date of delivery or such date as shall appear in the Purchase Contract or the Official Statement (the “Dated Date”), and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any

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Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before July 15, 2006, in which event it shall bear interest from Dated Date.

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

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

(b) Redemption.

(i) Optional Redemption. Unless otherwise provided in the Purchase Contract or Official Statement, the Current Interest Bonds maturing on or before August 1, 2016, are not subject to redemption prior to their fixed maturity dates. Unless otherwise provided in the Purchase Contract or Official Statement, the Current Interest Bonds maturing on or after August 1, 2017, may be redeemed before maturity at the option of the District, from any source of funds of the District, on August 1, 2016, or on any date thereafter as a whole, or in part. Unless otherwise provided in the Purchase Contract or Official Statement, the Current Interest Bonds called prior to maturity will be redeemed at the following redemption prices, expressed as a percentage of par value, together with accrued interest to the date of redemption:

<u>Redemption Dates</u>	<u>Redemption Prices</u>
August 1, 2016 and thereafter	100%

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Book-Entry System.

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

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

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

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

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

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to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to the Record Date, the word Nominee in this Resolution shall refer to such nominee of the Depository.

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

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

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

4. Transfer of Bonds to Substitute Depository.

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

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

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

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

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

(C) In the case of a partial redemption or an advance refunding of any Bonds evidencing a portion of the Maturity Value or Principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Bonds indicating the date and amounts of such reduction in



Maturity Value or Principal, in form acceptable to the Bond Registrar, all in accordance with the Letter of Representations. The Bond Registrar shall not be liable for such Depository's failure to make such notations or errors in making such notations.

(D) The District and the Bond Registrar shall be entitled to treat the person in whose name any Bond is registered as the owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Bond Registrar or the District; and the District and the Bond Registrar shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Bonds. Neither the District nor the Bond Registrar shall have any responsibility or obligation, legal or otherwise, to any such beneficial owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Bonds, and the Bond Registrar may rely conclusively on its records as to the identity of the owners of the Bonds.

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

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

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

Any Bond may be exchanged for Bonds of like tenor, maturity and Transfer Amount upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form

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

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

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

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

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

SECTION 9. Payment. Payment of interest on any Current Interest Bond on any Bond Payment Date shall be made to the person appearing on the registration books of the Bond Registrar as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by check mailed to such Owner on the Bond Payment Date at his address as it appears on such registration books or at such other address as he may have filed with the Bond Registrar for that purpose on or before the Record Date. The Owner in an aggregate Principal Amount of \$1,000,000 or more may request in writing to the Bond Registrar that such Owner be paid interest by wire transfer to the bank and account number on file with the Bond Registrar as of the Record Date. The principal, and redemption price, if any, payable on the Current Interest Bonds and the Accreted Value and redemption price, if any, on the Capital Appreciation Bonds shall be payable upon maturity or redemption upon surrender at the principal office of the Bond Registrar. The interest, Accreted Value, Principal and premiums, if any, on the Bonds shall be payable in lawful money of the United States of America. The Bond Registrar is hereby authorized to pay the Bonds when duly presented for payment at maturity, and to cancel all Bonds upon payment thereof. The Bonds are general obligations of the District.

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

(Form of Current Interest Bond)

REGISTERED  
NO.

REGISTERED  
\$

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

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

REGISTERED OWNER:      CEDE & CO.

PRINCIPAL AMOUNT:

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The San Bernardino City Unified School District (the "District") in San Bernardino County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing August 1, 2006. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before July 15, 2006, in which event it shall bear interest from August 1, 2006. Interest on this Bond shall be computed on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Bond Registrar, initially U.S. Bank National Association. Principal is payable upon presentation and surrender of this bond at the principal office of the Bond Registrar. Interest is payable by check or draft mailed by the Bond Registrar on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the Register at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Current Interest Bonds in the aggregate principal amount of \$1,000,000 or more may request in writing to the Bond Registrar that the Owner be paid interest by wire transfer to the bank and account number on file with the Bond Registrar as of the Record Date.

This bond is one of an authorization of \$\_\_\_\_\_ of bonds approved to raise money for the purposes authorized by voters of the District at the election and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite fifty-five percent vote of the electors of the District cast at a special election held on March 2, 2004, upon the question of issuing bonds in the amount of \$140,000,000 and the resolution of the Board of Education of the District adopted on February 21, 2006 (the "Bond Resolution"). This bond and the issue of which this bond is one are payable as to both principal and interest from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252.

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

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the principal office of the Bond Registrar in St. Paul, Minnesota, by the Registered Owner or by a person

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legally empowered to do so, in a form satisfactory to the Bond Registrar, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Bond Registrar may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Bond Registrar shall be affected by any notice to the contrary.

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

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

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

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

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

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

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

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

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

SAN BERNARDINO CITY UNIFIED SCHOOL  
DISTRICT

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

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

Board of Education Meeting  
February 21, 2006

COUNTERSIGNED:

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

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on \_\_\_\_\_, 2006.

U.S. BANK NATIONAL ASSOCIATION  
\_\_\_\_\_  
Authorized Officer

ASSIGNMENT

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

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

Signature Guaranteed:  
\_\_\_\_\_

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

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

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

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LEGAL OPINION

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

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

(Form of Legal Opinion)

(Form of Capital Appreciation Bond)

REGISTERED

REGISTERED  
NO. \$

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

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

REGISTERED OWNER:      CEDE & CO.

DENOMINATIONAL AMOUNT:

MATURITY VALUE:

The San Bernardino City Unified School District (the "District") in San Bernardino County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Maturity Value on the Maturity Date, each as stated above, such Maturity Value being comprised of the Denominational Amount and interest accreted thereon. This bond will not bear current interest but will accrete interest, compounded on each February 1 and August 1, commencing August 1, 200\_, at the Reoffering Yield specified above to the Maturity Date, assuming that in any such semiannual period the sum of such compounded accreted interest and the Denominational Amount (such sum being herein called the "Accreted Value") increases in equal daily amounts on the basis of a 360-day year consisting of twelve 30-day months. Accreted Value and redemption premium, if any, are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Bond Registrar, initially U.S. Bank National Association. Accreted Value and redemption premium, if any, are payable upon presentation and surrender of this bond at the principal office of the Bond Registrar.



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This bond is one of an authorization of \$\_\_\_\_\_ of bonds approved for the purpose of raising money for the purpose authorized by voters of the District at the election to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite fifty-five percent vote of the electors of the District cast at an election held on March 2, 2004, upon the question of issuing bonds in the amount of \$140,000,000 and the resolution of the Board of Education of the District adopted on February 21, 2006.(the “Bond Resolution”). This bond and the issue of which this bond is one are payable as to both principal and interest from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252. The bonds of this issue are general obligations of the District.

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

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

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

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

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

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

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

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

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

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

SAN BERNARDINO CITY UNIFIED SCHOOL  
DISTRICT

By:           (Facsimile Signature)  
Superintendent

By:           (Facsimile Signature)  
Assistant Superintendent of Business and Finance

Board of Education Meeting  
February 21, 2006

COUNTERSIGNED:

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

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on \_\_\_\_\_, 2006.

U.S. BANK NATIONAL ASSOCIATION

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

ASSIGNMENT

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

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

Signature Guaranteed:

\_\_\_\_\_

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

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

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

LEGAL OPINION

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

(Facsimile Signature)  
Secretary, Board of Education

(Form of Legal Opinion)

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

SECTION 12. Deposit of Proceeds of Bonds. The proceeds from the sale of the Bonds, to the extent of the Denominational Amount and the Principal Amount thereof, shall be paid to the County to the credit of the fund hereby created and established and to be known as the "Series B San Bernardino City Unified School District Building Fund" (the "Building Fund") of the District, shall be kept separate and distinct from all other District and County funds, and those proceeds shall be used solely for the purpose for which the Bonds are being issued and provided further that such proceeds shall be applied solely to authorized purposes. Such proceeds shall be used solely for the purpose for which the Bonds are being issued and shall be applied solely to authorized purposes which relate to the Projects. The accrued interest and any premium received by the County from the sale of the Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the "Series A San Bernardino City Unified School District General Obligation Bond Debt Service Fund" (the "Debt Service Fund") for the Bonds and used only for payment of Accreted Value or Principal of and interest on the Bonds. Interest earnings on moneys held in the Building Fund shall be retained in the Building Fund. Interest earnings on moneys held in the Debt Service Fund shall be retained in the Debt Service Fund. Any amounts that remain in the Building Fund at the completion of the Projects, at the written direction of the District, shall be transferred to the Debt Service Fund to be used to pay the Principal of, premium, if any, and interest on the Bonds, subject to any conditions set forth in the Tax Certificate. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of Accreted Value or Principal of and interest on the Bonds. If, after payment in full of the Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the General Fund of the District. Costs associated with the issuance of the Bonds shall be paid by the District from moneys deposited in the Building Fund or by the Representative, on behalf of the District, from premium paid on the Bonds and not received by the County.

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

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

SECTION 13. Rebate Fund.

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

(b) Within 45 days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the "rebate amount" within the meaning of Section 1.148-3 of the Treasury Regulations, using as the "computation date" for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the "rebate amount" so calculated. The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the "rebate amount" calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section. The District shall not be required to calculate the "rebate amount" and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Bonds (including amounts treated as proceeds of the Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is

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applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 16. Conditions Precedent. The Board determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith, credit and revenues of the District are pledged for the timely payment of the principal of and interest on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 17. Official Statement. The District's bond counsel is hereby authorized to prepare a Preliminary Official Statement and an Official Statement relating to the Bonds to be used in connection with the offering and sale of the Bonds. The District and the Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement and the Official Statement to persons who may be interested in the purchase of the Bonds and are directed to

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deliver copies of any final Official Statement to the purchasers of the Bonds, in such time and manner as to conform with the requirements of Rule 15c2-12 of the Securities and Exchange Commission. Execution of the Official Statement shall conclusively evidence the District's approval of the Official Statement. The Superintendent and Assistant Superintendent of Business and Finance, each alone, are authorized to execute the Official Statement and deem "final" pursuant to Rule 15c2-12 of the Securities Exchange Act of 1934 the Preliminary Official Statement prior to its distribution.

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

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

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

(b) United States Obligations: by irrevocably depositing with an independent escrow agent selected by the District noncallable United States Obligations together with cash, if required, in such amount as will, in the opinion of an independent certified public accountant, together with interest to accrue thereon and moneys then on deposit in the Debt Service Fund together with the interest to accrue thereon, be fully sufficient to pay and discharge all Bonds outstanding and designated for defeasance (including all principal and interest represented thereby and prepayment premiums, if any) at or before their maturity date;

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



(a) or (b) of this Section, to the owners of such designated Bonds not so surrendered and paid all sums due with respect thereto.

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

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

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

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

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

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

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the Bonds, and to pay the principal, redemption premium, in any, and interest thereon as and when the same become due.

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

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

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

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

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

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

PASSED AND ADOPTED this 21st day of February, 2006, by the following vote:

AYES:

NOES:

ABSENT:

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ABSTENTIONS:

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

Attest:

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

I, \_\_\_\_\_, do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, which was duly adopted by the Board of Education of the San Bernardino City Unified School District at a meeting thereof held on the 21st day of February, 2006, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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

10.14 Financial Memorandum of Understanding Governing Special Education Services Provided to Public Safety Academy Charter School  
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval of a financial memorandum of understanding governing special education services to Public Safety Academy Charter School, Victorville, CA, effective February 22, 2006, continuing through October 20, 2009. There is no cost to the District. The District will be paid an administrative fee at the District-approved indirect cost rate.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a financial memorandum of understanding governing special education services to Public Safety Academy Charter School, Victorville, CA, effective February 22, 2006, continuing through October 20, 2009. The District will be reimbursed for services based on a negotiated fee schedule. There is no cost to the District. The District will be paid an administrative fee at the District-approved indirect cost rate.

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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.

10.15 Financial Memorandum of Understanding Governing Special Education Services Provided to Provisional Accelerated Learning Center Charter School  
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval of a financial memorandum of understanding governing special education services to Provisional Accelerated Learning Center Charter School, San Bernardino, CA, effective February 22, 2006, continuing through October 20, 2009. There is no cost to the District. The District will charge an administrative fee of 1 percent of the school's budgeted revenue.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a financial memorandum of understanding governing special education services to Provisional Accelerated Learning Center Charter School, San Bernardino, CA, effective February 22, 2006, continuing through October 20, 2009. There is no cost to the District. The District will charge an administrative fee of 1 percent of the school's budgeted revenue.

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

10.16 Financial Memorandum of Understanding Governing Special Education Services Provided to ASA Charter School  
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval of a financial memorandum of understanding governing special education services to ASA Charter School, San Bernardino, CA, effective February 22, 2006, continuing through October 20, 2009. There is no cost to the District. The District will charge an administrative fee of 1 percent of the school's budgeted revenue.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a financial memorandum of understanding governing special education services to ASA Charter School, San Bernardino, CA, effective February 22, 2006, continuing through October 20, 2009. There is no cost to the District. The District will charge an administrative fee of 1 percent of the school's budgeted revenue.

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

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10.17 Food Service Agreement with the Public Safety Academy  
(Prepared by Facilities/Operations Division)

The Public Safety Academy has requested to start a Type "A" box lunch and cold breakfast program for the remainder of the 2005-06 year. This agreement may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by both parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price, location(s), and number of meals served. The District will charge \$2.40 for each student Type "A" lunch and \$1.41 for each breakfast. This food will be provided at no cost to the District.

The cost is based on what type of service and materials are included with the lunch and breakfast, such as delivery, milk, straws, napkins, eating utensils, trays, and clean-up.

Education Code Section 38082 authorizes the sale of food only to pupils, employees, and Board members of a school district, unless the Governing Board authorizes an exemption. An exemption is requested for the Public Safety Academy for the duration of the agreement upon formal resolution of the Board.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Public Safety Academy be exempted from the provisions of Education Code Section 38082 under the Food Service Agreement for the duration of the agreement and any extension thereof.

BE IT ALSO RESOLVED that the Board of Education approves entering into the Food Service Agreement with the Public Safety Academy, effective March 1, 2006, through June 30, 2006, per terms of the agreement, at no cost to the District. This agreement may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by both parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price, location(s), and number of meals served.

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.

10.18 Facilities Use Agreement with National Orange Show Events Center for Cadet Annual End-of-Year Dining In  
(Prepared by Facilities/Operations Division)

The Student Services/Alternative Programs Department requests Board of Education approval to enter into a facilities use agreement with the National Orange Show Events Center, San Bernardino, CA, for rental of the Renaissance Room for the Cadet Annual End-of-Year Dining In on June 2, 2006. Cadets will pay a portion of the dinner costs; however, no cadet will be denied due to the inability to pay. The remaining cost, not to exceed \$11,000.00, will be paid from Unrestricted General Fund 01, Account No. 030.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes Student Services/Alternative Programs Department to enter into a facilities use agreement with the National Orange Show Events Center, San Bernardino, CA, for rental of the Renaissance Room for the Cadet Annual End-of-Year Dining In on June 2, 2006. The cost, not to exceed \$11,000.00, will be paid from Unrestricted General Fund 01, Account No. 030.

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

10.19 Agreement with Lennar Communities Inland to Conduct an Appraisal of the K-8 School Site Located at the Lytle Creek North Site  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into an agreement with Lennar Communities Inland, Corona, CA for conduct of an appraisal of the K-8 school site located at the Lytle Creek North site, effective February 22, 2006, through February 21, 2007. The School District will accomplish the appraisal utilizing the services of a current Board-approved appraiser under an existing master agreement, and the developer, Lennar Communities Inland, will reimburse the School District for all costs of this appraisal. This appraisal will be at no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Lennar Communities Inland, Corona, CA for conduct of an appraisal of the K-8 school site located at the Lytle Creek North site, effective February 22, 2006, through February 21, 2007. The School District will accomplish the appraisal utilizing the services of a current Board-approved appraiser under an existing master agreement, and the developer, Lennar Communities Inland, will reimburse the School District for all costs of this appraisal. This appraisal will be at no cost to the District.

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

10.20 Agreement with Edward V. Regan for Division of the State Architect (DSA) Inspection Services for Belvedere Elementary School Modernization  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requested proposals for Division of the State Architect (DSA) Inspection Services for Belvedere Elementary School Modernization project. Proposals were received from the following Inspectors: Edward V. Regan, All American Inspections, Inc., and Paul W. Waite & Associates. Edward V. Regan's quote was the lowest received.

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The Facilities Management Department requests Board of Education approval to enter into an agreement with Edward V. Regan, San Clemente, CA, for inspection services for Belvedere Elementary School Modernization, effective February 22, 2006, through February 21, 2007. The total cost, not to exceed \$120,000.00, plus additional costs of \$60.00 per hour for specialty inspection services, will be paid from School Facilities Program Fund 35, Account Number 9952.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Edward V. Regan, San Clemente, CA, for inspection services for Belvedere Elementary School Modernization, effective February 22, 2006, through February 21, 2007. The total cost, not to exceed \$120,000.00, plus additional costs of \$60.00 per hour for specialty inspection services, will be paid from School Facilities Program Fund 35, Account Number 9952.

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

10.21 Agreement with Richard Ide to Review Personnel Commission Rules, Review and Rewrite Policies and Procedures, and Perform a Human Resources/Personnel Management Audit and Produce a Report  
(Prepared by Business Services Division)

The Personnel Commission requests Board of Education approval to enter into an agreement with Richard Ide, Hacienda Heights, CA, to review Personnel Commission rules, review and rewrite Personnel Commission Policies and Procedures, and perform a Human Resources/Personnel Management audit and produce a report, effective March 1, 2006, continuing through June 30, 2006. The cost, not to exceed \$7,500.00 (at the rate of \$50.00 per hour), will be paid from the Unrestricted General Fund – Personnel Commission, Account No. 071.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Richard Ide, Hacienda Heights, CA, to review Personnel Commission rules, review and rewrite Personnel Commission Policies and Procedures, and perform a Human Resources/Personnel Management audit and produce a report, effective March 1, 2006, continuing through June 30, 2006. The cost, not to exceed \$7,500.00 (at the rate of \$50.00 per hour), will be paid from the Unrestricted General Fund – Personnel Commission, Account No. 071.

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

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10.22 Agreement with Joan E. Meier to Provide Crosscultural Language and Academic Development (CLAD) Training to District Teachers  
(Prepared by Business Services Division)

The English Learners and Support Programs Department requests Board of Education approval to enter into an agreement with Joan E. Meier, Redlands, CA, to provide training for Crosscultural Language and Academic Development (CLAD) certification to approximately 30 District teachers, as part of the District's overall plan to remedy the shortage of qualified teachers for English learners, effective March 3, 2006, continuing through March 18, 2006. The fee, not to exceed \$800.00, will be paid from the Restricted General Fund – Title III Limited English Proficient Student, Account No. 544.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Joan E. Meier, Redlands, CA, to provide training for Crosscultural Language and Academic Development (CLAD) certification to approximately 30 District teachers, as part of the District's overall plan to remedy the shortage of qualified teachers for English learners, effective March 3, 2006, continuing through March 18, 2006. The fee, not to exceed \$800.00, will be paid from the Restricted General Fund – Title III Limited English Proficient Student, Account No. 544.

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

10.23 Agreement with Occidental College Foreign Language Project to Provide a Staff Development Program Entitled "World Language Instruction for Today's Students" for District Teachers  
(Prepared by Business Services Division)

The Secondary Education Department requests Board of Education approval to enter into an agreement with Occidental College Foreign Language Project, Los Angeles, CA, to provide a staff development program entitled "World Language Instruction for Today's Students" for District teachers, effective February 22, 2006, continuing through June 30, 2006. The training includes five days of professional development and classroom follow-up coaching for up to 20 District teachers of foreign language or English language learners. The program includes training and handouts for novice teachers as well as experienced teachers of foreign languages. Topics will include lesson design, strategies for working with English learners, techniques for developing literacy and framework-aligned academic content. Under the agreement, all participants would attend five days of training and receive 20 hours of individual coaching. The cost, not to exceed \$5,000.00, will be paid from the Restricted General Fund – Title II Secondary Math/Science, Account No. 541.

It is recommended that the following resolution be adopted:



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BE IT RESOLVED that the Board of Education approves entering into an agreement with Occidental College Foreign Language Project, Los Angeles, CA, to provide a staff development program entitled “World Language Instruction for Today’s Students” for District teachers, effective February 22, 2006, continuing through June 30, 2006. The training includes five days of professional development and classroom follow-up coaching for up to 20 District teachers of foreign language or English language learners. The program includes training and handouts for novice teachers as well as experienced teachers of foreign languages. Topics will include lesson design, strategies for working with English learners, techniques for developing literacy and framework-aligned academic content. Under the agreement, all participants would attend five (5) days of training and receive 20 hours of individual coaching. The cost, not to exceed \$5,000.00, will be paid from the Restricted General Fund –Title II Secondary Math/Science, Account No. 541.

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

10.24 Agreement with Playworks Center for Development and Learning to Provide Occupational Therapy to Student I.D. # 269931  
(Prepared by Business Services Division)

The Special Education Department, in accordance with the December 19, 2005, Mediation Agreement case number SN05-01218, requests Board of Education approval to enter into an agreement with Playworks Center for Development and Learning, Redlands, CA, to provide occupational therapy (OT) evaluation to student I.D. # 269931 for possible OT services effective February 22, 2006, continuing through June 30, 2006. Upon receipt of appropriate documentation, the District will make payments to Playworks for \$350.00 for the intake assessment and \$90.00 per session twice a week for a period of three months for OT services. Parent will be reimbursed for mileage based on District’s mileage reimbursement rate. The fee, not exceed \$3,000.00, will be paid from the Restricted General Fund – Special Education Central, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Playworks Center for Development and Learning, Redlands, CA, to provide occupational therapy (OT) evaluation to student I.D. # 269931 for possible OT services effective February 22, 2006, continuing through June 30, 2006. Upon receipt of appropriate documentation, the District will make payments to Playworks for \$350.00 for the intake assessment and \$90.00 per session twice a week for a period of three months for OT services. Parent will be reimbursed for mileage based on District’s mileage reimbursement rate. The fee, not exceed \$3,000.00, will be paid from the Restricted General Fund – Special Education Central, Account No. 827.

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

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10.25 Renewal of the Agreement with Reynolds Consulting Group to Gather Data for the Preparation of the Mandated Costs Claims  
(Prepared by Business Services Division)

The Fiscal Services Department requests Board of Education approval to renew the agreement with Reynolds Consulting Group, Sun City, CA, to gather data to prepare the mandated costs program claims, effective July 1, 2005, continuing through June 30, 2006. Mandated Costs Program Claims is a system whereby districts and agencies file claims with the State for reimbursement of expenses and costs that are mandated by law but are not funded by the State. The cost of services, not to exceed \$19,500.00, will be paid from the Restricted General Fund, Account No. MRP. The District will be reimbursed 100 percent of the cost of this service through the State mandated claim reimbursement program.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with Reynolds Consulting Group to gather data to prepare the mandated costs program claims, effective July 1, 2005, continuing through June 30, 2006. Mandated Costs Program Claims is a system whereby districts and agencies file claims with the State for reimbursement of expenses and costs that are mandated by law but not funded by the State. The cost of services, not to exceed \$19,500.00, will be paid from the Restricted General Fund, Account No. MRP. The District will be reimbursed 100 percent of the cost of this service through the State mandated claim reimbursement program.

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

10.26 Amendment No. 1 to the Agreement with Mike's Custom Flooring, to Perform Roger Anton Elementary School Bid Package No. 27-03, Category No. 12, Flooring  
(Prepared by Business Services Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Mike's Custom Flooring, San Bernardino, CA (Roger Anton Elementary School Bid Package No. 27-03, Category 12-Flooring) for additional work not included in the original scope of work for the installation of play equipment at the kindergarten and upper-grade areas. This amendment will add an additional \$14,806.25, for a new aggregate not-to-exceed total of \$93,706.25. The additional cost will be paid from Fund 21, Resource 000, and/or State School Building Fund 35, Account Number ANT. All other terms and conditions will remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies amending the agreement with Mike's Custom Flooring, San Bernardino, CA (Roger Anton Elementary School Bid Package No. 27-03,

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Category 12-Flooring) for additional work not included in the original scope of work for the installation of play equipment at the kindergarten and upper-grade areas. This amendment will add an additional \$14,806.25, for a new aggregate not-to-exceed total of \$93,706.25. The additional cost will be paid from Fund 21, Resource 000, and/or State School Building Fund 35, Account Number ANT. All other terms and conditions will remain the same.

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

10.27 Amendment No. 1 to the Agreement with College of Extended Learning, California State University San Bernardino, Project H.E.L.P., to Provide English as Second Language Instruction to Parents of Students Attending District Schools  
(Prepared by Business Services Division)

The English Learners and Support Programs Department requests Board of Education approval to amend the agreement with the College of Extended Learning, California State University San Bernardino, San Bernardino, CA, to provide English as Second Language (ESL) instruction to parents of District students, effective October 19, 2005, continuing through June 30, 2006. This amendment is necessary to increase the fee by \$7,500.00, from \$82,000.00 for a new total not to exceed \$89,500.00, to provide for additional services. The fee will be paid from the Restricted General Fund – Community Based English Tutoring, Account No. 469. All other terms and conditions to remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with the College of Extended Learning, California State University San Bernardino, San Bernardino, CA, to provide English as Second Language (ESL) instruction to parents of District students, effective October 19, 2005, continuing through June 30, 2006. Amendment No. 1 is necessary to increase the fee by \$7,500.00, from \$82,000.00 for a new total not to exceed \$89,500.00, to provide for additional services. The fee will be paid from the Restricted General Fund – Community Based English Tutoring, Account No. 469. All other terms and conditions to remain the same.

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

10.28 Amendment No. 1 to the Agreement with the Uptown YMCA for Participation in After-School Gymnastics and Swimming Lessons for Students Enrolled at Kimbark Elementary School  
(Prepared by Business Services Division)

Kimbark Elementary School requests Board of Education approval to amend the agreement with the Uptown YMCA, San Bernardino, CA, for participation in after-school gymnastics and

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swimming lessons for students enrolled at Kimbark Elementary School, effective July 1, 2005, continuing through June 30, 2006. This amendment is necessary to cover additional lessons and to increase the fee by \$2,000.00, from \$1,500.00 for a new total not to exceed \$3,500.00. The fee will be paid from the Restricted General Fund – School Based Coordinated Program, Account No. 419. All other terms and conditions to remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with the Uptown YMCA, San Bernardino, CA, for participation in after-school gymnastics and swimming lessons for students enrolled at Kimbark Elementary School, effective July 1, 2005, continuing through June 30, 2006. Amendment No. 1 is necessary to cover additional lessons and to increase the fee by \$2,000.00, from \$1,500.00 for a new total not to exceed \$3,500.00. The fee will be paid from the Restricted General Fund – School Based Coordinated Program, Account No. 419. All other terms and conditions to remain the same.

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

10.29 Amendment No. 2 to the Facilities Use Agreement with Norman F. Feldheim Central Library  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the facilities use agreement with Norman F. Feldheim Central Library, San Bernardino, CA, for the rental of rooms, previously approved by the Board on March 15, 2005. This amendment is to extend the term through June 30, 2008. All other terms and conditions will remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the facilities use agreement with Norman F. Feldheim Central Library, San Bernardino, CA, to extend the term through June 30, 2008. All other terms and conditions will remain the same.

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

10.30 Request to Reject Bid No. 37-05, Repair of Swimming Pools at San Bernardino and San Gorgonio High Schools  
(Prepared by Business Services Division)

Bid No. 37-05, Repair of Swimming Pools at San Bernardino and San Gorgonio High Schools, was advertised January 5, 2006, and January 12, 2006, and was opened January 27, 2006, at 9:00 a.m. The purpose of this bid is to repair swimming pools at San Bernardino High School

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and San Gorgonio High School to include the demolition, removal, and replacement of selected sections of the concrete decking surrounding the swimming pools at San Bernardino High School, and to recoat the fiberglass pool linings at San Bernardino High School and San Gorgonio High School.

The Maintenance and Operations Department requests the Board of Education to reject in its entirety, all bids for Bid No. 37-05, Repair of Swimming Pools at San Bernardino and San Gorgonio High Schools.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Bid No. 37-05, Repair of Swimming Pools at San Bernardino and San Gorgonio High Schools be rejected in its entirety. The District will re-bid.

10.31 Extended Field Trip, California Cadet Corps Program, Brigade Intermediate and Advanced Leadership School, Fort Irwin, California  
(Prepared by Business Services Division)

The Alternative Programs Department requests Board of Education approval of an extended field trip for 150 middle and high school California Cadet Corps Program students and 14 District employee chaperones to attend the Brigade Intermediate and Advanced Leadership School, Fort Irwin, CA, March 16-19, 2006.

The Cadet Program students will have the opportunity to learn the traits and principles of leadership; study examples of civilian, military, civic, and business leaders; apply leadership theory in a practical setting; participate in a formal inspection, pass in review parade, and awards ceremony at the Marine Corps base. It allows cadets to participate in an obstacle course and leadership reaction course unique to military installations.

The cost of the trip, approximately \$19,600.00, which includes lodging, meals, office supplies, t-shirts, and baseball caps for 150 students, 14 District employee chaperones and personnel to run the Leader's Reaction Course and Confidence Course, will be paid from participants, Alternative Programs Account No. 030, Fort Irwin, and the U.S. Army. Transportation by Laidlaw and SBCUSD Charter, \$6,500.00, will be paid from Alternative Programs Account No. 030 and Fort Irwin. No students will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 150 middle and high school California Cadet Corps Program students and 14 District employee chaperones to attend the Brigade Intermediate and Advanced Leadership School, Fort Irwin, CA, March 16-19, 2006. The cost of the trip, approximately \$19,600.00, which includes lodging, meals, office supplies, t-shirts, and baseball caps for 150 students, 14 District employee chaperones and personnel to run the Leader's Reaction Course and Confidence Course, will be paid from

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participants, Alternative Programs Account No. 030, Fort Irwin, and the U.S. Army. Transportation by Laidlaw and SBCUSD Charter, \$6,500.00, will be paid from Alternative Programs Account No. 030 and Fort Irwin. Names of the students are on file in the Business Services office.

10.32 Extended Field Trip, San Bernardino High School German Club, Weekend Foreign Language German Camp, Big Bear, California  
(Prepared by Business Services Division)

San Bernardino High School German Club requests Board of Education approval of an extended field trip for seven students and one District employee chaperone to attend the Weekend Foreign Language German Camp, Big Bear, CA, February 24-26, 2006.

The camp will provide students with the opportunity to be immersed in the German language for three days, with structured activities for games, sports, skits, singing, dancing, and AP discussion sessions. This allows them practical experience of the German communication and culture, which is part of their curriculum and standards.

The cost of the trip, \$680.00, which includes lodging, meals, and insurance for the seven students and one District employee chaperone, will be paid from San Bernardino High School ASB Account and participants. Transportation by CUSA (Coach USA), \$200.00, will be paid from San Bernardino High School ASB Account and participants. No students will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for seven students and one District employee chaperone to attend the Weekend Foreign Language German Camp, Big Bear, CA, February 24-26, 2006. The cost of the trip, \$680.00, which includes lodging, meals, and insurance for the seven students and one District employee chaperone, will be paid from San Bernardino High School ASB Account and participants. Transportation by CUSA (Coach USA), \$200.00, will be paid from San Bernardino High School ASB Account and participants. No students will be denied participation due to financial constraints. Names of the students are on file in the Business Services office.

10.33 Adult Education Courses for Second Semester of 2005-06  
(Prepared by Student Services Division)

The California Department of Education requires that all course titles for Adult Education programs be approved by the local Board of Education per CAC Title 5, Section 10508. The San Bernardino Adult School is thereby authorized to collect attendance for all approved courses. The Adult Education Unit, California Department of Education, has approved the following additional courses that will be offered by the San Bernardino Adult School for the second semester of the 2005-2006 school year:

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Course Number	Course Title
1.1009	ABE Multiple Academic Subjects
1.2050	Multiple High School Diploma Subjects
1.2047	Geography
1.2055	Visual and Performing Arts

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the additional course titles for Adult Education programs for the second semester of the 2005-2006 school year per CAC Title 5, Section 10508 as herein presented.

10.34 Expulsion of Student(s)  
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

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

\*(S)01/06/89      \*\*02/03/89    03/23/93      \*(S)04/02/91    \*(S)01/31/92    \*\*01/25/91  
\*(S)10/08/88    \*(S)06/18/88

\*The Board does hereby order the enforcement of the expulsion suspended for a period of not more than one calendar year. The suspension of the enforcement of the expulsion order is deemed appropriate for the rehabilitation of the pupil, per Education Code section 48917.

\*\*The Board does hereby expel the pupil for a period of one semester, and does hereby order the enforcement of the expulsion suspended for the following semester, allowing him/her to be considered for re-enrollment in the district under suspended expulsion as deemed appropriate for the rehabilitation of the pupil, per Education Code section 48917.

(S) A stipulated expulsion is a process whereby the pupil and his/her family acknowledge responsibility for the behavior leading to the recommendation for expulsion by the school administration, and waive their right to a hearing by admitting to the facts in support of an expulsion recommendation. The pupil and his/her family stipulate the facts of the case as presented by the school, accepting one of the following consequences: \*(S) suspended expulsion, \*\*\*(S) expulsion one semester, suspended expulsion one semester, (S) expulsion two semesters.

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- 10.35 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  
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

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

- 10.36 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  
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

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:

03/23/91

- 10.37 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)  
(Prepared by Youth Services Department)

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:

09/24/98



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10.38 Revocation of Suspension of Expulsion  
(Prepared by Youth Services Department)

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.

10.39 Lift of Expulsion of Student(s)  
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

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:

01/01/90	12/30/89	04/28/91	11/08/88	06/17/88	10/30/89
05/09/92	10/27/89	02/18/89	01/08/92	03/04/92	06/01/88
01/24/92	02/13/90	08/10/90	01/06/90	12/25/89	10/07/90
11/03/88	11/16/88	12/26/87	10/13/91	08/12/90	04/08/91
06/15/90	04/14/92	10/23/91	04/26/89	09/28/90	12/01/88
06/21/93	05/27/88	02/19/91	09/03/91	07/05/91	11/09/91
07/10/89	07/17/92	07/17/92	09/12/89	02/28/89	07/14/92
02/04/92	01/01/92	04/19/93	07/20/89	08/22/90	07/02/88
09/27/93	08/22/89	09/13/90	07/16/92	05/21/93	02/13/89
07/28/88	03/26/92	05/03/91			

10.40 Failure to Recommend Mandatory Expulsion 48915  
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

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

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**11.0 Action Items**

11.1 Proposed Associated Student Body Policy (Second Reading)  
(Prepared by Business Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the proposed Associated Student Board policy as presented.

11.2 2006 California School Boards Association (CSBA) Delegate Assembly Election  
(Prepared by the Superintendent)

The official ballot for the election of representatives to CSBA's Delegate Assembly has been received and must be returned on or before March 15, 2006. The School Board appoints two representatives from our Board. Currently, Teresa Parra and Lynda Savage are serving two-year terms. In addition to these two appointments, the Board may vote for six candidates to represent the entire San Bernardino County school boards. There are six vacancies in San Bernardino County Subregion 16-B. The following individuals are candidates for these vacancies:

Anita M. Anderson, Apple Valley Unified School District\*  
Sue Brown, Yucaipa-Calimesa Joint Unified School District  
John Cordero, Victor Valley Union High School District  
Michael R. Gomez, Adelanto Elementary School District  
Bobby Grizzle, Jr., Chino Valley Unified School District  
Dennis W. Mobley, Rialto Unified School District\*  
Caryn Payzant, Alta Loma School District\*  
Larry E. Poland, Bear Valley Unified School District  
Wilson F. So, Apple Valley Unified School District\*  
Jane St. John, Rim of the World Unified School District\*  
Donna West, Redlands Unified School District\*

\*Denotes incumbent

The following resolution is recommended:

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

11.3 Hardship Funding Options  
(Prepared by Facilities/Operations Division)

A workshop took place on February 7, 2006 with the Board of Education to discuss options for State Hardship Funding. The Board requested a project list that would compare funding between

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Option 1 and Option 2.

The following comparison report states:

- Option 1 would fulfill six (6) projects for the Series B bonds.
- Option 2 would fulfill eighteen (18) projects for the Series B bonds.

Therefore, the Facilities Department recommends going forward with Option 2.

BE IT RESOLVED that the Board of Education authorize Facilities Management staff go forward with Option 2 to maximize available funds for building projects.

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11.4 Adoption of 2006-2007 Traditional and Continuous Year Round (60-20)  
Calendars  
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education receives and accepts the 2006-2007 Traditional and Continuous Year Round (60-20) Calendars.

11.5 Personnel Report #16, dated February 21, 2006  
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #16 dated February 21, 2006, which contains action such as hiring, retirements, resignations, promotions, and terminations involving certificated, classified, and other employees in the categories of noon duty aides, recreational supervisors, substitute employees, and others. These actions are consistent with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

The following resolution is recommended:

BE IT RESOLVED that the Personnel Report #16, dated February 21, 2006, be approved as presented. 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 TEN - Closed Session**

***12.0 Closed Session***

As provided by law, the Board will meet 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**

**Public Employee Appointment**

Title: Professional Development Director

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### **SESSION ELEVEN - Closing**

#### ***13.0 Adjournment***

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 7, 2006, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The District is committed to provide equal access to individuals with a disability to open and public meetings. For information on the availability of disability-related aids or services to enable any person with a disability to participate in a public meeting and/or to request reasonable accommodations, please contact:

Marie Arakaki, Affirmative Action Director  
777 North F Street  
San Bernardino, CA 92410  
(909) 381-1122  
(909) 381-1121 fax  
email: [marie.arakaki@sbcusd.k12.ca.us](mailto:marie.arakaki@sbcusd.k12.ca.us)

Office Hours: Monday through Friday, 8 a.m.-4:30 p.m.

Requests for reasonable accommodations must be received by the Affirmative Action Office no later than five working days before the public meeting so that an interactive process can be effectuated to determine an effective accommodation that would best serve the needs of the individual with a disability.

Posted: February 16, 2006