

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 INDEX

March 4, 2008

Estimated Time

SESSION ONE – Budget Workshop

1.0 Budget Workshop **4:30 p.m.**

1.1 Proposed Budget Cuts FY 2008-09

SESSION TWO - Opening

2.0 Opening **5:30 p.m.**

2.1 Call to Order

2.2 Pledge of Allegiance to the Flag

SESSION THREE - Special Presentations

3.0 Special Presentations **5:35 p.m.**

3.1 In Recognition of Arts Education Month

3.2 In Recognition of Week of the School Administrator

SESSION FOUR – Student Report/School Showcase

4.0 Student Report/School Showcase **5:40 p.m.**

4.1 Middle College High School

SESSION FIVE - Public Hearings

5.0 Public Hearings **6:05 p.m.**

5.1 Review of the Charter Petition for the PRIME Academy of Excellence (PRIME)

5.2 Resolution Certifying the Mitigated Negative Declaration for the Proposed Acquisition, Construction, and Operation of the Roosevelt II Elementary School #49; Adopting the Mitigation Monitoring Program Pursuant to the California Environmental Quality Act (CEQA); Project Approval; and Delegation of Authority to District Staff to Execute CEQA Documents

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- 5.3 Resolution to Adopt the Reports “Residential Development School Fee Justification Study for SBCUSD” and “Commercial/Industrial Development School Fee Justification Study for SBCUSD” and Approval of an Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995
- 5.4 Resolution Approving the San Bernardino City Unified School District's School Facilities Needs Analysis, Adopting Alternative School Fees in Compliance with Government Code Sections 65995.5,65995.6 and 65995.7
- 5.5 Urgency Resolution Approving an Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995

SESSION SIX - Administrative Presentation

- 6.0** *Administrative Presentation* **6:30 p.m.**
- 6.1 Budget Cuts Plan Fiscal Year 2008-09

SESSION SEVEN – Other Matters Brought By Citizens

- 7.0** *Other Matters Brought by Citizens* **7:00 p.m.**

SESSION EIGHT - Reports and Comments

- 8.0** *Report by Board Members* **7:15 p.m.**
- 8.1 Legislative Update
- 9.0** *Report by Superintendent and Staff Members* **7:30 p.m.**

SESSION NINE - Legislation and Action

- 10.0** *Consent Items (When considered as a group, unanimous approval is advised.)* **7:45 p.m.**
- 10.1 Approval of Minutes
- 10.2 Compensation for School Board Members
- 10.3 Adoption of The Essentials Curriculum for Mild/Moderate Special Education Students
- 10.4 Payment of Master Teachers - University of La Verne
- 10.5 Authorization to Request Employee Notification of Intention to Return
- 10.6 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
- 10.7 2007-08 Discretionary School Site Block Grant
- 10.8 Acceptance of Gifts and Donations to the District

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- 10.9 Affiliation Agreement with Braswell's Community Convalescent Hospital to Provide a Site for Clinical Practice for Adult Education Students Enrolled in the Certified Nursing Assistant, Home Health Aide, and Vocational Nurses Training Programs
- 10.10 Agreement with the Assistance League of San Bernardino's Operation School Bell to Provide Clothing for District Students
- 10.11 Agreement with the San Bernardino Community College District to Provide Early Childhood Development Classes and Work Experience Classes to the District's High School Teen Parents
- 10.12 Agreement with WestEd to Provide a Program for Infant/Toddler Caregivers (PITC) Training and Technical Assistance to District Infant Toddler Sites and Caregivers
- 10.13 Amendment No. 3 to the Agreement for Nonpublic, Nonsectarian School/Agency Services with North Valley Schools
- 10.14 Amendment No. 4 to the Agreement with Cheryl Syphus to Provide Curriculum Calibration to Staff at Cajon High School
- 10.15 Cafeteria Warrant Register, Ending January 31, 2008
- 10.16 Commercial Warrant Registers for period from February 1, Through February 15, 2008
- 10.17 Extended Field Trip, Kimbark Elementary School, San Mateo Camp, San Onofre State Beach, San Clemente, CA
- 10.18 Extended Field Trip, Mt. Vernon Elementary School, Creekside Outdoor Science Camp, Forest Falls, California
- 10.19 Extended Field Trip, Cajon High School, United Spirit Association Cheer Nationals, Anaheim, California
- 10.20 Extended Field Trip, San Bernardino High School, Key Club International, Sacramento, California
- 10.21 Master Agreements for Lease and/or Purchase of DSA Approved Relocatable Buildings for the Quality Education Investment Act (QEIA)
- 10.22 Master Agreements for Lease and/or Purchase of DSA Approved Relocatable Buildings for the Modernization Projects Throughout the District
- 10.23 Notice of Completion, Bid No. F05-07, Category 1, for Modernization Project at Thompson and Bonnie Oehl Elementary Schools
- 10.24 Notice of Completion, Bid No. F05-19, Categories 1, 3, & 4 for Modernization Project at Serrano Middle School
- 10.25 Payment for Course of Study Activities
- 10.26 Payment for Services Rendered by Non-Classified Experts and Organizations
- 10.27 Public Safety Academy (PSA) Charter School IBM Laptop Lease
- 10.28 Physical Education Exemptions
- 10.29 Expulsion of Student(s)
- 10.30 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

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- 10.31 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
- 10.32 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 10.33 Revocation of Suspension of Expulsion
- 10.34 Lift of Expulsion of Student(s)
- 10.35 Failure to Recommend Mandatory Expulsion 48915

11.0 Action Items

- 11.1 Personnel Report #17, dated March 4, 2008
- 11.2 In Recognition of Deceased Employees

SESSION TEN - Closed Session

12.0 Closed Session

8:00 p.m.

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
Communications Workers of America
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Non Re-Election of Certificated Employee(s)

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

Conference with Legal Counsel—Anticipated Litigation

Pursuant to Government Code Section 54956.9(b)(3)(A): Two cases

SESSION ELEVEN – Open Session

13.0 Action Reported from Closed Session

9:00 p.m.

SESSION TWELVE - Closing

14.0 Adjournment

9:05 p.m.

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The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 18, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: February 29, 2008

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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

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SESSION ONE – Budget Workshop

1.0 Budget Workshop

- 1.1 Proposed Budget Cuts FY 2008-09
(Prepared by Business Services Division)

Dr. Arturo Delgado, Superintendent, and Mohammad Z. Islam, Assistant Superintendent, Business and Finance, will present information regarding the proposed budget cuts plan for Fiscal Year 2008-09 for Board review and consideration.

SESSION TWO - Opening

2.0 Opening

- 2.1 Call to Order
2.2 Pledge of Allegiance to the Flag

SESSION THREE - Special Presentations

3.0 Special Presentations

- 3.1 In Recognition of Arts Education Month
(Prepared by the Communications Office)

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District joins the Joint Rules Committee of the California Senate and Assembly in declaring March 2008 Arts Education Month and encourages all schools in the District to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding of the visual and performing arts.

3.2 In Recognition of Week of the School Administrator
(Prepared by the Communications Office)

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

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

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

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

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

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

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WHEREAS the State of California has declared the week of March 3-7, 2008, as the “Week of the School Administrator” in Education Code 44015.1; and

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

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

SESSION FOUR – Student Report/School Showcase

4.0 Student Report/School Showcase

4.1 Middle College High School

SESSION FIVE - Public Hearings

5.0 Public Hearings

5.1 Review of the Charter Petition for the PRIME Academy of Excellence (PRIME) (Prepared by Student Services Division)

District staff review of the charter petition for Prime Academy of Excellence (PRIME) indicates that the petition does not contain reasonable comprehensive descriptions of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608.

Education Code section 47605 requires that the petition be signed by a number of parents or guardians of pupils equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and that the petition be signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Findings: The petition complies with Education Code section 47605. The petition contains the required signatures of parents of students expected to enroll for its first year of operation and the required signatures of teachers that the charter school expects to employ for its first year of operation.

Requirement Element 1: The charter must contain a description of the educational program of the school designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

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Findings: PRIME believes that students in the 21st century must be literate and articulate, mathematically competent, and scientifically and technologically skilled. The petition states that the charter school will serve 100 students in Grades 9-12 in its first year of operation and plans to follow the traditional calendar that will include an extended school year for a minimum of 220 days. PRIME proposes to implement a K-12 curriculum that will focus on four academic areas: reading/language arts, mathematics, science, and social studies. The petition states that biomedical cluster exploration and biotechnology competencies will be offered in the middle school. EMT-Basic for First Responder Competence, Nursing Assistant 3, and Practical Nursing 1 will be infused at the high school level. PRIME proposes to establish partnerships with local hospitals, health care clinics, elder health care facilities, and health related companies for guest speakers, job shadowing opportunities, apprenticeships, volunteer experiences, and fieldtrips. PRIME also proposes to have a caring adult for every student enrolled.

PRIME contains a breadth of courses that is extensive and AP and AVID courses are included. An extended year will allow more time for students to achieve academic standards. There is a specific plan in Exhibit B of the petition for English learners for redesignation, instruction, staff development, and parent and community involvement.

The petition states that their mission is “to have every student equipped with occupational health care goals,” but this is not reflected in the course offerings or the graduation requirements. The petition does not show how the school would offer all of the courses listed for a school of 100 students. This would have staffing implications particularly to handle the laboratory requirements for AP/Honors courses in biology, physics, and chemistry. The petition also mentions the implementation of a K-12 curriculum. This may have been a typing error and should be amended to reflect the 9-12 course work stipulated in the petition. The petition also proposes four semesters of Physical Education. The legislation has changed and students are now required to complete four years (8 semesters) of Physical Education; however, upon successful completion of the high school physical fitness test, students may choose to waiver the last two years.

Element 1 is not substantially met.

Requirement Element 2: The charter must contain the measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

Findings: PRIME proposes to use standardized testing to calibrate student performance and improvement on a yearly basis. It states that PRIME will be fully accountable for its students’ achievement in keeping with the 1999 State Academic Performance Index (API) law, the federal No Child Left Behind Act, and the Adequate Yearly Progress (AYP), and any other applicable achievement requirements for charter schools. PRIME also proposes to provide a Personalized Educational Plan for each student and this will be the basis for instruction. The petition states that it will provide strong support and training in the daily implementation of curricular offerings

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in English/language arts and mathematics to ensure that all its students pass the CAHSEE prior to high school graduation.

The petition meets this element requirement.

Requirement Element 3: The charter must contain the method by which pupil progress in meeting those pupil outcomes is to be measured.

Findings: PRIME proposes to utilize the same accountability measures, administer the same state assessments, and follow the same proficiency measures as required of all public schools. Parents will be kept apprised of student progress by annual progress reports. The charter plans to develop a yearly School Accountability Report Card (SARC) and make it available to the public. The petition mentions a variety of informal assessments that the school will use to measure how well students are applying and integrating new learning into their thinking. The petition states that PRIME students will take proficiency tests and all other assessment measures required by the State of California, but does not state how the school program will address them to improve student achievement.

The petition does not substantially meet this element requirement.

Requirement Element 4: The charter must contain the governance structure of the school including, but not limited to, the process to be followed by the school to ensure parental involvement.

Findings: The petition states that PRIME is a California non-profit corporation. The petition states that the founding group of PRIME is made up of a school administrator, a certificated public accountant, an entrepreneur in health care services, a public school teacher, and a human resources person. The petition states that the PRIME Board of Directors will govern PRIME. The makeup of the Board of Directors will be leaders within the school and the community. A parent or guardian of a student enrolled in PRIME will hold at least one position. The PRIME Board of Directors will maintain local control over the school and ensure that the school receives input in decision making from all stakeholders.

The petition states that one of the goals of PRIME is a high level of parental involvement in the school. According to the petition, this would extend beyond the central role parents play in their own day-to-day learning and allow parents to be integrally involved in shaping PRIME.

The petition meets this element requirement.

Requirement Element 5: The charter must contain the qualifications to be met by individuals to be employed by the school.

Findings: The petition states that PRIME will employ a teaching staff that holds California teaching credentials, certificates, permits, or other documents issued by the California

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Commission on Teacher Credentialing and in keeping with NCLB requirements. The petition states that the teaching staff will be compensated comparably with their counterparts in the regular California public schools. The petition states that it will require all teaching staff to hold a valid California Teaching Credential issued by the California Commission on Teacher Credentialing. PRIME would annually verify the validity of teaching credentials through the Commission's Online Verification System along with a hard copy. PRIME also acknowledges the Education Code requirements for fingerprinting and TB clearance.

The petition meets this element requirement.

Requirement Element 6: The charter must contain the procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.

Findings: The petition states that employees will be required to have fingerprinting/criminal background checks per Education Code section 44237. The petition states, however, that the school will require each employee to "furnish a criminal record summary," suggesting that this will be left to the individual employee. This does not meet the Department of Justice (DOJ) clearance requirements of Education Code section 44237. The petition describes a process to monitor TB clearance. The petition also describes the implementation of a comprehensive set of health, safety, and risk-management policies.

The petition meets this element requirement.

Requirement Element 7: The charter must contain the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

Findings: The petition states that through extensive community outreach and full disclosure about the school's program, PRIME will accept students and families who are committed to student success in Personal Education Learning Plan. PRIME will give priority to students living within the San Bernardino City Unified School District.

The petition meets this element requirement.

Requirement Element 8: The charter must contain admission requirements if applicable.

Findings: The petition states that PRIME will not discriminate against students on the basis of sex, religion, national origin, ancestry, creed, pregnancy, marital status, or physical or learning handicap. PRIME will admit all students as referred by any school district. PRIME will not charge tuition.

The petition meets this element requirement.

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Requirement Element 9: The charter must contain the manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

Findings: The petition states that PRIME attendance accounting systems will comply with California requirements and the sponsoring district's requirements for certifying PRIME's ADA. PRIME will work with the District to transfer all attendance data to the sponsoring district's accounting program in order to generate the required state J18/19 forms.

The petition states that an independent, certified, public accounting firm will audit PRIME. PRIME will engage an auditor with experience in public school finance. Copies of the audit will be submitted to the sponsoring district, the County Office of Education, the State Controller's Office, CDE and any other agency required by law within 180 days of the end of the fiscal year.

PRIME will make quarterly financial reports to the San Bernardino City Unified School District. The school will report unaudited actuals to the District by September 15 of each school year, which reflects the closing of the June 30 fiscal year. PRIME will comply with the financial reporting requirements of the California Department of Education Charter School Policy.

The petition states that PRIME will follow the San Bernardino City Unified School District budget and financial reporting calendar in order to meet all required deadlines.

The petition meets this element requirement.

Requirement Element 10: The charter must contain the procedures by which pupils can be suspended or expelled.

Findings: The petition states that PRIME intends to align its student discipline policies in accordance to the provisions of Education Code section 48900. It states that the school's discipline, suspension, and expulsion policies will be in accordance with students' rights and with applicable laws. The petition states that the school will not discipline students protected under Section 504 of the Rehabilitation Act and Individuals with Disabilities in Education Act unless PRIME complies with the requirements of those acts. The petition states that a student could be suspended for ten additional days. This sanction is not within Education Code on suspensions and expulsions.

The petition must align student discipline policies with Education Code section 48900 to meet this element requirement.

Requirement Element 11: The charter must contain the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

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Findings: The petition states that staff will participate in the STRS and PERS systems and will also have access to other school-sponsored retirement plans according to policies developed by the PRIME Board of Directors.

The petition meets this element requirement.

Requirement Element 12: The charter must contain the public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

Findings: The petition states that no students who are members of the sponsoring district, or any other district, will be required to attend PRIME. The petition states that during the admissions process, written materials will be distributed that will include a section to inform parents or guardians of each student enrolled in PRIME that the students have no right to admission in a particular school of any local education agency as a consequence of enrollment in PRIME, except to the extent that such right is extended by the local education agency. Students do have the right to return to their home school district.

The petition does not meet this element requirement. Students have the right to return to District schools.

Requirement Element 13: The charter must contain a description of the rights of any employee of the school district, upon leaving the employment of the school district, to work in a charter school, and any rights of return to the school district after employment at a charter school.

Findings: The petition states that employees who leave PRIME to return to work with the District shall be governed by the District Board policies and the collective bargaining agreements.

The petition meets this element requirement.

Requirement Element 14: The charter must contain the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

Findings: The petition states that PRIME would allow the District to take appropriate action to ensure the safety of students. The petition also contains language that limits the District's ability to execute its responsibility for oversight as it relates to the revocation of the charter. The language provides for a minimum of two and one-half months to resolve disputes and to engage a third party mediator. The District is obligated by Education Code to terminate a charter school if the school is found to be in violation of law, is not meeting financial obligations, and does not meet student outcome requirements.

The petition does not meet this element requirement.

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Requirement Element 15: The charter must contain a declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act [Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 4 of Title 1 of the Government Code].

Findings: The petition states that PRIME will be deemed the exclusive and independent public school employer of the employees of PRIME for the purposes of the Educational Employment Act.

The petition meets this element requirement.

Requirement Element 16: Charter School Term, Renewal, Amendment and Closure Term of the Charter: The term of the charter will be for five years, commencing on the date that the charter is renewed by the State Board of Education and expiring five years later unless renewed.

Findings: The petition describes the process for the renewal and revocation that aligns with Education Code language on charter schools. The petition also delineates a comprehensive process for school closure if PRIME decides to cease operations for any reason.

The petition meets this element requirement.

CONCLUSION:

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts District staff findings regarding the charter petition submitted by the Prime Academy of Excellence (PRIME).

It is further recommended that one of the following resolutions be adopted:

BE IT FURTHER RESOLVED that the Board of Education denies the charter petition submitted by Prime Academy of Excellence (PRIME).

Or

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by Prime Academy of Excellence (PRIME).

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5.2 Resolution Certifying the Mitigated Negative Declaration for the Proposed Acquisition, Construction, and Operation of the Roosevelt II Elementary School #49; Adopting the Mitigation Monitoring Program Pursuant to the California Environmental Quality Act (CEQA); Project Approval; and Delegation of Authority to District Staff to Execute CEQA Documents
(Prepared by Facilities/Operations Division)

State regulations require school districts to conduct public hearings to review the findings of Mitigated Negative Declarations with mitigation measures. This is part of the process for a school district to acquire a new school site, approve the project, and proceed with construction. The approval of the Mitigated Negative Declaration for the project will be filed with the Clerk of the Board of Supervisors, County of San Bernardino, and the State Clearinghouse.

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

Conduct Public Hearing:

Subject to the outcome of the public hearing, it is recommended that the following resolution be adopted:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING THE INITIAL STUDY, MITIGATED NEGATIVE DECLARATION, MITIGATION MEASURES, AND MONITORING PROGRAM FOR THE ACQUISITION, CONSTRUCTION, AND OPERATION OF THE PROPOSED ROOSEVELT II ELEMENTARY SCHOOL #49 ADOPTING THE MITIGATION MONITORING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA EDUCATION CODE; APPROVING THE PROJECT; AND DELEGATING AUTHORITY TO STAFF TO EXECUTE THE NOTICE OF DETERMINATION, MITIGATED NEGATIVE DECLARATION.

WHEREAS, the District proposes to construct a new elementary school to house approximately 549 students (maximum capacity of 1,184 students between new and existing sites). The proposed elementary school site is located on the southeast corner of Mount Vernon Avenue and 16th Street in the City of San Bernardino (Property); and

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

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

WHEREAS, no significant effects were identified, and as such, the Mitigated Negative Declaration was prepared pursuant to CEQA and the State CEQA Guidelines; and

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WHEREAS, the District, as the Lead Agency for the Project, provided copies of the Initial Study and Draft Mitigated Negative Declaration to agencies with jurisdiction and made available to the public from February 1, 2008, through March 1, 2008; for review and comment pursuant to PRC Sections 21091 and 21092; and

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

WHEREAS, the Board has carefully reviewed the Draft Mitigated Negative Declaration and all other relevant information contained in the administrative record for the Project.

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

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

Section 2. Compliance with CEQA. That the Board reviewed and considered the information contained in the Final Mitigated Negative Declaration including without limitation, the Initial Study, Draft Mitigated Negative Declaration.

The Board hereby makes the following specific findings with respect to the Final Mitigated Negative Declaration:

- a. The Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the environmental impacts of the Project; and
- b. The Mitigated Negative Declaration has been completed in compliance with the CEQA and CEQA Guidelines; and
- c. On the basis of the whole record before the Board, including the Initial Study, there is no substantial evidence that the Project will have any significant impacts on the environment; and
- d. Pursuant to Education Code Section 17213, the District has given notice to and consulted with the South Coast Air Quality Management District (SCAQMD) requesting identification of facilities located within 1/4-mile of the proposed elementary school site, which might reasonably be anticipated to emit hazardous air emissions or acutely hazardous materials, substances, or waste; and
- e. AQMD has been contacted and has identified no facilities or operations that are located within 1/4-mile of the site; and
- f. Pursuant to PRC Section 21151.8 and Education Code Section 17213(a), the proposed elementary school site is not the site of a current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance release site, a site which contains one or more

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pipelines which carry hazardous substances, materials, or wastes, or a site that is within 500 feet of a freeway or busy traffic corridor that would create a health hazard or exposure to high level pollutants; and

g. The Initial Study and Mitigated Negative Declaration reflect the independent judgment of the District.

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

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

Section 4. Wildlife Findings. The proposed Project will have no adverse impacts, either individually or cumulatively, on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code Section 711.2, nor will it adversely impact the resources governed by the State Department of Fish and Game.

Section 5. Adoption of Mitigated Negative Declaration. The Board hereby adopts the Mitigated Negative Declaration (MND) and mitigation monitoring and reporting plan (MMRP).

Section 6. Delegation of Authority. The Board hereby authorizes staff to execute the Notice of Determination, the Mitigated Negative Declaration and the Certificate of Fee Exemption and file each with the County of San Bernardino within five working days from project approval and to incur costs in the amount of the filing fees associated therewith.

5.3 Resolution to Adopt the Reports "Residential Development School Fee Justification Study for SBCUSD" and "Commercial/Industrial Development School Fee Justification Study for SBCUSD" and Approval of an Increase in Statutory School 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)

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 Dolinka Group, LLC as of February 2008, are reflective of the average student generation rates, amount of future development and costs of school facilities to accommodate the students

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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 Two and 97/100 Dollars (\$2.97) per square foot for residential construction within the District and Forty Seven Cents (\$0.47) per square foot for commercial/industrial construction within the District.

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

Conduct Public Hearing

Subject to the outcome of the public hearing, it is recommended that the following resolution be adopted:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING AN INCREASE IN STATUTORY SCHOOL 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 (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 Two and 63/100 Dollars (\$2.63) per square foot of assessable space of new residential construction in the District (Residential Statutory School Fees), and Forty-Two Cents (\$0.42) 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 Fees); and

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

WHEREAS, on January 30, 2008, the State Allocation Board authorized an adjustment in the Statutory School Fee amounts pursuant to Government Code Section 65995(b)(3) to Two and 97/100 Dollars (\$2.97) per square foot for assessable space of new residential construction and Forty-Seven Cents (\$0.47) 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

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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" and "Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District," ("Studies") which include information, documentation, and analysis of the School Facilities needs of the District, including: (a) the purpose of the Statutory School Fees; (b) the use to which the Statutory School 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 Fees, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Statutory School 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 Fees and to the capital facilities needs of the District have 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 Fees; and

WHEREAS, all notices of the proposed increase in the Statutory School 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 Fees on March 4, 2008; and

WHEREAS, as to the Statutory School 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.

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NOW, THEREFORE, BE IT RESOLVED THAT THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION 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 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 described in the Studies and related documents, and that these School 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 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:

a. Two and 97/100 Dollars (\$2.97) 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. Forty-Seven Cents (\$0.47) 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 amounts per square foot of chargeable covered and enclosed space for all categories of commercial/industrial construction to Forty-Seven Cents (\$0.47).

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.

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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

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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.

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 Fees will become effective immediately pursuant to a separate resolution increasing the fees on an urgency basis.

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5.4 Resolution Approving the San Bernardino City Unified School District's School Facilities Needs Analysis, Adopting Alternative School Fees in Compliance with Government Code Sections 65995.5, 65995.6 and 65995.7
(Prepared by Facilities/Operations Division)

With the adoption of SB 50 and Proposition 1A in 1998, school districts that meet certain requirements have the option of adopting alternative school fees (“Alternative School Fees”), also known as Level 2 Fees and Level 3 Fees, in accordance with Government Code Sections 65995.5, 65995.6 and 65995.7. (All further references are to the Government Code, unless indicated.) In general, Alternative School Fees, which are calculated for an individual school district, apply solely to residential construction within that school district and are in excess of the Level 1 Fee authorized by the State Allocation Board (“SAB”). Alternative School Fees are calculated per square foot of assessable space (“Assessable Space”) of new residential construction in the District as defined in Section 65995(b)(1). The Level 2 Fee is intended to represent fifty percent (50%) of a school district’s school facility costs, applies when the SAB is apportioning State Funding to school districts in California. The Level 3 Fee is intended to represent one hundred percent (100%) of a school district’s school facility costs.

In order to impose Alternative School Fees, the District must prepare and adopt a School Facilities Needs Analysis (“SFNA”). Therefore, pursuant to Section 65995.5(b), the District has caused the Dolinka Group, LLC to prepare a 2008 SFNA, (“2008 SFNA”) on behalf of the San Bernardino City Unified School District (“District”).

In compliance with Section 65995.6(a), the 2008 SFNA includes projections of the number of unhoused elementary, middle, and high school pupils generated by various types of new residential units in each category of pupils enrolled in the District. The projection of unhoused pupils is based on the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed either in the District or the city or county in which the District is located, and relevant planning agency information, such as multi-phased development projects, that may modify the historical figures. In accordance with Section 65995.6, the 2008 SFNA also contains a calculation of existing school building capacity, calculated pursuant to Education Code Section 17071.10. The existing school building capacity has been recalculated pursuant to Section 65995.6(a).

Pursuant to the 2008 SFNA, the Level 2 Fee amount has been calculated as Seven and 30/100 Dollars (\$7.30) per square foot of assessable space for new residential construction within the District. The Level 3 Fee amount has been calculated as Fourteen and 61/100 Dollars (\$14.61) per square foot of assessable space for new residential construction; however, the Level 3 Fee has been suspended as set forth in Section 65995.7(a)(2).

The 2008 SFNA must be adopted by resolution following a public hearing conducted by the Board. The Board conducted a public hearing and received public comments relating to the adoption of the SFNA on March 4, 2008. The 2008 SFNA has been on file and available for public review at the District’s offices since February 1, 2008. Pursuant to Section 65352.2(c),

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prior to the completion of the 2008 SFNA, the Board caused notice and any relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including a notice of the preparation of the 2008 SFNA and offered to meet to discuss this information, to the planning commission(s) or agency(ies) of the cities and counties with land use jurisdiction within the District. In addition, the 2008 SFNA was provided to the local agencies responsible for land use planning within the District for review and comment during the thirty (30) day public review period. Notice of the time and place of the public hearing, including the location and procedure for viewing a copy of the 2008 SFNA was also published in at least one newspaper of general circulation within the District's jurisdiction not less than thirty (30) days prior to the public hearing. A copy of the 2008 SFNA was mailed not less than thirty (30) days prior to the public hearing to any person who made a written request therefor forty-five (45) days prior to the public hearing.

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

Conduct Public Hearing

Subject to the outcome of the public hearing, it is recommended that the following resolution be adopted:

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

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

WHEREAS, the Board has previously adopted and the District has imposed statutory school facility fees (Statutory School Facility Fees or Level I Fees) pursuant to Education Code Section 17620 and Government Code Section 65995(b)(1) and (b)(2), and alternative school fee amounts pursuant to Government Code Sections 65995.5 (Level 2 Fees) and 65995.7 (Level 3 Fees) or (collectively, Alternative School Facility Fees or ASFF), but desires to update its ASFF based upon a current school facilities needs analysis (2008 SFNA) prepared by the Dolinka Group, LLC in accordance with applicable law; and

WHEREAS, the Board of the District has previously by Resolution elected to participate in the school facilities funding program established pursuant to the Leroy F. Greene School Facilities Act of 1998 (SFP) for both modernization and new construction projects, and appointed a

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representative (District Representative) for the purpose of requesting an Eligibility Determination (ED) for funding under the SFP; and

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

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

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

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

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

WHEREAS, the District has met the requirements established by Government Code Section 65995.5(b)(3) in that: (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity, (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms; and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar; and

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

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

WHEREAS, the Board has caused to be prepared the 2008 SFNA dated February 2008, pursuant to applicable law including, but not by way of limitation, Government Code Section 65995.6, prior to the adoption of ASFF; and

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WHEREAS, the Board has received and considered the 2008 SFNA which includes all matters required by applicable law, including an analysis of: (a) the purpose of the ASFF; (b) the use to which the ASFF are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential construction and (1) the facilities for which the ASFF are to be used, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of ASFF from new residential construction; (d) an evaluation and projection of the number of students that will be generated by new residential construction by grade levels of the District as described by Government Code Section 65995.6; (e) a description of the new School Facilities that will be required to serve such students; and (f) the present estimated cost of such School Facilities; and

WHEREAS, the 2008 SFNA in its final form has been available to the public, for at least thirty (30) days before the Board held a public hearing and considered the adoption of the ASFF, including a response by the Board to written and oral comments, if any, received by the District; and

WHEREAS, all notices of the preparation of the 2008 SFNA and adoption of ASFF, including the offer by the District to meet with any affected local planning agency relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, have been given in accordance with Government Code Section 65352.2; and

WHEREAS, copies of the 2008 SFNA have been provided thirty (30) days prior to the public hearing if such written request(s) for copies were filed with the District forty-five (45) days prior to a public hearing; and

WHEREAS, the 2008 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c); and

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

WHEREAS, as to the approval of the 2008 SFNA and ASFF, Government Code Section 65995.6(g) provides that the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the preparation, adoption, or update of the 2008 SFNA or adoption of this Resolution; and

WHEREAS, the District desires to approve the 2008 SFNA and adopt ASFF pursuant to Government Code Sections 65995.5 and 65995.7 for the purpose of establishing ASFF that may be imposed on residential construction calculated pursuant to Government Code Section 65995(b), subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

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

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

Section 2. That the Board does hereby find and determine that the 2008 SFNA meets all applicable legal requirements, and it hereby adopts each of the findings set forth in the 2008 SFNA.

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

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

Section 5. That for purposes of Government Code Section 65995.5(b)(3): (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity, (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms, and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar.

Section 6. That the District has caused to be prepared the 2008 SFNA, which is on file at the District office address and incorporated herein by this reference, which complies with all applicable statutory requirements, including the provisions of Government Code Section 65995.6.

Section 7. That the Board hereby approves and adopts the 2008 SFNA for the purpose of establishing ASFF as to future new residential construction within the District, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

Section 8. That the Board finds that the purpose of the ASFF imposed upon residential construction are to fund the additional School Facilities to serve the students generated by the residential construction upon which the ASFF are imposed as provided in the 2008 SFNA and applicable law.

Section 9. That the Board finds that the ASFF are hereby established as applicable to the extent set forth herein, and will be used to fund those School Facilities described in the 2008 SFNA, and such fees that these School Facilities are to serve the students generated by the new residential construction within the District as provided in the 2008 SFNA.

Section 10. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the ASFF and the new residential construction within the District because the ASFF imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction in accordance with applicable law as set forth in the 2008 SFNA, and such fees are less than an estimated actual cost of the School Facilities estimated to result from the new residential construction as set forth in the 2008 SFNA.

Section 11. That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the ASFF are imposed, and the need for additional School Facilities in the District because new students will be generated from new residential construction within the District, and the District does not have sufficient capacity in the existing School Facilities to accommodate these students.

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

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

Section 14. That the Board finds that the monies of the separate Fund or the separate Sub-Funds, described in Section 13, consisting of the proceeds of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable), Commercial/Industrial Fees and Mitigation Payments have been imposed for the purposes of constructing those School Facilities necessitated by new residential construction and as further set forth in the 2008 SFNA, and, thus, these monies may be expended for all those purposes permitted by applicable law.

Section 15. That the 2008 SFNA determines the need for new School Facilities for unhoused pupils that are attributable to projected enrollment growth from the construction of new residential units over the next five (5) years, based on relevant planning agency information and the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed within the District, and/or the County.

Section 16. That the Board has identified and considered, and/or subtracted, as set forth in the 2008 SFNA, the following information in determining amounts of the Level 2 Fees and Level 3 Fees:

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- a. any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities pursuant to Government Code Section 65995.6(b)(1);
- b. the extent to which projected enrollment growth may be accommodated by excess capacity in existing school facilities pursuant to Government Code Section 65995.6(b)(2);
- c. local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units pursuant to Government Code Section 65995.6(b)(3); and
- d. the full amount of local funds the Board has dedicated to facilities necessitated by new construction, including fees, charges, dedications or other requirements imposed on commercial or industrial construction pursuant to Government Code Section 65995.5(c)(2).

Section 17. That the Board has calculated, as set forth in the 2008 SFNA, the maximum square foot fees, charges, or dedications to be established as ASFF that may be collected in accordance with the provisions of Government Code Sections 65995.5(c) and 65995.7(a).

Section 18. That notice and relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including notice of a proposed meeting regarding such information, was provided to City and County planning officials or agencies with land use jurisdiction within the District prior to the completion of the 2008 SFNA.

Section 19. That the 2008 SFNA in its final form has been made available to the public for a period of not less than thirty (30) days, and that the District has made itself available to meet with any affected city or county to discuss the preparation of the 2008 SFNA, pursuant to the requirements of Government Code Section 65352.2.

Section 20. That the public has had the opportunity to review and comment on the 2008 SFNA, and the Board has responded to both written and oral comments it has received, if any, regarding the 2008 SFNA.

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

Section 22. That notice of the time and place of the public hearing to adopt the 2008 SFNA (“Hearing”), including the location and procedure for viewing or requesting a copy of the

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proposed 2008 SFNA has been published in at least one newspaper of general circulation within the jurisdiction of the District at least thirty (30) days prior to the Hearing.

Section 23. That the District has caused to be mailed a copy of the 2008 SFNA not less than thirty (30) days prior to the Hearing to any person who made a written request forty-five (45) days prior to the Hearing.

Section 24. That the 2008 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c).

Section 25. That the Board conducted the required Public Hearing on March 4, 2008 prior to adoption of the 2008 SFNA and the ASFF, at which time all persons desiring to be heard on all matters pertaining to the 2008 SFNA were heard, all responses to such comments received were made by the Board, if any, and all information presented was duly considered.

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

a. Pursuant to Government Code Section 65995.6, Level 2 Fees in the amount of Seven and 30/100 Dollars (\$7.30) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

b. Pursuant to Government Code Section 65995.7, Level 3 Fees in the amount of Fourteen and 61/100 Dollars (\$14.61) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

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

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

Section 28. That the proceeds of the ASFF increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section

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13 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the ASFF are to be collected.

Section 29. That the Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the affected cities and county within the District's boundaries, along with a copy of all the supporting documentation referenced herein, and a map of the District clearly indicating the boundaries thereof, advising such entities that new residential construction is subject to the ASFF increased pursuant to this Resolution, and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential construction project, mobilehome or manufactured home subject to the ASFF absent a certificate of compliance (Certificate of Compliance) from this District demonstrating compliance of such project with the requirements of the ASFF, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable ASFF.

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

Section 31. That regarding the timely provision of a Certificate of Compliance by the District for residential construction, although not required by applicable law, the Board hereby determines that the 2008 SFNA is a proposed construction plan for purposes of requiring payment of ASFF prior to the issuance of any building permit for new residential construction in accordance with Government Code Section 66007, and that all ASFF are appropriated for the purpose of accomplishing such construction plan.

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

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

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

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

5.5 Urgency Resolution Approving an Increase in Statutory School 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 March 4, 2008, the Board of Education of the San Bernardino City Unified School District adopted a resolution increasing the District's statutory school fees. Education Code Section 17621(a) provides that an increase in Statutory School Fees shall not take effect until sixty (60) days after Board action increasing the Statutory School 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. An immediate increase in the Statutory School 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.

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

Conduct Public Hearing:

Subject to the outcome of the public hearing, it is recommended that the following resolution be adopted:

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

WHEREAS, on March 4, 2008, the Board of Education (Board) of the San Bernardino City Unified School District (District) adopted a resolution increasing the District's statutory school fees (Level 1 Fees) to Two and 97/100 Dollars (\$2.97) per square foot of assessable space for residential development and Forty-Seven Cents (\$0.47) per square foot of chargeable covered and enclosed space for all commercial/industrial construction categories (Commercial/Industrial Fees) (collectively, Statutory School Fees); and

WHEREAS, although Education Code Section 17621(a) provides that an increase in Statutory School Fees shall not take effect until sixty (60) days after Board action increasing the Statutory School 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

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fees, where necessary, to respond to a current and immediate threat to the public health, welfare or safety; and

WHEREAS, the District's school facilities are currently overcrowded, and the current Statutory School 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 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 BOARD OF EDUCATION 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 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 Fees shall take effect immediately and is valid for thirty (30) days, and is subject to a thirty (30) day extension.

SESSION SIX - Administrative Presentation

6.0 *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 three 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.*

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6.1 Budget Cuts Plan Fiscal Year 2008-09
 (Prepared by Business Services Division)

Mohammad Z. Islam, Assistant Superintendent, Business and Finance, will present an update on the proposed budget cuts plan for FY 2008-09 for Board review and approval.

Approval of the contingency plan (Phase II and Phase III) provides the Superintendent and Staff the option of implementation of the plan based on the fiscal needs of the District. Any such implementation will be subject to Board review and approval.

Based on the budget workshop, the following Action Item is being submitted for Board approval.

Due to continued declining enrollment and the impact of the Governor’s proposed budget cuts from K-12 education in Fiscal Year 2008-09, the District will be required to cut up to an estimated amount of **\$28.4** million from the General Fund in Fiscal Year 2008-09 of which **\$21.1** million is Unrestricted General Fund and an estimated amount of **\$7.3** million is from the Restricted General Fund programs. These cuts will be required in order for the District to maintain the fiscal solvency for the subsequent two fiscal years. The fiscal implications of the additional charter schools have not been included in these estimated amounts. The following is the three phase plan of proposed budget cuts in Fiscal Year 2008-09:

TOTAL UNRESTRICTED GENERAL FUND BUDGET CUTS REQUIRED: FOR FY 2008-09		\$(21.1) M
PHASE I		
Proposed change in CALPERS retirement program (net savings)	\$1.0M	
Reserve (Fund 17) (one-time)	\$2.0M	
All Schools going MOU modified day (transportation savings) (ongoing)	\$1.5M	
Transportation savings due to boundary changes (ongoing)	\$0.2M	
Additional salary savings due to declining enrollment (ongoing)	\$2.8M	
Hiring freeze: additional projected salary savings (2007-08) (one-time)	\$2.0M	
Increase staffing ratio K-3 (CSR) from 20:1 to 21:1 (47 teachers) (net savings)	\$1.5M	
10% cuts at District Office budgets (ongoing)	\$8.0M	
MS and HS increase staffing ratio by 1 (30 positions) (ongoing)	\$2.0M	

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Dormant Accounts \$0.5M

PHASE I TOTAL CUTS: \$ 21.5 M

EXCESS CUTS OVER REQUIRED \$ 0.4M

PHASE II

Furlough: (3 days) All Employees \$5.0M

Reserve (Fund 17) **Remaining Balance** \$2.5M

5% Instructional Needs Assessment Program (INAP) \$0.5M

PHASE II TOTAL CUTS: \$8.0M

PHASE III

Certificated Personnel Lay-offs (185 Positions) \$9.0M

PHASE III TOTAL CUTS: \$9.0M

Total Restricted General Fund categorical programs budget cuts are required for an estimated amount of **\$7.3** million for Fiscal Year 2008-09. The Restricted categorical programs will be adjusted to reflect this amount of cuts through program realignments and/or reductions of the programs.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the **Phase I plan** cuts for a total of **\$21.1** million from the Unrestricted General Fund for Fiscal Year 2008-09. In addition, the Board of Education approves Phase II and Phase III plan of cuts as a **contingency plan** for an additional amount of **\$17** million as required.

BE IT ALSO RESOLVED that the Restricted categorical programs total estimated cuts of **\$7.3** million will be adjusted to reflect the amount of cuts through program realignments and/or reductions of the programs.

BE IT FURTHER RESOLVED that the Board of Education acknowledges the declining enrollment, the impact of the Governor’s proposed budget cuts from K-12 education, and approves the estimated budget cuts in the amount **\$28.4** million of the total General Fund to maintain the **fiscal solvency** for the subsequent two fiscal years.

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

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 January 15, 2008, be approved as presented.

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

Board Member Judi Penman was ill and unable to attend the February 19, 2008 School Board meeting. Using District Board Policy No. 9250 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 ratifies compensation for Board Member Judi Penman for the February 19, 2008 School Board meeting.

10.3 Adoption of The Essentials Curriculum for Mild/Moderate Special Education Students
(Prepared by Educational Services Division)

The Special Education Department requests Board of Education approval of **The Essentials** Curriculum Guide for Mild to Moderate Special Education Students.

In keeping with NCLB, California has established challenging academic standards for all students, including those with disabilities and has mandated that all students be assessed with regard to those standards. Additionally, all students taking STAR, including those with disabilities, are also required to pass the California High School Exit Exam (CAHSEE).

The San Bernardino City Unified School District Special Education Department began to see the need for a unified set of standards for students with Mild to Moderate disabilities that would lead to the knowledge and skills needed to pass the California High School Exit Exam. After careful examination of grade-level standards and their relationship to future success, Essential Standards were chosen, Goals and Objectives were aligned, prerequisite skills for success were identified, and performance indicators were developed.

The Essentials Curriculum Guide is designed to support student success in the California Standards Test (CST) as well as the California Modified Assessment (CMA).

Essentials is a framework that provides educators with a manageable tool to examine and scaffold essential grade-level standards along with the skills needed to maximize the potential for a student to master those standards.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the new curriculum for students Kindergarten through age 21 that have Mild to Moderate Disabilities.

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10.4 Payment of Master Teachers - University of La Verne
(Prepared by Human Resources Division)

The District has an agreement with the University of La Verne to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 436428 from the University of La Verne in the amount of \$1,200.00. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during the Fall Session 2007, as provided for in the Agreement with University of La Verne, as follows:

Susan Gibbia	\$400.00	Connie Jones	\$400.00
Krista Bjur	\$400.00		

10.5 Authorization to Request Employee Notification of Intention to Return
(Prepared by Certificated Human Resources Office)

In accordance with Education Code 44842(a), the governing board authorizes the Superintendent and/or Superintendent's designee to request of probationary and permanent certificated employees a formal notification of their intention to remain in the employ of the District for the ensuing school year. Failure of the employee to notify the school district of their intention to return is deemed that the employee has declined employment.

THEREFORE BE IT RESOLVED that the Board of Education directs the Superintendent and/or Superintendent's designee to request formal notification of probationary and permanent certificated employees of their intention to return to the employ of the district for the 2008-2009 school year.

10.6 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
(Prepared by Research/Instructional Support/Technology)

Education Code Section 60851(a) provides that "Commencing with the 2003-04 school year and each school year thereafter, each pupil completing Grade 12 shall successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school." Waiver of the successful passage of the CAHSEE is allowed under Specific Code Section: E.C. 56101: "...the waiver is necessary or beneficial to the content and the implementation of the pupil's individualized education program..." Waiver of the successful passage of the California High School Exit Exam (CAHSEE) is requested for the specific students with the birthdates listed below:

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10/09/1990 08/17/1987

BE IT RESOLVED that the Board of Education approves the Waiver of CAHSEE Passage Requirement for Students with a Disability.

10.7 2007-08 Discretionary School Site Block Grant
(Prepared by Business Services)

The intent of the Discretionary School Site Block Grant was to provide one-time resources to support a variety of uses that sites may select. The grant has few spending restrictions except current laws. Briefly, the procedures call for each school to: (1) develop an expenditure plan, (2) require approval by the School Site Council, and (3) receive approval by the Board of Education.

School site councils at the following schools have worked together in a collaborative process to design a plan tailored to individual school needs. It is recommended that the Board of Education approve the following amended plans, which are on file in the Fiscal Services office.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the following schools' 2007-08 Discretionary School Site Block Grant Award, Expenditure Plans:

SCHOOL	AWARD	EXPENDITURES
Muscoy Elementary (Revised Plan)	\$48,457.00	Playground equipment.
Pacific High School (Revised Plan)	\$64,695.00	Library books/instructional materials and supplies/technology/computer peripherals and software/printing/postage/catering/maintenance agreements/field trips and conferences.

10.8 Acceptance of Gifts and Donations to the District
(Prepared by Business Services Division)

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

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

SITE	DONOR	DONATION AND PURPOSE	CASH
Monterey Elementary School	Life Touch National School Studios	To be used as a donation for the ASB fund	\$818.00

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Deputy Superintendent's Office	Orange County Teacher-Federal Credit Union	To be used for refreshments for K-12 Principal's meetings	\$250.00
Arrowview Middle School	The Flourish Foundation	To be used to help sponsor trip to Spain	\$1,000.00

The acceptance of these donations meets all requirements of Board Policy 3290, Gifts, Donations, Grants, and Bequests.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education acknowledges receipt of \$818.00, Life Touch National School Studios; \$250.00, Orange County Teachers-Federal Credit Union; and \$1,000.00, The Flourish Foundation.

- 10.9 Affiliation Agreement with Braswell's Community Convalescent Hospital to Provide a Site for Clinical Practice for Adult Education Students Enrolled in the Certified Nursing Assistant, Home Health Aide, and Vocational Nurses Training Programs
 (Prepared by Business Services Division)

The Adult School requests Board of Education approval to enter into an affiliation agreement with Braswell's Community Convalescent Hospital, Yucaipa, CA, to provide a site for clinical practice for students enrolled in the Adult School's Certified Nursing Assistant, Home Health Aide, and Vocational Nurses training programs, effective March 5, 2008, continuing through February 28, 2011. The Adult School will provide an instructional program at no charge for adults to practice clinical procedures while under the supervision of Adult School instructors. There will be 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 affiliation agreement with Braswell's Community Convalescent Hospital, Yucaipa, CA, to provide a site for clinical practice for students enrolled in the Adult School's Certified Nursing Assistant, Home Health Aide, and Vocational Nurses training programs, effective March 5, 2008, continuing through February 28, 2011. The Adult School will provide an instructional program at no charge for adults to practice clinical procedures while under the supervision of Adult School instructors. There will be 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.

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10.10 Agreement with the Assistance League of San Bernardino's Operation School Bell to Provide Clothing for District Students
(Prepared by Business Services Division)

The Health Services Department requests Board of Education approval to enter into an agreement with the Assistance League of San Bernardino's Operation School Bell, San Bernardino, CA, to provide clothing to District students in need, effective March 5, 2008, through June 30, 2008. There will be 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 the Assistance League of San Bernardino's Operation School Bell, San Bernardino, CA, to provide clothing to District students in need, effective March 5, 2008, through June 30, 2008. There will be 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.

10.11 Agreement with the San Bernardino Community College District to Provide Early Childhood Development Classes and Work Experience Classes to the District's High School Teen Parents
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval to enter into an agreement with the San Bernardino Community College District (SBCCD), to provide early childhood development classes and work experience classes to high school student teen parents, effective September 1, 2007, continuing through June 30, 2011. Early Childhood Development is the most rapid period of development in a human life. The Early Childhood Development approach is based on the proven fact that young children respond best when caregivers and parents use specific techniques designed to encourage and stimulate progress to the next level of development. The work experience classes will offer insight into what goes on in a workplace and the learning experiences. SBCCD will pay tuition, registration, and expenses for the students who are enrolled in the program. The cost, not to exceed \$35,000.00 per year, and the total cost, not to exceed \$140,000.00, will be paid from Restricted General Fund – CFC School Readiness, Account No. 366.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the San Bernardino Community College District (SBCCD), to provide early childhood development classes and work experience classes to high school student teen parents, effective September 1, 2007, continuing through June 30, 2011. Early Childhood Development is the most rapid period of development in a human life. The Early Childhood Development approach is based on the

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proven fact that young children respond best when caregivers and parents use specific techniques designed to encourage and stimulate progress to the next level of development. The work experience classes will offer insight into what goes on in a workplace and the learning experiences. SBCCD will pay tuition, registration, and expenses for the students who are enrolled in the program. The cost, not to exceed \$35,000.00 per year, and the total cost, not to exceed \$140,000.00, will be paid from Restricted General Fund – CFC School Readiness, Account No. 366.

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

10.12 Agreement with WestEd to Provide a Program for Infant/Toddler Caregivers (PITC) Training and Technical Assistance to District Infant Toddler Sites and Caregivers
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval to enter into an agreement with WestEd, San Francisco, CA, to provide a Program for Infant/Toddler Caregivers (PITC) training and technical assistance to District infant toddler sites and caregivers, effective October 16, 2007, continuing through June 30, 2011. WestEd will hire a part-time trainer to provide training and technical assistance at nine District infant toddler sites for up to 300 teen parents who are enrolled in the project and to caregivers. The program's goal is to develop meaningful training materials based on sound theoretical principles and proven practices. The cost, not to exceed \$57,600.00 per year, and the total cost, not to exceed \$237,600.00, will be paid from Restricted General Fund – CFC School Readiness, Account No. 366.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with WestEd, San Francisco, CA, to provide a Program for Infant/Toddler Caregivers (PITC) training and technical assistance to District infant toddler sites and caregivers, effective October 16, 2007, continuing through June 30, 2011. WestEd will hire a part-time trainer to provide training and technical assistance at nine District infant toddler sites for up to 300 teen parents who are enrolled in the project and to caregivers. The program's goal is to develop meaningful training materials based on sound theoretical principles and proven practices. The cost, not to exceed \$57,600.00 per year, and the total cost, not to exceed \$237,600.00, will be paid from Restricted General Fund – CFC School Readiness, Account No. 366.

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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10.13 Amendment No. 3 to the Agreement for Nonpublic, Nonsectarian School/Agency Services with North Valley Schools
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to amend the agreement with North Valley Schools, San Bernardino, CA, as approved by the Board of Education on October 2, 2007, Agenda Item No. 9.38. The amendment is necessary to add a second certified school in Perris, CA to the agreement. 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 agreement with North Valley Schools, San Bernardino, CA, as approved by the Board of Education on October 2, 2007, Agenda Item No. 9.38. Amendment No. 3 is necessary to add a second certified school in Perris, CA to the agreement. 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.

10.14 Amendment No. 4 to the Agreement with Cheryl Syphus to Provide Curriculum Calibration to Staff at Cajon High School
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval to amend the agreement with Cheryl Syphus, Highland, CA, as approved by the Board of Education on November 6, 2007, Agenda Item No. 8.27. The amendment is necessary to add \$5,000.00 to the original fee of \$10,000.00 for a total not to exceed \$15,000.00, due to an increase in work hours. The additional fee will be paid from Restricted General Fund – Smaller Learning Environments-Cajon, Account No. 377. 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 renewing the agreement with Cheryl Syphus, Highland, CA, as approved by the Board of Education on November 6, 2007, Agenda Item No. 8.27. Amendment No. 4 is necessary to add \$5,000.00 to the original fee of \$10,000.00 for a total not to exceed \$15,000.00, due to an increase in work hours. The additional fee will be paid from Restricted General Fund – Smaller Learning Environments-Cajon, Account No. 377. 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.

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10.15 Cafeteria Warrant Register, Ending January 31, 2008
(Prepared by Facilities/Operations 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, 2008, be approved.

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

10.16 Commercial Warrant Registers for period from February 1, Through February 15, 2008
(Prepared by Business Services Division)

It is requested that the Board of Education approve the Commercial Warrant Register and authorize specific individuals to sign disbursements on its behalf.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Commercial Warrant Register for period from February 1, 2008, through February 15, 2008, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes David Moyes, Acting Accounts Payable Officer; Gene Fortajada, Accounting Services Director; or Mohammad Islam, Assistant Superintendent, to sign disbursements.

10.17 Extended Field Trip, Kimbark Elementary School, San Mateo Camp, San Onofre State Beach, San Clemente, CA
(Prepared by Business Services Division)

Kimbark Elementary School requests Board of Education approval of an extended field trip for nine students, one District employee, and six parents to attend San Mateo Camp, San Onofre State Beach, San Clemente, CA, March 11-12, 2008.

Students will have the opportunity to study how humans adapted to a variety of environments, and climatic changes and human modifications of the physical environments. Students will also observe the plants, animals, and geography of San Mateo Canyon.

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The cost of the trip, not to exceed \$57.95, including meals and lodging for nine Kimbark Elementary School students, one District employee, and six parents, will be paid from Kimbark Elementary School Account No. 473. Transportation will be by private vehicle. No student 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 nine Kimbark Elementary School students, one District employee, and six parents to attend San Mateo Camp, San Onofre State Beach, San Clemente, CA, March 11-12, 2008. The cost of the trip, not to exceed \$57.95, including meals and lodging for nine Kimbark Elementary School students, one District employee, and six parents, will be paid from Kimbark Elementary School Account No. 473. Transportation will be by private vehicle. Names of the students are on file in the Business Services office.

10.18 Extended Field Trip, Mt. Vernon Elementary School, Creekside Outdoor Science Camp, Forest Falls, California
(Prepared by Business Services Division)

Mt. Vernon Elementary School requests Board of Education approval of an extended field trip for sixty-five students and two District employees to attend Creekside Outdoor Science Camp, at Forest Falls, California, March 17-21, 2008.

Students will have the opportunity to study the natural environment by exploring trails, investigating geological features, observing wildlife, comparing plant adaptations, and to observe the night sky through telescopes. This trip also allows students to transfer their textbook learning into real life experiences.

The cost of the trip, including meals and lodging for sixty-five Mt. Vernon Elementary School students and two District employees, will be paid from sponsorship by the Orange County Department of Education. Transportation by Laidlaw Bus Lines, cost not to exceed \$667.00, will be paid from Mt. Vernon Elementary School Account No. 205. No student 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 sixty-five Mt. Vernon Elementary School students and two District employees to attend Creekside Outdoor Science Camp, at Forest Falls, California, March 17-21, 2008. The cost of the trip, including meals and lodging for sixty-five Mt. Vernon Elementary students and two District employees, will be paid from sponsorship by the Orange County Department of Education. Transportation by Laidlaw Bus Lines, not to exceed \$667.00, will be paid from Mt. Vernon Elementary School Account No. 205. Names of the students are on file in the Business Services office.

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10.19 Extended Field Trip, Cajon High School, United Spirit Association Cheer Nationals, Anaheim, California
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval of an extended field trip for fourteen students and two District employees to attend the United Spirit Association Cheer Nationals, Anaheim, California, March 7-9, 2008.

The cheerleaders will have the opportunity to compete against squads from all over California, as well as represent their school and community.

The cost of the trip, not to exceed \$2,800.00, including meals and lodging for fourteen Cajon High School students and two District employee chaperones, will be paid by sponsorship and fundraisers. Transportation will be by private vehicle. No student 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 fourteen Cajon High School students and two District employees to attend the United Spirit Association Cheer Nationals, Anaheim, California, March 7-9, 2008. The cost of the trip, \$2,800.00, including meals and lodging for fourteen Cajon High School students and two District employee chaperones, will be paid by fundraisers. Transportation will be by private vehicle. Names of the students are on file in Business Services office.

10.20 Extended Field Trip, San Bernardino High School, Key Club International, Sacramento, California
(Prepared by Business Services Division)

San Bernardino High School requests Board of Education approval of an extended field trip for five students and two District employees to attend Key Club International 60th Annual Convention, at Sacramento, California, April 18-20, 2008.

The Key Club International is a student-led organization that teaches students leadership skills through serving others. The convention brings together thousands of inspiring youth who are all involved in community service. The Key Club International will be presenting awards and scholarships to students and local clubs. The students will also be attending motivational workshops.

The cost of the trip, not to exceed \$1,500.00, including meals and lodging for five San Bernardino High School students and two District employees, will be paid from San Bernardino High School ASB funds and other donations. Transportation will be by private vehicle. No student will be denied participation due to financial constraints.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for five San Bernardino High School students and two District employees to attend Key Club International, Sacramento, CA. The cost of the trip, not to exceed \$1,500.00 including meals and lodging for five San Bernardino High School students and two District employees, will be paid from San Bernardino High School ASB funds and other donations. Transportation will be by private vehicle. Names of the students are on file in the Business Services office.

10.21 Master Agreements for Lease and/or Purchase of DSA Approved Relocatable Buildings for the Quality Education Investment Act (QEIA)
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into master agreements with three providers for the lease and/or purchase of DSA approved relocatable buildings for the Quality Education Investment Act (“QEIA”) Program throughout the District, effective March 5, 2008, through June 30, 2008. By approving the three vendors, it provides the Department with greater flexibility, savings, and capacity to accommodate the interim housing needs of the QEIA projects.

On November 12, 15, and 19, 2007, the District advertised a Request for Proposals in The Sun, The El Chicano, and The Precinct Report newspapers and the District’s bid process was completed on January 14, 2008. Five proposals were received and only three met the District’s criteria. The cost will be paid from Restricted QEIA Program No. 436.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into master agreements with three providers for the lease and/or purchase of DSA approved relocatable buildings. These services are needed for the Quality Education Investment Act (“QEIA”) Program throughout the District effective March 5, 2008, through June 30, 2008. The cost will be paid from Restricted QEIA Program No. 436.

- Mobile Modular Management Corp., Mira Loma, CA
- Silver Creek Industries, San Diego, CA
- Williams Scotsman, Inc., Santa Fe Springs, CA

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

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10.22 Master Agreements for Lease and/or Purchase of DSA Approved Relocatable Buildings for the Modernization Projects Throughout the District
(Prepared by Facilities /Operations Division)

The Facilities Management Department requests Board of Education approval to enter into master agreements with three providers for the lease and/or purchase of DSA approved relocatable buildings for modernization projects throughout the District, effective March 5, 2008, through June 30, 2013, with an initial three-year term and two optional annual years. By approving the three vendors, it provides the Department with greater flexibility, savings, and capacity to accommodate the interim housing needs of the upcoming modernization projects.

On November 12, 15, and 19, 2007, the District advertised a Request for Proposals in The Sun, The El Chicano, and The Precinct Report newspapers and the District's bid process was completed on January 14, 2008. Five proposals were received and only three met the District's criteria. The cost will be paid from Funds 01, 21, 25, 35, and 40 for each assigned project.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into master agreements with three providers for the lease and/or purchase of DSA approved relocatable buildings. These services are needed for the modernization projects throughout the District effective March 5, 2008, through June 30, 2013, with an initial three-year term and two optional annual years. The cost will be paid from Funds 01, 21, 25, 35, and 40 for each assigned project.

- Mobile Modular Management Corp., Mira Loma, CA
- Silver Creek Industries, San Diego, CA
- Williams Scotsman, Inc., Santa Fe Springs, CA

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

10.23 Notice of Completion, Bid No. F05-07, Category 1, for Modernization Project at Thompson and Bonnie Oehl Elementary Schools
(Prepared by Facilities/Operations Division)

Bid No. F05-07, modernization project at Thompson and Bonnie Oehl Elementary Schools, was previously awarded to multiple Prime Contractors in a number of categories. The work assigned to the contractor listed below has now been completed. It is requested that the Board of Education formally accept the completed work of this contractor.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F05-07, modernization project at Thompson and Bonnie Oehl Elementary Schools, for the portion of the work awarded to the Prime Contractor listed below:

Category 1 – Abatement
ATE Environmental, Inc.,
City of Industry, CA

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

10.24 Notice of Completion, Bid No. F05-19, Categories 1, 3, & 4 for Modernization Project at Serrano Middle School
(Prepared by Facilities/Operations Division)

Bid No. F05-19, modernization project at Serrano Middle School, was previously awarded to multiple Prime Contractors in a number of categories. The work assigned to the contractors listed below has now been completed. It is requested that the Board of Education formally accept the completed work of these contractors.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing Notices of Completion for Bid No. F05-19, modernization project at Serrano Middle School, for the portion of the work awarded to the Prime Contractors listed below:

Category 1 – Hazmat Abatement & Interior Demolition
Janus Corporation
Norco, CA

Category 3 – HVAC
ACH Mechanical Contractors, Inc.
Redlands, CA

Category 4 – Plumbing
Pro-Craft Plumbing Co.
Yucaipa, CA

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

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10.25 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.

San Andreas High School wishes to hire University of Redlands to provide a guest speaker for the remainder of the 2007-2008 school year. The guest speaker will share information regarding college and career opportunities that they offer, and will focus on creating a budget. This presentation will be made at no cost to the District.

Sierra High School wishes to hire University of Redlands to provide a guest speaker for the remainder of the 2007-2008 school year. The guest speaker will share information regarding college and career opportunities that they offer, and will focus on creating a budget. This presentation will be made at no cost to the District.

Inghram Elementary School wishes to hire Orange County Performing Arts Center for two assemblies on March 7, 2008. Mr. Jim Cogan will perform his storytelling in Language, Lore, and History. The cost, not to exceed \$750.00, will be paid from Inghram Elementary School Account No. 501.

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 2007-08 school year and approves payment to the following:

University of Redlands guest speaker for San Andreas High School through the remainder of the 2007-2008 school year. This presentation will be made at no cost to the District.

University of Redlands guest speaker for Sierra High School through the remainder of the 2007-2008 school year. This presentation will be made at no cost to the District.

Orange County Performing Arts Center for two assemblies on March 7, 2008. The cost, not to exceed \$750.00, will be paid from Inghram Elementary School Account No. 501.

10.26 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 Department wishes to hire the West End SELPA to provide three interpreters for the deaf at the Transition Partnership Program Cross Training, March 5, 2008.

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The cost, not to exceed \$1,125.00, will be paid from Restricted General Fund – Workability 1 Program, Account No. 570.

Lytle Creek Elementary School wishes to hire Lake Educational Technologies, Inc., to conduct a one-half day workshop, “Learn Everyday Together”, to staff on April 4, 2008. The cost, not to exceed \$750.00, will be paid from Restricted General Fund – Elementary Secondary Education Act Title I, Account No. 501.

The Secondary Education Department wishes to hire Robert and Eva Jacobo to present a series of Night Culture classes to District staff March 18, 2008, April 8, 2008, April 29, 2008, May 20, 2008, and June 10, 2008. Robert and Eva Jacobo will provide an Indian Educational program centering on Native American culture. The fee, not to exceed \$2,000.00, will be paid from Restricted General Fund – Indian Education Formula, Account No. 505.

The Advanced Learner and Program Services Department wishes to hire Cherie Drummond to provide two workshops, “Gifted Characteristics and At-Risk GATE Students,” to District teachers, March 3-7, 2008, and April 21-25, 2008. The fee, not to exceed \$4,500.00, will be paid from Restricted General Fund – Gifted and Talented Education, Account No. 430.

It is recommended that the following resolution be adopted:

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

West End SELPA, Rancho Cucamonga, CA, to provide three interpreters for the deaf at the Transition Partnership Program Cross Training, March 5, 2008. The cost, not to exceed \$1,125.00, will be paid from Restricted General Fund – Workability 1 Program, Account No. 570.

Lake Educational Technologies, Inc., to conduct a one-half day workshop, “Learn Everyday Together,” to staff on April 4, 2008. The cost, not to exceed \$750.00, will be paid from Restricted General Fund – Elementary Secondary Education Act Title I, Account No. 501.

Robert and Eva Jacobo to present a series of Night Culture classes to District staff March 18, 2008, April 8, 2008, April 29, 2008, May 20, 2008, and June 10, 2008. Robert and Eva Jacobo will provide an Indian Educational program centering on Native American culture. The fee, not to exceed \$2,000.00, will be paid from Restricted General Fund – Indian Education Formula, Account No. 505.

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

Cherie Drummond to provide two workshops, “Gifted Characteristics and at-risk GATE Students,” to District teachers, March 3-7, 2008, and April 21-25, 2008. The fee, not to exceed

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\$4,500.00, will be paid from Restricted General Fund – Gifted and Talented Education, Account No. 430.

10.27 Public Safety Academy (PSA) Charter School IBM Laptop Lease
(Prepared by Business Services Division)

On June 5, 2007, the Board of Education approved that the Public Safety Academy California Charter School (PSA) be converted from an independent charter to a District charter school. Prior to the turnover of business to the District in August 2007, the District did a physical count of all equipment under the custody of the school and found 13 laptop computers on lease with IBM that were missing and unaccounted for at that time. We will continue making the lease payments for the 13 missing laptops. The total cost of \$20,792.55 will be paid from Fund 08, PSA charter school program, through the remaining three years of the lease term.

Listed are the serial numbers of the IBM laptop computers that are missing:

62VDW0H, LVK1458, LVK1466, LVK3979, LVK3983, LVK3989, LVK3990, LVK3995, LVK3999, LVK7812, LVK7826, LVK7855 and LVK8537

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the report of the missing laptop computers at PSA, and approves the cost of \$20,792.55 to be paid from Fund 08, PSA charter school program, as identified by the following serial numbers:

62VDW0H, LVK1458, LVK1466, LVK3979, LVK3983, LVK3989, LVK3990, LVK3995, LVK3999, LVK7812, LVK7826, LVK7855 and LVK8537

10.28 Physical Education Exemptions
(Prepared by Student Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the following students whose birth dates are listed below be exempt from physical education requirements and placed in alternative periods of instruction:

1-12-89	1-26-90	1-26-90	7-10-90	12-2-90	4-12-91
4-25-91	11-11-91	5-8-93	6-26-93	8-26-93	11-8-93
6-12-90	9-7-90	10-30-90	1-31-91	8-12-92	8-22-93
8-26-93	9-24-93	2-4-94	12-20-94		

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10.29 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) 01/16/91	** (S) 06/12/92	* (S) 04/30/93	** (S) 03/14/92	** (S) 09/06/93	* (S) 07/04/89
**12/17/91	** (S) 02/20/91	* (S) 10/15/93	* (S) 12/07/92	* (S) 07/14/93	* (S) 12/10/93
** (S) 11/11/92	* (S) 12/28/92	* (S) 03/01/94	* (S) 12/28/92	* (S) 06/03/93	* (S) 07/08/90
* (S) 07/22/91	** (S) 06/07/94	* (S) 04/08/91	*03/06/92	* (S) 03/31/93	** (S) 12/27/92
* (S) 12/09/90	** (S) 05/03/91	*11/10/01			

*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.

10.30 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.

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10.31 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:

9/29/93 7/19/93 03/04/91 03/26/92

10.32 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:

10.33 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.

10.34 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

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

08/19/90 07/27/94 09/21/94 09/12/92 03/15/96 12/27/94

10.35 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:

08/12/91

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11.0 Action Items

11.1 Personnel Report #17, dated March 4, 2008
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #17, dated March 4, 2008, 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 #17, dated March 4, 2008, 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.

11.2 In Recognition of Deceased Employees
(Prepared by the Communications Office)

RAY PROFANT

WHEREAS Ray Profant was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1963, until his retirement in 1991; and

WHEREAS in addition to serving the District as an elementary school teacher, Ray Profant was a devoted member of Trinity Lutheran Church, The Elks Lodge, Retired Teachers Association, The Slovak Club, and served as treasurer for the Businessman's Club at The Dreyson Center at LLUMC; and

WHEREAS throughout his long and productive career with the District, Ray Profant worked at Vermont and Eliot Schools; and

WHEREAS on January 21, 2008, Ray Profant died, bringing deep sorrow to his loving family and friends; and

WHEREAS Ray Profant is survived by his wife of 52 years, Gerda Profant of San Bernardino; two daughters, Elaine Profant-Maciel of Eureka, and Michelle Profant of San Bernardino; two granddaughters, Nicole and Rachel Turner, of Eureka; mother-in-law Annie Lau of San Bernardino; a brother, John Profant; several nieces nephews, cousins and friends;

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THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Ray Profant's many fine years of service to the District and does extend its deepest sympathy to his family.

EUGENE THOMAS

WHEREAS Eugene Thomas was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1977, until his retirement in 1993; and

WHEREAS before Eugene Thomas served the District as a custodian, he dutifully served in the U.S. Air Force for 24 years; and

WHEREAS throughout his productive career with the District, Eugene Thomas was promoted from custodian to custodian IV; and

WHEREAS in addition to being a hardworking and dedicated custodian, Eugene Thomas was a very active member of St. Mark Missionary Baptist Church for 34 years; and

WHEREAS on January 25, 2008, Eugene Thomas died, bringing deep sorrow to his loving family and friends; and

WHEREAS Eugene Thomas is survived by his wife of 53 years, Pauline D. Thomas; two daughters, Eugenia Lucas and Judith Thomas; a son, Maurice Thomas; numerous grandchildren and great-grandchildren; 10 brothers and sisters, Patricia Love, Lillie Wilmer, Eddy, Arthur, Bud, Jimmy, and Connie Thomas, all of Rochester, New York; Lester Thomas and Annie Doris Freddricks of Lakeland, Florida; and Clifford Thomas of Fort Myers, Florida;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Eugene Thomas' many fine years of service to the District and does extend its deepest sympathy to his family.

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

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Communications Workers of America
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Non Re-Election of Certificated Employee(s)

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

Conference with Legal Counsel—Anticipated Litigation

Pursuant to Government Code Section 54956.9(b)(3)(A): Two cases

SESSION ELEVEN – Open Session

13.0 Action Reported from Closed Session

SESSION TWELVE - Closing

14.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 18, 2008, 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

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 29, 2008