

**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**

February 3, 2009

Estimated Time

**SESSION ONE – Budget Workshop**

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

**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 Verizon Check Presentation  
3.2 Schools That Sparkle  
3.3 Recognition of African-American History Month  
3.4 In Recognition of National School Counseling Week

**SESSION FOUR – Student Report/School Showcase**

- 4.0 Student Report/School Showcase** **6:00 p.m.**  
4.1 San Andreas High School

**SESSION FIVE - Administrative Presentation**

- 5.0 Administrative Presentation** **6:15 p.m.**  
5.1 Budget Workshop

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

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

**SESSION SEVEN - Reports and Comments**

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

**SESSION EIGHT - Legislation and Action**

- 9.0**    *Consent Items (When considered as a group, unanimous approval is advised.)* **7:45 p.m.**
- 9.1    Approval of Minutes
- 9.2    Payment of Master Teacher – National University
- 9.3    Payment of Master Teacher – National University
- 9.4    Acceptance of Gifts and Donations to the District
- 9.5    Business and Inservice Meetings
- 9.6    Commercial Warrant Registers for Period from January 1, through January 15, 2009
- 9.7    Payment for Course of Study Activities
- 9.8    Payment for Services Rendered by Non-Classified Experts and Organizations
- 9.9    Extended Field Trip, Manuel A. Salinas Elementary School, Outdoor Science School, Green Valley, California
- 9.10    Extended Field Trip, Manuel A. Salinas Elementary School, Outdoor Science School, Green Valley, California
- 9.11    Extended Field Trip, Arroyo Valley High School, Wrestling CIF Finals, Temecula, California
- 9.12    Extended Field Trip, Arroyo Valley High School, Wrestling CIF State Finals, Bakersfield, California
- 9.13    Extended Field Trip, Cajon High School, California State Thespian Festival, Ontario Convention Center, Ontario, California
- 9.14    Agreement with Adolph Ziemba, AIA & Associates, Inc., to Provide Architectural and Engineering Services at Bonnie Oehl Elementary School
- 9.15    Agreement with NTD Architecture to Provide Architectural Services for Hunt Elementary School
- 9.16    Agreement with STV Inc., to Provide Architectural and Engineering Services for the Relocation of Six Portable Buildings from Former Curtis Middle School to San Bernardino High School
- 9.17    Agreement with Children’s Resources to Provide Training in Afro-Latin Learning Styles to District Parents
- 9.18    Agreement with Northwest Capital Recovery Group for Utilities Cost Recovery Services
- 9.19    Agreement with the University of California, Riverside Mathematics, Engineering, Science Achievement (MESA) Program

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- 9.20 Assurance Agreement with California State University San Bernardino to Participate in a Moderate/Severe Disabilities Intern Program
- 9.21 Facilities Use Agreement with National University
- 9.22 Renewal of the Agreement with PSWC Architects for Architectural and Engineering Services for New Elementary School #49 - Roosevelt II Project
- 9.23 Renewal of the Agreement with PSWC Architects for Architectural and Engineering Services for New Elementary School #51 – Alessandro II Project
- 9.24 Renewal of the Agreement with Ruhnau, Ruhnau & Clarke Architects for Architectural and Engineering Services for New Elementary School #52 – Lincoln II Project
- 9.25 Renewal of the Agreement with WLC Architects for Architectural and Engineering Services for New Elementary School #53 – Wilson II Project
- 9.26 Renewal of the Agreement with Anderson Architecture for Architectural Services for New Elementary School #54 - Burbank II Project
- 9.27 Amendment No. 1 to the Agreement with WLC Architects for Architectural and Engineering Services for New Elementary School #53 - Wilson II Project
- 9.28 Amendment No. 5 to the Renewal of the Master Facilities Use Agreement with Sturges Center for the Fine Arts
- 9.29 Resolution for Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Agreement to Waive Future Claims
- 9.30 Piggyback Bid No. G47 of County of San Bernardino, Photocopiers and Facsimile Equipment, Supplies and Maintenance
- 9.31 Piggyback Bid No. J-5 of County of San Bernardino, Gasoline and Diesel Fuel
- 9.32 Request to Reject Bid No. 23-08, HVAC Parts and Equipment
- 9.33 Notice of Completion, Bid 11-08, Seal Coat at Eleven District School Sites
- 9.34 Notice of Completion, Bid No. F05-04, Categories 5 and 7, Cajon High School Modernization Project
- 9.35 Rejection of Claim by ASR Constructors, Inc., for Colonel Joseph C. Rodriguez Prep Academy, Bid No. F05-09, Bid Package #E04, #E14 and #E21
- 9.36 Expulsion of Student(s)
- 9.37 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
- 9.38 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
- 9.39 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 9.40 Revocation of Suspension of Expulsion
- 9.41 Lift of Expulsion of Student(s)
- 9.42 Failure to Recommend Mandatory Expulsion 48915
- 9.43 Petition to Expunge Expulsion
- 9.44 Education Code 48213

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9.45 Approval to Establish Temporary Loans from Capital Project Funding

**10.0 Action Items**

10.1 Personnel Report #15, dated February 3, 2009

**SESSION NINE - Closed Session**

**11.0 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**

**SESSION TEN – Open Session**

**12.0 Action Reported from Closed Session**

**9:00 p.m.**

**SESSION ELEVEN - Closing**

**13.0 Adjournment**

**9:05 p.m.**

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, February 17, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: January 30, 2009

**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 Budget Workshop  
(Prepared by Business Services Division)

Mohammad Z. Islam, Chief Business and Financial Officer, will present a budget update and proposed budget cut plan for Fiscal Year 2008-09 and Fiscal Year 2009-10 for Board review and consideration.

The proposed budget cut plan will be presented on February 17, 2009, for Board approval.

**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 Verizon Check Presentation  
(Prepared by Educational Services Division)

Michael Page, Verizon Director of Government & External Affairs, will present a check to the District. The check represents the Verizon technology grant that will fund the creation of a Digital Classroom to train District teachers in the effective integration of technology and classroom instruction. The mock classroom, part of the District's Professional Development Center, will provide teachers with a chance to learn about and practice using classroom technology to make lessons more interactive and relevant to technology-proficient students.

3.2 Schools That Sparkle  
(Prepared by Business Services Division)

The Board of Education and the Superintendent of the San Bernardino City Unified School District have a strong commitment to custodial excellence in our district. As an ongoing part of this commitment, the Superintendent has authorized the “Schools That Sparkle” recognition program.

The Board will recognize and present the “Schools That Sparkle” Award to the custodians and administrators of Richardson PREP HI and Inghram Elementary School for the fall quarter of 2008, for achievement in custodial excellence. A special award for Site that Sparkles will be presented to the Warehouse staff members.

3.3 Recognition of African-American History Month  
(Prepared by the Communications Office)

Each year, the San Bernardino City Unified School District joins other organizations in towns and cities in our state and nation in observing and recognizing the achievements of our citizens of African descent.

**WHEREAS** Americans of African descent contributed to the development of our nation in countless ways and participated in every effort to secure, protect, and maintain the essence and substance of American democracy; and

**WHEREAS** African-American history reflects a spirit of determination, perseverance, ingenuity, and cultural pride in the struggle to share equally in the opportunities of a nation founded upon the principles of freedom and liberty for all people; and

**WHEREAS** the San Bernardino City Unified School District also plays a role in promoting the knowledge and understanding that can be gained by all students, regardless of race, through a study of African-American history;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District declares February 2009 to be acknowledged in all District schools as a period of recognition of African-American history as it relates to the history and culture of our country; and

**BE IT FURTHER RESOLVED** that the Board of Education encourages all the schools of the District to undertake educational activities which commemorate the history and contributions of African-American citizens and that this history be included and intertwined in all studies of history of the United States throughout the school year.

3.4 In Recognition of National School Counseling Week  
(Prepared by the Communications Office)

**WHEREAS** school counselors are employed in public schools to help students reach their full potential; and

**WHEREAS** the San Bernardino City Unified School District welcomes this opportunity to join with others in our community, state, and nation in recognizing the contributions that school counselors make in the lives of countless children; and

**WHEREAS** school counselors are passionate about their commitment to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

**WHEREAS** comprehensive school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; and

**WHEREAS** school counselors seek to identify and utilize community resources that enhance and complement comprehensive school counseling programs and help students become productive members of society;

**THEREFORE, BE IT RESOLVED** that the Superintendent and the Board of Education of the San Bernardino City Unified School District join the rest of the state and the nation in recognizing February 2-6, 2009, as National School Counseling Week and encourage all of our schools to set aside this week to acknowledge the outstanding and selfless contributions that school counselors make to our students and our schools each day.

**SESSION FOUR – Student Report/School Showcase**

**4.0** *Student Report/School Showcase*

4.1 San Andreas High School

**SESSION FIVE - Administrative Presentation**

**5.0** *Administrative Presentation*

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

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

5.1 Budget Workshop  
(Prepared by Business Services Division)

Mohammad Z. Islam, Chief Business and Financial Officer, may continue discussions regarding the budget update and proposed budget cut plan for Fiscal Year 2008-09 and Fiscal Year 2009-10 that was presented at the Workshop at 4:30 p.m.

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

**6.0 *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 Seven, there will be no further opportunity for citizens to address the Board on items under consideration.

**SESSION SEVEN - Reports and Comments**

**7.0 *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.

7.1 Legislative Update

**8.0 *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 EIGHT - Legislation and Action**

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

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

9.1 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 Meetings held on December 16, 2008, and January 5, 2009, be approved as presented.

9.2 Payment of Master Teacher – National University  
(Prepared by Certificated Human Resources Division)

The District has an agreement with National University 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 1212195 from National University in the amount of \$600.00. 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 a master teacher during Spring/Summer 2008, as provided for in the Agreement with National University, as follows:

Candy Coffey	\$150.00	Ray Gallardo	\$ 75.00
Suzanne Hidalgo	\$ 75.00	James Trotter	\$300.00

9.3 Payment of Master Teacher – National University  
(Prepared by Certificated Human Resources Division)

The District has an agreement with National University 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 1211004 from National University in the amount of \$450.00. The District wishes to pay this honorarium to the master teachers.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Spring/Summer 2008, as provided for in the Agreement with National University, as follows:

Candy Coffey                      \$150.00                      Judy Lyons                      \$300.00

9.4     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	VALUE
Arrowview Middle School	Flourish Foundation	\$5,000.00 to be used to sponsor students' trip to Paris and Rome	\$5,000.00	
Cole Elementary School	Payless Shoe Source Foundation	\$1,500.00 to be used to purchase student awards incentives	\$1,500.00	
Cole Elementary School	San Manuel Band of Mission Indians	\$9,456.00 to be used to sponsor field trips for grade level events	\$9,456.00	
Muscoy Elementary School	Aquarium of The Pacific	\$600.91 to sponsor transportation cost for the Aquarium of The Pacific field trip	\$600.91	
Elementary Instruction	Rotary Club of San Bernardino	Dictionaries for every third grader in the School District to take home		\$8,500.00
Rio Vista Elementary School	David Meade	\$270.00 to be used to sponsor field trips	\$270.00	
Curtis Middle School	Mel Albiso – Association of Mexican-American Educators	\$100.00 to be used to sponsor the Curtis Middle School Music Club	\$100.00	

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 \$5,000.00, Flourish Foundation; \$1,500.00, Payless Shoe Source Foundation; \$9,456.00, San Manuel Band of Mission Indians; \$600.91, Aquarium of The Pacific; \$8,500.00, Rotary Club of San Bernardino; \$270.00, David Meade; and \$100.00, Mel Albiso-Association of Mexican-American Educators.

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

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

It is recommended that the following resolution be adopted:

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

Jesus Milagro Sanchez (Member of English Language Advisory Committee, Parent)	To attend the California Association for Bilingual Education (CABE) Conference – Four Day Pass to all parent educational seminars and luncheon, Long Beach, California, February 25-28, 2009. Total cost, not to exceed \$1,920.00, will be paid from Rio Vista Account No. 496 and Account No. 431.
Mayra Higuera (Member of English Language Advisory Committee, Parent)	

9.6 Commercial Warrant Registers for Period from January 1, through January 15, 2009  
(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 January 1, 2009, through January 15, 2009, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes David Moyes, Accounts Payable Supervisor; Derek Harris, Payroll Supervisor; Gene Fortajada, Accounting Services Director; or Mohammad Z. Islam, Chief Business and Financial Officer, to sign disbursements.

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

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

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Kendall Elementary School wishes to hire Ed Nunez for a presentation on January 16, 2009. This presentation will share information and activities with students about the Gold Rush Era. The cost, not to exceed \$1,123.25, will be paid from Ramona-Alessandro Account No. 039.

The Educational Services Department wishes to hire Jeanie Sczublewski, an Accompanist, for four regular rehearsals and two performances spread over four days commencing on February 17, 2009, through February 24, 2009. San Bernardino City Unified School District Honors Chorus will be performing, Coral Spectacular, with the Accompanist. The cost, not to exceed \$300.00, will be paid from Educational Services Account No. 538.

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 2008-09 school year and approves payment to the following:

Jeanie Sczublewski, Accompanist, for four regular rehearsals and two performances spread over four days commencing on February 17, through February 24, 2009. The cost, not to exceed \$300.00, will be paid from Educational Services Account No. 538.

BE IT FURTHER RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2008-09 school year and ratifies payment to the following:

Ed Nunez for a presentation on January 16, 2009, at Kendall Elementary School. The cost, not to exceed \$1,123.25, will be paid from Kendall Account No. 501.

9.8 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 staff or organization to provide expertise not available in the District for inservice training or consultant services.

The Alternative Programs Department wishes to hire Loretta Whitson, Alta Loma, CA, to provide a one-day training workshop for District administrators and counselors to learn the use of the California Standards for School Counseling Profession, February 17, 2009. The cost, not to exceed \$2,000.00, will be paid from Restricted General Fund-Drug Free Schools, Account No. 555.

The English Learner Programs Department wishes to hire University of California Professional Development Institute (UCPDI, UC/San Diego) to provide SB 472 state approved English Learner professional development institutes to support teachers using State Board approved, standards-aligned programs, from February 2, 2009, through February 6, 2009. The cost,

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\$250.00 per participant with no more than 30 participants each for elementary and secondary teachers plus \$3,000.00 for two instructors (one for elementary and one for secondary) for a total cost not to exceed \$22,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account 544.

The Secondary Education Department wishes to hire San Bernardino County Superintendent of Schools to provide GLAD professional development training for teachers, May 28, 2009, through June 30, 2009. The total cost, not to exceed \$36,000.00, will be paid from the Restricted General Fund-Program Improvement Local Education Agency Corrective Action Resources, Account 513.

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:

Loretta Whitson, Alta Loma, CA, to provide a one-day training workshop for District administrators and counselors to learn the use of the California Standards for School Counseling Profession, February 17, 2009. The cost, not to exceed \$2,000.00, will be paid from Restricted General Fund-Drug Free Schools, Account No. 555.

University of California Professional Development Institute (UCPDI, UC/San Diego) to provide SB 472 state approved English Learner professional development institutes to support teachers using State Board approved, standards-aligned programs, from February 2, 2009 through February 6, 2009. The cost, \$250.00 per participant with no more than 30 participants each for elementary and secondary teachers plus \$3,000.00 for two instructors (one for elementary and one for secondary) for a total cost not to exceed \$22,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account 544.

San Bernardino County Superintendent of Schools to provide GLAD professional development training for teachers, May 28, 2009, through June 30, 2009. The total cost, not to exceed \$36,000.00, will be paid from the Restricted General Fund-Program Improvement Local Education Agency Corrective Action Resources, Account 513.

9.9     Extended Field Trip, Manuel A. Salinas Elementary School, Outdoor Science School, Green Valley, California  
(Prepared by Business Services Division)

Manuel A. Salinas Elementary School requests Board of Education approval of an extended field trip for 63 students and 2 District employees to attend the Outdoor Science School, in Green Valley, California, February 23-27, 2009.

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Students have the opportunity to study the natural environment by exploring trails, investigating geological features, observing wildlife, comparing plant adaptations, and the night sky through telescopes.

The cost of the trip, not to exceed \$20,475.00 including meals and lodging for 63 Manuel A. Salinas Elementary School students and 2 District employees, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$922.52, will be paid from Manuel A. Salinas Elementary School ASB. 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 63 Manuel A. Salinas Elementary School students and 2 District employees to attend the Outdoor Science School, in Green Valley, California, February 23-27, 2009. The cost of the trip, not to exceed \$20,475.00, including meals and lodging for 63 Manuel A. Salinas Elementary School students and 2 District employees, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$922.52, will be paid from Manuel A. Salinas Elementary School ASB. Names of the students are on file in the Business Services office.

9.10 Extended Field Trip, Manuel A. Salinas Elementary School, Outdoor Science School, Green Valley, California  
(Prepared by Business Services Division)

Manuel A. Salinas Elementary School requests Board of Education approval of an extended field trip for 30 students and 1 District employee to attend the Outdoor Science School, in Green Valley, California, April 27-May 1, 2009.

Students have the opportunity to study the natural environment by exploring trails, investigating geological features, observing wildlife, comparing plant adaptations, and the night sky through telescopes. Students will also perform science or nature-oriented skits at skit night.

The cost of the trip, not to exceed \$10,050.00 including meals and lodging for 30 Manuel A. Salinas Elementary School students and 1 District employee, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$461.76, will be paid from Manuel A. Salinas Elementary School ASB. 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 30 Manuel A. Salinas Elementary School students and 1 District employee to attend the Outdoor Science

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School, in Green Valley, California, April 27-May 1, 2009. The cost of the trip, not to exceed, \$10,050.00, including meals and lodging for 30 Manuel A. Salinas Elementary School students and one District employee, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$461.76, will be paid from Manuel A. Salinas Elementary School ASB. Names of the students are on file in the Business Services office.

9.11 Extended Field Trip, Arroyo Valley High School, Wrestling CIF Finals, Temecula, California  
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval of an extended field trip for 14 students and 2 District employees to attend the Wrestling CIF Finals, in Temecula, California, February 27-28, 2009.

Students have the opportunity to gain in-depth experience of wrestling techniques as they advance in competition levels. This experience will broaden their opportunity to obtain an athletic scholarship.

The cost of the trip, not to exceed \$1,140.00, including meals and lodging for 14 Arroyo Valley High School students and 2 District employees, will be paid from ASB funds. Transportation provided by Xpress Rent-A-Car, not to exceed \$600.00, will be paid from Arroyo Valley Account No. 203. 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 an extended field trip for 14 Arroyo Valley High School students and 2 District employees to attend the Wrestling CIF Finals, in Temecula, California, February 27-28, 2009. The cost of the trip, not to exceed \$1,140.00, including meals and lodging for 14 Arroyo Valley High School students and 2 District employees, will be paid from ASB funds. Transportation provided by Xpress Rent-A-Car, not to exceed \$600.00, will be paid from Arroyo Valley High School Account No. 203. Names of the students are on file in the Business Services office.

9.12 Extended Field Trip, Arroyo Valley High School, Wrestling CIF State Finals, Bakersfield, California  
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval of an extended field trip for four students and two District employees to attend the Wrestling CIF State Finals, in Bakersfield, California, March 5-8, 2009.

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Students have the opportunity to improve their wrestling skills through the increase of difficulty in this advanced level of competition. This experience will broaden their opportunity to obtain an athletic scholarship.

The cost of the trip, not to exceed \$1,050.00, including meals and lodging for four Arroyo Valley High School students and two District employees, will be paid from ASB funds. Transportation provided by Xpress Rent-A-Car, not to exceed \$600.00, will be paid from Arroyo Valley Account No. 203. 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 an extended field trip for four Arroyo Valley High School students and two District employees to attend the Wrestling CIF State Finals, in Bakersfield, California, on March 5, 2009 through March 8, 2009. The cost of the trip, not to exceed \$1,050.00, including meals and lodging for four Arroyo Valley High School students and two District employees, will be paid from ASB funds. Transportation provided by Xpress Rent-A-Car, not to exceed \$600.00, will be paid from Arroyo Valley High School Account No. 203. Names of the students are on file in the Business Services office.

9.13 Extended Field Trip, Cajon High School, California State Thespian Festival, Ontario Convention Center, Ontario, California  
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval of an extended field trip for 10 students and 2 District employees to attend the California State Thespian Festival, in Ontario, California, April 3-5, 2009.

Students are given the opportunity to prepare acting scenes, songs, dance, and technical theatre. They attend workshops covering such subjects as Theatre History, Acting, Technical Theatre, Vocals, and Dance.

The cost of the trip, not to exceed \$3,096.00, including meals and lodging for 10 Cajon High School students and 2 District employees, will be paid from ASB funds. Transportation will be provided by private vehicles, driven by District employees, at no charge. 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 an extended field trip for 10 Cajon High School students and 2 District employees to attend the California State Thespian Festival, in Ontario, California, April 3-5, 2009. The cost of the trip, not to exceed \$3,096.00, including meals and lodging for 10 Cajon High School students and 2 District employees, will be paid from ASB funds. Transportation will be provided by private vehicles, driven by District employees, at no charge. Names of the students are on file in the Business Services office.



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9.14 Agreement with Adolph Ziembra, AIA & Associates, Inc., to Provide Architectural and Engineering Services at Bonnie Oehl Elementary School  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into an agreement with the pre-approved architectural firm of Adolph Ziembra, AIA & Associates, Inc., Burbank, CA, for architectural and engineering services at Bonnie Oehl Elementary School, effective February 9, 2009, through February 9, 2011. Due to cost savings from lower than anticipated bid prices on the modernization project, funds were available from the original budgets. These remaining funds will be used to further upgrade the school site, including a new staff parking lot, shade structure, exterior speakers for public address system, kindergarten play structure selection, exterior lighting calculations, and interior painting of common areas. The cost, not to exceed \$39,500.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Adolph Ziembra, AIA & Associates, Inc., Burbank, CA for architectural and engineering services for various site upgrades at Bonnie Oehl Elementary School, effective February 9, 2009, through February 9, 2011. The cost, not to exceed \$39,500.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.15 Agreement with NTD Architecture to Provide Architectural Services for Hunt Elementary School  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into an agreement with the pre-approved architectural firm of NTD Architecture, San Dimas, CA, for architectural services at Hunt Elementary School, effective February 9, 2009, through February 9, 2011. Due to cost savings from lower than anticipated bid prices on the modernization project, funds were available from in the original budgets. These remaining funds will be used to further upgrade the school site, including a site master plan, site development for portable building from former Curtis Middle School, feasibility study for library relocation, evaluation of office space needs, new location for storage containers, a new trash enclosure, and new perimeter fencing. The cost, not to exceed \$52,000.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves entering into an agreement with NTD Architecture, San Dimas, CA, for architectural services for various site upgrades at Hunt Elementary School, effective February 9, 2009, through February 9, 2011. The cost, not to exceed \$52,000.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.16 Agreement with STV Inc., to Provide Architectural and Engineering Services for the Relocation of Six Portable Buildings from Former Curtis Middle School to San Bernardino High School  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into an agreement with the pre-approved architectural firm of STV Inc., Rancho Cucamonga, CA, for architectural and engineering services for San Bernardino High School, effective February 9, 2009, through February 9, 2011. As part of the construction effort on the former Curtis Middle School, there are six existing portable buildings that need to be relocated to San Bernardino High School for the upcoming interim housing project. STV Inc., will provide the required professional services for site development of the six portable buildings complex. The cost, not to exceed \$25,000.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with STV Inc., Rancho Cucamonga, CA, for architectural and engineering services for the relocation of six portable buildings from the former Curtis Middle School to San Bernardino High School Interim Housing Project, effective February 9, 2009, through February 9, 2011. The cost, not to exceed \$25,000.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.17 Agreement with Children's Resources to Provide Training in Afro-Latin Learning Styles to District Parents  
(Prepared by Business Services Division)

The Student Services Department requests Board of Education approval to enter into an agreement with Children's Resources, Fontana, CA, to provide training in Afro-Latin Learning Styles to parents, effective April 2, 2009, through April 30, 2009. The training will be provided to parents weekly for five weeks. The cost for the services, not to exceed \$3,500.00, will be paid from the Unrestricted General Fund—Medi-Cal Billing, Account No. 585.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide training in Afro-Latin Learning Styles to parents, effective April 2, 2009, through April 30, 2009. The training will be provided to parents weekly for five weeks. The cost for the services, not to exceed \$3,500.00, will be paid from the Unrestricted General Fund—Medi-Cal Billing, Account No. 585.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.18 Agreement with Northwest Capital Recovery Group for Utilities Cost Recovery Services  
(Prepared by Business Services Division)

The Accounting Services Department requests Board of Education approval to enter into an agreement with Northwest Capital Recovery Group, Bellingham, WA, for utilities cost recovery services, effective February 4, 2009, continuing through June 30, 2011. Northwest Capital Recovery Group collects and analyzes information regarding possible over-billings by providers of utilities and services, i.e., power, water, telecom, shredding, natural gas, sewer, and garbage. They will present their findings to the District and collect over-billings. All recovery will be shared on a 55 percent basis for the District and 45 percent for the Northwest Capital Recovery Group. There will be no other costs 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 Northwest Capital Recovery Group, Bellingham, WA, for utilities cost recovery services, effective February 4, 2009, continuing through June 30, 2011. Northwest Capital Recovery Group collects and analyzes information regarding possible over-billings by providers of utilities and services, i.e., power, water, telecom, shredding, natural gas, sewer, and garbage. They will present their findings to the District and collect over-billings. All recovery will be shared on a 55 percent basis for the District and 45 percent for the Northwest Capital Recovery Group. There will be no other costs to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

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9.19 Agreement with the University of California, Riverside Mathematics, Engineering, Science Achievement (MESA) Program  
(Prepared by Business Services Division)

The Secondary Education Department requests Board of Education approval to enter into an agreement with the University of California, Riverside – Mathematics, Engineering, Science Achievement (MESA) Program, to create, promote, and facilitate opportunities for academic and personal excellence in the fields of engineering, mathematics, and science, effective July 1, 2008, through June 30, 2009. Student participants must demonstrate a commitment to prepare for a college education. There is no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the University of California, Riverside – Mathematics, Engineering, Science Achievement (MESA) Program, to create, promote and facilitate opportunities for academic and personal excellence in the fields of engineering, mathematics, and science, effective July 1, 2008, through June 30, 2009. Student participants must demonstrate a commitment to prepare for a college education. There is no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.20 Assurance Agreement with California State University San Bernardino to Participate in a Moderate/Severe Disabilities Intern Program  
(Prepared by Business Services Division)

The Human Resources-Certificated Division requests Board of Education approval to enter into an agreement with California State University San Bernardino, San Bernardino, CA, to participate in a Moderate/Severe Disabilities Intern Program, effective February 4, 2009, through June 30, 2012. The internship is needed to meet an expressed employee shortage of persons holding the Moderate/Severe Credential. The interns will not displace certificated employee(s) of the District, and must meet the University's competencies or the District's performance criteria during the course of the program. The interns will assume the functions that are authorized by the regular standard credential (EC 44454), and the interns' services will meet the instructional service needs of the District (EC 44458). The interns' salaries will be in accordance with the Internship Act of 1997. 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 California State University San Bernardino, San Bernardino, CA, to participate in a Moderate/Severe Disabilities Intern Program, effective February 4, 2009, through June 30, 2012.

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The internship is needed to meet an expressed employee shortage of persons holding the Moderate/Severe Credential. The interns will not displace certificated employee(s) of the District, and must meet the University's competencies or the District's performance criteria during the course of the program. The interns will assume the functions that are authorized by the regular standard credential (EC 44454), and the interns' services will meet the instructional service needs of the District (EC 44458). The interns' salaries will be in accordance with the Internship Act of 1997. There will be no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.21 Facilities Use Agreement with National University  
(Prepared by Business Services Division)

The English Learner Programs Department requests Board of Education approval to enter into a facilities use agreement with National University, San Bernardino, CA, for rental of conference rooms at \$150.00 per day plus equipment rental costs, effective February 19-20, 2009, for Step Up to Writing training. The cost, not to exceed \$300.00, will be paid from Restricted General Fund – Title III LEP Student Subgrant, Account No. 544.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with National University, San Bernardino, CA, for rental of conference rooms at \$150.00 per day plus equipment rental costs, effective February 19-20, 2009, for Step Up to Writing training. The cost, not to exceed \$300.00, will be paid from Restricted General Fund – Title III LEP Student Subgrant, Account No. 544.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.22 Renewal of the Agreement with PSWC Architects for Architectural and Engineering Services for New Elementary School #49 - Roosevelt II Project  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the agreement with PSWC Architects, San Bernardino, CA, originally approved on March 20, 2001, for architectural and engineering services. Per Ed. Code, Section 17596, services agreements are limited to a five-year term. This renewal will be effective from February 19, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves renewing the agreement with PSWC Architects, San Bernardino, CA, originally approved on March 20, 2001, for architectural and engineering services for New Elementary School #49 – Roosevelt II Project. This renewal will be effective from February 19, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.23 Renewal of the Agreement with PSWC Architects for Architectural and Engineering Services for New Elementary School #51 – Alessandro II Project  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the agreement with PSWC Architects, San Bernardino, CA, originally approved on February 17, 2004, for architectural and engineering services. Per Ed. Code, Section 17596, services agreements are limited to a five-year term. This renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions 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 PSWC Architects, San Bernardino, CA, originally approved on February 17, 2004, for architectural and engineering services for New Elementary School #51 – Alessandro II Project. This renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.24 Renewal of the Agreement with Ruhnau, Ruhnau & Clarke Architects for Architectural and Engineering Services for New Elementary School #52 – Lincoln II Project  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the agreement with Ruhnau, Ruhnau & Clarke Architects, Riverside, CA, originally approved on February 17, 2004, for architectural and engineering services. Per Ed. Code, Section 17596, services agreements are limited to a five-year term. This renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Ruhnau, Ruhnau & Clarke Architects, Riverside, CA, originally approved on February 17, 2004, for architectural and engineering services for New Elementary School #52 – Lincoln II Project. This renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.25 Renewal of the Agreement with WLC Architects for Architectural and Engineering Services for New Elementary School #53 – Wilson II Project  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the agreement with WLC Architects, Rancho Cucamonga, CA, originally approved on February 17, 2004, for architectural and engineering services. Per Ed. Code, Section 17596, services agreements are limited to a five-year term. This renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions 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 WLC Architects, Rancho Cucamonga, CA, originally approved on February 17, 2004, for architectural and engineering services for New Elementary School #53 – Wilson II Project. This renewal will be effective from March 2, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.26 Renewal of the Agreement with Anderson Architecture for Architectural Services for New Elementary School #54 - Burbank II Project  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the agreement with Anderson Architecture, San Juan Capistrano, CA, originally approved on March 20, 2001, for architectural and engineering services. Per Ed. Code, Section 17596, services agreements are limited to a five-year term. This renewal will be effective from February 19, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Anderson Architecture, San Juan Capistrano, CA, originally approved on March 20, 2001, for architectural and engineering services for New Elementary School #54 – Burbank II Project. This renewal will be effective from February 19, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.27 Amendment No. 1 to the Agreement with WLC Architects for Architectural and Engineering Services for New Elementary School #53 - Wilson II Project  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests the Board of Education approval to amend the agreement with WLC Architects, Rancho Cucamonga, CA, previously approved by the Board on February 17, 2004, for architectural and engineering services for New Elementary School #53 - Wilson II Project. This amendment is for additional services required by the City of San Bernardino and other utilities agencies for off-site improvements including utilities and traffic signal design. The cost, not to exceed \$34,222.00, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions 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 WLC Architects, Rancho Cucamonga, CA, previously approved by the Board on February 17, 2004, for architectural and engineering services for New Elementary School #53 - Wilson II Project. This amendment is for additional services required by the City of San Bernardino and other utilities agencies for the off-site improvements including utilities and traffic signal design. The cost, not to exceed \$34,222.00, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 1.

9.28 Amendment No. 5 to the Renewal of the Master Facilities Use Agreement with Sturges Center for the Fine Arts  
(Prepared by Facilities/Operations Division)

The Facilities/Operations Division requests Board of Education approval to amend the master facilities use agreement with Sturges Center for the Fine Arts, San Bernardino, CA, for renewal



of the agreement for use of the Fine Arts auditorium, effective July 1, 2009, through June 30, 2010, including approval to enter into individual facilities use agreements that comply fully with the requirements of the master facilities use agreement. Existing rental cost of the theatre and all other terms and conditions remain the same. Use of this facility is on an as-required basis as requested by school sites and departments. The cost will be charged to various site and department budgets upon approval by authorized management personnel.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the master facilities use agreement with Sturges Center for the Fine Arts, San Bernardino, CA, for renewal of the agreement for use of the Fine Arts auditorium, effective July 1, 2009, through June 30, 2010, including approval to enter into individual facilities use agreements that comply fully with the requirements of the master facilities use agreement. Existing rental cost of the theatre and all other terms and conditions remain the same. Use of this facility is on an as-required basis as requested by school sites and departments. The cost will be charged to various site and department budgets upon approval by authorized management personnel.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said master agreement and the individual facilities use agreements that comply fully with the requirements of the master agreement.

9.29 Resolution for Approval of Behavioral Intervention Plans (Hughes Bill)  
Mandated Cost Claim Settlement and Agreement to Waive Future Claims  
(Prepared by Business Services Division)

In the resolution, the Board (1) approves the settlement which will bring the San Bernardino City Unified School District approximately \$14.85 per 2007-08 ADA annually for the six-year period beginning 2011-12 through 2016-17, the SELPA approximately \$8.85 per December 2007 special education pupil count in 2009-10, and not less than \$10,000.00 and approximately \$10.92 per ADA for the SELPA as part of the AB 602 funding formula, beginning in 2009-10, and increasing by COLA and ADA growth in subsequent years; (2) agrees to waive its ability to file future mandated cost claims on the Hughes Bill statute and regulations as currently worded; and (3) directs the District's authorized representative to sign the Waiver to implement this action.

The Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement settles the test claim CSM-4464 initiated by San Diego Unified School District, Butte County Office of Education, and San Joaquin County Office of Education, and the related Sacramento Superior Court case, case No. 03CS01432, regarding reimbursement for costs associated with behavioral intervention plans required the Hughes Bill statute and regulations under state law. If approved, it ends a fourteen-year dispute with the State of California regarding funding for state behavioral intervention plan requirements that are in excess of federal law. The settlement provides \$520 million in reimbursement for past costs associated with behavioral intervention plans and \$65

million annually for ongoing costs. The Legislature's obligation to fund the settlement is contingent on 85 percent of all districts, county offices of education, and special education local plan areas constituting 92 percent of statewide ADA waiving their rights to file additional mandated cost claims on the current Hughes Bill statute and regulations.

**WHEREAS**, the Commission on State Mandates ("the Commission"), in a test claim known as the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim, has determined that, since 1993, there are unfunded state mandates exceeding the federal requirements in the following seven (7) components of the Hughes Bill Statute and Regulations (California Education Code section 56523 and California Code of Regulations, title 5, sections 3001, subdivisions (c), (d), (e), (f), and (aa), and 3052): special education local plan area ("SELPA") plan requirements, development and implementation of behavioral intervention plans, development and implementation of emergency interventions, prohibited behavioral intervention plans, and due process hearings;

**WHEREAS**, these state mandates remain required components of the Hughes Bill Statute and Regulations;

**WHEREAS**, final claiming instructions for the Behavioral Intervention Plans Mandated Cost Claim were never adopted by the Commission due to various disputes that arose with the State;

**WHEREAS**, the State's Department of Finance disputes that any of the identified Behavioral Intervention Plans Mandated Cost Claim mandates qualify for state reimbursement because it contends they are required by federal law, and therefore the State has filed a lawsuit with the Sacramento Superior Court, case No. 03CS01432, to contest the Commission's decision in the Behavioral Intervention Plans Mandated Cost Claim;

**WHEREAS**, the Test Claimants believe that the identified mandates require new programs and increased levels of service in excess of federal law, and are therefore unfunded state mandates, and therefore the Test Claimants oppose the court action filed by the State challenging the Commission's decision;

**WHEREAS**, this litigation could thwart resolution of these matters for a number of years;

**WHEREAS**, to avoid the cost and uncertainty of further litigation, to alleviate the uncertainty regarding the Hughes Bill Statute and Regulations funding, and to expedite the resolution of this long-pending mandate claim, the State and the Test Claimants ("Parties") have determined to compromise and settle the claims set forth in the Behavioral Intervention Plans Mandated Cost Claim;

**WHEREAS**, the Parties have negotiated a settlement agreement ("Agreement"), which provides \$520 million as general fund reimbursement for past costs associated with the Hughes Bill Statute and Regulations, allocated as follows:

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- \$510 million to school districts based on 2007-08 P-2 ADA (about \$14.85 per ADA annually for six years, beginning in 2011-12, or for a lesser period at the State's discretion should the State choose to accelerate payment of such reimbursement);
- \$1.5 million to county offices of education in 2009-10 based on December 2007 county special education pupil count, about \$35.06 per pupil, with no county office of education receiving less than \$5,000;
- \$6 million to SELPAs in 2009-10 based on December 2007 special education pupil count, about \$8.85 per pupil, with no SELPA receiving less than \$10,000; and
- \$2.5 million in 2009-10 for administrative costs incurred in pursuing the Claim;

**WHEREAS**, the settlement further provides \$65 million as a permanent increase to the AB 602 funding base for special education programs and services beginning in 2009-10, resulting in each SELPA's funding rate increasing by about \$10.92 per ADA, the District will receive approximately \$568,297.53, with this amount increasing by the cost of living adjustment and ADA growth in subsequent years;

**WHEREAS**, by approving this settlement the District will receive approximately \$47,949.38 in discretionary funding for retroactive reimbursement, and \$765,621.70 over six years in equal installments, unless the State, in its discretion, accelerates payment of such reimbursement;

**WHEREAS**, the District, in exchange for the foregoing financial settlement, must waive its right to file any further mandate claims arising from the Hughes Bill Statute and Regulations, or to benefit from any new Hughes Bill Statute and Regulations claims filed, unless the Hughes Bill Statute and Regulations change;

**WHEREAS**, if for some reason the settlement process is not completed, the Waiver will not take effect;

**WHEREAS**, the Board has reviewed the Notice to LEAs Re: Pending Settlement of the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim and the required Waiver; and

**WHEREAS**, the District administrative staff, having reviewed the terms of the pending settlement, recommends that the Board approve the settlement and agree to waive its rights to file mandated cost claims arising from the Hughes Bill Statute and Regulations in the future or to benefit from such claims unless the Hughes Bill Statute and Regulations change;

**NOW, THEREFORE, BE IT RESOLVED** that the Board approves the terms of the pending settlement of the Behavioral Intervention Plans Mandated Cost Claim, agrees to waive its rights

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regarding claims as set forth in the attached Waiver, and authorizes the Chief Business and Financial Officer to sign the required Waiver and to deliver it as requested by no later than February 27, 2009, and to complete any other administrative task necessary to effectuate this decision.

9.30 Piggyback Bid No. G47 of County of San Bernardino, Photocopiers and Facsimile Equipment, Supplies and Maintenance  
(Prepared by Business Services Division)

The Printing Services Department requests Board of Education approval to utilize the County of San Bernardino RFP No. G47 awarded to Konica Minolta Business Solutions, San Bernardino, CA, for the rental of photocopiers, supply purchases, and copier maintenance services effective February 4, 2009, continuing through January 19, 2014. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid. This contract award includes a trade-in allowance estimated at \$144,000.00 to be paid by Konica Minolta Business Solutions for the purchase-lease buyout of existing District leased printing equipment. The monthly lease amount is \$16,410.00 plus tax, and will be paid from unrestricted General Fund, Account No. 764.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that it is in the best interest of the District that the Board of Education approves the use of the County of San Bernardino RFP No. G47 awarded to Konica Minolta Business Solutions, San Bernardino, CA, for the rental of photocopiers, supply purchases, and copier maintenance services effective February 4, 2009, continuing through January 19, 2014. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid. This contract award includes a trade-in allowance estimated at \$144,000.00 to be paid by Konica Minolta Business Solutions for the purchase-lease buyout of existing District leased printing equipment. The monthly lease amount is \$16,410.00 plus tax, and will be paid from unrestricted General Fund, Account No. 764.

BE IT ALSO RESOLVED the Board approves a trade-in allowance estimated at \$144,000.00 to be paid by Konica Minolta Business Solutions for the purchase-lease buyout of existing District leased printing equipment.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated, as needed, throughout the duration.

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9.31 Piggyback Bid No. J-5 of County of San Bernardino, Gasoline and Diesel Fuel  
(Prepared by Business Services Division)

The Maintenance & Operations Department requests Board of Education approval to utilize the County of San Bernardino School Districts RFP No. J-5, Gasoline and Diesel Fuel awarded to Poma Distributing Company, Bloomington, CA, to purchase fuel for the term of the contract ending August 31, 2010, and any extensions. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that it is in the best interest of the District that the Board of Education approves the use of the County of San Bernardino RFP No. J-5, Gasoline and Diesel Fuel awarded to Poma Distributing Company, Bloomington, CA to purchase fuel for the term of the contract ending August 31, 2010, and any extensions. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated, as needed, throughout the duration.

9.32 Request to Reject Bid No. 23-08, HVAC Parts and Equipment  
(Prepared by Business Services Division)

Bid No. 23-08, HVAC Parts and Equipment, was advertised January 8, 2009, and January 15, 2009, and was opened January 22, 2009, at 11:00 a.m. The Purchasing Services Department requests the Board of Education to reject in its entirety, all bids for Bid No. 23-08, HVAC Parts and Equipment, due to lack of adequate responses.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Bid No. 23-08, HVAC Parts and Equipment be rejected in its entirety.

9.33 Notice of Completion, Bid 11-08, Seal Coat at Eleven District School Sites  
(Prepared by Business Services Division)

Bid 11-08, Seal Coat at Eleven District School Sites is complete. It is requested that the Board of Education formally accepts the completed project.

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 Seal Coat at Eleven District School Sites, Purchase Order No. 700752 awarded to:

Mission Paving and Sealing, Inc.  
2213 Rosemead Blvd  
El Monte, CA 91733

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

9.34 Notice of Completion, Bid No. F05-04, Categories 5 and 7, Cajon High School Modernization Project  
(Prepared by Facilities/Operations Division)

Bid No. F05-04, construction of Cajon High School Modernization Project, was previously awarded to various 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. F05-04, Cajon High School Modernization Project, for the portion of the work awarded to the Prime Contractors listed below:

Category No. 5 - Flooring  
Moore Flooring, Inc.  
Chino, CA

Category No. 7 - Acoustical Ceilings  
Southcoast Acoustical Interiors  
Rancho Cucamonga, CA

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

9.35 Rejection of Claim by ASR Constructors, Inc., for Colonel Joseph C. Rodriguez Prep Academy, Bid No. F05-09, Bid Package #E04, #E14 and #E21  
(Prepared by Facilities/Operations Division)

On July 18, 2006, the Board of Education awarded a contract to ASR Constructors, Inc., to provide construction services at Colonel Joseph C. Rodriguez Prep Academy, also known as,

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New Elementary School #47 (Emmerton II), for bid packages #E04 - Landscape and Irrigation; #E14 - Plumbing; and #E21 - Asphalt Paving/Stripping.

On November 29, 2008, ASR Constructors, Inc., submitted a formal notice of claim to the District under the provisions of Government Code §910 et. seq. citing delays and additional services.

ASR claims to be owed a total amount of \$237,538.09 on alleged extra costs, including, but not limited to: delays (\$37,231.25), costs to restore grades in planters (\$14,792.00), accelerated schedule (\$16,633.00), removal stock pile upper field (\$2,582.00), amend soil and hand digging irrigation lines (\$8,587.00), and extra maintenance (\$5,787.00) in the total amount of \$85,612.25; interest on extra costs in the amount of (\$6,357.81), penalties (\$6,289.50) and interest payment at 10 percent per annum for delays in processing payments for pay applications #1 - 12 for a total of \$35,319.73, retention in the amount of \$45,554.90, and loss of efficiency in an unknown amount.

On August 13, 2007, ASR was given notice that the turf area and field grade were certified by the surveying consultant. In addition, the District has had repeated problems with ASR's work and professionalism on the Project.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education rejects the Statement of Claim for \$237,538.09 from ASR Constructors, Inc., for Colonel Joseph C. Rodriguez Prep Academy New Construction Project, aka, New Elementary School #47 (Emmerton II), for bid packages #E04 Landscape and Irrigation; #E14 Plumbing; and #E21 Asphalt Paving/Stripping.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any necessary documents.

9.36 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:

\*S10/27/1994 \*S04/13/1997 \*S10/24/1995 \*\*S06/07/1994 \*S08/17/1994 \*S03/04/1993  
\*S03/28/1993 \*\*S08/19/1993 \*S10/01/1993 \*S03/06/2000

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

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

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

9.37 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.

9.38 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:

08/09/1996



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9.39 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:

9.40 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.

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes the readmission of the following student(s), with the birth date(s) as indicated below, to schools of the San Bernardino City Unified School District in accordance with the Board rules and regulations and in compliance with the Education Code Section 48900:

06/07/1994    01/21/1993    12/19/1994    04/23/1993

9.42 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:

9.43 Petition to Expunge Expulsion  
(Prepared by Youth Services Department)

Education Code 48917, Section (e) states: upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

9.44 Education Code 48213  
(Prepared by Youth Services Department)

Education Code 48213 states: that a student can be excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code if a principal or his designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, and health of a pupil or school personnel. The governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

9.45 Approval to Establish Temporary Loans from Capital Project Funding  
(Prepared by Facilities/Operations Division)

On December 17, 2008, the Pooled Money Investment Board (PMIB) restricted the Office of Public School Construction (OPSC) from releasing funds for projects that have been approved by the State Allocation Board (SAB). This restriction will have a major impact on the completion of projects with construction contracts that were recently awarded and those scheduled to be awarded in the upcoming months. Impact may include delay claims by contractors and professional services, legal liabilities of stopping public contracts, unnecessary added costs of suspension of construction related activities and remobilization costs. As a result, it may become necessary to temporarily borrow funds from capital funds for other State approved projects to fund State apportioned capital projects that are impacted by the State capital fund release restriction. Education Code 42603 authorizes that moneys held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. Any such loans would be repaid immediately upon receipt of the State funds or other financing sources.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the temporary borrowing of funds from approved projects in Funds 21, 25, 35, and 40 per Education Code 42603 projects to fund State apportioned capital projects that are impacted by the State capital fund release restriction.

BE IT FURTHER RESOLVED that any borrowed funds will be repaid upon receipt of funds from the State or other financing sources.

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**10.0 Action Items**

10.1 Personnel Report #15, dated February 3, 2009  
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #15, dated February 3, 2009, 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 #15, dated February 3, 2009, be approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

**SESSION NINE - Closed Session**

**11.0 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  
Communications Workers of America  
San Bernardino Teachers Association

**Public Employee Discipline/Dismissal/Release**

**SESSION TEN – Open Session**

**12.0 Action Reported from Closed Session**

**SESSION ELEVEN - Closing**

**13.0 Adjournment**

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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, February 17, 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](mailto:marie.arakaki@sbcusd.k12.ca.us)

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

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

Posted: January 30, 2009