

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

June 2, 2009

Estimated Time

SESSION ONE - Opening

- 1.0 Opening** **5:30 p.m.**
1.1 Call to Order
1.2 Pledge of Allegiance to the Flag

SESSION TWO - Special Presentations

- 2.0 Special Presentations** **5:35 p.m.**
2.1 Presentation by County Supervisor Josie Gonzales
2.2 Recognition of Academic Excellence for Students Receiving Golden State Seal Merit Diplomas

SESSION THREE - School Showcase

- 3.0 School Showcase** **5:50 p.m.**
3.1 San Bernardino City Unified School District Elementary Honor Band

SESSION FOUR - Public Hearing

- 4.0 Public Hearing** **6:05 p.m.**
4.1 Review of the Charter Petition for Crown Ridge Academy
4.2 Review of the Charter Petition for the Options for Youth Public Charter School
4.3 Public Disclosure of Classified and Certificated Management Work Year Reduction for the 2009-2010 and 2010-2011 School Years

SESSION FIVE - Administrative Presentation

- 5.0 Administrative Presentation** **6:20 p.m.**
5.1 Preliminary Budget – Fiscal Year 2009-10

SESSION SIX - Administrative Reports

- 6.0 Administrative Reports** **6:45 p.m.**
6.1 Secondary Summer School Schedule

- 6.2 Acceptance of the Inland Valley Development Agency (IVDA) of Excess Tax Increment Funds
- 6.3 Approval of New BP 3543 Transportation Safety and Emergencies (First Reading)
- 6.4 Amendments to BP 5145.12 Search and Seizure (Second Reading)

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 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
- 10.2 Acceptance of Gifts and Donations to the District
- 10.3 Business and Inservice Meetings
- 10.4 Cafeteria Warrant Register, Ending April 30, 2009
- 10.5 Commercial Warrant Registers for Period from May 1, through May 15, 2009
- 10.6 Payment for Course of Study Activities
- 10.7 Payment for Services Rendered by Non-Classified Experts and Organizations
- 10.8 Federal/State/Local District Budgets and Revisions
- 10.9 Establishment of Fund 67-9875 Self Insurance Fund-Other Post Employment Benefits (OPEB) and Closing of Fund 71 Retiree Benefit Fund-OPEB
- 10.10 Application for 2008-09 Fiscal Year, Deferred Maintenance Program
- 10.11 Extended Field Trip, Cajon High School, AVID Seniors College Tour Class of 2010, Multiple Northern California Locations
- 10.12 Extended Field Trip, San Geronio High School, CIF State Meet, Clovis, California
- 10.13 Agreement with LifeSigns, Inc., to Provide Interpreter Services to Deaf/Hearing Impaired Individuals
- 10.14 Agreement with the Dayle McIntosh Center to Provide Interpreter Services to Deaf/Hearing Impaired Individuals
- 10.15 Agreement with RISE ASL Interpreters to Provide Interpreter Services to Deaf/Hearing Impaired Individuals

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- 10.16 Agreements with San Bernardino Area Businesses That Will Provide Work Experience to A.S.T.E.R.I.S.K. (Accelerating Success Through Employment, Responsibility, Inspiration, Skills and Knowledge) Students
- 10.17 Amendment No. 1 to the Agreement with Conengr Corporation, General Contractor for Fairfax and Warm Springs Elementary Schools Modernization Project
- 10.18 Amendment No. 2 with HMC Architects for Priority Projects - Thompson Elementary School Modernization
- 10.19 Amendment No. 2 to the Agreement with WLC Architects for Additional Bleachers and Football Field Renovations at Arroyo Valley High School
- 10.20 Amendment No. 4 of the Master Agreement with YMCA of the East Valley to Provide C.A.P.S. Services to Students
- 10.21 Food Service Agreements with the City of San Bernardino-Delmann Heights Headstart Center, the Foundation for California State University-Child Care Center, Provisional Educational Services, Inc.-Provisional Accelerated Learning (PAL) Center, and Aspiring Stars Resource Development Center
- 10.22 Renewal of the Agreement with Strategic Education Services to Provide Legislative Advocacy and Lobbying at the State Level for the District
- 10.23 Delegation of Purchasing Authority – Nutrition Services Department
- 10.24 Piggyback of Audio Visual Equipment Bid with Redlands Unified School District
- 10.25 Bid No. NSB2008/09-3, Food Service Equipment
- 10.26 Request to Reject Request for Proposal (RFP) No. 06-09, Network Monitoring Software, Installation and Training
- 10.27 Notice of Completion, Bid No. F05-18, Categories 6 and 16, Bing Wong Elementary School
- 10.28 Notice of Completion, Bid No. F07-14, QEIA – Site Work and Interior Electrical Work Associated with Ten Relocatable Classrooms
- 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
- 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
- 10.36 Petition to Expunge Expulsion
- 10.37 Education Code 48213

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11.0 Action Items

- 11.1 Approval of New BP 3543 Transportation Safety and Emergencies (First Reading)
- 11.2 Amendments to BP 5145.12 Search and Seizure (Second Reading)
- 11.3 Personnel Report #23, dated June 2, 2009

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
San Bernardino School Police Officers Association

District Negotiator: Harold Vollkommer
Employee Organization: Communications Workers of America
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Public Employee Appointment

Title: Elementary Principal

Non Re-Election of Certificated Employee(s)

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.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, June 16, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: May 29, 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

June 2, 2009

SESSION ONE - Opening

1.0 *Opening*

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

SESSION TWO - Special Presentations

2.0 *Special Presentations*

- 2.3 Presentation by County Supervisor Josie Gonzales
(Prepared by Superintendent)

Fifth District County Supervisor Josie Gonzales will make a special presentation to Vermont Elementary School Principal Elizabeth Atkinson. Ms. Atkinson is being recognized for her leadership in the successful Parent University Program at Vermont Elementary School.

- 2.4 Recognition of Academic Excellence for Students Receiving Golden State Seal Merit Diplomas
(Prepared by Research/Systems Analysis)

High school students within the San Bernardino City Unified School District are able to earn special state recognition for their academic achievement on the California Content Standards Tests (CSTs). To be eligible for the Golden State Seal Merit Diploma, students (1) must be receiving a high school diploma from their school; and (2) must have earned a scaled score of 370 or above on six qualifying California Standards Tests (CSTs).

Tonight, Board members will recognize District students who will receive the Golden State Seal Merit Diploma in June 2009.

SESSION THREE - School Showcase

3.0 *School Showcase*

3.1 San Bernardino City Unified School District Elementary Honor Band

SESSION FOUR - Public Hearing

4.0 *Public Hearing*

4.1 Review of the Charter Petition for Crown Ridge Academy (Prepared by Student Services Division)

District staff recommended to the Board of Education on January 27, 2009, that the charter school petition for Crown Ridge Academy did not meet all the element requirements stipulated in California Education Code sections 47605-47608. In this initial review, it was indicated that the petition failed to meet 11 of the 16 statutory elements. The Board of Education gave the petitioner 30 days to amend those elements originally not met and resubmit the petition for approval consideration. On April 7, 2009, District staff recommended to the Board of Education that the charter school petition for Crown Ridge Academy did not meet all element requirements. In the second review, it was indicated that the Crown Ridge Academy petition had met 6 of the remaining 11 elements. At the April 7, 2009 Board of Education meeting, the Board gave the petitioner 90 additional days to address the findings and make changes to the charter petition.

The third staff review of the charter petition for Crown Ridge Academy 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. The findings for the remaining five elements are addressed below.

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.

Findings: The petitioner has amended requirements for high school graduation to address the University of California’s “a through g” admission criteria.

The original petition and first revisions did not define a plan to show how the school would offer academic support to students who are at risk of failing. The menu of support included in this resubmission of the petition specifies when services would be provided but provides no academic or instructional description of curriculum offered. There is no reference to methods for measuring students’ progress toward meeting grade level standards and no indication of

strategies to address the needs of students who are severely behind (needing intensive or strategic support).

The information regarding English Learners (EL) is very general and does not clearly identify how the specific needs of EL students will be addressed. While the petition now references Specifically Designed Academic Instruction in English (SDAIE) methods, anticipatory pre-reading of text, and appropriate instructional materials, these methods will not improve the acquisition of reading skills necessary to unlock unfamiliar words.

The revised petition's reference to academic support for special education students is limited to a general description of SELPA staffing and the use of psychological and cognitive testing (in compliance with IDEA and applicable regulations). There is no indication that assessment data will be utilized to guide revisions in plans and strategies to develop and implement structures of support to students.

The project-based emphasis of the Crown Ridge Academy educational program addresses factors of relevance and could conceivably promote student engagement. However, there is no reference to the degree in which the projects would correlate to state standards to assure that students master standards at the basic or proficient level.

The amendment does not fully meet the element requirement.

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: The original petition stated that every student will demonstrate a year of academic growth for each year of school. In an earlier revision, the petition states that "given sufficient time and support, each student can meet grade level standards." One year of academic growth in a year of school does not give assurance that students will ever catch up. With the disclosure that the academy has determined that a "reasonable projection of the average daily attendance (ADA) for the 2009-10 school year is 80 percent" any prognosis for students' acceleration is unfounded. Even the stated goal to reach a 90 percent attendance rate (with no timeline for improvement given), the ADA objective falls short of the District's current rate and does not support the goals specified.

The original petition stated that the charter school would be fully accountable for achievement of its students in keeping with the Academic Performance Index (API), the federal requirements of No Child Left Behind, and any other applicable achievement requirements for charter schools. With the goal specifying that all students will demonstrate a year of academic growth for each year in school, it is incongruent to surmise that students who are already below or far below

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basic in academic measures will reach proficiency or meet API or Adequate Yearly Progress (AYP) criteria.

The information provided in the amended petition does not fully meet this element.

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

Findings: Other than an indication that “teachers use information from a variety of ongoing assessments to plan and adjust learning opportunities” there is no reference to specific types of “academic support” that will follow the administration of assessments beyond reference to “supplemental academic enrichment programs” for students two or more years below grade level. Without a systematic approach specified to accelerate student growth, a single year of academic growth in any given year is all that could be expected and would not suffice to assure that struggling students would ever “catch up”. While the petition states that “staff will be trained to identify students who are struggling and help these students meet benchmarks and power standards for grade level,” the stated plan to “develop additional group intervention classes either during, before, or after school” suggests a lapse in support and likelihood that students who are already behind, will not make necessary gains.

The petition refers to an initial in-take administration and subsequent administrations (annually) of the California English Language Development Test (CELDT), teacher observations and summative STAR test data. However, there is no indication that the results of these measures would be used to modify instructional strategies or prompt interventions to meet the needs of students. The petition merely states that the academy will use the data “to identify ELL student needs and reclassify English Language Learners as English proficient when appropriate.” Without appropriate intervention strategies and effective instruction, the administration of assessments will merely suggest current levels of proficiency with no means for improvement.

The petition does not meet the requirements of this element.

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: A previous amendment to the original petition stated that the Crown Ridge Academy, Inc. will have the authority to determine who sits on the Crown Ridge Academy board of directors. This prompted an earlier finding that there may be cause for a conflict of interest. In the final petition revisions, the petitioner stipulates that the academy “Board of Directors is the sole governing body of Crown Ridge Academy” and that “the Management Team implements the policies and directions set by the Board of Directors.”

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This current distinction would only mitigate any potential conflict of interest concern on the basis of the roles and responsibilities of members of the board and management team of Crown Ridge Academy after it had been established. However, the Board members were first nominated by the sole incorporator of Crown Ridge Academy, Inc., and then after accepting the nominations, the nominees elected themselves into office. It is still not evident that the pre-existing relationships between members of the board and the founding incorporator of Crown Ridge Academy, Inc. would not constitute a conflict of interest in the governance of the charter school.

The information provided does not fully meet this element requirement.

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 previous revisions to the charter petition did not mention Education Code stipulations on employee rights to return to the school district after employment at a charter school and simply indicated that District employees who work at the charter school will have return rights to the School District based on consent by SBCUSD.

The revised petition language now references Education Code stipulations and specifies that “members of the charter school who leave employment in SBCUSD to work at Crown Ridge Academy shall not have any right to return to employment within the SBCUSD without consent of SBCUSD based on its collective bargaining agreement.”

This amendment meets the element requirement.

Conclusion:

The amended petition did not meet all the element requirements stipulated in Education Code section 47605-47608. The District does not recommend to the Board of Education to approve this charter petition submitted by Crown Ridge Academy.

BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the *Crown Ridge Academy*.

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 *Crown Ridge Academy*.

Or

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by *Crown Ridge Academy*.

4.2 Review of the Charter Petition for the Options for Youth Public Charter School
(Prepared by Student Services Division)

District staff review of the charter petition for the Options for Youth Public Charter School indicates that the petition does not contain a reasonably comprehensive description of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608. As presented for review, 11 of the 16 elements do not meet the description criteria.

Findings of Education Code 47605: Teacher and/or Parent/Guardian Endorsement:

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 or 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 charter petition contains a listing of 15 names, signatures and credential numbers for teachers who are meaningfully interested in teaching at the charter. The petitioner further indicates that an estimate to employ 25 teachers at the Charter in the first year of operation.

The number of signatures presented in the petition meets the Education Code requirement for teachers' endorsement.

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.

Findings: The petition specifically addresses what it means to be "an educated person" in the 21st century. The charter petition further addresses the need to develop self-motivation, competence, and life-long learning skills among its target students.

The petition identifies the target student population with estimated numbers to be served (1,000 ADA in year one), grade levels (7-12), and students' specific educational interests, backgrounds and challenges.

While the charter petition refers to a program design that includes both "guided independent study and/or traditional seat time programs," there is indication that students will be accepted with IEP's identifying independent study as the best modality for learning." This suggests that

the independent study structure would be the default program design for the charter school. Very few IEP teams would write that independent study is an offer of FAPE. If the students are able to support themselves through independent study, they would probably not meet the definition of eligibility/need for Special Education.

The petition lacks depth regarding the needs of English learners. With the exception of a general reference to the annual administration of the CELDT to determine levels of proficiency in speaking, reading and writing, and the use of instructional materials that would be supportive of the particular learning levels, there is no indication of how instruction will be provided or how (or if) English Language Development (ELD) will be provided.

The petition does not indicate how the school will identify and respond to the needs of pupils who are not achieving at or above the expected levels beyond assigning “modules” to support students in particular academic areas.

The framework for instructional design is not fully articulated based upon the needs of the students the charter is targeting and the petition offers limited detail of the curriculum and instructional design. It is not likely that the program will increase learning opportunities for academically low achieving students.

The petition does not meet this element requirement.

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: The petition includes measurable student outcomes, as required by Education Code, through the administration of all required state tests and national standardized assessments. The petition further defines measures of academic success that are to be averaged over the first five years of the charter. Specific measures include CAHSEE, STAR, CELDT, Academic pre and post-tests, and Course Level Assessments. The petition indicates that “students will meet at least one” of these measures. Student should be expected to meet as many measurable outcomes as possible and/or appropriate, instead of “at least one.” As written, it appears that students are expected to move from one proficiency level to the next in a given subject over a five-year period of time. This indicates an expectation for minimum growth and lacks the rigors and standards of No Child Left Behind.

The petition does not meet 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: The petition indicates that a variety of assessment tools, that are appropriate to the skills, knowledge, and attitudes of the students being assessed, will be utilized. It includes the annual assessment results from the Statewide Testing And Reporting (STAR) program and outlines a plan for collecting, analyzing, and reporting data on student achievement. The petition presents a reasonably comprehensive description of the method for measuring pupil progress.

The petition meets 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 includes evidence of the charter school's incorporation as a non-profit public benefit corporation.

There is no evidence in the petition for active and effective representation of interested parties, including, but not limited to parents. The Charter Board for the Options for Youth Charter School is to be selected solely by the non-profit corporation known as OFY California, Inc. There is no mention of how these members are to be chosen or how parents would have input into the charter school governance.

There is no language in the petition that describes the composition, qualifications, and reporting relationships of the board. The terms of office and the selection or election process is not indicated, and there is no description of Brown Act compliance and conflict of interest policies.

The petition does not meet this element requirement.

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

Findings: While the petition states that teachers will be required to hold a Commission on Teacher Credentialing (CTC) credential, the petition does not adequately address the requirement that teachers be "Highly Qualified" in relation to the No Child Left Behind (NCLB) Act.

The petition does not include general qualifications for administrative, instructional support staff, or non-instructional support staff. There is no identification with the petition indicating those positions that the charter school regards as "key" and does not specify any additional qualifications expected of individuals assigned to those positions.

The petition does not meet 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 a fingerprinting/criminal background check per Education Code 44237. The petition does not clarify in sufficient detail the process to be used to complete the Education Code requirement – i.e. where the fingerprinting will be completed, who will receive the information, what will happen with the information once reviewed, what standard will be used to refuse employment based on the Education Code requirements, etc. A statement that employees will be required to furnish a criminal record summary does not meet the intent or the requirements of the law.

Plans for addressing natural disasters (fire drills, earthquakes, etc.) were not found in the petition.

The petition does state that the charter will follow Education Code 49406 related to Tuberculosis screening. However, the petition does not describe in sufficient detail how the process will be executed nor does it address procedures of ongoing TB clearance requirements.

The petition states that the charter school will maintain comprehensive general liability insurance with a minimum of \$2 million per occurrence and \$10 million aggregate. It also specifies that the SBCUSD shall be named as an “additional insured” on said policy. However, there is no language pertaining to auto and professional liability limits or Worker Compensation insurance provisions.

The petition does not meet 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 indicates that the charter school will maintain a policy of non-discrimination and will make “reasonable and practicable efforts to achieve a racial and ethnic balance among its students that reflects the District’s ethnic population.” The petition clearly states that the charter school will seek this balance through recruitment in various representative areas of the community and working with community based organizations to accomplish this balance.

The petition meets this element requirement.

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

Findings: The charter petition assures that the program, admission policies, employment practices, and that all other operations, will be non-sectarian. The petition further indicates that

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there will be neither tuition charge nor discrimination against any student based on ethnicity, national origin, gender, or disability.

The petition indicates that the school “shall not discriminate in admitting pupils who wish to attend the Charter School.” It also contains language that states, in the event that the number of pupils who wish to attend the charter school exceeds the school’s capacity, that “enrollment, except for existing pupils of the Charter School, shall be determined by a public random drawing.

The petition meets this element requirement.

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 overall budget revenue projection and expenditures are reasonable and the petition does meet the 5 percent reserve requirement. Nothing is mentioned about who will serve as the independent auditor and there is no mention of the firm in the petition. While the teacher endorsement/signature page signifies an intention to include 25 teachers in the first year, and the budget worksheet indicates an expected ADA of 1,000, there is no explicit language that stipulates a projected enrollment or a student / teacher ratio.

The petition does not meet this element requirement.

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

Findings: In review of the suspension and expulsion procedures, the petition references Education Code Section 48900 that are grounds for suspension/expulsion. The petition also mentions the mandatory recommendation for expulsion violations and the due process to respond to both suspensions and expulsions.

The petition meets this element requirement.

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

Findings: The petition indicates that all staff members of the charter school “shall be covered by Federal Social Security pursuant to applicable law. Although the petition further states that “with respect to additional employee benefits, the Charter school shall comply with all applicable state and federal laws governing such benefits,” there is no description of the compensation

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package provided. This lack of clarity or specificity in the petition impedes definition of a clear and complete financial disclosure in the petition.

The petition does not meet 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 “pupils in the areas served by the Charter School have many schools available to them and will be free to return to their home District schools at any time pursuant to applicable State law and District policies.”

The petition meets this element requirement.

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 the “San Bernardino City Unified School District Collective Bargaining Agreement and Board Policy, if any, shall govern the rights of any teacher leaving the District to work in the Charter School.” This language does not provide an adequate description of such rights and fails to include any reference to relevant Education Code.

The petition does not meet 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 language pertaining to dispute resolution advances immediately from an informal “meet and confer” attempt to settle disputes directly to mediation without necessary progressive steps in between. There is no verbiage found in the petition that indicates whether or not a dispute could ultimately result in charter revocation. Additionally, the petition does not reference a requirement that all disputes be submitted in writing or how the costs of such a dispute resolution process, if needed, would be funded.

The petition does not meet this element requirement.

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 indicates that the Charter School shall be the exclusive public school employer of all employees working for the Charter School employees “are covered by the provisions of the National Labor Relations Act. There is no reference to an understanding of employee rights and the charter school’s responsibilities in relation to the Educational Employment Relations Act.

The petition does not meet this element requirement.

Requirement Element 16: The charter must contain a description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

Findings: The petition provides a “closure protocol” that outlines procedures and actions that would apply, in the event that the charter school closes. The procedures describe that notification will be given to parents and the county office of education with no reference of notification to the authorizing entity (the District). The petition indicates that notifications will occur “promptly” and that the Charter School will prepare final financial records and have an independent audit completed “as soon as reasonably practical, which is generally no more than six months.” The completion of an independent audit upon closure of a charter school is required within six months of the closure. This reference is general and lacks clear definition of a timeline for each step of the resolution.

The petition does not meet this element requirement.

Conclusion:

The petition for the Options for Youth Public Charter School did not meet all element requirements stipulated in Education Code section 47605-47608. The District does not recommend to the Board of Education to approve this charter petition submitted by Options for Youth.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the *Options for Youth Public Charter School*.

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 the *Options for Youth Public Charter School*.

Or

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BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the *Options for Youth Public Charter School*.

4.3 Public Disclosure of Classified and Certificated Management Work Year Reduction for the 2009-2010 and 2010-2011 School Years
(Prepared by Employee Relations Division)

Classified and Certificated Management shall have their work year reduced by five days effective July 1, 2009, for the 2009-2010 school year and July 1, 2010, for the 2010-2011 school year.

Conduct Public Hearing

BE IT RESOLVED that the Board of Education approves the five-day reduction in work year for Classified and Certificated managers effective July 1, 2009, for the 2009-2010 school year and July 1, 2010, for the 2010-2011 school year.

SESSION FIVE - Administrative Presentation

5.0 *Administrative Presentation*

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

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

5.1 Preliminary Budget – Fiscal Year 2009-10
(Prepared by Business Services Division)

Mohammad Z. Islam, Chief Business and Financial Officer, will present the preliminary budget for Fiscal Year 2009-10 for Board review and discussion. The final budget will reflect all of the changes related to the District programs resulting from the Governor's May Revision which will be presented to the Board on June 16, 2009, for adoption.

SESSION SIX - Administrative Reports

6.0 *Administrative Reports*

6.1 Secondary Summer School Schedule
(Prepared by Deputy Superintendent)

The following is the summer school schedule for the 2009-2010 school year:

MIDDLE SCHOOL SUMMER SCHOOL, 2009

Middle School Summer School will be held at Golden Valley Middle School.

Teacher Prep Day	July 2, 2009
Classes	July 6 – July 31
Schedule	7:30 – 9:30 Period 1 9:45 – 11:45 Period 2

HIGH SCHOOL SUMMER SCHOOL, 2009

High School Summer School will be held at Arroyo Valley High School, Cajon High School, Pacific High School, San Andreas High School, San Bernardino High School, San Geronimo High School, Sierra High School, and Alternative Learning Center.

Teacher Prep Day	July 2, 2009
Classes	July 6 – July 31
Schedule	7:30 – 10:40 Period 1 11:20 – 2:30 Period 2

6.2 Acceptance of the Inland Valley Development Agency (IVDA) of Excess Tax Increment Funds
(Prepared by Business Services Division)

The Inland Valley Development Agency (IVDA) is a joint powers authority organized and existing pursuant to Health and Safety Code Section 33320.5 and Government Code Section 6500.

In December 1990, the District and the Inland Valley Development Agency (IVDA) entered into a certain fiscal impact agreement pursuant to Health and Safety Code Section 33401 and entitled agreement for cooperation between the District and IVDA, under which the IVDA agreed to pay to the District certain amounts of tax increment revenues reasonably required to alleviate any financial burden or detriment caused to the District as a result of the implementation of the redevelopment plan for the Inland Valley Redevelopment Project.

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During the last several years the IVDA has received favorable interest rates that have dramatically reduced the debt service below initial expectations to the benefit of the IVDA and the school districts. The lower interest rate combined with the increase development activity in the project area resulted in accumulated excess debt service funds for the school district. Although the IVDA is required to retain surplus revenues under the amended 1990 pass-through agreements, the agency's decision to release 90 percent of the accumulated funds would better serve the school districts without jeopardizing the ability of the IVDA to continue to retire the 1997 bonds through final maturity date in 2027. Under Section 4 of the 1990 agreement, funds received from the IVDA shall be used for the rehabilitation, construction, and reconstruction of District facilities.

On May 13, 2009, the IVDA Board at its regular meeting approved the payment of the District's share of the excess tax increment of **\$3,615,156.78**, representing 90 percent of the amount retained pursuant to the 1990 Pass-Through Agreement between the District and the IVDA. As a condition for receiving the funds, the IVDA requires the District to certify the receipt of the funds as shown in the attached Exhibit A. Mohammad Z. Islam as Chief Business and Financial Officer is the District's duly appointed official to certify the receipt of funds and execute the required document.

EXHIBIT “A”

**SCHOOL DISTRICT CERTIFICATION
FOR RECEIPT OF FUNDS FROM THE
INLAND VALLEY DEVELOPMENT AGENCY**

The undersigned Mohammad Z. Islam is the duly appointed and acting Chief Business and Financial Officer of the San Bernardino City Unified School District (the “School District”), and the undersigned has been authorized by the official action of the governing body of the School District to make the representations and other commitments as set forth herein on behalf of the School District. The undersigned recognizes that the Inland Valley Development Agency (the “IVDA”) pursuant to Resolution No. 2009-09 as adopted on May 13, 2009, authorized the remittance of certain dollar amounts to the School District upon satisfaction of conditions precedent by the School District to the remittance of such funds from the IVDA to the School District.

The School District hereby requests the remittance of the amount equal to \$3,615,156.78 representing ninety percent (90%) of the dollar amount being retained by the IVDA pursuant to that certain School District Pass-Through Agreement, as amended, by and between the School District and the IVDA. The undersigned has reviewed the payment schedule as prepared by the independent audit firm whereby the dollar amounts retained by the IVDA for the School District are true and correct and calculated in accordance with the procedures and formulae contained in the School District commits and binds the School District to the manner and effect of such calculations.

The undersigned on behalf of the School District further represents and warrants that in accordance with the limitations on the use of the tax increment revenues payable by the IVDA to the School District pursuant to the School District Pass-Through Agreement, as amended, the

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School District will use and apply such funds as received hereunder for the following purposes as authorized by the School District Pass-Through Agreement, as amended for the rehabilitation, construction or reconstruction of:

- Permanent or temporary classrooms.
- Gyms, pools athletic or recreational facilities.
- Library, auditorium or school site administration facilities.
- District administrative offices, maintenance and warehousing facilities.
- On-site and off-site public improvements such as, but not limited to, sidewalks, crosswalks, lights, curbs, gutters, and streets.
- Landscaping, irrigation and lighting improvements.
- Other ancillary facilities, equipment and furnishings appurtenant to a school or District facility to make such facilities operable.
- Acquisition of property for public school facilities, District administrative facilities and other support services.
- All reasonable and customary design, planning, administrative and engineering costs in connection with the undertaking of the above described projects to be paid from Tax Increment Revenues.

This Certification and the statements contained herein shall be relied upon by the IVDA in all financial matters affecting IVDA and the School District Pass-Through Agreement, as amended, and this Certification is duly executed and delivered as of the 3rd day of June, 2009.

By: _____

Mohammad Z. Islam

Chief Business and Financial Officer

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6.3 Approval of New BP 3543 Transportation Safety and Emergencies (First Reading)
(Prepared by Facilities/Operations Division)

San Bernardino City USD

Board Policy

BP 3543

Business and Noninstructional Operations

Transportation Safety and Emergencies

The Superintendent or designee shall ensure that any school bus which is purchased or leased on or after dates specified by law is equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions (Vehicle Code 27316, 27316.5; 13 CCR 1201).

A person shall not drive a motor vehicle while using a wireless telephone, except when using a device for hands-free listening and talking, for emergency purposes, or in the case of a school bus driver, for work-related purposes only (Vehicle Codes 23123, 23125).

A person shall not drive a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication (Vehicle Code 23123.5).

The Superintendent or designee shall develop a transportation safety plan to ensure the safe transport of students (Education code 39831.3).

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety (Education Code 39831.5).

At least once each school year, students in grades pre-kindergarten through 12th grade who receive home-to-school transportation shall receive instruction in safe riding practices and take part in school bus emergency evacuation drills. The District's Transportation Department is responsible for supervision of these bus evacuation drills, insuring that they satisfy Section 14269 of Title 5, California Administrative Code.

6.4 Amendments to BP 5145.12 Search and Seizure (Second Reading)
(Prepared by the Employee Relations Division)

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or district property under their control, and may seize illegal,

unsafe and prohibited items. The Board of Education requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

Individual Searches

School officials may search individual students, their property and district property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension)

Student Lockers/Desks

The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

Because lockers and desks are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk.

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Use of Metal Detectors

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures that ensure that metal detector searches are conducted in a consistent manner that minimizes or eliminates arbitrary and capricious enforcement by school officials.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans
35160 Authority of governing boards
35160.1 Broad authority of school districts
49050-49051 Searches by school employees
49330-49334 Injurious objects

PENAL CODE

626.9 Firearms
626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

COURT DECISIONS

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260
O'Connor v. Ortega, (1987) 107 S.Ct. 1492
New Jersey v. T.L.O., (1985) 469 U.S. 325
Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2001)
75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

WEB SITES

California Attorney General's Office: <http://caag.state.ca.us>
CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

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adopted: October 16, 2007 San Bernardino, California
revised: March 16, 2009

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 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:

09/11/1989	12/10/1989	02/07/1990	02/22/1990	03/06/1990	03/21/1990
05/18/1990	05/27/1990	09/03/1990	09/16/1990	12/23/1990	01/03/1991
01/25/1991	03/13/1991	03/29/1991	04/17/1991	04/17/1991	04/20/1991
04/25/1991	06/15/1991	07/18/1991	09/13/1991	09/16/1991	09/20/1991
10/13/1991	11/01/1991	11/05/1991	11/22/1991	11/26/1991	01/02/1992
01/03/1992	05/17/1992	08/12/1992	11/21/1992		

It is recommended that the following resolution be adopted:

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

10.2 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
Ramona Alessandro Elementary School	Sempra Energy Foundation	\$100.00 to sponsor ASB incentives	\$100.00	
San Andreas High School	Wal-Mart	\$300.00 to assist special student needs	\$300.00	
San Gorgonio High School	David & Letevia Boese	\$150.00 to be used to sponsor Odyssey of the Mind Club	\$150.00	
San Gorgonio High School	OK Munoz Enterprises	\$350.00 to be used to sponsor Odyssey of the Mind State Championship	\$350.00	

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San Gorgonio High School	Corona Riverside Triple A-Rodolfo Serrato	\$1,500.00 to be used to sponsor San Gorgonio baseball team	\$1,500.00	
San Gorgonio High School	Alaina Mathews	\$500.00 to be used to sponsor San Gorgonio baseball team	\$500.00	
San Gorgonio High School	James & Rowena Ramos	\$1,000.00 to be used to sponsor San Gorgonio baseball team	\$1,000.00	
San Gorgonio High School	San Manuel Band of Mission Indians	\$2,000.00 to be used to sponsor San Gorgonio Deaf Spartan Club	\$2,000.00	
San Gorgonio High School	CIF-Southern Section-Friends of Golf	\$265.00 to be used to sponsor San Gorgonio Girls golf team	\$265.00	
Warm Springs Elementary School	School Portraits by Kranz, Inc.	\$822.00 to be used to sponsor ASB funds	\$822.00	
Warm Springs Elementary School	Target Take Charge of Education	\$662.38 to sponsor ASB funds	\$662.38	
Urbita Elementary School	Michael Alvarez, D.D.S.	\$100.00 to sponsor the Washington and NEEDS Project	\$100.00	
Arrowhead Elementary School	School Portraits by Kranz, Inc.	\$422.00 to be used to sponsor ASB funds	\$422.00	
Chavez Middle School	Deanna M. Ingram	A Benge Silver Trumpet and five Mutes		\$820.00

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 \$100.00, Sempra Energy Foundation; \$300.00, Walmart; \$150.00, David & Letevia Boese; \$350.00, OK Munoz Enterprises; \$1,500.00, Corona Riverside Triple A-Rodolfo Serrato; \$500.00, Alaina Mathews; \$1,000.00, James & Rowena Ramos; \$2,000.00, San Manuel Band of Mission Indians; \$265.00, CIF-Southern Section-Friends of Golf; \$822.00, School Portraits by Kranz, Inc.; \$662.38, Target Take Charge of Education; \$100.00, Michael Alvarez, D.D.S.; \$422.00, School Portraits by Kranz, Inc.; \$820.00, Deanna M. Ingram.

10.3 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.

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It is recommended that the following resolution be adopted:

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

Ann Marie Allen (SBCUSD Substitute Teacher)	To attend the BOOST – Best Of Out-Of-School Time Conference, Palm Springs Convention Center, Palm Springs, CA, April 23 – 25, 2009. Total cost, not to exceed \$1,930.00, will be paid from the CAPS ASES Account No. 459.
Michele Broadnax (Consultant-MLB Consulting)	

10.4 Cafeteria Warrant Register, Ending April 30, 2009
(Prepared by Facilities/Operations Division)

It is requested that the Board of Education adopts the Cafeteria Warrant Registers 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 April 30, 2009, 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.

10.5 Commercial Warrant Registers for Period from May 1, through May 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 May 1, 2009, through May 15, 2009, be approved.

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

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10.6 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.

Marshall Elementary School wishes to hire Alexander Raguzi for a performance on June 19, 2009. The presenter will show students extraordinary magic tricks. The cost, not to exceed \$450.00, will be paid from Marshall Elementary School Account No. 039.

Marshall Elementary School wishes to hire Wheels of Freestyle for a performance on June 15, 2009. They use professional sports in a unique way to provide anti-drug, anti-violence and bike/helmet safety wear to students. The cost, not to exceed \$1,500.00, will be paid from Marshall Elementary School Account No. 574.

Kimbark Elementary School wishes to hire Wheels of Freestyle for a performance on June 16, 2009. They use professional extreme sports to demonstrate how to say no to drugs and violence, read to succeed, and the importance of wearing a helmet. The cost, not to exceed \$1,000.00, will be paid from Kimbark Elementary School ASB Account.

Mt. Vernon Elementary School wishes to hire Phil Yey, for two painting presentations, from June 9 through June 10, 2009. He will direct students in mural painting while teaching them the use of colors and the art techniques of murals. The cost, not to exceed \$750.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

Mt. Vernon Elementary School wishes to hire Discovery Science Center for a demonstration on June 11, 2009. The assembly titled "Watt's Current" will demonstrate and teach the power of electricity. The cost, not to exceed \$250.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

Mt. Vernon Elementary School wishes to hire Discovery Science Center for a demonstration on June 11, 2009. The assembly titled "Super Cool" will demonstrate and teach students on gas, liquid, and solid with a series of entertaining experiments. The cost, not to exceed \$275.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

Mt. Vernon Elementary School wishes to hire Moonridge Animal Park for an assembly on June 19, 2009. The students will have the opportunity to learn about animal habitats, life cycles, animal classifications, defense systems, protection, camouflage, the effects of the environment, and the web of life. The cost, not to exceed \$250.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

It is recommended that the following resolution be adopted:

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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:

Alexander Raguzi for a performance on June 19, 2009. The cost, not to exceed \$450.00, will be paid from Marshall Elementary School Account No. 039.

Wheels of Freestyle for a performance on June 15, 2009. The cost, not to exceed \$1,500.00, will be paid from Marshall Elementary School Account No. 574.

Wheels of Freestyle for a performance on June 16, 2009. The cost, not to exceed \$1,000.00, will be paid from Kimbark Elementary School ASB Account.

Phil Yey, for two painting presentations from June 9 through June 10, 2009. The cost, not to exceed \$750.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

Discovery Science Center for a demonstration on June 11, 2009. The cost, not to exceed \$250.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

Discovery Science Center for a demonstration on June 11, 2009. The cost, not to exceed \$275.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

Moonridge Animal Park for an assembly on June 19, 2009. The cost, not to exceed \$250.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

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

The Special Education Department wishes to hire the Carolyn E. Wylie Center for Children, Youth and Families, Riverside, CA, to provide services for a District student as a result of an Amended Mediated Agreement dated February 27, 2009. The services include shadowing the student three hours per school day, July 1, 2009, through October 30, 2009. The cost, not to exceed \$10,000.00, will be paid from Restricted General Fund—Special Education-Central, Account No. 827.

Warm Springs Elementary School wishes to hire Bonnie Adama to provide professional development training workshops for primary teachers in using “hands on” strategies through manipulatives to address grade level standards in mathematics, April 9, 2009, through May 21, 2009. The cost, not to exceed \$1,600.00, will be paid from the Restricted General Fund—Quality Investment Education Act, Account No. 436.

The Youth Services Department wishes to hire Charles Tetlock, Jr. to serve as an assignor for the middle schools Soccer Program, scheduled from April 30, 2009, through May 28, 2009. The

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cost, not to exceed \$500.00, will be paid from Restricted General Fund – Intermediate Sports Program, Account No. 209B.

The Youth Services Department wishes to hire the persons listed below as officials for the middle schools Soccer Program, scheduled from April 30, through May 28, 2009. The cost, \$30.00 per game, will be paid from Restricted General Fund – Intermediate Sports Program, Account No. 209B.

Oscar Barrena, Alejandro Estupinan, Santos Galarza, Julio Gallardo, Hector Lerma, Sr., Maria Magana, Scott Martinez, Marco Sanchez, Mary Ann Spradlin, Edgard Vidrio, Anthony Coronado, Joseph Archer, and Victor Frias.

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:

The Carolyn E. Wylie Center for Children, Youth and Families, Riverside, CA, to provide services for a District student as a result of an Amended Mediated Agreement dated February 27, 2009. The services include shadowing the student three hours per school day, July 1, 2009 through October 30, 2009. The cost, not to exceed \$10,000.00, will be paid from Restricted General Fund—Special Education-Central, Account No. 827.

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

Bonnie Adama to provide professional development training workshops for primary teachers in using “hands on” strategies through manipulatives to address grade level standards in mathematics, April 9, 2009, through May 21, 2009. The cost, not to exceed \$1,600.00, will be paid from the Restricted General Fund—Quality Investment Education Act, Account No. 436.

Charles Tetlock, Jr. to serve as an assignor for the middle schools Soccer Program, scheduled from April 30, 2009, through May 28, 2009. The cost, not to exceed \$500.00, will be paid from Restricted General Fund – Intermediate Sports Program, Account No. 209B.

The persons listed below as officials for the middle schools Soccer Program, scheduled from April 30 through May 28, 2009. The cost, \$30.00 per game, will be paid from Restricted General Fund – Intermediate Sports Program, Account No. 209B.

Oscar Barrena, Alejandro Estupinan, Santos Galarza, Julio Gallardo, Hector Lerma, Sr., Maria Magana, Scott Martinez, Marco Sanchez, Mary Ann Spradlin, Edgard Vidrio, Anthony Coronado, Joseph Archer, and Victor Frias.

10.8 Federal/State/Local District Budgets and Revisions
(Prepared by Business Services Division)

Throughout the year, the District is advised by federal, state, and local agencies of program entitlements and any additions and/or reductions in funds available for already-approved programs. The following programs requested by the Board of Education affect the restricted and unrestricted portions in the budgets of the District funds. In order to adjust the program budgets, it is necessary to have Board of Education approval.

The restricted program, RDA Highland Entitlement (121), was included in the 2008-2009 approved budget in the amount of \$501,292.94 for revenues and \$1,966,576.30 for expenditures. Based on actual received, an increase of \$216,705.64 will result in a revised total of \$717,998.58 for revenues and \$2,183,281.94 for expenditures.

The American Recovery and Reinvestment Act (ARRA) of 2009, Title I Entitlement (531) restricted program, was not included in the 2008-2009 approved budget. Based on the information received from the California Department of Education website, an increase in the amount of \$15,842,983.00 (one-time funding) will result in a revised total of \$15,842,983.00.

The American Recovery and Reinvestment Act (ARRA) of 2009, IDEA Part B-611 Preschool Local Entitlement (532) restricted program, was not included in the 2008-2009 approved budget. Based on the grant award notification received on May 18, 2009, an increase in the amount of \$308,829.00 (one-time funding) will result in a revised total of \$308,829.00.

The American Recovery and Reinvestment Act (ARRA) of 2009, IDEA Part B-619 Preschool Grants (533) restricted program, was not included in the 2008-2009 approved budget. Based on the grant award notification received on May 18, 2009, an increase in the amount of \$392,619.00 (one-time funding) will result in a revised total of \$392,619.00.

The American Recovery and Reinvestment Act (ARRA) of 2009, IDEA Section 611 Local Assistance (534), was not included in the 2008-2009 approved budget. Based on the grant award notification received on May 18, 2009, an increase in the amount of \$11,337,882.00 (one-time funding) will result in a revised total of \$11,337,882.00.

The American Recovery and Reinvestment Act (ARRA) of 2009, Federal Stabilization (535), was not included in the 2008-2009 approved budget. Based on the information received from the California Department of Education website, an increase in the amount of \$13,712,737.00 (one-time funding) will result in a revised total of \$13,712,737.00.

The restricted fund, School Facilities (Fund 21), was included in the 2008-2009 approved budget in the amount of \$1,490,990.05 for revenues and \$31,450,227.96 for expenditures. Based on transfer of prior year expenditures to other funds, an increase in the amount of revenues and

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expenditures of \$223,572.57 will result in a revised total of \$1,714,562.62 in revenues and \$31,673,800.53 in expenditures.

The restricted fund, School Facilities Fund (Fund 35), was included in the 2008-2009 approved budget in the amount of \$197,362,535.39 for revenues and \$346,191,687.38 for expenditures. Based on transfer of prior year expenditures to other funds, an increase in the amount of revenues and expenditures of \$34,825.65 will result in a revised total of \$197,397,361.04 in revenues and \$346,226,513.03 in expenditures.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$216,705.64 in the budgeting of revenues and expenditures for the restricted program, RDA Highland Entitlement (121).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$15,842,983.00 (one-time funding) in the budgeting of revenues for the American Recovery and Reinvestment Act (ARRA) of 2009 restricted program, Title I Entitlement (531).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$308,829.00 (one-time funding) in the budgeting of revenues for the American Recovery and Reinvestment Act (ARRA) of 2009 restricted program, IDEA Part B-611 Preschool Local Entitlement (532).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$392,619.00 (one-time funding) in the budgeting of revenues for the American Recovery and Reinvestment Act (ARRA) of 2009 restricted program, IDEA Part B-619 Preschool Grants (533).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$11,337,882.00 (one-time funding) in the budgeting of revenues for the American Recovery and Reinvestment Act (ARRA) of 2009 restricted program, IDEA Section 611 Local Assistance (534).

BE ALSO RESOLVED that the Board of Education approves the addition of \$13,712,737.00 (one-time funding) in the budgeting of revenues for the American Recovery and Reinvestment Act (ARRA) of 2009 restricted program, Federal Stabilization (535).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$223,572.57 in the budgeting of revenues and expenditures for the restricted fund Building Fund (Fund 21).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$34,825.65 in the budgeting of revenues and expenditures for the restricted fund School Facilities Fund (Fund 35).

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10.9 Establishment of Fund 67-9875 Self Insurance Fund-Other Post Employment Benefits (OPEB) and Closing of Fund 71 Retiree Benefit Fund-OPEB
(Prepared by Business Services Division)

On September 18, 2007, the District established Fund 71 to pay Other Post Employment Benefits (OPEB) to retirees for medical, vision and prescription benefits for five years after retirement or up to 65 years of age as required under Governmental Accounting Standards Board Statement No. 45 (GASB 45).

New guidelines from the State prescribed in the California School Accounting Manual (CSAM) Procedure 785, and upon review by the District's independent auditor, it is determined that the District's self-insurance Fund (67) can be used to pay retiree health benefit premiums, in lieu of Fund 71. It is recommended that Fund 67-9875, Self Insurance Fund OPEB, be established to pay for retirees' medical, vision, and prescription benefits plan and it is also recommended that Fund 71, Retiree Benefit Fund OPEB, be closed.

It is now in order to adopt the following resolution:

BE IT RESOLVED that Fund 67-9875 Self Insurance Fund OPEB be established to pay for retirees' medical, vision, and prescription benefits plan in accordance with Governmental Accounting Standards Board Statement No. 45 (GASB 45).

BE IT FURTHER RESOLVED that Fund 71 Retiree Benefit Fund OPEB be closed and the balance and/or interest earned in the fund be transferred to Fund 67-9875 Self Insurance Fund OPEB.

10.10 Application for 2008-09 Fiscal Year, Deferred Maintenance Program
(Prepared by Facilities /Operations Division)

The Maintenance and Operations Department requests Board of Education approval to submit to the State of California, the Annual Application for Funds, Deferred Maintenance Program. Annually, the District applies for funding under the State's Deferred Maintenance Program with the State Allocation Board (SAB) no later than June 30 of each year. The District's application must include a five-year plan based on an annual needs assessment (SAB 40-20). The plan starts with the current fiscal year (2008-09) and includes estimates for the District's total deferred maintenance needs in the four succeeding years. The plan is flexible and may be adjusted as needed during the current year.

The intent of the Deferred Maintenance Program (DMP) is to provide funding on a matching basis for the repair and/or replacement of existing school components of school buildings so that the educational process can safely continue. These funds may not be used for new projects and/or new installations. This plan was prepared after reviewing the District's Facilities Needs Assessment.

The District is required to make a deposit into its special restricted Deferred Maintenance Fund by September 30 of each fiscal year for the previous fiscal year to receive state matching funds, as apportioned by the SAB. The maximum amount that the SAB can apportion by law is based on one-half of one percent of the District's total general funds exclusive of any amounts budgeted for capital outlay or debt service. The SAB does not fund the projects on the District's five-year plan, but rather approves the projects as being eligible for the District to expend its apportionment on such projects. Districts may apply for an additional apportionment no greater than one-half of one percent of the District's total general funds, exclusive of amounts budgeted for capital outlay or debt service. Receipt of this additional apportionment is dependent upon available funding; however, the SAB has never provided additional funding.

The recent State Budget Act includes numerous revisions to the DMP. Pursuant to Senate Bill (SB) X3 4, Section 15, Local Educational Agencies (LEA) are provided the flexibility to use funding received (under various categorical programs) for any education purpose. DMP funds have been included as part of this flexibility option. This means that a LEA has the discretion to adjust their DMP funding or use the funds for any other educational purpose, depending on their unique local needs. This flexibility will be available annually through Fiscal Year (FY) 2012-13.

Chapter 12, Statutes of 209, (SBX3 4 – Ducheny) includes numerous revisions to the DMP as follows:

- Establishes a funding baseline for DMP through FY 2012/2013 using the FY 2008/2009 funding amounts;
- Provides a flexibility clause allowing districts to use the funding for "...any educational purpose" through FY 2013;
- Considers a Local Educational Agency (LEA) to be in compliance with all program and funding requirements for five years (no district match required);
- Reduces the amounts appropriated to the DMP from the annual Budget Act for fiscal year 2008/2009;
- Eliminates the reporting requirements for five years when LEA's do not meet their match (report to Legislature not required);
- Eliminates the submittal of the Five-Year Plan, Form SAB 40-21, (Certification of Deposit) to the OPSC for five years. (Submittal of Five-Year Plans will commence on July 1, 2013, for the Budget Act FY2013/2014);
- Eliminates funding new extreme hardship applications through June 30, 2012;

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- Directs the Superintendent of Public Instruction to apportion DMP funding from FY 2009/2010 through FY 2012/2013 (may change by legislation);
- Reduces the required deposit amount for the Routine Restricted Maintenance Account from three percent to one percent through FY2012/2013;
- The District is not required to deposit the local match of ½ of 1% of the General Fund budget beginning FY2008/2009 through FY2012-2013.

Further, school districts have no obligation to expend Extreme Hardship funds on Extreme Hardship projects. The law, as amended, does not obligate the State to refund or repay a school district that decides to use the flexibility provision and disburse DMP funds for other educational purposes. The State Allocation Board considers Extreme Hardship projects funded this year to be fully funded and will not consider any adjustments for these projects. Unless other specific funding becomes available to fund future Extreme Hardship projects, this law, in essence, suspends Extreme Hardship projects for the next four years.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves submitting to the State of California, the Annual Application for Funds, Deferred Maintenance Program, for the maximum amount of one-half of one percent of the District's general funds exclusive of any amounts budgeted for capital outlay or debt service plus the additional apportionment of one-half of one percent of the same funds.

BE IT FURTHER RESOLVED that the Board of Education authorizes Arturo Delgado, Superintendent, to sign said application.

10.11 Extended Field Trip, Cajon High School, AVID Seniors College Tour Class of 2010, Multiple Northern California Locations
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval of an extended field trip for 51 students and five District employees to attend the AVID Seniors College Tour Class of 2010, in multiple Northern California locations, October 5-9, 2009.

The trip is fully aligned with the goals and requirements of the senior AVID curriculum as well as the Reading/Language Arts standards. The purpose of the trip is threefold. At a crucial point in students' senior year, it will give them a fuller awareness of the college options available to them beyond the immediate area and thereby give seniors a final, powerful motivation to do everything possible, going into their senior year, to earn admission to a four-year university. Also, the trip is intended as the climax of each AVID student's career, a celebration of all of his or her hard work and persistence. The trip has become a Cajon AVID tradition, which in turn,

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can be offered as a powerful incentive to the freshman, sophomore, and junior AVID classes to remain in the program.

The cost of the trip, not to exceed \$11,200.00, including meals and lodging for 51 Cajon High School students and 5 District employees, will be paid from Cajon High School AVID ASB Account. Transportation provided by Charter Coach, not to exceed \$6,800.00, will be paid from Cajon High School AVID 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 the extended field trip for 51 Cajon High School students and 5 District employees to attend the AVID Seniors College Tour Class of 2010, in multiple Northern California locations, October 5-9, 2009. The cost of the trip, not to exceed \$11,200.00, including meals and lodging for 51 Cajon High School students and five District employees, will be paid from Cajon High School AVID ASB Account. Transportation provided by Charter Coach, not to exceed \$6,800.00, will be paid from Cajon High School AVID Account No. 203. Names of the students are on file in the Business Services office.

10.12 Extended Field Trip, San Gorgonio High School, CIF State Meet, Clovis, California
(Prepared by Business Services Division)

San Gorgonio High School requests Board of Education approval of an extended field trip for 21 students and 4 District employees to attend the CIF State Meet, in Clovis, California, June 5-6, 2009.

Students have the opportunity to improve their athletic skills, because of 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 \$5,808.00, including meals and lodging for 21 San Gorgonio High School students and 4 District employees, will be paid from San Gorgonio High School Account No. 203. Transportation provided by Express Rental Vans, not to exceed \$1,740.00, will be paid from San Gorgonio High School 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 the extended field trip for 21 San Gorgonio High School students and 4 District employees to attend the CIF State Meet, in Clovis, California, June 5-6, 2009. The cost of the trip, not to exceed \$5,808.00, including meals and lodging for 21 San Gorgonio High School students and four District employees, will be paid

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from San Geronio High School Account No. 203. Transportation provided by Express Rental Vans, not to exceed \$1,740.00, will be paid from San Geronio High School Account No. 203. Names of the students are on file in the Business Services office.

10.13 Agreement with LifeSigns, Inc., to Provide Interpreter Services to Deaf/Hearing Impaired Individuals
(Prepared by Business Services Division)

The Affirmative Action Office and the Communicatively Handicapped Office request Board of Education approval to enter into an agreement with LifeSigns, Inc., Los Angeles, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, effective July 1, 2009, continuing through June 30, 2010. The services are in accordance with the requirements of Section 504 of the Rehabilitation Act and the American with Disabilities Act and other similar state and federal laws. The services for District employees, applicants and adult students are coordinated through the Affirmative Action Office, while the services for parents of District students are coordinated through the Communicatively Handicapped Office. The cost of services, not to exceed \$5,000.00, will be paid as follows: \$4,000.00 for services coordinated by the Affirmative Action Office, from the Unrestricted General Fund—ADA Equipment & Section 504, Account No. 175; and \$1,000.00 for services coordinated by the Communicatively Handicapped Office, from the Restricted General Fund—Special Education Central, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with LifeSigns, Inc., Los Angeles, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, effective July 1, 2009, continuing through June 30, 2010. The cost of services, not to exceed \$5,000.00, will be paid as follows: \$4,000.00 for services coordinated by the Affirmative Action Office, from the Unrestricted General Fund—ADA Equipment & Section 504, Account No. 175; and \$1,000.00 for services coordinated by the Communicatively Handicapped Office, from the Restricted General Fund—Special Education Central, Account No. 827.

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

10.14 Agreement with the Dayle McIntosh Center to Provide Interpreter Services to Deaf/Hearing Impaired Individuals
(Prepared by Business Services Division)

The Affirmative Action Office and the Communicatively Handicapped Office request Board of Education approval to enter into agreement with the Dayle McIntosh Center, Garden Grove, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, effective July

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1, 2009, continuing through June 30, 2010. The services are in accordance with the requirements of Section 504 of the Rehabilitation Act and the American with Disabilities Act and other similar state and federal laws. The services for District employees, applicants, and adult students are coordinated through the Affirmative Action Office, while the services for parents of District students are coordinated through the Communicatively Handicapped Office. The cost of services, not to exceed \$3,000.00, will be paid from the Unrestricted General Fund—ADA Equipment & Section 504, Account No. 175.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with LifeSigns, Inc., Los Angeles, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, effective July 1, 2009, continuing through June 30, 2010. The cost of services, not to exceed \$3,000.00, will be paid from the Unrestricted General Fund—ADA Equipment & Section 504, Account No. 175.

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

10.15 Agreement with RISE ASL Interpreters to Provide Interpreter Services to Deaf/Hearing Impaired Individuals
(Prepared by Business Services Division)

The Affirmative Action Office and the Communicatively Handicapped Office request Board of Education approval to enter into an agreement with RISE ASL Interpreters, Hemet, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, effective July 1, 2009, through June 30, 2010. The services are in accordance with the requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act and other similar state and federal laws. The services for District employees, applicants, and adult students are coordinated through the Affirmative Action Office, while the services for parents of District students are coordinated through the Communicatively Handicapped Office. The cost of services, not to exceed \$25,000.00, will be paid as follows: \$23,000.00 for services coordinated by the Affirmative Action Office, from Unrestricted General Fund—ADA Equipment & Section 504, Account No.175; and \$2,000.00 for services coordinated by the Communicatively Handicapped Office, from Restricted General Fund—Special Education Central, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with RISE ASL Interpreters, Hemet, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, effective July 1, 2009, through June 30, 2010. The services are in accordance with the requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act and other similar state and federal laws. The services for District

employees, applicants, and adult students are coordinated through the Affirmative Action Office, while the services for parents of District students are coordinated through the Communicatively Handicapped Office. The cost of services, not to exceed \$25,000.00, will be paid as follows: \$23,000.00 for services coordinated by the Affirmative Action Office, from Unrestricted General Fund—ADA Equipment & Section 504, Account No.175; and \$2,000.00 for services coordinated by the Communicatively Handicapped Office, from Restricted General Fund—Special Education Central, Account No. 827.

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

10.16 Agreements with San Bernardino Area Businesses That Will Provide Work Experience to A.S.T.E.R.I.S.K. (Accelerating Success Through Employment, Responsibility, Inspiration, Skills and Knowledge) Students
(Prepared by Business Services Division)

The Deputy Superintendent's Office requests Board of Education approval to enter into agreements with 27 San Bernardino, CA, businesses, agencies, and organizations (San Bernardino County Superintendent of Schools; City of San Bernardino Employment and Training Agency; City of San Bernardino Cable TV – Channel 3; Jose's Mexican Restaurant; San Bernardino Public Library; Asian American Resource Center; City of San Bernardino Civil Service; City of San Bernardino Council Offices; City of San Bernardino Code Enforcement; San Bernardino Regional Emergency Training Center; Office of Hearing and Appeals; Community Christian College; City of San Bernardino Water Department; City of San Bernardino Fire Department; City of San Bernardino Streets Division; Paradigm Learning; Mayor's Office; City of San Bernardino Human Resources; Boys & Girls Club of San Bernardino; 1st Valley Credit Union; San Bernardino School Employees Federal Credit Union; San Bernardino Chamber of Commerce; San Bernardino County Department of Public Health; Civic Circle Child Care, Inc.; Top Flight: Johnson Hall; Southern California Edison; Fiesta Village Family Fun Park, Colton, CA) to provide work experience to 100 A.S.T.E.R.I.S.K. student interns, effective July 13, 2009, through August 14, 2009. The students will become employees of the District and will attend a one-week Professional Development Institute, at the end of which the students will be able to demonstrate their ability to be contributing employees. Students will be placed in a five-week paid Internship within the District, or at outside businesses, agencies, and organizations to demonstrate dependability, punctuality, cooperation in a work environment and a hard work ethic. Each student will be monitored by an A.S.T.E.R.I.S.K. liaison. Partnerships will be solicited from the business community to sponsor and/or place student employees.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into agreements with 27 San Bernardino, CA, businesses, agencies, and organizations (San Bernardino County Superintendent

of Schools; City of San Bernardino Employment and Training Agency; City of San Bernardino Cable TV – Channel 3; Jose’s Mexican Restaurant; San Bernardino Public Library; Asian American Resource Center; City of San Bernardino Civil Service; City of San Bernardino Council Offices; City of San Bernardino Code Enforcement; San Bernardino Regional Emergency Training Center; Office of Hearing and Appeals; Community Christian College; City of San Bernardino Water Department; City of San Bernardino Fire Department; City of San Bernardino Streets Division; Paradigm Learning; Mayor’s Office; City of San Bernardino Human Resources; Boys & Girls Club of San Bernardino; 1st Valley Credit Union; San Bernardino School Employees Federal Credit Union; San Bernardino Chamber of Commerce; San Bernardino County Department of Public Health; Civic Circle Child Care, Inc.; Top Flight: Johnson Hall; Southern California Edison; Fiesta Village Family Fun Park, Colton, CA) to provide work experience to 100 A.S.T.E.R.I.S.K. student interns, effective July 13, 2009, through August 14, 2009. The students will become employees of the District and will attend a one-week Professional Development Institute, at the end of which the students will be able to demonstrate their ability to be contributing employees. Students will be placed in a five-week paid Internship within the District, or at outside businesses, agencies, and organizations to demonstrate dependability, punctuality, cooperation in a work environment and a hard work ethic. Each student will be monitored by an A.S.T.E.R.I.S.K. liaison. Partnerships will be solicited from the business community to sponsor and/or place student employees.

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

10.17 Amendment No. 1 to the Agreement with Conengr Corporation, General Contractor for Fairfax and Warm Springs Elementary Schools Modernization Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Conengr Corporation, Upland, CA, previously approved on December 2, 2008. This amendment is for unanticipated scope of work identified during modernization at Fairfax and Warm Springs Elementary Schools including, but not limited to, the relocation of the water supply pipeline in the staff and student restrooms, necessary replacement of existing steel frame and extension of the ramps and handrails to meet ADA requirements. It is in the best interest of the District to proceed with the contract amendment and not bid out the additional work due to delays to the Project which would affect school attendance and result in damage payments to contractors. This amendment will result in cost savings to the District. County Counsel has reviewed and approved this amendment. The cost for these additional services is \$46,937.00, for a new total cost not to exceed \$344,937.00, and will be paid from Funds 21, 25, or 35. All other terms and conditions will 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 amending the agreement with Conengr Corporation, Upland, CA, for Fairfax and Warm Springs Elementary School Modernization Projects. This amendment is for unanticipated scope of work including, but not limited to, the relocation of the water supply pipeline in the staff and student restrooms, replacement of existing steel frames and extension of the ramps and handrails to meet ADA requirements. County Counsel has reviewed and approved this amendment. The cost for these additional services is \$46,937.00, for a new total cost not to exceed \$344,937.00, and will be paid from Funds 21, 25, or 35. All other terms and conditions will 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.

10.18 Amendment No. 2 with HMC Architects for Priority Projects - Thompson Elementary School Modernization
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with HMC Architects, Ontario, CA, previously approved on March 20, 2001. This amendment is for additional design services for replacement of mechanical ventilation in the kitchen at Thompson Elementary School, effective June 3, 2009, through June 30, 2010. The cost, not to exceed \$4,900.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, or 35.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects, Ontario, CA, for additional design services for replacement of mechanical ventilation in the kitchen at Thompson Elementary School, effective June 3, 2009, through June 30, 2010. The cost, not to exceed \$4,900.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, or 35.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 2.

10.19 Amendment No. 2 to the Agreement with WLC Architects for Additional Bleachers and Football Field Renovations at Arroyo Valley High School
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with WLC Architects, Rancho Cucamonga, CA, previously approved on August 1, 2006. This amendment is for additional services due to field corrections and coordination of DSA re-approval of the design documents. The cost for these additional services is \$15,000.00, for a new total cost not to exceed \$218,750.00, and will be paid from the Unrestricted

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Unappropriated /Undesignated General Fund Balance (047). 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 for additional services due to field corrections and coordination of DSA re-approval of the design documents. The cost for these additional services is \$15,000.00, for a new total cost not to exceed \$218,750.00, and will be paid from the Unrestricted Unappropriated/Undesignated General Fund Balance (047). 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. 2.

10.20 Amendment No. 4 of the Master Agreement with YMCA of the East Valley to Provide C.A.P.S. Services to Students
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval to amend the master agreement with YMCA of the East Valley to provide C.A.P.S. services effective July 1, 2008, continuing through June 30, 2009, approved by the Board on June 17, 2008, Agenda Item 10.79. The amendment is necessary to add \$397,000.00 to the original fee of \$3,094,562.00 for an aggregate total not to exceed \$3,491,562.00. The additional fee will be paid as follows: \$294,348.00 from the Restricted General Fund—After School Education and Safety Program, Account No. 459; and \$102,652.00 from the Restricted General Fund—NCLB-CAPS-CCLC CORE 3A, Account No. 583. 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 master agreement with YMCA of the East Valley to provide C.A.P.S. services effective July 1, 2008, continuing through June 30, 2009, approved by the Board on June 17, 2008, Agenda Item 10.79. The amendment is necessary to add \$397,000.00 to the original fee of \$3,094,562.00 for an aggregate total not to exceed \$3,491,562.00. The additional fee will be paid as follows: \$294,348.00 from the Restricted General Fund—After School Education and Safety Program, Account No. 459; and \$102,652.00 from the Restricted General Fund—NCLB-CAPS-CCLC CORE 3A, Account No. 583. All other terms and conditions will 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.

10.21 Food Service Agreements with the City of San Bernardino-Delmann Heights Headstart Center, the Foundation for California State University-Child Care Center, Provisional Educational Services, Inc.-Provisional Accelerated Learning (PAL) Center, and Aspiring Stars Resource Development Center
(Prepared by Facilities/Operations Division)

The Nutrition Services Department requests Board of Education approval to enter into meal program food service agreements with the City of San Bernardino-Delmann Heights Headstart Center; the Foundation for California State University-Child Care Center; and Provisional Educational Services, Inc.-Provisional Accelerated Learning (PAL) Center, effective July 1, 2009, through June 30, 2010; and Aspiring Stars Resource Development Center, effective June 15, 2009, through June 30, 2009.

These standardized food service agreements may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price, location(s) and number/style of meals served. The yearly prices are based on what type of service and materials are included with the meal, such as delivery, milk, straws, napkins, eating utensils, trays, and clean-up. There is no cost to the District.

It is recommended that the following resolutions be adopted:

BE IT RESOLVED that the Board of Education approves entering into meal program food service agreements with the City of San Bernardino-Delmann Heights Headstart Center; the Foundation for California State University-Child Care Center; and Provisional Educational Services, Inc.-Provisional Accelerated Learning (PAL) Center, effective July 1, 2009, through June 30, 2010, and Aspiring Stars Resource Development Center, effective June 15, 2009, through June 30, 2009, per terms of the agreements. These standardized agreements may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, yearly price changes, location(s) and number/style of meals served. There is no cost to the District.

BE IT FURTHER RESOLVED that Mohammad Z. Islam, Chief Business and Financial Officer, be authorized to sign said agreements.

10.22 Renewal of the Agreement with Strategic Education Services to Provide Legislative Advocacy and Lobbying at the State Level for the District
(Prepared by Business Services Division)

The Office of the Superintendent requests Board of Education approval to renew the agreement with Strategic Education Services, Sacramento, CA, to provide legislative advocacy and

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lobbying services on behalf of the District in Sacramento CA, effective July 1, 2009, continuing through June 30, 2010. Strategic Education Services will meet with the School Board and the Superintendent to discuss legislative actions that impact the District and implement the Board's State legislative agenda. Strategic Education Services agrees to establish and maintain working relationships within the executive and legislative branches of the State government in an effort to enhance the District's position with financial assistance applications, regulatory procedures, legislation, budget authorizations, and any other area as directed, including the attendance of meetings or conferences. The District also agrees to reimburse Strategic Education Services for travel and other reimbursable expenses as approved, not to exceed \$6,000.00 per year. The cost, not to exceed \$48,000.00 per year, plus reimbursables (payable at the rate of \$4,000.00 per month, plus reimbursables), will be paid from Unrestricted General Fund – Board of Education, Account No. 066.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Strategic Education Services, Sacramento, CA, to provide legislative advocacy and lobbying services on behalf of the District in Sacramento CA, effective July 1, 2009, continuing through June 30, 2010. Strategic Education Services will meet with the School Board and the Superintendent to discuss legislative actions that impact the District and implement the Board's State legislative agenda. Strategic Education Services agrees to establish and maintain working relationships within the executive and legislative branches of the State government in an effort to enhance the District's position with financial assistance applications, regulatory procedures, legislation, budget authorizations, and any other area as directed, including the attendance of meetings or conferences. The District also agrees to reimburse Strategic Education Services for travel and other reimbursable expenses as approved, not to exceed \$6,000.00 per year. The cost, not to exceed \$48,000.00 per year, plus reimbursables (payable at the rate of \$4,000.00 per month, plus reimbursables), will be paid from Unrestricted General Fund – Board of Education, Account No. 066.

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

10.23 Delegation of Purchasing Authority – Nutrition Services Department
(Prepared by Facilities/Operations Division)

Per Education Code Section 17605, in order to conduct District business, the Board of Education annually approves certain authorizations for purchasing authority for District personnel to carry out the purchasing function.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education, per Education Code Section 17605, authorizes James Cunningham, Nutrition Services Assistant Director, and Larry Lobaugh, Nutrition Services Program Manager, to sign purchase orders for non-biddable supplies and services directly related to food and food products and for biddable products directly related to food and food products effective July 1, 2009, through June 30, 2010.

BE IT FURTHER RESOLVED that the Board of Education, per Education Code Section 17605, authorizes Lisa Falcone, Nutrition Services Administrative Analyst, and Becky Hickey, Nutrition Services Buyer, to sign purchase orders that cost less than \$15,000.00 for non-biddable supplies and services directly related to food and food products and for biddable products directly related to food and food products effective July 1, 2009, through June 30, 2010.

10.24 Piggyback of Audio Visual Equipment Bid with Redlands Unified School District
(Prepared by Business Services Division)

The Purchasing Department requests Board of Education approval to utilize Redlands Unified School District Bid No. 19-08, Audio Visual Equipment, effective October 29, 2008, and continuing through October 28, 2011.

As a local governmental body, the District has the option of piggybacking off of this Bid. 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 Redlands Unified School District Bid No. 19-08, Audio Visual Equipment, effective June 2, 2009, and continuing through October 28, 2011.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated, as needed, throughout the term of the bid.

BE IT FURTHER RESOLVED that the Board of Education authorized Mohammad Z. Islam, Chief Business and Financial Officer, to sign all documents associated with this bid.

10.25 Bid No. NSB2008/09-3, Food Service Equipment
(Prepared by Facilities/Operations Division)

Bid No. NSB2008/09-3, Food Service Equipment, was advertised on April 17, 2009, and April 24, 2009. Bids were opened on May 4, 2009, at 11:00 a.m.

The award of these bids will provide miscellaneous food service equipment for school site cafeterias and the Nutrition Center. The cost will be paid from the 2009 equipment assistance

grant from the American Recovery and Reinvestment Act (stimulus package) and Nutrition Services Fund 92.

Bids were received from Arrow Restaurant Equipment, Montclair, CA; East Bay Restaurant Supply Co., Oakland, CA; Economy Restaurant Equipment, San Marcos, CA; F.S.E., San Diego, CA; Kamran & Co., Santa Barbara, CA; Michael Blackman & Associates, Santa Monica, CA; Murray's Hotel & Restaurant Supply, Colton, CA; and Zappia's Restaurant Equipment, San Diego, CA. Bids were awarded by line item to the lowest responsible bidders.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that bids be awarded by line item, to the lowest responsible bidders, for the following:

East Bay Restaurant Supply Company			
49 4th Street			
Oakland, CA 94607			
Bid Item #	Description	Quantity	Total Price
1	30" BBQ	5	\$ 11,215.00
2	60" BBQ	1	2,345.00
13	Dishwasher, Conveyor	2	30,360.00
14	Dishwasher, Conveyor	2	28,360.00
19	1 door reach-in Freezer	1	4,350.00
21	2 door reach-in Freezer	4	22,600.00
23	3 door reach-in Freezer	1	7,635.00
25-26	Ice Machine & Bin	2	8,886.00
33	1 door reach-in Refrigerator	6	22,710.00
40	Mobile Warming Cab.	19	41,800.00
Subtotal:			180,261.00
Sales Tax - 9%:			16,223.49
Total Award:			196,484.49

F.S.E.			
1248 Market Street			
San Diego, CA 92101			
Bid Item #	Description	Quantity	Total Price
3	BBQ Cart	2	\$29,000.00
4	Bun Pan Cart	7	2,016.00
5	Vending Cart	3	7,650.00
7	Dishwasher, Corner	4	35,200.00
8	Dishwasher, Corner	1	8,800.00
9	Dishwasher, Corner	1	8,800.00

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10	Dishwasher, Straight	4	35,200.00
11	Dishwasher, Straight	10	87,500.00
12	Dishwasher, Straight	2	17,500.00
15	Salad Bar	2	2,633.34
17	Steam Table, Slide-in	1	1,388.00
18	Steam Table, Drop-in	1	1,750.00
20	1 door reach-in Freezer	1	2,350.00
22	2 door reach-in Freezer	4	12,512.00
24	3 door reach-in Freezer	1	4,288.00
27	Milk Cooler, 12 crate	1	2,037.00
28	Milk Cooler, 16 crate	29	66,352.00
29	Double Oven, Gas	27	229,176.00
32	1 door reach-in Refrigerator	6	12,528.00
34	2 door reach-in Refrigerator	7	17,836.00
37	Sink, 3-compartment	1	988.00
38	Tray Dispenser	14	19,572.00

Subtotal: 605,076.34
 Sales Tax - 9%: 54,456.87
Total Award: 659,533.21

Kamran & Company			
411 E. Montecito Street			
Santa Barbara, CA 93101			
Bid Item #	Description	Quantity	Total Price
6	Delivery Cart	25	\$ 23,650.00
30	Double Oven, Electric	1	7,750.00
31	Range with Oven	2	12,140.00
36	3-door Refrigerator	2	16,580.00
39	Warming Cabinet	5	26,480.00
41	Mobile Warming Cabinet	9	26,451.00

Subtotal: 113,051.00
 Sales Tax - 9%: 10,174.59
Total Award: 123,225.59

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Michael Blackman & Associates 1106 Broadway Santa Monica, CA 90405			
Bid Item #	Description	Quantity	Total Price
16	Mobile Steam Table	9	\$ 23,654.61

Subtotal: 23,654.61
Sales Tax – 9%: 2,128.91
Total Award: 25,783.52

GRANT TOTAL OF AWARD \$ 1,005,026.82

BE IT ALSO RESOLVED that the cost will be paid from the 2009 equipment assistance grant from the American Recovery and Reinvestment Act (stimulus package) and Nutrition Services Fund 92.

BE IT ALSO RESOLVED that bids from Arrow Restaurant Equipment, Economy Restaurant Equipment, Murray’s Hotel & Restaurant Supply, and Zappia’s Restaurant Equipment be rejected in their entirety, as not meeting bid specifications.

BE IT ALSO RESOLVED that low bid for item number 35 be rejected. This low bid is not considered to be in the best interest of the District.

BE IT ALSO RESOLVED that the District reserves the right to purchase more or less than the quantities indicated as needed throughout the duration of the bid or extension; and that bids may be extended on an item-by-item basis, based upon unit prices awarded, not to exceed five years total, as it is in the best interest of the District.

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

10.26 Request to Reject Request for Proposal (RFP) No. 06-09, Network Monitoring Software, Installation and Training
(Prepared by Business Services Division)

Request for Proposal (RFP) No. 06-09, Network Monitoring Software, Installation and Training, Information Technology Department, was advertised April 9, 2009, and April 16, 2009, and was opened April 23, 2009, at 2:00 p.m.

The Purchasing Services Department requests the Board of Education to reject in its entirety, all bids for RFP No. 06-09, Network Monitoring Software, Installation and Training. Reject due to lack of available funds.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that RFP No. 06-09, Network Monitoring Software, Installation and Training, Information Technology Department, be rejected in its entirety.

10.27 Notice of Completion, Bid No. F05-18, Categories 6 and 16, Bing Wong Elementary School
(Prepared by Facilities/Operations Division)

Bid No. F05-18, new construction at Bing Wong Elementary School, was previously awarded to multiple Prime Contractors. 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. F05-18, new construction of Bing Wong Elementary School, for the portion of the work awarded to the Prime Contractors listed below:

Category 6 – Rough Carpentry
West Helm Construction, Inc.
Chino, CA

Category 16 – Specialties
RVH Constructors, Inc.
Ontario, CA

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

10.28 Notice of Completion, Bid No. F07-14, QEIA – Site Work and Interior Electrical Work Associated with Ten Relocatable Classrooms
(Prepared by Facilities/Operations Division)

Bid No. F07-14, QEIA – Site Work and Interior Electrical Work Associated with Ten Relocatable Classrooms, was previously awarded to a General Contractor. The work assigned to the General 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. F07-14, QEIA – Site Work and Interior Electrical Work Associated with Ten Relocatable Classrooms (five of five sites), for the portion of the work awarded to the General Contractor at the five sites listed below:

General Contractor
Delt Builders
Rancho Cucamonga, CA

Completed Sites:

Burbank Elementary School
Cypress Elementary School
Lytle Creek Elementary School
Warm Springs Elementary School
Wilson Elementary School

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

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)08/02/1991 *(S)09/30/1999 *(S)01/17/1994 ***(S)04/03/1995 *(S)10/09/2000 ***(S)12/24/1991
***(S)04/20/1993 *(S)11/27/1994 *(S)01/23/1993 ***(S)10/15/1995 11/02/1993 ***(S)12/07/1993
***(S)04/26/1992 ***(S)12/20/1995 *(S)08/05/1992 ***(S)10/20/1993 *(S)06/23/1994 *(S)01/24/1996
*(S)03/30/1993 *(S)10/24/1997

*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.

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:

01/02/1995

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."

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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:

04/10/1995

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

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:

04/04/1996 06/16/1994 02/01/1995

10.36 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.

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10.37 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.

11.0 Action Items

- 11.1 Approval of New BP 3543 Transportation Safety and Emergencies (First Reading)
(Prepared by Facilities/Operations Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts BP 3543 Transportation Safety and Emergencies as a first reading.

- 11.2 Amendments to BP 5145.12 Search and Seizure (Second Reading)
(Prepared by the Employee Relations Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the amendments to BP 5145.12 Search and Seizure as presented.

- 11.3 Personnel Report #23, dated June 2, 2009
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #23, dated June 2, 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 #23, dated June 2, 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 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

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Conference with Labor Negotiator

District Negotiator: Yolanda Ortega
Employee Organization: California School Employees Association
San Bernardino School Police Officers Association

District Negotiator: Harold Vollkommer
Employee Organization: Communications Workers of America
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Public Employee Appointment

Title: Elementary Principal

Non Re-Election of Certificated Employee(s)

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, June 16, 2009, 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: May 29, 2009