

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

July 7, 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 - Public Hearing

- 2.0 Public Hearing** **5:35 p.m.**
2.1 Charter Petition for Excel Prep Charter School

SESSION THREE - Administrative Presentation

- 3.0 Administrative Presentation** **5:50 p.m.**
3.1 Omnitrans sbX Project

SESSION FOUR - Administrative Reports

- 4.0 Administrative Reports** **6:10 p.m.**
4.1 Amendments to BP 0420.4 Charter School Petitions (First Reading)
4.2 Supplemental Charter Information
4.3 Amendments to BP 0510 Philosophy, Goals, Objectives and Comprehensive Plans (Second Reading)
4.4 Amendments to BP 6162.6 Use of Copyrighted Materials (Second Reading)
4.5 Amendments to BP 6162.51 Standardized Testing and Reporting Program (Second Reading)

SESSION FIVE – Other Matters Brought By Citizens

- 5.0 Other Matters Brought by Citizens** **6:30 p.m.**

SESSION SIX - Reports and Comments

- 6.0 Report by Board Members** **6:45 p.m.**
6.1 Legislative Update

7.0 Report by Superintendent and Staff Members

7:00 p.m.

SESSION SEVEN - Legislation and Action

8.0 Consent Items (When considered as a group, unanimous approval is advised.) 7:15 p.m.

- 8.1 Approval of Minutes
- 8.2 Payment of SANDABS Membership Dues for 2009-2010
- 8.3 2009-2010 District Consolidated Application (Part I)
- 8.4 Authorization to Approve Property-Liability-Insurance, Claims & Litigation Management Documents
- 8.5 Acceptance of Gifts and Donations to the District
- 8.6 Business and Inservice Meetings
- 8.7 Cafeteria Warrant Register, Ending May 31, 2009
- 8.8 Commercial Warrant Registers for Period from June 1, through June 15, 2009
- 8.9 Payment for Course of Study Activities
- 8.10 Payment for Services Rendered by Non-Classified Experts and Organizations
- 8.11 Application for the State K-3 Class Size Reduction Operations Program for Fiscal Year 2009-10
- 8.12 Extended Field Trip, Arrowview Middle School, Youth to Youth Western States Regional Conference, Claremont, California
- 8.13 Extended Field Trip, Cajon High School, Annual Mammoth Springs Training, Mammoth Springs, California
- 8.14 Change to Nutrition Services' Signature Authority
- 8.15 Nutrition Services' Delegation of Purchasing Authority
- 8.16 Agreement with Design West Engineering for an Energy Management Control Systems (EMCS) Evaluation and Assistance with Procuring Energy Grants
- 8.17 Agreement with Kanda and Tso Associates for an Assessment Study and Solutions Report of the Maintenance and Operations Building
- 8.18 Agreement with Total Engineering Services, Inc. for Structural Engineering Services for Cajon High School Retaining Wall Project
- 8.19 Agreement with the Law Firm of Margaret A. Chidester & Associates to Provide Legal Services to the Personnel Commission
- 8.20 Agreements with San Bernardino County Superintendent of Schools for Participation in the Science Technology Engineering & Mathematics (STEM) Grant
- 8.21 Amendment to the Agreement with Ecclesia Christian Fellowship to Provide After School Programs
- 8.22 Amendment of the Agreement with Horizon Therapy Services to Provide Early Start/Preschool Occupational Therapy Development and Other Related Services to Special Education Students
- 8.23 Renewal of the Agreement with Fountain of Life, Inc., to Provide Comprehensive Intervention to Reintegrate Students into School Community at Pacific High School

Board of Education Meeting
July 7, 2009

- 8.24 Renewal of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for the California State Preschool Program
- 8.25 Renewal of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for General Child Care and Development Programs
- 8.26 Renewal to the Agreement with Global Environmental Training & Consulting, Inc. to Assist in the Control of Hazardous Waste Material
- 8.27 Agreement with PlanNet Consulting for the Evaluation and Assessment Testing of E-Rate Technology Physical Infrastructure Installation at 60 District School Sites
- 8.28 Bid No. 15-06 Business Operating Support System as Awarded to Cybertech Systems and Software, Inc.
- 8.29 Notice of Completion, Bid No. F05-16, Category 22 - New Curtis Middle School
- 8.30 Notices of Completion, Bid No. F05-18, Various Categories, Bing Wong Elementary School (Elementary School #48)
- 8.31 Notices of Completion, Bid No. F06-01, Various Categories, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools
- 8.32 Request to Release a Subcontractor for the Hillside/Hunt Elementary Schools Modernization/Deferred Maintenance Project, Pursuant to Public Contract Code Section 4107
- 8.33 Expulsion of Student(s)
- 8.34 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
- 8.35 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
- 8.36 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 8.37 Revocation of Suspension of Expulsion
- 8.38 Lift of Expulsion of Student(s)
- 8.39 Failure to Recommend Mandatory Expulsion 48915
- 8.40 Petition to Expunge Expulsion
- 8.41 Education Code 48213
- 8.42 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability

9.0 Action Items

7:30 p.m.

- 9.1 Amendments to BP 0420.4 Charter School Petitions (First Reading)
- 9.2 Amendments to BP 0510 School Accountability Report Card (Second Reading)
- 9.3 Amendments to BP 6162.6 Use of Copyrighted Materials (Second Reading)

Board of Education Meeting
July 7, 2009

- 9.4 Amendments to BP 6162.51 Standardized Testing and Reporting Program (Second Reading)
- 9.5 Personnel Report #1, dated July 7, 2009
- 9.6 Election of an Assistant Secretary

SESSION EIGHT - Closed Session

10.0 Closed Session

7:45 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 – Anderson School

SESSION NINE – Open Session

11.0 Action Reported from Closed Session

8:45 p.m.

SESSION TEN - Closing

12.0 Adjournment

8:50 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, July 21, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: July 2, 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

July 7, 2009

SESSION ONE - Opening

1.0 Opening

1.1 Call to Order

1.2 Pledge of Allegiance to the Flag

SESSION TWO - Public Hearing

2.0 Public Hearing

2.1 Charter Petition for Excel Prep Charter School
(Prepared by Student Services Division)

On June 4, 2009, Excel Prep Charter School submitted a petition to the Student Services Division. At this time, a Public Hearing will be held to consider the level of support for the petition.

SESSION THREE - Administrative Presentation

3.0 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 Five - Other Matters Brought by Citizens.

Board of Education Meeting
July 7, 2009

3.1 Omnitrans sbX Project
(Prepared by Superintendent)

David Rutherford, Communications and Community Relations Manager from Omnitrans, will present information regarding the sbX project. This is the first phase of their systemwide corridor plan.

SESSION FOUR - Administrative Reports

4.0 *Administrative Reports*

4.1 Amendments to BP 0420.4 Charter School Petitions (First Reading)
(Prepared by Student Services Division)

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

BP 0420.4 Philosophy, Goals, Objectives and Comprehensive plans

CHARTER SCHOOL PETITIONS

The Board of Education believes that charter schools provide one possible opportunity to implement school-level reform and to support educationally sound innovations which improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Board.

The Board recognizes that teachers, parents/guardians, students and community members may petition the Board to approve a charter school, and that the Board shall review such petitions in accordance with the letter and spirit of the law.

~~By law, charter school petitioners are responsible for developing the charter that will guide the school. The proposed charter must include descriptions of the vision, mission, and goals of the charter school, the governance structure, which will be used, the educational outcomes to be attained by students, the method by which progress in meeting those outcomes will be measured. As needed, the Superintendent or designee may work with charter school petitioners who present petitions which contain the elements required by law and district policy and regulations to establish workable plans for technical assistance or contracted services, which the district may provide to the proposed charter school.~~

Unlike other alternative education programs which are under the direct control of the district, charter schools may be separate public entities that are governed independently in accordance with charter provisions which have been approved by the Board. All charter schools approved by the Board that are not under direct control of the Board shall be organized as nonprofit public

benefit corporations and shall hold the District, its officers, agents, and employees harmless from any liability arising from the existence or operation of the charter school.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the District and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school and adjusted as necessary.

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems as well as multiple measures for evaluating the educational program. In accordance with law and the charter provisions, charters shall provide regular reports to the Board to assist the Board in its oversight responsibility.

The Board shall monitor each charter school to determine whether it makes “adequate yearly progress,” as defined by the State Board of Education and federal Title I accountability requirements. If a charter school fails to make adequate yearly progress for two or more consecutive years, the Board shall take action for program improvement in accordance with law, Board policy, and administrative regulations.

The District shall not require any student to attend a charter school and shall not require any District employee to work at a charter school. *{E.C. 47605(e)(f)}*

In order to implement state law fully and fairly, and to provide petitioners with a thorough description of how the San Bernardino City Unified School District (SBCUSD) will meet its obligations under law, the Board adopts the following:

Pre-Hearing Procedures

It is the responsibility of the petitioner(s) to provide at least fifteen (15) copies of the following documents and any other information as requested by the Board. The cost of such documents shall be borne by the petitioner(s).

1. Petition

A petition to the Board of Education to approve a charter school shall include the following information:

- a. The name, address, and phone number of each applicant, together with a statement signed by each of them, formally applying to the Board for approval of the charter school.*
- b. A thorough description of the education, work experience, credentials, degrees, and certifications of the individuals comprising, or proposed to comprise, the directors, administrators, and managers of the proposed charter school.*
- c. The By-laws, articles of incorporation, and other management documents, as applicable, governing, or proposed to govern, the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions, which also apply to members of a Charter Board of Education.*
- d. A list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating, and evaluating the charter school, together with a thorough description of the qualifications of such consultants.*
- e. The names, addresses, and telephone numbers of those persons endorsing the proposal with original signatures of such petitioners and in the form provided in Education Code Section 47605. The petition form must also indicate that a copy of the charter school proposal was attached so that petitioners were able to review it prior to signing. Parents/guardians signing a petition must have one or more children who are age appropriate for the proposed charter school. Teachers signing a petition must be properly credentialed to teach one or more core academic classes in the proposed charter school.*
- f. A Charter School Proposal including reasonably comprehensive descriptions of those elements of school philosophy, curriculum, and practice as called for in Section 47605 (b)(5)(A) through 47605(b)(5)(P) inclusive of the Education Code.*
- g. A description of the proposed assessment program related to the school's measurable pupil outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.*
- h. A signed statement affirming that the school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any person on the*

basis of ethnicity, national origin, gender, or disability as set forth in Section 47605 (d)(1) of the Education Code.

- i. The address and a description of the charter school facility or facilities located within the geographic boundaries of the SBCUSD, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured or has reasonable assurance of securing the facility for use by the charter school.*
- j. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense shall be included in cases of renewal applications.*
- k. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, and reserve positions, for the first three years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons or positions identified in paragraphs 1(a), 1(b), 1(d), and 1(m) of this policy.*
- l. An attorney's opinion or a narrative from the charter school applicant providing a thorough description of the potential civil liability, if any, of the charter school and the SBCUSD.*
- m. A summary of the administrative structure and organization of the school. The summary should specifically include School District liaison, special education, and other basic elements of school operation. This section should also detail the proposed academic calendar including: Days of instruction, hours of operation, expectations for pupil attendance, and annual instructional minutes for each grade level to be served.*
- n. The manner, format, and content by which the charter school proposes to regularly report to the SBCUSD, concerning implementation of the approved charter, measurable student progress, as well as the current and projected financial viability of the school.*
- o. The augmented plans to insure the health and safety of students and staff beyond those listed under Required Element F of Code Section 47605(b)(5)(F). These plans are to address any plans for additional tuberculosis screening, student supervision, safety training for staff, as well as requirements regarding immunization screening.*

- p. Education Code Section 47605(b)(5)(P) calls for a description of the procedures to be used if the charter school closes. The Board of Education expresses a preference for procedures which include a provision whereby residual assets of the charter school will accrue to the benefit of the programs operated by the SBCUSD.*
- q. An explanation of how the charter will meet compliance with all provisions of federal law and implementing regulations (20 U.S.C. Chapter 33, the Individuals with Disabilities Education Act) and eligibility for federal and state special education funds.*
- r. Other documents as requested by the Board*
- s. Any other conditions set by the Board.*

Timelines

- 1. Upon receipt of the petition or preliminary application, a designated employee of the SBCUSD shall date stamp the cover page of the submitted materials. A complete charter school petition shall include all of the information referenced in the Charter Schools Act by which the Board of Education may evaluate the application. While a charter school petition may be submitted at any time during the year, petitioners seeking approval to commence charter school operation at the start of the next school year are required to initiate the process not later than the prior November 15. In the case of petitions received after that date, the Board of Education reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.*
- 2. Not later than 30 days after receiving the complete charter school petition, the Board shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers of the SBCUSD, other employees of the SBCUSD, and parents, shall be considered. Charter applicants shall appear and provide testimony to the Board of Education. Notice of the hearing will be provided to each bargaining unit representing the employees of the SBCUSD.*
- 3. Within 60 days of receipt of the petition, or 90 days based upon agreement between the applicant and the SBCUSD, the Board shall either grant or deny the petition. The Board may also approve the petition, while noting certain conditions that the Board deems reasonable and rationally related to increasing the likelihood of success for the charter school and/or compliance with law. In that case, the Charter Schools' Section of the State Department of Education and other agencies as required by law will be notified that the charter has been approved. The conditions cited by the Board of Education will be addressed in the Memorandum of Understanding or Operating*

Agreement to be developed between the charter school applicant and the Superintendent of Public Instruction, the Superintendent, or designee will so inform the State Department of Education. Further, the Superintendent and the Board of Education will consider whether failure to reach agreement with the charter school applicant regarding the conditions noted by the Board of Education constitutes cause for charter revocation.

Decision of the Board

The Board shall grant a charter if it is satisfied that granting the charter is consistent with sound educational practices. {E.C. 47605(b)}

The Board shall not deny a petition unless it makes written factual findings setting forth specific facts to support one, or more, of the following findings: {E.C. 47605(b)}

- 1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- 2. The petitioner(s) are demonstrably unlikely to successfully implement the program as set forth in the petition.*
- 3. The petition does not contain the number of signatures required or otherwise fails to meet the requirements of Education Code Section 47605(d).*
- 4. The petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(d).*
- 5. The petition does not contain reasonably comprehensive descriptions of the required elements set forth in Education Code Section 47650(b) (5) (A) through 47605(b) (5) (P).*
- 6. The petition or proposed program is inconsistent with state law.*

The final decision of the Board shall be in writing and copies thereof shall be transmitted to the petitioner(s).

If the charter is approved, the petitioner(s) shall provide written notice of the approval, including a copy of the petition, to the State Board of Education. {E.C. 47605(I)}

If the charter is denied, the petitioner(s) may file a petition for establishment of a charter school with the San Bernardino County Office of Education or with the State Board of Education {E.C. 47605(j)(1)}

Charter Conditions if Approved by the SBCUSD

The charter must specify that the charter school shall hold harmless and indemnify the Board and its officers, and the SBCUSD and its officers and employees from any claim or demand of whatever nature, including those based upon the negligence of the Board and its officers, and the SBCUSD and its officers and employees brought by any person, institution, or organization.

The charter school at its own cost, expense, and risk shall defend any legal proceedings that may be brought against the Board and its officers, and the SBCUSD and its officers and employees, by any person, including any institution or organization, on any claim or demand of whatever nature arising out of the Board granting a charter and shall satisfy any judgment that may be rendered against any of them. The Board and the SBCUSD shall notify the charter of the receipt of any such claims or demands.

The charter school shall obtain, and continue to maintain throughout the life of the charter, insurance with limits of at least \$2,000,000.00 Commercial General Liability and \$20,000,000.00 aggregate, for the purpose of satisfying the obligations of satisfying judgments or of defending and/or indemnifying itself, the Board and/or the SBCUSD for any and all claims or demands of whatever nature. The Board, the SBCUSD and its officers, and its employees shall be named as additional insured's on such policy. The charter school shall make arrangements so that copies of certificates and notices shall be sent by the insurance carrier directly to the Board and the SBCUSD.

The Board may charge for the actual costs of supervisory oversight of the charter school not to exceed three percent (3%) of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the Board. (E.C. 47613)

An initial approval of a charter petition by the Board shall be for a period normally not to exceed three (3) years. Subsequent renewals, if granted by the Board, shall be for a period of five years.

Renewing or materially modifying a charter area are each subject to the approval of the Board. Applications to renew or materially modify the charter shall include all the same information, be processed in the same way, be subject to approval or denial on the same basis, as proposals for new charter schools, except that any renewal approval shall be for a period of five years from the expiration date of the charter, and a material modification when approved shall not affect the expiration date of the charter as originally approved.

Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine months prior to the date of charter expiration.

A material modification of an approved charter is any change in the representations made to the SBCUSD pursuant to BP0420.4.

Monitoring and Supervision

SBCUSD oversight of the charter school shall be limited to that required or authorized by law. SBCUSD supervisory assistance provided to the charter school shall be limited to that required by law. However, additional services may be provided by the SBCUSD subject to mutual agreement.

1. *The relationship between the charter school and the SBCUSD, as well as any services to be provided by the SBCUSD, will be described in the Memorandum of Understanding or Operating Agreement. The provisions of this written agreement will be discussed concurrently with consideration of charter approval.*
2. *The Superintendent or designee shall inspect, not less often than annually, documents on file at the charter school, which shall verify that all teachers at the school hold a certificate, permit, or other document equivalent to that which teachers in other public schools would be required to hold, and that those teachers at the school instructing students in college preparatory subject areas such as mathematics, science, social science, and language arts meet the same requirements imposed under state law on teachers in other public schools instructing such college preparatory subjects.*
3. *The Superintendent or designee shall examine, not less than annually, the audit report of the charter school, and shall, not less than annually, examine the general operation of the charter school. The Superintendent will promptly report to the Board any instance in which the charter school has committed any of the violations listed in the Education Code section 47607(b) below:*

A charter may be revoked by the authority that granted the charter under this chapter if the authority finds that the charter school did any of the following:

- (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.*
- (2) Failed to meet or pursue any of the pupil outcomes identified in the charter petition.*
- (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.*
- (4) Violated any provision of law.*

4. *Upon written finding by the Board that the charter school committed any of the violations of paragraph 47607(b)(1) through (4) of the Code inclusive, the Board shall notify the charter school accordingly, providing notice that the Board may revoke the charter, and give the school reasonable opportunity to cure the violation (unless the Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils). After a reasonable period, if satisfactory evidence is not presented to the Board that the violation has been cured, the Board may revoke the charter effective at such date as the Board determines appropriate. Upon evidence satisfactory to the Board that the violation has been cured, the Board shall rescind the notice of intent to revoke.*
5. *The SBCUSD shall charge, and the charter school shall pay, for the actual costs of monitoring and supervision not to exceed 1% of the revenue of the charter school except as otherwise provided by law.*
6. *Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Board of Education may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the Board's appointee all rights and responsibilities exercised by any other director of the corporation.*
7. *A charter school shall promptly respond to all reasonable inquiries from the SBCUSD.*
8. *The SBCUSD is charged with developing such administrative policies and regulations as may be necessary or prudent to implement this policy.*

SBCUSD Board of Education Preferences of Charter School Petitioners

The Board recognizes that a charter school petition can be a complex document that requires thoughtful planning on the part of the petitioner and careful review on the part of the SBCUSD. The Board, therefore, expresses the following preferences of charter school petitioners:

1. *Petitioners are encouraged to discuss ideas with office administrators designated by SBCUSD before submitting a petition. The petitioner should identify the lead representative who can negotiate and amend the charter proposal.*
2. *For startup charters submitted under nonprofit public benefit corporate status, the petition is not deemed to be complete if the intended nonprofit corporation does not yet exist.*
3. *Definitions:*

Parent – A parent eligible to sign petitions is one who has one or more age-appropriate children.

Teacher – A teacher eligible to sign petitions is one who is properly credentialed in the state of California to teach courses he or she is meaningfully interested in teaching.

Revenue – Revenue of a charter school for the purposes of determining the 1% or 3% of costs of supervision shall include all funding sources, public and private.

Legal Reference:

EDUCATION CODE

[17280-17317](#) Field Act

[17365-17374](#) Field Act, fitness for occupancy

33054 Waivers

[41365](#) Charter school revolving loan fund

[42100](#) Annual statement of receipts and expenditures

[42238.51-42238.53](#) Funding for charter districts

[44237](#) Criminal record summary

[44830.1](#) Certificated employees, conviction of a violent or serious felony

[45122.1](#) Classified employees, conviction of a violent or serious felony

[46201](#) Instructional minutes

[47600-47616.7](#) Charter Schools Act of 1992, as amended

[47640-47647](#) Special education funding for charter schools

[47652](#) Funding of first-year charter schools

[48000](#) Minimum age of admission (kindergarten)

[48010](#) Minimum age of admission (first grade)

[48011](#) Minimum age of admission from kindergarten or other school

[51745-51749.3](#) Independent study

[52052](#) Alternative accountability system

[54032](#) Limited English or low-achieving pupils

[56026](#) Special education

[56145-56146](#) Special education services in charter schools

[60600-60649](#) Assessment of academic achievement, including:

[60605](#) Academic content and performance standards; assessments

[60640-60649](#) Standardized Testing and Reporting Program

[60850-60859](#) High School Exit Examination

GOVERNMENT CODE

[3540-3549.3](#) Educational Employment Relations Act

[54950-54963](#) The Ralph M. Brown Act

[11960-11969](#) Charter Schools

PENAL CODE

[667.5](#) Definition of violent felony

[1192.7](#) Definition of serious felony

Board of Education Meeting
July 7, 2009

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 *Adequate yearly progress*

6319 *Qualifications of teachers and paraprofessionals*

7223-7225 *Charter schools*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 *Accountability*

300.18 *Highly qualified special education teachers*

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

CSBA: <http://www.csba.org>

California Building Standards Commission: <http://www.bsc.ca.gov>

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

Board of Education Meeting
July 7, 2009

4.2 Supplemental Charter Information
(Prepared by Student Services Division)

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

AR 0420.4 Philosophy, Goals, Objectives and Comprehensive Plans

Guidelines for Charter Petition Submissions

In order to inform all petitioners about the District's expectations for charter petitions, the District has created the following guidelines which will be used to evaluate charter petitions.

Guideline 1 – Petition Signatures

As mandated by Education Code 47605, the Board of Education will only consider charter school petitions signed by one of the following:

For Start-Up Charter Schools:

- * A number of parents or guardians equivalent to at least one-half of the number of students the charter school estimates will enroll in the charter school for its first year of operation, or
- * A number of teachers 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.

For Existing Public Schools Converting to Charter School Status:

- * At least 50 percent of the permanent status teachers currently employed at the public school to be converted.

Signatures will only be deemed valid if petitioners demonstrate that, while circulating the petition, they included a prominent statement explaining a signature means the parent or guardian is meaningfully interested in having his or her child attend the charter school or, in the case of a teacher's signature, the teacher is meaningfully interested in teaching at the charter school. In addition, petitioners must show the proposed charter was attached to the petition at the time signatures were obtained. Revisions in the charter after the petition is submitted to the Board of Education need not be resubmitted for signatures unless the changes materially alter the charter school proposal.

Guideline 2 – Submission Deadlines

The Board of Education is committed to creating a schedule for charter evaluation that allows both charter developers and the District to make thoughtful preparation for the adjustments to

budgets, facility allocations, and personnel assignments arising from the approval of new charter schools. Charter developers may submit their petitions at any time, and as stipulated in Education Code 47605, the Board of Education shall either grant or deny the charter within 60 days of receipt of the petition. To receive approval to open in the following school year, however, charter petitions must be submitted by November 15. Exceptions to this requirement may be granted to charter developers who can prove to the Board of Education's satisfaction, less time is required to implement the charter school's proposed instructional program.

Guideline 3 – Required Affirmations

As mandated by Education Code 47604 and 47605, the Board of Education will only consider charter school petitions containing the following affirmations:

* “The charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of ethnicity, national origin, gender, or disability.”

* “Admission to the charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.”

Guideline 4 – Required Descriptions of the Sixteen Elements

Education Code 47605 mandates that petitioners must provide a “reasonably comprehensive description” of the sixteen required elements. The District has established criteria defining what constitutes a “reasonably comprehensive description.”

Element 1--Educational Program

“The educational program of the school, designed, among other things, to describe what the school intends to accomplish, 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 students to become self-motivated, competent, and lifelong learners.”

A “reasonably comprehensive description” would:

1. Identify and demonstrate an understanding of the students the school plans to educate.
2. Describe how the school offers an innovative program design, beyond duplication of what is already available.

3. Describe the school's proposed curriculum and instructional program including:

- a. The proposed teaching methodologies, demonstrating a deep understanding of them and clear rationale for their use with the intended student population.
- b. The scope and sequence of skills to be taught across grade levels and the different subject areas the school intends to teach.
- c. How the curriculum, methods, and resources used are consistent with and support student progress toward meeting state standards.
- d. The evidence (scholarly research) that the instructional methods to be employed will improve student outcomes of the theoretical basis for the program's approach to learning if evidence has yet to be generated.
- e. The instructional resources to be used and means the school will use to obtain them.
- f. How teachers and other employees will have the capacity to deliver the proposed instructional program, addressing specifically recruiting efforts the school will undertake and/or professional development the school will offer to ensure personnel have the skills needed to implement the program.
- g. The school's academic calendar, explaining the allocation of the instructional time between different educational objectives, and providing assurance the school will offer, at minimum, the number of minutes of instruction set forth in Education Code 46201.

4. Include specific language and clear strategies to meet the needs of all students, including:

- a. English language learners.
- b. Gifted students.
- c. Below grade level and other at-risk students.
- d. Special education students.

5. Describe how the ongoing monitoring of all student groups' progress will inform the implementation of the school's instructional program.

Describe:

- a. What it means to be an "educated person in the 21st century."

b. How “learning best occurs.”

c. How the school will enable students to achieve the goal of becoming “self-motivated, competent and lifelong learners.”

d. Provide assurance that, to the extent independent study is provided, the school will comply with state laws relating to independent study as set forth in Education Code 47612.5.

6. If the proposed school will serve high school pupils, describe how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

Element 2 --Student Outcomes

“The measurable student outcomes identified for use by the charter school. ‘Student outcomes’ means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.”

A “reasonably comprehensive description” would:

1. Set student performance objectives, which are consistent with state accountability targets as defined by the Public School Accountability Act of 1999, federal accountability targets as defined in the No Child Left Behind Act (NCLB), and District accountability targets.
2. Identify any additional measurable outcomes that will be achieved by the school’s students and describe how the additional outcomes to be measured are consistent with the school’s proposed instructional program.
3. Include research-based programs with tangible measures of student success.
4. Describe plans for instruction that are responsive to formative and summative data.

Element 3 –Assessment

“The method by which student progress in meeting those student outcomes is to be measured.”

A “reasonably comprehensive description” would:

1. Describe the method(s) for measuring stated student outcomes and explain why the methods were chosen.
2. Assure state mandated assessments will be administered.
3. Identify any additional assessments to be used by the school.
4. Specifically state that all state and federal accountability measures for API and AYP will be met each year.
5. Demonstrate an understanding of all accountability components of NCLB and how those measures will be addressed for all subgroups.
6. Identify the person or staff position that will be the required testing coordinator and how they will notify the District in fulfilling those responsibilities.

Element 4 –Governance

“The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent or guardian involvement.”

A “reasonably comprehensive description” would:

1. State whether the proposed public charter school will operate as, or be operated by, a nonprofit public benefit corporation, or will operate as an arm-of-the-district public school.
2. Explain the process to be followed by the school to ensure parental involvement.
3. Describe the proposed school’s governance structure and demonstrate how it will maintain active and effective control of the school. Applicants are strongly encouraged to state:
 - a. The frequency with which the governance authority is expected to meet.
 - b. The process for ongoing selection of governance authority members.
 - c. The manner for recording governance authority meetings and actions.
4. Provide assurance the conduct of governance meetings will conform to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions which also apply to members of a Charter Board of Education.
5. Provide the names and backgrounds of all individuals committed to serve on the school’s initial governance authority. (This may be done with an attached memorandum.)

Element 5 –Employee Qualifications

“The qualifications to be met by individuals to be employed by the school, including the credentials held by the teachers of the school.”

A “reasonably comprehensive description” would:

1. Define the qualifications of the faculty and staff, appropriate for the Educational Program design and compliant to the “highly qualified” provisions of NCLB and including appropriate CTC authorizations.
2. State the charter school will conform to the legal requirement that all charter school teachers shall hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to what a teacher in other public schools would be required to hold.
3. Assure the school will maintain a current copy of teacher certificates on file and ready for inspection.
4. Identify steps the school will take, if any, to minimize the use of emergency-credentialed teachers including, without limitation, the development of or participation in a charter intern program consistent with standards established by the California Commission on Teacher Credentialing.

Element 6 -Health and Safety

“The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237. The procedures shall also address safe housing and employee clearance for tuberculosis.”

A “reasonably comprehensive description” would:

1. Provide, if known, the charter school address and description of the facilities to be used.
2. Assure the school’s facilities will comply with state building codes, federal American Disabilities Act (ADA) access requirements, and other applicable fire, health and structural safety requirements, and will maintain on file records documenting such compliance.
3. Assure the school will maintain a copy of facility inspections on file and ready for inspection.
4. Assure safety and disaster plans appropriate to the site will be developed.

5. Explain how support services such as nursing, student health screening, and nutrition programs will be provided.
6. Identify specific and comprehensive procedures that the charter school will follow to ensure the health and safety of pupils and staff, including criminal record background checks, and initial and ongoing tuberculosis screenings of employee candidates.

Element 7 –Racial and Ethnic Balance

“The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the District’s territorial jurisdiction.”

Note: Refer to the most recent Pupil Racial/Ethnic Census.

A “reasonably comprehensive description” would:

1. Describe the measurable recruitment efforts and outreach programs the school will undertake during an open enrollment during the first year prior to opening. The described recruitment and outreach efforts should address:
 - a. The number and location of community presentations to be made in the District.
 - b. The community-based organization(s) the charter school will partner with in order to engage in recruitment efforts.
 - c. The print and non-print media the school will advertise in and the frequency with which advertisements will appear.
 - d. The informational materials to be generated by the school and the languages they will be presented in.
 - e. The methods by which the school will distribute informational materials.

Note: The District will review the proposed efforts to ensure they do not discriminate against or discourage any students from seeking admission to the school. Applicants proposing to join a SELPA other than the District’s should assure that the school’s recruiting procedures shall result in good faith efforts designed to encourage the enrollment of students with special needs who reside within the District.

2. Identify the length of the open enrollment period for the first year and, if choosing a length shorter than 90 days, justify why that period would satisfy the goal to achieve a racial and ethnic balance closely resembling the racial and ethnic balance of the District.

3. Assure the school will maintain an accurate accounting of the ethnic and racial balance of students enrolled in the school.
4. Describe the measurable ongoing recruitment efforts and outreach programs the school will engage in following the first year of enrollment to encourage applications from potential students reflecting the racial and ethnic balance of the District. The description should be at least as detailed as the plan described in the petition for the first year of enrollment.

Note: Following the first year, the school may refine its outreach efforts in accordance with a written policy adopted by the governing authority of the school. A copy of the revised outreach and recruitment policy, designed to improve the school's efforts, shall be provided to the District within 45 calendar days of approval by the charter's governing authority and prior to the enrollment period of the year in which the revised recruitment policy will be implemented.

Element 8 -- Admissions Recruitments

“Admission requirements if applicable.”

A “reasonably comprehensive description” would:

1. State the charter school will admit all pupils who wish to attend as called for in Education Code 47605.
2. Describe any specific admissions requirements of the proposed school.

Note: Applicants proposing to join a SELPA other than the District's should assure the school's admissions procedures shall result in good faith efforts to make the school accessible to students with special needs who reside within the District.

3. Describe admissions procedures or criteria, and certify they are consistent with nondiscrimination statutes. Applicants proposing the use of special admissions procedures (procedures that differ from the District's preferred procedure, which is described below) shall submit an opinion of counsel that the procedures and criteria to be employed comply with applicable laws.
4. Describe the efforts the school plans to undertake to make the school accessible to academically low-achieving and economically disadvantaged students and to encourage the enrollment of such students.
5. Contain the following optional statement describing the District's preferred procedure for charter school lotteries, or an alternative statement describing the school's proposed procedure that will ensure a lottery that is public, random, and draws names from specified pools of ballots:

- a. The preferences to be granted, if any, to potential students and the basis upon which those preferences shall be granted.
- b. The procedures the school will follow to determine waiting list priorities based upon lottery results.
- c. The means by which the school will contact the parents or guardians of students who have been promoted off the waiting list and timelines under which parents or guardians must respond in order to secure admission.
- d. The records the school shall keep on file documenting the fair execution of lottery procedures.

Note: Notwithstanding the foregoing, the school may refine lottery policies and procedures following the first year of operations in accordance with a written policy adopted by the governing authority of the school. A copy of the revised policy, designed to improve the school's lottery efforts, shall be provided to the District within 45 calendar days of approval by the charter school's governing authority and prior to the enrollment period of the year in which the revised lottery policy will be implemented.

Element 9 -- Financial Audits

“The manner in which annual, independent financial audits shall be conducted. These audits shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board of Education.”

A “reasonably comprehensive description” would:

1. Assure annual, independent financial audits employing generally accepted accounting principles will be conducted.
2. Describe the manner in which audit exceptions and deficiencies will be resolved.
3. Describe the plans and systems to be used to provide information for an independent audit.
4. State the school will adhere to financial reporting requirements described in Guideline 5, Additional Requirement 4 of this policy.

Element 10 -- Student Expulsions

“The procedures by which students can be suspended or expelled and a description of any appeal process.”

A “reasonably comprehensive description” would:

1. Establish rules and procedures for suspension and expulsion consistent with state and federal law, addressing specifically:

- a. The grounds for expulsion.
- b. The step-by-step deliberative process to be followed by the school including evidence of progressive discipline strategies and due process provisions that are student-centered.
- c. The rights students shall maintain during disciplinary actions including the right to counsel, the right to present evidence, and the right to confront and cross-examine adverse witnesses.
- d. The appeals process to be used by parents or guardians who dispute the school’s expulsion decisions.

Element 11 -- Retirement Programs Offered to Employee

“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.”

A “reasonably comprehensive description” would:

1. Identify, based upon the initial staffing proposed, which charter school staff will be covered by which retirement system.

Element 12 -- Attendance Alternatives

“The public school attendance alternatives for students residing within the District who choose not to attend charter schools.”

A “reasonably comprehensive description” would:

1. Provide information about attendance alternatives consistent with District policy relative to intradistrict attendance.

Element 13 -- Employee Rights

“A description of the rights of any District employee upon leaving District employment to work in a charter school, and any rights of return to the District after employment at a charter school.”

A “reasonably comprehensive description” would:

1. Take into consideration District collective bargaining agreements, procedures, and policies relating to the terms and conditions under which District employees may be employed at charter schools.

Element 14 -- Dispute Procedures

“The procedures to be followed by the charter school and the Board of Education to resolve disputes relating to charter provisions.”

A “reasonably comprehensive description” would:

1. Contain the following statement describing the District’s preferred procedure for resolving disputes between charter schools and the District:

“In the event of a dispute between the (insert name) Charter School and the San Bernardino Unified School District regarding the terms of this charter or any other issue regarding the school and District relationship, both parties agree to apprise the other, in writing, of the specific disputed issue(s). Within 30 days of sending written correspondence, or longer if both parties agree, a charter school representative, a District representative, or their designees, shall meet and confer in an attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the charter representative and the District representative shall meet again within 15 days, or longer, if both parties agree, to identify a neutral, third-party mediator to assist in dispute resolution. The format of the third-party mediation process shall be developed jointly by the representatives and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. The finding or recommendation of any arbiter shall be non-binding, unless the governing authorities of the school and District jointly agree to bind themselves. Unless jointly agreed, the process involving the assistance of a third-party mediator shall conclude within 45 days. All mediation and/or arbitration costs and all other costs associated with dispute resolution shall be shared equally by the charter school and the District.

San Bernardino Unified School District reserves the right to take any action it deems appropriate and the school reserves the right to seek legal redress for any such actions under the law. In addition, the dispute is not required to be referred to mediation in those cases where the District determines the violation constitutes a severe and imminent threat to the health and safety of the school’s pupil.”

Applicants are also strongly encouraged to describe the procedures to be followed by the charter school to resolve disputes internal to the school.

Element 15 -- Employer Status and Collective Bargaining

“A declaration as to whether or not the charter school shall be deemed the exclusive public school employer for collective bargaining purposes.” [Education Code 47605 (o) Section 2(o)]

A “reasonably comprehensive description” would:

1. State whether the school will or will not be the employer for collective bargaining purposes.

Element 16 -- Procedures to be Used If the Charter School Closes

A “reasonably comprehensive description” would:

1. State the procedures to be used if the charter school closes.
2. State the procedures to be used which 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.
3. State the procedures to be used for the maintenance and transfer of pupil records.

Guideline 5 - Additional Requirements

In addition to providing reasonably comprehensive descriptions of the sixteen elements, charter statutes also require petitioners to provide other information about their proposed school. The District has established the following criteria for evaluating the additional information provided.

Additional Requirement 1, Operation and Effects of School

As mandated by Education Code 47605, charter petitioners, “shall be required to provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided and the potential civil liability effects, if any, upon the school and upon the District.”

Applicants who have identified a site will:

1. Describe the demographics of the surrounding neighborhood, including nearest District school, neighborhood characteristics, etc.
2. Describe how the school anticipates securing the site.

Applicants who have not identified a site will:

1. Describe the community or communities in which the school plans to locate its facilities, including the area or areas, if any, in which the school requests or anticipates requesting an allocation of District facilities pursuant to Proposition 39 or otherwise.

Assure the petitioners understand that future identification of a site that would limit the school's ability to reach its intended student population as identified in Element 1 of the charter petition would constitute a material amendment of the charter requiring submission and approval of the amendment by the San Bernardino Unified School District's Board of Education.

2. Assure the school will notify the District 30 days in advance of occupancy of every site to be leased, purchased, or controlled by the school for instructional purposes.

All applicants will:

1. Describe the manner in which administrative services are to be provided. Applicants are strongly encouraged to:

a. Describe the plans and systems the school will use to manage its business affairs efficiently and effectively, including, but not limited to, payroll, purchasing, grants, categorical funding, contributions, inventory and employee retirement and health plan contributions.

b. Describe the systems of internal control the charter school will employ to achieve sound fiscal practices and clear delineations of responsibility for business affairs.

2. Assure any charter school operating as a nonprofit public benefit corporation, will make provisions for the liabilities, debts, and financial obligations of the school and will indemnify, defend, and hold harmless the District for damages resulting from the acts of the school.

Additional Requirement 2, Provision of Financial Statements

"The petitioners shall be required to provide financial statements that include a proposed first-year operational budget, including start-up costs, and cash-flow and financial projections for the first three years of operation."

1. Applicants will use the templates provided in the San Bernardino Unified School District Charter School Application Packet to complete the required financial statements.

Additional Requirement 3, Responding to Inquiries

The petitioners shall provide assurance that "the charter school will promptly respond to all reasonable inquiries, including inquiries regarding its financial records."

Board of Education Meeting
July 7, 2009

Additional Requirement 4, Reporting Requirements

The petitioners shall assure the charter school will adhere to the District's reporting requirements.

Note: Petitioners may reference the written assurance previously provided in Element 9.

The applicants shall:

1. Provide the following reports as required by law:

- a. CBEDS (California Basic Educational Data System).
- b. ADA (Average Daily Attendance) reports J18/19.
- c. SARC (School Accountability Report Card – charter schools may use their own formats).
- d. Copies of annual, independent financial audits employing generally accepted accounting principles shall be presented to the District utilizing the District's "Charter School Audit Guidelines" no later than December 15 following the close of the school year.
- e. In accordance with Education Code section 47604.33, each charter school shall annually prepare and submit the following reports to the District and the county superintendent of schools.
 - i. On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.
 - ii. On or before December 15, an interim financial report. This report shall reflect changes through October 31.
 - iii. On or before March 15, a second interim financial report. This report shall reflect changes through January 31.
 - iv. On or before September 15, a final unaudited report for the full prior year.

The District shall use any financial information it obtains from the charter school, including, but not limited to the reports required by this section, to assess the fiscal condition of the charter school pursuant to Education Code subdivision (d) of Section 47604.32 and Education Code 47604.33.

Board of Education Meeting
July 7, 2009

1. Provide the following data and reports as required by the District:

- a. If placed on the “Financial Watch List,” monthly statements of accounts;
- b. All recent state mandated assessments.

Changes in reporting requirements may be incorporated by reference into the school’s charter when the school and District update their MOU.

Additional Requirement 5, District Accountability Framework

The petitioners shall incorporate into their charter the state’s current definition of “adequate yearly progress” and “academic performance index” and indicate adherence to meeting the growth targets in both systems.

Additional Requirement 6, Term of the Charter

The petitioners will state, within legal limits, a term for the charter requested and will justify why that length of time is appropriate.

Evaluating Applications

The District will thoroughly, fairly, and consistently evaluate charter applications within the time constraints mandated by Education Code 47605. To that end, charter applications will be reviewed using the following three-step process:

Step 1: Procedural Compliance

The Superintendent or designee, will make an initial review of the charter application in order to verify the application contains:

1. The required number of valid signatures.
2. The required affirmations stating the school will be non-sectarian and nondiscriminatory and admissions shall be determined in accordance with the law.
3. Provisions purporting to describe the 16 elements and the additional requirements outlined in Education Code 47605.

The Assistant Superintendent, Student Services, may contact the petitioners if initial revisions are necessary for procedural compliance with charter law. The petitioners will be allowed the opportunity to amend their application documents accordingly. Should the petitioners fail to do so, the Assistant Superintendent, Student Services, will not convene the evaluative committees as

Board of Education Meeting
July 7, 2009

called for in Step 2 of the evaluation process and will forward the petition directly to the Superintendent, who will present the petition to the Board of Education for final action.

Within 30 days of the submission of a complete petition, the San Bernardino Unified School District's Board of Education will hold a public meeting to consider the level of support for the petition.

Step 2: Substantive Evaluation

Upon receiving a complete petition, the District will evaluate the soundness of the charter petition.

The District will determine whether applicants have met the criteria for charter submissions as outlined in Section 2 of this policy. The District will also review the petition to ensure all provisions adhere to all applicable state and federal laws.

In addition to evaluating the charter petition itself, the District may conduct interviews with the applicants to assess the likelihood of the applicants being able to implement successfully the instructional and operational provisions described in the petition. The District will take into consideration the extent to which the applicants possess sufficient knowledge to assure the charter school's success:

1. Curriculum, instruction, and assessment.
2. Finance, business management, administrative organization, and governance.

When the District has finished its evaluation, it will make written recommendations regarding the soundness of the charter petition.

At any stage in the evaluation process, at the District's discretion, applicants whose petition is likely to be found deficient by the Assistant Superintendent, Student Services, may be informed in writing by the District that their application is likely to be recommended for denial. The applicants in such a case will be given the option of withdrawing their petition before it is presented to the Board of Education. For those applicants wishing to proceed, the committees will complete their evaluation and submit recommendations to the Assistant Superintendent, Student Services.

Upon receipt of a charter proposal from a group of charter petitioners, the District shall forward a copy of the proposal for distribution to employee associations.

In the case of an application for the conversion of an existing District school to a charter school, the petitioner should make copies of the complete charter, including a written indication as to the person(s) who authored the charter, available to each affected employee, if any, at the site.

Board of Education Meeting
July 7, 2009

Person(s) intending to submit a proposed charter of an existing District school to the Board of Education for consideration are encouraged to consult with and seek the support of not only classroom teachers, but also of affected classified unit members, management, and certificated support staff, in the development of the proposed charter. Petitioners who desire to waive all or portions of a collective bargaining agreement should discuss their concerns with the appropriate representatives of organized labor prior to submission of the proposed charter.

Step 3: Final Board Consideration

Within the timelines mandated in Education Code 47605, the Board of Education will render a final decision regarding the full granting, the conditional granting, or the denial of the charter petition. Conditional granting involves the approval of the charter on such conditions as may be prescribed by the Board of Education. Denied petitioners shall receive in writing the grounds used to reject the application. The Board of Education will not deny a petition unless it makes written factual findings setting forth specific facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for students.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the required number of signatures.
4. The petition does not contain the necessary affirmations.
5. The petition does not contain reasonably comprehensive descriptions of all of the charter provisions in Ed Code 47605(b) listed in comprehensive charter petition above.

Appeals for Denied Charter Petitions

Denied applicants may submit their petition to the San Bernardino County Superintendent of Schools and, if denied again, to the State Board of Education as outlined in Education Code 47605.

The Board of Education shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

The Board of Education shall not approve any charter petition that proposes to serve students in a grade level that is not served by the District, unless the petition proposes to serve students in all the grade levels served by the District. (Education Code 47605)

Board of Education Meeting
July 7, 2009

The Board of Education shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the Special Education Local Plan Area (SELPA) in which the District participates. (Education Code 47605.7, 47647)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

In granting charter petitions, the Board of Education shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education (CDE) under Education Code 54032. (Education Code 47605)

Education Code states that the Board of Education may initially grant a charter for a specified term not to exceed five years. (Education Code 47607). Standard practice in the SBCUSD is initial approval for a term of three years, to coincide with the requirement of an operational budget for the first three years of the charter school's operation.

It shall be the responsibility of the petitioners to provide written notice of the Board of Education's approval and a copy of the charter to the County Superintendent, the CDE, and the State Board of Education (SBE). (Education Code 47605)

Material Revisions

Material revisions to a charter may be made only with the Board of Education's approval.

Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the District's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of Education of those additional locations. The Board of Education shall consider approval of the additional locations at an open meeting. (Education Code 47605)

Renewals

A charter school seeking renewal of its charter shall submit a written request to the Board of Education at least 120 days before the term of the charter is due to expire.

Board of Education Meeting
July 7, 2009

At least 90 days before the term of the charter is due to expire, the Board of Education shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Board of Education shall either grant or deny the request for renewal.

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

In addition, beginning on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal: (Education Code 47607)

1. The charter school attains its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
2. The charter school ranks in deciles 4-10 on the API in the prior year or in two of the last three years.
3. The charter school ranks in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The Board of Education determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of District schools, taking into account the composition of the student population that is served at the charter school.

The Board of Education's determination shall be based on documented, clear, and convincing data; student achievement data from the Standardized Testing and Reporting Program, and any other available assessments, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board of Education shall submit to the Superintendent of Public Instruction (SPI) and the California State Board of Education copies of supporting documentation and a written summary of the basis for its determination.

A charter renewal may not be granted to a charter school prior to 30 days after the school submits related materials.

5. The charter school qualifies for an alternative accountability system pursuant to Education Code 52052(h).

Each renewal shall be for a period of five years. (Education Code 47607)

Board of Education Meeting
July 7, 2009

Revocations

The Board of Education may revoke a charter whenever it finds, through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
2. Failed to meet or pursue any of the student outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
4. Violated any provision of law.

Prior to revocation, the Board of Education shall notify the charter school of any violation(s) listed in items #1-4 above and give the school a reasonable opportunity to remedy the violation(s) unless the Board of Education determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

If the charter school does not successfully remedy the above violation(s), the Board of Education shall provide the charter school with a written notice of intent to revoke the charter and notice of facts in support of revocation. No later than 30 days after providing the notice of intent to revoke the charter, the Board of Education shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, unless the Board of Education and the charter school agree to a 30-day extension, the Board of Education shall issue its final decision as to whether or not to revoke the charter. The Board of Education shall not revoke a charter unless the action is supported by written factual findings supported by substantial evidence specific to the charter school. A decision to revoke a charter shall be reported to the County Board of Education and the California Department of Education. (Education Code 47607)

Requirements for Charter Schools

In providing general oversight of a charter school, the Board of Education shall determine whether the school meets the legal requirements applicable to charter schools. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations. (Education Code 47605)
2. Not charge tuition. (Education Code 47605)

Board of Education Meeting
July 7, 2009

3. Not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. (Education Code 47605)

4. Adhere to all laws establishing minimum age for public school attendance. (Education Code 47610)

(cf. 5111 - Admission)

5. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965. (Education Code 47612)

6. Serve students with disabilities in the same manner as such students are served in other public schools. (Education Code 47646, 56145)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

7. Admit all students who wish to attend the school, according to the following criteria and procedures:

a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, except that preferences shall be extended to students currently attending the charter school and students who reside in the District, except as provided for in Education Code 47614.5. In the event of a drawing, the Board of Education shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand. (Education Code 47605)

Board of Education Meeting
July 7, 2009

c. Other admissions preferences may be permitted by the Board of Education on an individual school basis as consistent with law.

8. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. (Education Code 47605)

(cf. 4112.2 - Certification)

9. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the SBE (20 USC 6319; 34 CFR 300.18).

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

10. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law. (Education Code 44830.1, 45122.1)

(cf. 4112.5 /4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

11. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System. (Education Code 47610)

12. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment. (Education Code 47611.5)

13. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds. (20 USC 6319)

(cf. 4222 - Teacher Aides/Paraprofessionals)

14. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or student assessments applicable to noncharter public schools. (Education Code 47605, 47612.5)

(cf. 6011 - Academic Standards)

(cf. 6162.51- Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

15. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school. (Education Code 47612.5)

Board of Education Meeting
July 7, 2009

(cf. 6111 - School Calendar)

16. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705).

(cf. 6158 - Independent Study)

17. Identify and report to the Superintendent of Public Instruction any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education. (Education Code 47612.5, 47634.2)

18. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs. (Education Code 47605)

19. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection. (Education Code 47612.5)

20. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information. (Education Code 47605)

21. By January 1, 2007, comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.

b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

22. Promptly respond to all reasonable inquiries from the District, the county office of education, or the Superintendent of Public Instruction, including, but not limited to, inquiries regarding its financial records. (Education Code 47604.3)

23. Annually prepare and submit financial reports to the District's Board of Education and the County Superintendent in accordance with the following reporting cycle:

- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
 - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
 - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board of Education shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
 - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the District's audit. The audit report shall also be submitted to the state Controller and the California Department of Education. (Education Code 47605)
24. The petition must adequately address each of the following fiscal operations:
- a. The ADA projection numbers reflected in the first and subsequent years of the petition are reliable and reasonable.
 - b. The student/teacher ratio is appropriate to the projection numbers.
 - c. Non-teaching staff is specified and reasonable to the projections.
 - d. Revenue figures are realistic and a five-year projected budget plan are included.
 - e. Expenditures are delineated and realistic with specific attention to instructional materials, special education services, staffing (support staff, teachers and administration), and costs for facilities.
 - f. Private donations are included and all loans (or intentions to secure loans) are disclosed.
 - g. A cash-flow analysis is responsive to enrollment projections and indicates strategies to frequently monitor and adjust, as needed.
 - h. Statutory reporting deadlines are noted (i.e. adopted budget, interim reports, annual financial audits, and unaudited actuals).
 - i. It is evident that the Charter staff and/or consultants identified are knowledgeable about public financing and have the capacity to maintain fiscal solvency.
 - j. The attendance and financial systems to be used are viable and identified.
 - k. Fiscal review by the District is stipulated and calendared to align to the District's financial assessments.
 - l. Memorandum of Understand (MOU) language specifies a "Special Education excess cost model" that includes direct costs, indirect costs, and excess costs the Charter will assume.
 - m. The Charter budget plan signifies a 5% annual reserve.

Board of Education Meeting
July 7, 2009

- n. Insurance plan is comprehensive and specifies amounts of coverage.
- o. The District is identified as “also insured” in the Charter School Petition and in all insurance policies.
- p. The insurance package specifies a \$2 million per occurrence and a \$20 million aggregate.
- q. Stipulates that the SBCUSD shall not be responsible for the payment of any cost associated with the Charter’s insurance coverage.

Administrative and Other District Services

The District may charge for the actual costs of the charter school oversight. (Education Code 47613)

The charter school may separately purchase administrative or other services from the District or any other source. (Education Code 47613)

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the District as a condition for creating and submitting these reports. (Education Code 47611.3)

Waivers

If a charter school submits to the District an application for a waiver of any state Education Code provisions, the Board of Education shall hold a public hearing on the waiver request no later than 90 days following receipt of the request. (Education Code 33054)

The Superintendent or designee shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the State Board of Education. If the Board of Education recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the State Board of Education. (Education Code 33054)

District Oversight

For each charter school under the Board of Education's authority, the Superintendent shall: (Education Code 47604.32, 47604.33)

1. Identify at least one staff member as a contact person for the charter school.
2. Visit the charter school at least annually.
3. Ensure that the charter school complies with all reports required of charter schools by law.

Board of Education Meeting
July 7, 2009

4. Monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the reports listed above in "Requirements for Charter Schools."

5. Provide timely notification to the California Department of Education if a renewal of the charter is granted or denied, the charter is revoked, or the charter school will cease operation for any reason.

The Board of Education and the Superintendent or designee may inspect or observe any part of the charter school at any time. (Education Code 47607)

- 4.3 Amendments to BP 0510 Philosophy, Goals, Objectives and Comprehensive Plans (Second Reading)
(Prepared by Research and Technology Division)

San Bernardino City USD Board Policy

BP 0510 Philosophy, Goals, Objectives and Comprehensive Plans

School Accountability Report Card

The Board of Education shall issue a school accountability report card for each school site **by February 1 of each year**. (Education Code 35256)

Such report cards shall be designed to inform parents/guardians and the community about the conditions, needs, and progress at each school and to help provide data by which parents/guardians can make meaningful comparisons between schools. The Board believes that the process of developing the report cards gives school staff opportunities to review achievements, identify areas for improvement, enlist local support, and establish a vision for the future.

The Superintendent or designee shall maintain a process for developing annual report cards for each school site with input from all segments of the school community. ***The annual report cards shall include all items required by state and federal law.*** The Superintendent or designee shall develop strategies for communicating the information contained in the cards to all stakeholders, including opportunities for staff and the community to review their content.

In preparing the district's report cards, the Superintendent or designee may choose to use or adapt the model template provided by the California Department of Education. If the model template is not used, the Superintendent or designee shall ensure that data are reported in a

Board of Education Meeting
July 7, 2009

manner that is consistent with the definitions for school conditions as provided in the template. (Education Code 33126.1, 35256)

The Board shall annually approve the SARC's for all district schools and shall evaluate the data contained in the SARC's as part of the Board's regular review of the effectiveness of the district's programs, personnel, and fiscal operations.

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)
(cf. 9000 - Role of the Board)

The Superintendent or designee shall develop strategies for communicating the information contained in the SARC's to all stakeholders, including opportunities for staff and the community to discuss their content.

(cf. 0420 - School Plans/Site Councils)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)

Notification ***and Dissemination of SARC's***

The ***Superintendent or designee*** shall publicize the issuance of school accountability report cards and notify parents/guardians that a paper copy will be provided upon request. ***On or before February 1 of each year, the Superintendent or designee shall make the SARC's available in paper copy and on the Internet.*** (Education Code 35256, 35258)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall ensure that when 15 percent or more of the pupils enrolled in a school speak a single primary language other than English, the school accountability report card will be written in this primary language in addition to being written in English. (Education Code 48985)

Legal Reference:

EDUCATION CODE

1240 County superintendent, general duties
17002 Definition, including good repair
17014 Plan for building maintenance
17032.5 Portable classroom maintenance
17070.15 School Facilities Act; definitions
17089 Portable classroom maintenance
33126 School Accountability Report Card
33126.1 School Accountability Report Card model template

Board of Education Meeting
July 7, 2009

33126.15 School Accountability Report Card template
33126.2 Secretary of Education school accountability report card study
35256 School Accountability Report Card
35256.1 Information required in the School Accountability Report Card
35258 Internet access to the School Accountability Report Card
41409 Calculation of statewide averages
41409.3 Salary information required in the School Accountability Report Card
46112 Minimum school day for grades 1, 2 and 3
46113 Minimum school day for grades 4 through 8
46117 Minimum kindergarten school day
46141 Minimum school day (high school)
51225.3 Requirements for graduation
52052 Academic performance index
52053 Immediate intervention/underperforming schools program
52056 Meeting growth targets
60119 Textbook sufficiency
60600-60618 General provisions
60640-60648 Standardized testing and reporting program
60800 Physical fitness testing
60850 High school exit examination
60851 High school exit examination

CALIFORNIA CONSTITUTION

Article 16, Section 8.5(e) Allocations to State School Fund

UNITED STATES CODE, TITLE 20

6311 State plans

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Report Cards, September 12, 2003

WEB SITES

CSBA, SARC Select: <http://www.csba.org/ds/SARC.htm>

California Department of Education, School Accountability Report Card:

<http://www.cde.ca.gov/ta/ac/sa>

U.S. Department of Education, No Child Left Behind Act: <http://www.nclb.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: April 7, 2009

Board of Education Meeting
July 7, 2009

4.4 Amendments to BP 6162.6 Use of Copyrighted Materials (Second Reading)
(Prepared by the Research and Technology Division)

San Bernardino City USD
Board Policy
Use Of Copyrighted Materials

BP 6162.6
Instruction

~~All district staff shall adhere to the provisions of the federal copyright law and maintain the highest ethical standards in using copyrighted materials. The district shall provide no legal support to any employee who violates the copyright law. Willful infringement of this law by students or staff may result in disciplinary action.~~

The Board of Education recognizes the importance of ensuring that the district complies with federal law regarding copyrights. District staff and students are expected to maintain the highest ethical standards in using copyrighted materials.

(cf. 1113 – District and School Web Sites)
(cf. 4119.21/4219.21/4319.21 – Professional Standards)
(cf. 6163.1 – Library Media Centers)

~~The Board of Education recognizes that computer software piracy contributes to higher costs and decreases commercial incentives for the development of quality educational computer software. In circumstances where the interpretation of the copyright law is ambiguous, the district shall determine appropriate use of computer software by referring to the license agreement and/or policy statements contained in the software packages used in the district. Computer related instruction for students and staff shall address the ethical and practical problems caused by software piracy.~~

When selecting appropriate supplementary instructional materials, it is each staff member's responsibility to adhere to the provisions of federal copyright law, Board policy, and administrative regulation. The district shall not be responsible for any violation of copyright laws by its staff or students. If a staff member is uncertain as to whether reproducing or using copyrighted material complies with the law, he/she shall contact the Superintendent or designee for clarification and assistance. At no time shall it be necessary for a district employee to violate copyright laws in order to perform his/her duties.

(cf. 4040 – Employee Use of Technology)
(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)
(cf. 6161 – Equipment, Books and Materials)
(cf. 6161.11 – Supplementary Instructional Materials)

Board of Education Meeting
July 7, 2009

~~The Superintendent or designee shall be the only individual who may sign license agreements for software for district schools. Each school using licensed software shall have a signed copy of the software agreement.~~

The Superintendent or designee shall ensure that the district observes all publisher licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single program, the district shall not make multiple copies of a computer program or software. Staff member shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

***(cf. 0440 – District Technology Plan)
(cf. 3300 – Expenditures and Purchases)
(cf. 3312 – Contracts)
(cf. 6163.4 – Student Use of Technology)***

~~The Superintendent or designee shall maintain regulations to discourage violation of all copyright laws and prevent illegal copying activities.~~

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

***(cf. 4131 – Staff Development)
(cf. 4231 – Staff Development)
(cf. 4331 – Staff Development)***

Legal Reference:

EDUCATION CODE

35182 Computer Software

UNITED STATES CODE, TITLE 17

101-122 subject matter and scope of copyright, especially:

102 Definitions

107 Fair use

110 Limitations on exclusive rights: Exemption of certain performances and displays

COURT DECISIONS

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

Management Resources:

U.S. COPYRIGHT OFFICE PUBLICATIONS

Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, 1995

WEB SITES

Copyright Clearance Center: <http://www.copyright.com>

Board of Education Meeting
July 7, 2009

Copyright Society of the USA: <http://www.csusa.org>
U.S. copyright Office: <http://www.copyright.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
adopted: October 16, 2007 San Bernardino, California

- 4.5 Amendments to BP 6162.51 Standardized Testing and Reporting Program
(Second Reading)
(Prepared by the Research and Technology Division)

San Bernardino City USD
Board Policy
Standardized Testing And Reporting Program

BP 6162.51
Instruction

The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) program as required by law and in accordance with Board policy and administrative regulation.

(cf. 6162.5 - Student Assessment)
(cf. 6162.54 - Test Integrity/Test Preparation)

The Board of Education encourages all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the district to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the importance of these assessments and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 6011 – Academic Standards)

The Board desires to use the results of the achievement tests to evaluate the performance of district students against the state's academic standards, the performance of students in other districts across the state, and national norms.

(cf. 6011 - Academic Standards)

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index. **If**

Board of Education Meeting
July 7, 2009

the STAR performance level of the school is below the Board's established expectations, the Board may conduct an assessment of the reasons for the performance results and may adopt a performance improvement plan in accordance with Education Code 52056.

(cf. 0500 - Accountability)
(~~cf. 0520—Intervention for Underperforming Schools~~)
(cf. 0520.1 - High Priority Schools Grant Program)

Legal Reference:

EDUCATION CODE

51041 Evaluation of educational program
52056 Board discussion of Academic Performance Index rankings, including STAR results
56345 Individualized education program, contents
60600-60630 Assessment of academic achievement
60640-60649 Standardized Testing and Reporting Program
60660-60663 Electronic learning assessment resources
60810 Assessment of language development
99300.-99301 Early Assessment Program
CODE OF REGULATIONS, TITLE 5
850-870 Standardized Testing and Reporting Program
UNITED STATES CODE, TITLE 20
1412(a)(17) Participation of students with disabilities in state assessments
6311 Adequate yearly progress
CODE OF FEDERAL REGULATIONS, TITLE 34
200.1 Standards and assessments

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Matrix of Test Variations, Accommodations and Modifications for Administration of California
Statewide Assessments

CALIFORNIA STATE UNIVERSITY PUBLICATIONS

The Early Assessment program: Handbook for School Site Leaders, 2008

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for
Educators and Policy-Makers, December 2000

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, STAR program: <http://www.cde.ca.gov/ta/tg/sr>

California Learning Resources Network: <http://clrn.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

SESSION FIVE – Other Matters Brought By Citizens

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

SESSION SIX - Reports and Comments

6.0 *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.

6.1 Legislative Update

7.0 *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 SEVEN - Legislation and Action

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

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

8.1 Approval of Minutes (Prepared by Superintendent’s Office)

It is recommended that the following resolution be adopted:

Board of Education Meeting
July 7, 2009

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on May 12, May 19, and May 26, 2009, be approved as presented.

8.2 Payment of SANDABS Membership Dues for 2009-2010
(Prepared by Superintendent)

San Bernardino County District Advocates for Better Schools (SANDABS) are “superintendents and trustees dedicated to the promotion and advancement of public education through legislation in the State of California.” Section 35172 of the Education Code provides for the payment of membership dues from district funds.

A remittance in the amount of \$2,000.00 for 2009-2010 SANDABS membership dues is requested from our district.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies payment of \$2,000.00 to SANDABS for renewal of membership dues for the 2009-10 school year.

8.3 2009-2010 District Consolidated Application (Part I)
(Prepared by Deputy Superintendent’s Office)

The Deputy Superintendent’s Office requests Board of Education approval to submit the District Consolidated Application for funding Categorical Aid Programs for 2009-2010. The purpose of Part I is to declare the intent of the District to apply for specified State and Federal categorical formula grant funds as well as collect specific data related to the District. The Federal programs are Title I, Part A (Low Income), Title II, Part A (Teacher Quality), Title III, Part A (LEP students), and Title IV, Part A Safe and Drug Free Schools and Communities (SDFSC). The State program is Economic Impact Aid.

The application is submitted in two parts. Part I contains the identification of programs in which the District intends to participate, school ranking data, District assurances, as well as 2008-2009 data on student expulsion and truancy information, program improvement activities, homeless education information, the NCLB Highly Qualified Teacher and Paraprofessional status for each school as well the number of NCLB core academic classes taught by NCLB compliant teachers for each school. Part II, which will be submitted in January, will contain District and school-level budget information.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the July 10, 2009, submission of Part I of the District Consolidated Application for Categorical Program funds.

Board of Education Meeting
July 7, 2009

BE IT FURTHER RESOLVED that Judy D. White, Deputy Superintendent, be authorized to sign all documents relating to the submission of the District Consolidated Application on behalf of the Board of Education.

8.4 Authorization to Approve Property-Liability-Insurance, Claims & Litigation Management Documents
(Prepared by the Employee Relations/Human Resources-Classified Division)

The District receives various property, liability and insurance claims. The District's Assistant Superintendent of Employee Relations/Human Resources-Classified reviews documents related to property, liability and insurance claims correspondence for the purpose of rejecting or authorizing payments up to the deductible of \$25,000.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes Yolanda Ortega, Assistant Superintendent of Employee Relations/Human Resources-Classified, to approve Property-Liability-Insurance, Claims & Litigation Management documents.

BE IT FURTHER RESOLVED that Yolanda Ortega, Assistant Superintendent of Employee Relations/Human Resources-Classified, be authorized to sign the 2009-2010 Property-Liability-Insurance, Claims & Litigation Management documents on behalf of the Board of Education.

8.5 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
Bonnie Oehl Elementary School	Lani Allen	\$115.37 to sponsor the Dual Immersion Program	\$115.37
Bonnie Oehl Elementary School	Wells Fargo Foundation	\$115.37 to sponsor the Dual Immersion Program	\$115.37
Bradley Elementary School	Life Touch	\$740.00 to be used towards ASB funds	\$740.00
Deputy Superintendent's Office	Schools First Federal Credit Union	\$250.00 to be used for refreshments for K-12 Principals' Meetings – Staff Development	\$250.00

Board of Education Meeting
July 7, 2009

Deputy Superintendent's Office	Schools First Federal Credit Union	\$250.00 to be used for refreshments for K-12 Principals' Meetings – Staff Development	\$250.00
Deputy Superintendent's Office	Schools First Federal Credit Union	\$250.00 to be used for refreshments for K-12 Principals' Meetings – Staff Development	\$250.00
Juanita Jones Elementary School	Kiwanis Club of Greater San Bernardino	\$200.00 to be used towards ASB funds	\$200.00
Kendall Elementary School	Edison International	\$150.00 to be used towards ASB funds	\$150.00
San Bernardino High School	Jack Brown	\$1,000.00 to be used towards repair/repaint of front sign	\$1,000.00
San Bernardino High School	Jack Brown	\$3,000.00 to be used towards repair/repaint of front sign	\$3,000.00
Warm Springs Elementary School	San Manuel Band of Mission Indians	\$1,500.00 to be used towards ASB funds	\$1,500.00

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 \$115.37, Lani Allen; \$115.37, Wells Fargo Foundation; \$740.00, Life Touch; \$250.00, Schools First Federal Credit Union; \$250.00, Schools First Federal Credit Union; \$250.00, Schools First Federal Credit Union; \$200.00, Kiwanis Club of Greater San Bernardino; \$150.00, Edison International; \$1,000.00, Jack Brown; \$3,000.00, Jack Brown; and \$1,500.00, San Manuel Band of Mission Indians.

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

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

It is recommended that the following resolution be adopted:

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

Board of Education Meeting
July 7, 2009

Sharon Cowley
Heather Keeney
(Board Representatives)

To attend the Strengthening Your Writing Program w/Step Up to Writing, St. Joseph Center, Orange, CA, August 12-13, 2009, and November 6, 2009. Total cost, not to exceed \$466.14, will be paid from Accountability Department Account No. 536.

8.7 Cafeteria Warrant Register, Ending May 31, 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 May 31, 2009, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Derek Harris, Interim Employee Benefits 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.

8.8 Commercial Warrant Registers for Period from June 1, through June 15, 2009
(Prepared by Business Services Division)

It is requested that the Board of Education approves 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 June 1, 2009, through June 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.

8.9 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.

Board of Education Meeting
July 7, 2009

Cajon High School wishes to hire Vince Evans for a presentation on September 16, 2009. This motivational assembly encourages students to lead a fulfilling life by staying in school and pursuing personal success goals. The cost, not to exceed \$1,500.00, will be paid from Cajon High School Account No. 203.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2009-10 school year and approves payment to the following:

Vince Evans for a presentation on September 16, 2009. The cost, not to exceed \$1,500.00, will be paid from Cajon High School Account No. 203.

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

The English Learner Programs Department wishes to hire Roxanne Sensenbach to provide CTEL Test Preparation training sessions to District staff on May 30, 2009. The fee, not to exceed \$286.66, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

The Special Education Department wishes to amend the Board resolution to hire Kristine S. Kaufman, adopted by the Board on June 3, 2008, Agenda Item 9.6. The amendment is necessary to add \$800.00 to the original fee of \$1,500.00 for an aggregate total not to exceed \$2,300.00. The additional fee is necessary because the California Department of Education requested a follow-up meeting that Ms. Kaufman attended. The additional cost of \$800.00 will be paid 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 ratifies payment to the following non-classified experts:

Roxanne Sensenbach to provide CTEL Test Preparation training sessions to District staff May 30, 2009. The fee, not to exceed \$286.66, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

Kristine S. Kaufman, adopted by the Board on June 3, 2008, Agenda Item 9.6. The amendment is necessary to add \$800.00 to the original fee of \$1,500.00 for an aggregate total not to exceed \$2,300.00. The additional fee is necessary because the California Department of Education requested a follow-up meeting that Ms. Kaufman attended. The additional cost of \$800.00 will be paid from Restricted General Fund—Special Education-Central, Account No. 827.

8.11 Application for the State K-3 Class Size Reduction Operations Program for Fiscal Year 2009-10
(Prepared by Business Services Division)

The District is applying for State K-3 Class Size Reduction Program (CSR) operations funding for Fiscal Year 2009-2010. This application will be made available for review by the Board of Education by the application filing due date. As a condition of applying for and receiving state K-3 Class Size Reduction Program funds, a certification, as contained in the K-3 CSR Application, must be made by the Board of Education.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education certifies that the following statements are true and accurate:

1. The number of classes listed on this form under either Option One or Option Two in each eligible grade level is identified. [52123(a)]
2. The pupil counts listed in Column 3 (“Number of enrolled pupils”) on this form do not include special education pupils enrolled in special day classes full time, pupils enrolled in independent study, or charter school pupils enrolled in a home-study program for the full regular school day. Pupil counts listed in Column 3 are not greater than enrollment as of October of the previous calendar year. [52123(b)]
3. A certificated teacher has been hired by the school district and is providing direct instructional services to each class participating in the Class Size Reduction Program. There will not be more than an average of 20.44 pupils per such class. It is the intent of the school district that each such certificated teacher will provide direct instructional services to each pupil enrolled in the separate class to which the teacher is assigned. [52123(c)]
4. As part of its Class Size Reduction Program, the school district will provide a staff development program for any teacher who will participate for the first time in the Class Size Reduction Program and provide direct instructional services for reduced-sized classes in this program as specified in certification #3. Appropriate training to maximize the educational advantages of class size reduction will be provided to such teachers. This training shall include, but not be limited to, methods for providing each of the following: (1) individualized instruction, (2) effective teaching, including classroom management in smaller classes, (3) identifying and responding to pupil needs, and (4) opportunities to build on the individual strengths of pupils. [52123(d), 52127]
5. The school district will collect and maintain data required by the Superintendent of Public Instruction for evaluation of the Class Size Reduction Program. The data shall

Board of Education Meeting
July 7, 2009

include, but not be limited to, individual test scores or other records of pupil achievement. Any data collected will be protected in a manner that will not permit the personal identification of any pupil or parent. [52123(d), 52127]

6. Priority for reducing class size is according to the following order at each school site:
 - If only one grade level is reduced, the grade level will be 1st grade.
 - If two grade levels are reduced, the grade levels will be 1st and 2nd grades.
 - If three or four grade levels are reduced, the grade levels will be 1st and 2nd and then any combination of kindergarten and/or 3rd grade.
7. The Class Size Reduction Program has been implemented for Fiscal Year 2009-2010.
8. The school district will submit final enrollment counts on the J-7CSR form to the School Facilities Planning Division, California Department of Education, by the filing due date.

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

8.12 Extended Field Trip, Arrowview Middle School, Youth to Youth Western States Regional Conference, Claremont, California
(Prepared by Business Services Division)

Arrowview Middle School requests Board of Education approval of an extended field trip for 11 students and 2 District employees to attend the Youth to Youth Western States Regional Conference, in Claremont, California, July 8, through 11, 2009.

This is an opportunity for students to experience some of the most engaging speakers. Humorous, intense, and always poignant, the speakers inspire, challenge thought, and call on teens to become an integral part of the drug-free movement.

The cost of the trip, not to exceed \$5,187.00, including meals and lodging for 11 Arrowview Middle School students and 2 District employees will be paid from Arrowview Middle School Account No. 422 and through sponsorship from Loma Linda University. Transportation will be provided by private vehicles at no cost. 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 11 Arrowview Middle School students and 2 District employees to attend the Youth to Youth Western States Regional Conference, in Claremont, California, July 8, through 11, 2009. The cost of the trip, not to exceed \$5,187.00, including meals and lodging for 11 Arrowview Middle

Board of Education Meeting
July 7, 2009

School students and 2 District employees, will be paid from Arrowview Middle School Account No. 422 and through sponsorship from Loma Linda University. Transportation will be provided by private vehicles at no cost. Names of the students are on file in the Business Services office.

8.13 Extended Field Trip, Cajon High School, Annual Mammoth Springs Training, Mammoth Springs, California
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval of an extended field trip for 28 students, 2 District employees, and 2 chaperones, to attend the Annual Mammoth Springs Training, in Mammoth Springs, California, August 8, through 15, 2009.

This trip offers the athletes an opportunity to train in a high altitude and cooler environment. Many of California and Nevada school athletes attend this training to build a mileage base for their upcoming season. Athletes build strength, training, and the communication skills necessary for such an endurance type of sport.

The cost of the trip, not to exceed \$4,000.00, including meals and lodging for 28 Cajon High School students, 2 District employees, and 2 chaperones, will be paid from the Cajon High School ASB Account. Transportation provided by Express Rental, not to exceed \$2,500.00, will be paid from the Cajon High School ASB Account. 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 28 Cajon High School students, 2 District employees, and 2 chaperones, to attend the Annual Mammoth Springs Training, in Mammoth Springs, California, August 8, through 15, 2009. The cost of the trip, not to exceed \$4,000.00, including meals and lodging for 28 Cajon High School students, 2 District employees, and 2 chaperones, will be paid from the Cajon High School ASB Account. Transportation provided by Express Rental, not to exceed \$2,500.00, will be paid from the Cajon High School ASB Account. Names of the students are on file in the Business Services office.

8.14 Change to Nutrition Services' Signature Authority
(Prepared by Facilities/Operations Division)

In order to conduct District business, the Board of Education delegates to District personnel authority to sign documents required for the normal operation of the District. At this time, it is necessary to make changes to Nutrition Services' signature authority due to temporary reassignment.

It is recommended that the following resolution be adopted:

Board of Education Meeting
July 7, 2009

BE IT RESOLVED that the Board of Education approves revoking signature authorization for cafeteria warrants for Dalia Gadelmawla, Nutrition Services' Business Manager, and to approve cafeteria warrants signature authorization to Larry Lobaugh, Nutrition Services' Program Manager, while working out of class as Nutrition Services Business Manager, effective July 8, 2009.

BE IT FURTHER RESOLVED that the Board of Education authorizes Derek Harris, Interim Employee Benefits Director; John A. Peukert, Assistant Superintendent, Facilities/Operations; Adriane Robles, Nutrition Services Director; or Larry Lobaugh, while working out of class as Nutrition Services Business Manager, to sign disbursements, effective July 8, 2009. Two signatures are required on all cafeteria warrants.

8.15 Nutrition Services' Delegation of Purchasing Authority
(Prepared by Facilities/Operations Division)

In order to conduct District business, the Board of Education approves on an annual basis, certain authorizations for purchasing authority for District personnel to carry out the purchasing function. At this time, it is necessary to make changes in signature authority due to temporary reassignment.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education revokes purchasing authority for Nutrition Services purchase orders for Larry Lobaugh, Nutrition Services Program Manager, while working out of class as Nutrition Services Business Manager, effective July 8, 2009.

BE IT FURTHER RESOLVED that the Board of Education, under provisions of Education Code Section 17605, authorizes Ponciano Vidaurri, while working out of class as Nutrition Services Program Manager, to sign purchase orders for non-biddable supplies and services directly related to food and food products, and biddable products directly related to food and food products, effective July 8, 2009.

8.16 Agreement with Design West Engineering for an Energy Management Control Systems (EMCS) Evaluation and Assistance with Procuring Energy Grants
(Prepared by Facilities/Operations Division)

The Maintenance & Operations Department requests Board of Education approval to enter into an agreement with Design West Engineering, San Bernardino, CA, for an Energy Management Control Systems (EMCS) evaluation, effective July 8, 2009, through June 30, 2010. Currently, Maintenance & Operations have three EMC systems that do not communicate with each other. This evaluation will help determine which type of EMCS would best meet District needs, as well as mechanical HVAC equipment, exterior lighting, and landscape irrigation. Services will also include expertise and evaluation of possible federal, state, and utility company grants. The cost,

Board of Education Meeting
July 7, 2009

not to exceed \$10,000.00, will be paid from Restricted General Fund – Maintenance of Facilities, Account No. 076.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Design West Engineering for an Energy Management Control Systems (EMCS) evaluation, effective July 8, 2009, through June 30, 2010, to determine which type of EMCS would best meet District needs, as well as mechanical HVAC equipment, exterior lighting, landscape irrigation, and include expertise and evaluation of possible federal, state, and utility company grants. The cost, not to exceed \$10,000.00, will be paid from Restricted General Fund – Maintenance of Facilities, Account No. 076.

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

8.17 Agreement with Kanda and Tso Associates for an Assessment Study and Solutions Report of the Maintenance and Operations Building
(Prepared by Facilities/Operations Division)

The Maintenance and Operations Department requests Board of Education approval to enter into an agreement with Kanda and Tso Associates, South Pasadena, CA, for an assessment study and solutions report of the Maintenance and Operations building, effective June 17, 2009, through June 30, 2009. During recent reconfiguration of the M & O Department, structural questions arose with a need for an immediate assessment and solution to retrofit the building. Kanda and Tso Associates were chosen from Maintenance and Operations' on-call services list. The cost, not to exceed \$11,000.00, will be paid from Unrestricted General Fund – Facilities/Community Service, Account No. 086.

It recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Kanda and Tso Associates, for an assessment study and solutions report of the M & O building, effective June 17, 2009, through June 30, 2009. Kanda and Tso Associates were chosen from the on-call services list. The cost, not to exceed \$11,000.00, will be paid from Unrestricted General Fund – Facilities/Community Service, Account No. 086.

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

Board of Education Meeting
July 7, 2009

8.18 Agreement with Total Engineering Services, Inc. for Structural Engineering Services for Cajon High School Retaining Wall Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into an agreement with Total Engineering Services, Inc., Mission Viejo, CA, for structural engineering services at Cajon High School, effective June 17, 2009, through July 30, 2011. Due to the urgent need to secure a concrete retaining wall between Cajon High School and the Nutrition Services' property, proposals were solicited from three engineering firms, and two firms responded with quotes. Total Engineering Services will conduct a study of the structural integrity of the retaining wall and provide reports on how to retrofit the wall. Other services will include DSA approval, construction documents, construction administration, and site visits. The cost, not to exceed \$11,750.00, plus approved reimbursable expenses, will be paid from Fund 01 - 086.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Total Engineering Services, Inc., Mission Viejo, CA, for structural engineering services at Cajon High School, effective June 17, 2009, through July 30, 2011. They will conduct a study of the structural integrity of the retaining wall between Cajon High School and the Nutrition Services' property, and provide reports on how to retrofit the wall. Other services will include DSA approval, construction documents, construction administration, and site visits. The cost, not to exceed \$11,750.00, plus approved reimbursable expenses, will be paid from Fund 01 - 086.

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

8.19 Agreement with the Law Firm of Margaret A. Chidester & Associates to Provide Legal Services to the Personnel Commission
(Prepared by Business Services Division)

Human Resources-Personnel Commission requests Board of Education approval to enter into an agreement with Margaret A. Chidester & Associates, Irvine, CA, for the reasonable cost of legal services necessitated by the District's legal counsel's ongoing conflict of interest in providing representation to the Personnel Commission in accordance with Education Code § 45313, where such invoice(s) have been approved by the Personnel Commission for the period of July 1, 2009, through June 30, 2010. Costs, not to exceed \$20,000.00, will be paid from the Unrestricted General Fund—Human Resources-Personnel Commission, Account No. 071.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Margaret A. Chidester & Associates, Irvine, CA, for the reasonable cost of legal services

Board of Education Meeting
July 7, 2009

necessitated by the District's legal counsel's ongoing conflict of interest in providing representation to the Personnel Commission in accordance with Education Code § 45313, where such invoice(s) have been approved by the Personnel Commission for the period July 1, 2009, through June 30, 2010. Costs, not to exceed \$20,000.00, will be paid from the Unrestricted General Fund—Human Resources-Certificated Personnel, Account No. 071.

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

8.20 Agreements with San Bernardino County Superintendent of Schools for Participation in the Science Technology Engineering & Mathematics (STEM) Grant
(Prepared by Business Services Division)

The Curriculum and Instruction/Accountability Division requests Board of Education approval to enter into agreements with the San Bernardino County Superintendent of Schools (SBCSS) for participation in the Science Technology Engineering & Mathematics (STEM) Grant, effective April 30, 2009, through June 30, 2011. This grant is to build and expand upon a K-16 STEM Program of study that prepares students for all post-secondary options, including the workforce. It focuses on Math and Science and the collaboration between middle and high schools (Pacific, San Gorgonio, and Serrano). The grant awarded to Pacific and San Gorgonio High Schools is \$40,000.00; the grant awarded to Serrano Middle School is \$15,000.00. The monies shall be deposited into Fund 01, Account No. 221.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into agreements with the San Bernardino County Superintendent of Schools (SBCSS) for participation in the Science Technology Engineering & Mathematics (STEM) Grant, effective April 30, 2009, through June 30, 2011. This grant is to build and expand upon a K-16 STEM Program of study that prepares students for all post-secondary options, including the workforce. It focuses on Math and Science and the collaboration between middle and high schools (Pacific, San Gorgonio, and Serrano). The grant awarded to Pacific and San Gorgonio High Schools is \$40,000.00; the grant awarded to Serrano Middle School is \$15,000.00. The monies shall be deposited into Fund 01, Account No. 221.

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

8.21 Amendment to the Agreement with Ecclesia Christian Fellowship to Provide After School Programs
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval to amend the agreement with Ecclesia Christian Fellowship approved by the Board on June 16, 2009, Agenda Item 9.73. The amendment is necessary to add \$8,314.00 to the original fee of \$73,400.00 for an aggregate total not to exceed \$81,714.00. The increased fee will allow the vendor to provide snacks for the students. The additional fee, not to exceed \$8,314.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Ecclesia Christian Fellowship, San Bernardino, CA, approved by the Board on June 16, 2009, Agenda Item 9.73. The amendment is necessary to add \$8,314.00 to the original fee of \$73,400.00 for an aggregate total not to exceed \$81,714.00. The increased fee will allow the vendor to provide snacks for the students. The additional fee, not to exceed \$8,314.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

8.22 Amendment of the Agreement with Horizon Therapy Services to Provide Early Start/Preschool Occupational Therapy Development and Other Related Services to Special Education Students
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to amend the agreement with Horizon Therapy Services, Sun City, CA, approved by the Board on June 3, 2008, Agenda Item 9.24. The amendment is necessary to add \$25,000.00 to the fee due to increased utilization of services. The additional cost of \$25,000.00, for an aggregate total not to exceed \$175,000.00, will be paid from Restricted General Fund 01, Special Education-Central, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Horizon Therapy Services, Sun City, CA, approved by the Board on June 3, 2008, Agenda Item 9.24. The amendment is necessary to add \$25,000.00 to the fee due to increased utilization of services. The additional cost of \$25,000.00, for an aggregate total not to exceed \$175,000.00, will be paid from Restricted General Fund 01, Special Education-Central, Account No. 827.

Board of Education Meeting
July 7, 2009

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

8.23 Renewal of the Agreement with Fountain of Life, Inc., to Provide Comprehensive Intervention to Reintegrate Students into School Community at Pacific High School
(Prepared by Business Services Division)

Pacific High School requests Board of Education approval to renew the agreement with Fountain of Life, Inc., San Bernardino, CA, to provide comprehensive intervention to District students at Pacific High School to reintegrate the students into the school community, effective August 25, 2009, continuing through June 11, 2010. The fee, not to exceed \$40,000.00, will be paid from the Restricted General Fund—Smaller Learning Communities-Every Student Connected, Account No. 511.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Fountain of Life, Inc., San Bernardino, CA, to provide comprehensive intervention to District students at Pacific High School to reintegrate the students into the school community, effective August 25, 2009, continuing through June 11, 2010. The fee, not to exceed \$40,000.00, will be paid from the Restricted General Fund—Smaller Learning Communities-Every Student Connected, Account No. 511.

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

8.24 Renewal of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for the California State Preschool Program
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to renew the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for the state preschool program, effective July 1, 2009, through June 30, 2010. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$7,154,410.00. The monies shall be deposited into Fund 12 - Child Development: Children's Center Account No. 252.

It is recommended that the following resolution be adopted:

Board of Education Meeting
July 7, 2009

BE IT RESOLVED that the Board of Education ratifies renewing the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for the state preschool program, effective July 1, 2009, through June 30, 2010. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$7,154,410.00. The monies shall be deposited into Fund 12 - Child Development: Children's Center Account No. 252.

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

8.25 Renewal of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for General Child Care and Development Programs
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to renew the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for general child care and development programs, effective July 1, 2009, through June 30, 2010. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$1,942,262.00. The monies shall be deposited into Fund 12 - Child Development: Children's Center Account No. 250.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies renewing the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for general child care and development programs, effective July 1, 2009, through June 30, 2010. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$1,942,262.00. The monies shall be deposited into Fund 12 - Child Development: Children's Center Account No. 250.

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

8.26 Renewal to the Agreement with Global Environmental Training & Consulting, Inc. to Assist in the Control of Hazardous Waste Material
(Prepared by Facilities/Operations Division)

The Maintenance & Operations Department requests Board of Education approval to renew the agreement with Global Environmental Training & Consulting, Inc., West Covina, CA, as

Board of Education Meeting
July 7, 2009

previously approved by the Board on January 13, 2004, to provide hazardous waste material services, effective July 1, 2009, through June 30, 2010. The new cost, not to exceed \$40,000.00, will be paid from Fund 14, Deferred Maintenance, Account No. 707 (\$30,000.00); and Restricted General Fund – Maintenance of Facilities, Account No. 076 (\$10,000.00). 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 ratifies renewing the agreement with Global Environmental Training & Consulting, Inc., to provide hazardous waste material services, effective July 1, 2009, through June 30, 2010. The new cost, not to exceed \$40,000.00, will be paid from Fund 14, Deferred Maintenance, Account No. 707 (\$30,000.00); and Restricted General Fund – Maintenance of Facilities, Account No. 076 (\$10,000.00). 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 renewal.

8.27 Agreement with PlanNet Consulting for the Evaluation and Assessment Testing of E-Rate Technology Physical Infrastructure Installation at 60 District School Sites
(Prepared by Business Services Division)

The Information Technology Department requests Board of Education approval to enter into an agreement with PlanNet Consulting, Brea, CA, for evaluation, inspection, and assessment of voice, data, video cabling, pathway, and spaces of E-Rate technology physical infrastructure at 60 District school sites. Proposals were solicited from two consulting firms, with both firms responding. PlanNet will perform inspection and assessment of all 60 District school sites for work done under E-Rate and provide a comprehensive assessment report, effective July 8, 2009, through June 30, 2010. The cost, not to exceed \$150,000.00, will be paid from Unrestricted General Fund – E-Rate Technology, Account No. 172.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with PlanNet Consulting, Brea, CA, for evaluation, inspection, and assessment of voice, data, video cabling, pathway, and spaces of E-Rate technology physical infrastructure at 60 District school sites. Proposals were solicited from two consulting firms, with both firms responding. PlanNet will perform inspection and assessment of all 60 District school sites for work done under E-Rate and provide a comprehensive assessment report, effective July 8, 2009, through June 30, 2010. The cost, not to exceed \$150,000.00, will be paid from Unrestricted General Fund – E-Rate Technology, Account No. 172.

Board of Education Meeting
July 7, 2009

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

8.28 Bid No. 15-06 Business Operating Support System as Awarded to Cybertech Systems and Software, Inc.
(Prepared by Business Services Division)

The Information Technology Department requests Board of Education approval to exercise the contractual option to extend Bid No. 15-06, Business Operating Support Systems, with Cybertech Systems and Software, Inc., as approved by the Board on June 20, 2006, Agenda Item No. 10.16. This amendment extends the term from July 1, 2009, through June 30, 2010, for ongoing software and system maintenance support. The cost, not to exceed \$410,000.00, will be paid from Unrestricted General Fund 01, Business Operations Support Services - Account No. 286. All other terms and conditions to remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the District exercising the contractual option to extend Bid No. 15-06, Business Operating Support Systems, with Cybertech Systems and Software, Inc., as approved by the Board on June 20, 2006, Agenda Item No. 10.16. This amendment extends the term from July 1, 2009, through June 30, 2010, for ongoing software and system maintenance support. The cost, not to exceed \$410,000.00, will be paid from Unrestricted General Fund 01, Business Operations Support Services - Account No. 286. All other terms and conditions to remain the same.

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

8.29 Notice of Completion, Bid No. F05-16, Category 22 - New Curtis Middle School
(Prepared by Facilities/Operations Division)

Bid No. F05-16, New Construction at New Curtis Middle School, was previously awarded to multiple Prime Contractors. The work assigned to the Contractor listed below has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing Notice of Completion for Bid No. F05-16, New Construction at New Curtis Middle School, for the portion of the work awarded to the Prime Contractor listed below:

Board of Education Meeting
July 7, 2009

Category No. 22 - Kitchen Equipment
Kitcor Corporation
Sun Valley, CA

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

8.30 Notices of Completion, Bid No. F05-18, Various Categories, Bing Wong Elementary School (Elementary School #48)
(Prepared by Facilities/Operations Division)

Bid No. F05-18, New Construction at Bing Wong Elementary School (Elementary School #48), was previously awarded to multiple Prime Contractors in a number of categories. The work assigned to the contractors listed below has now been completed. It is requested that the Board of Education formally accept the completed work of these contractors.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing Notices of Completion for Bid No. F05-16, New Construction at Bing Wong Elementary School, for the work awarded to the Prime Contractors listed below:

Category No. 5 – Structural Steel
Construction Steel Works, Inc.
Fontana, CA

Category No. 10 – Sheet Metal
Risher Sutherland, Inc. dba United Contractors
San Bernardino, CA

Category No. 13 – Acoustical
K.D. Acoustics
Riverside, CA

Category No. 15 – Painting
Borbon, Inc.
Buena Park, CA

Category No. 17 – HVAC
RAN Enterprises, Inc.
Huntington Beach, CA

Board of Education Meeting
July 7, 2009

Category No. 18 – Plumbing
JPI Development Group, Inc.
Fallbrook, CA

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

8.31 Notices of Completion, Bid No. F06-01, Various Categories, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools
(Prepared by Facilities/Operations Division)

Bid No. F06-01, Severe Special Day Class Buildings - Additions Project at Barton and Palm Elementary Schools, 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. F06-01, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools for the work awarded to the Prime Contractors listed below:

Category No. 6 – Rough Carpentry
GSF Enterprises, Inc (dba Golden State Framers)
Ontario, CA

Category No. 7 – Gypsum & Plaster
Caston Plastering & Drywall, Inc.
San Bernardino, CA

Category No. 16 – Specialties
RVH Constructors, Inc.
Ontario, CA

Category No. 17 – HVAC
West Tech Mechanical, Inc.
Montclair, CA

Category No. 18 – Plumbing
JPI Development Group, Inc.
Fallbrook, CA

Board of Education Meeting
July 7, 2009

Category No. 19 – Electrical
RDM Electric Co., Inc.
Chino, CA

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

8.32 Request to Release a Subcontractor for the Hillside/Hunt Elementary Schools Modernization/Deferred Maintenance Project, Pursuant to Public Contract Code Section 4107
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to allow the General Contractor, Plyco Corp., to release their concrete subcontractor, Artcrete of California, Inc., from its obligation on the Hillside/Hunt Elementary Schools Modernization/Deferred Maintenance Projects, and to self-perform the work. Plyco Corp. has received a request from Artcrete of California, Inc., to be released from this project due to lack of manpower at this time. There is no additional cost. 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 the request by the General Contractor, Plyco Corp., to release their concrete subcontractor, Artcrete of California, Inc. from its obligation on the Hillside/Hunt Elementary Schools Modernization/Deferred Maintenance Projects due to lack of manpower, and to self-perform the work. There is no additional cost. 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 any required documents related to said release.

8.33 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)09/12/1995	06/09/1991	* (S)07/13/1990	* (S)12/20/1994	** (S)12/10/1993	** (S)01/11/1996
* (S)08/16/1994	*10/14/1996	** (S)06/14/1994	* (S)11/20/1999	** (S)05/26/1993	* (S)09/20/1994
* (S)11/10/1993	**05/28/1993	** (S)04/08/1994	* (S)05/27/1992	** (S)01/28/1996	**09/23/1994

Board of Education Meeting
July 7, 2009

** (S) 12/12/1995 ** (S) 03/23/1995 * (S) 11/12/1994 * (S) 07/14/1993 * (S) 09/28/1992 * (S) 09/03/1994
** (S) 12/24/1995 ** (S) 09/18/1992 * (S) 12/04/1992 * (S) 11/01/1995 ** 10/07/1996 * (S) 01/05/1994
** 05/24/1994 * (S) 05/02/1995 ** (S) 07/31/1996

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

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

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

8.34 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.

10/01/1997

8.35 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

Board of Education Meeting
July 7, 2009

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:

04/20/1996 09/14/1997 12/30/1999 11/24/1991

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

Education Code Section 48915 (a) states, "Principal or the Superintendent of the schools shall recommend a pupil's expulsion...., unless the principal or superintendent finds and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which should be set out in the report of the incident."

The student(s) identified below were found to have committed a violation of Education Code Section 48900 for which a referral for expulsion is mandated; however, the principal found that due to particular circumstances, expulsion is inappropriate:

09/27/01 08/14/1998

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

FURTHER, in accordance with Education Code Section 48917, the Board does hereby order the expulsion of the student(s) with birth date(s) as listed:

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

8.38 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:

12/04/1995	05/24/1994	09/15/1993	09/20/1995	08/16/1994	11/08/1994
03/17/1995	12/11/1991	03/12/1992	05/18/1993	02/17/2000	04/03/1992
11/22/1997	08/04/1997	09/05/1994	09/27/1995	09/20/1993	07/08/1995
04/16/1994	02/15/1991	12/22/1995	12/03/1994	04/06/1994	08/29/1993
11/04/1994	02/08/1992	06/17/1996	10/26/1992	12/23/1993	08/27/1994

Board of Education Meeting
July 7, 2009

04/04/1990	05/12/1994	10/19/1992	12/23/1992	12/12/1993	06/07/1994
06/18/1993	05/24/1991	08/17/1994	08/17/1997	12/24/1994	01/03/1993
01/19/1993	10/16/1994	12/27/1994	03/23/1995	02/17/1992	08/16/1993
09/17/1995	03/04/1993	06/14/1995	04/29/1994	06/17/1997	12/06/1996
03/28/1993	08/26/1992	08/19/1993	10/05/1993	06/22/1992	04/23/1992
10/14/1994	04/11/1992	09/18/1992	09/19/1991	12/30/1992	03/15/1992
03/31/1993	12/30/1992	02/15/1996	08/26/1992	04/25/1994	05/04/1991
10/25/1994	09/28/1995	08/07/1992	09/11/1992	03/04/1994	01/14/1993
03/16/1993	06/27/1996	04/02/1993	12/13/1994	09/18/1990	02/18/1994
06/05/1996	11/14/1992	01/24/1995	04/05/1993		

8.39 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:

8.40 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.

8.41 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.

8.42 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
(Prepared by Research)

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

Board of Education Meeting
July 7, 2009

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:

02/13/1990

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.

Board of Education Meeting
July 7, 2009

Board of Education Meeting
July 7, 2009

9.0 Action Items

- 9.1 Amendments to BP 0420.4 Charter School Petitions (First Reading)
(Prepared by Student Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Board of Education accepts the amendments to BP 0420.4 Charter School Petitions as a first reading.

- 9.2 Amendments to BP 0510 School Accountability Report Card (Second Reading)
(Prepared by the Research and Technology Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the amendments to BP 0510 School Accountability Report Card as presented.

- 9.3 Amendments to BP 6162.6 Use of Copyrighted Materials (Second Reading)
(Prepared by the Research and Technology Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the amendments to BP 6162.6 Use of Copyrighted Materials as presented.

- 9.4 Amendments to BP 6162.51 Standardized Testing and Reporting Program (Second Reading)
(Prepared by the Research and Technology Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the amendments to BP6162.51 Standardized Testing and Reporting Program as presented.

- 9.5 Personnel Report #1, dated July 7, 2009
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #1, dated July 7, 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 Meeting
July 7, 2009

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 #1, dated July 7, 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.

9.6 Election of an Assistant Secretary
(Prepared by Superintendent)

It has proven desirable to appoint a Staff person as Assistant Secretary of the Board. It is suggested this practice be continued through the appointment of the Superintendent's Assistant to this post.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education elects _____ to serve as Assistant Secretary.

SESSION EIGHT - Closed Session

10.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator: Yolanda Ortega
Employee Organization: California School Employees Association
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 – Anderson School

Board of Education Meeting
July 7, 2009

SESSION NINE – Open Session

11.0 Action Reported from Closed Session

SESSION TEN - Closing

12.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, July 21, 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: July 2, 2009