

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

September 1, 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 - Administrative Presentations

- 2.0 Administrative Presentations** **5:35 p.m.**
2.1 Program Evaluation
2.2 Superintendent Evaluation Process

SESSION THREE - Administrative Reports

- 3.0 Administrative Reports** **6:45 p.m.**
3.1 Board Bylaw 9322 Agenda/Meeting Materials

SESSION FOUR – Other Matters Brought By Citizens

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

SESSION FIVE - Reports and Comments

- 5.0 Report by Board Members** **7:15 p.m.**
5.1 Legislative Update
- 6.0 Report by Superintendent and Staff Members** **7:30 p.m.**

SESSION SIX - Legislation and Action

- 7.0 Consent Items (When considered as a group, unanimous approval is advised.)** **7:45 p.m.**
7.1 Approval of Minutes
7.2 Donation of Surplus Equipment
7.3 Payment of Master Teachers – Azusa Pacific University
7.4 Payment of Master Teacher – Chapman University

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- 7.5 Acceptance of Gifts and Donations to the District
- 7.6 Business and Inservice Meetings
- 7.7 Commercial Warrant Registers for Period from August 1, through August 15, 2009
- 7.8 Payment for Course of Study Activities
- 7.9 Payment for Services Rendered by Non-Classified Experts and Organizations
- 7.10 Federal/State/Local District Budgets and Revisions
- 7.11 Signature Authority
- 7.12 Extended Field Trip, Kimbark Elementary School, 5th Grade Mountain School, Lake Arrowhead, California
- 7.13 Extended Field Trip, Lincoln Elementary School, Outdoor Science School, Forest Falls, California
- 7.14 Extended Field Trip, Muscoy Elementary School, Outdoor Science School, Running Springs, California
- 7.15 Notification of Mediated Settlement Agreement OAH Case Number 2009070030
- 7.16 Notification of Settlement Agreement OAH Case Number 2009070178
- 7.17 Agreement with Children's Resources to Provide Training in Culturally Relevant Learning Styles to District Students and their Parents
- 7.18 Agreement with College Board for College Readiness System™ Products for the PSAT/NMSQT® Exam
- 7.19 Agreement with the Orange County Superintendent of Schools for Participation in the Resident Outdoor Science School for District Students
- 7.20 Agreement with the Orange County Superintendent of Schools for Participation in the Inside the Outdoors Field Program for District Students
- 7.21 Agreement with the Orange County Superintendent of Schools for Participation in the Inside the Outdoors School Program for District Students
- 7.22 Agreement with Total Compensation Systems, Inc., for Other Post-Employment Benefits (OPEB) Actuarial Services
- 7.23 Agreement with Tyrone Montgomery to Provide Ombudsman Services to District Secondary Schools for Violence Prevention
- 7.24 Agreement with WestEd to Administer the Biennial California Healthy Kids Survey
- 7.25 Amendment of the Agreement with THINK Together to Provide C.A.P.S. Services to Students
- 7.26 Amendment of the Renewal of the Agreement with The Counseling Team International to Provide the Employee Assistance Program Counseling and Psychological Testing for Pre-Hire Applicant Assessment Testing Services
- 7.27 Amendment No. 1 to the Agreement with PJHM Architects for Architectural and Engineering Services for Lytle Creek K-8 School Project
- 7.28 Amendment No. 4 to the Agreement with Placo San Bernardino, LLC for Lease of Office Space Located at the Carousel Mall

- 7.29 Resolution of the Board of Education of the San Bernardino City Unified School District Approving the Notices of Exemption from the California Environmental Quality Act ("CEQA") for the Proposed Construction of a Two-Story Building Classroom at Lincoln, Muscoy, Vermont, and Wilson Elementary Schools; and Delegating Authority to District Staff to Execute CEQA Documents
- 7.30 Approval to Establish a Prequalification Program for Construction Contracts, Per Public Contract Code Section 20111.5 and District Policy 3311
- 7.31 Bid No. 01-09, Bid Requirements Contract for Built-Up Roofing Installation and Repair - Districtwide
- 7.32 Bid No. F08-29, High School #8 Construction and Old Curtis Middle School Modernization Project
- 7.33 Bid No. F08-29, Categories #17 and #19, High School #8 Construction and Old Curtis Middle School Modernization Project
- 7.34 Expulsion of Student(s)
- 7.35 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 7.36 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 7.37 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 7.38 Revocation of Suspension of Expulsion
- 7.39 Lift of Expulsion of Student(s)
- 7.40 Failure to Recommend Mandatory Expulsion 48915
- 7.41 Petition to Expunge Expulsion
- 7.42 Education Code 48213

8.0 Action Items

- 8.1 Review of the Charter Petition for EXCEL Prep Charter School
- 8.2 Review of the Charter Petition for the Hardy Brown College Prep Charter School
- 8.3 Superintendent Evaluation Process
- 8.4 Personnel Report #5, dated September 1, 2009
- 8.5 In Recognition of Deceased Employees

SESSION SEVEN - Closed Session

9.0 Closed Session

8:00 p.m.

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

Student Matters/Discipline

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Conference with Labor Negotiator

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

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

Public Employee Discipline/Dismissal/Release

Superintendent's Evaluation

SESSION EIGHT – Open Session

10.0 Action Reported from Closed Session ***9:00 p.m.***

SESSION NINE - Closing

11.0 Adjournment ***9:05 p.m.***

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, September 15, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: August 28, 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

September 1, 2009

SESSION ONE - Opening

1.0 Opening

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

SESSION TWO - Administrative Presentations

2.0 Administrative Presentations

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 Four - Other Matters Brought by Citizens.

- 2.1 Program Evaluation
(Prepared by Research/Technology)

Dr. Judy White, Deputy Superintendent, and Dr. Paul Shirk, Assistant Superintendent, will present an update on the District's ongoing process of program evaluation. An overview will be given of the process the District uses to choose programs, as well as data driven decisions to keep, adjust or replace programs.

- 2.2 Superintendent Evaluation Process
(Prepared by Superintendent)

The firm Fagen Friedman & Fulfroost provides strategic legal consulting to school districts, offering advice and representation regarding all facets of public education law. This evening, Peter Fagen, managing partner, will present information regarding the evaluation process Board members may want to consider using when evaluating the Superintendent.

SESSION THREE - Administrative Reports

3.0 *Administrative Reports*

3.1 Board Bylaw 9322 Agenda/Meeting Materials (Prepared by Superintendent)

BB 9322

Board Bylaws

Agenda Content

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Agenda Preparation

The Superintendent, as Secretary to the Board, in consultation with the Board President, shall prepare the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 – Vision)

(cf. 0200 – Goals for the School District)

(cf. 9191 – President)

(cf. 9122 – Secretary)

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Any Board member, with the consensus of the other Board members, may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Whenever possible, such request should allow at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board President and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board President and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Public items submitted under this provision will be itemized as a subsection under Other Matters Brought By Citizens. Any accompanying materials will be provided to Board members. Placing an item on the agenda under this section in no way requires Board action or comment. The five-minute time limit applies. If the item is presented by a special interest group, the maximum time limit shall be a combined 10 minutes. At the discretion of the Board President the time limit for a special interest group may be extended beyond 10 minutes.

No more than 30 minutes of each Board meeting will be allotted for input on any one subject matter under this section. If more items are on the agenda than there is time available, the President may move an item forward to the next meeting.

An individual's submission under this item will be considered their only input (five minutes) under Other Matters Brought by Citizens. Under no circumstances shall an individual have a combined total of 15 minutes on all agenda items during a Board meeting. The Board President may use his/her prerogative to combine public times on related topics to ensure the proper functioning of the governing board meetings.

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Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 – Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination to Board Members

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents

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constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 – District and School Web Sites)
(cf. 1340 – Access to District Records)

Any document prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

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UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications
36.303 Auxiliary aids and services
COURT DECISIONS
Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardmanship, 1996

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: January 15, 2008

revised: January 13, 2009

SESSION FOUR – Other Matters Brought By Citizens

4.0 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 Five, there will be no further opportunity for citizens to address the Board on items under consideration.

SESSION FIVE - Reports and Comments

5.0 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.

5.1 Legislative Update

6.0 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 SIX - Legislation and Action

7.0 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.

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on July 21, 2009, be approved as presented.

7.2 Donation of Surplus Equipment
(Prepared by Superintendent)

The District has received a request from Crestview Baptist Church for the donation of surplus basketball equipment. Cajon High School currently has six surplus basketball backboards, rims, and poles being stored in a field on the school grounds, and is in the process of sending them to the Warehouse as surplus.

Using Education Code 17546(c) as a guideline and the estimated low value of the equipment, the District would like to donate this surplus equipment to Crestview Baptist Church.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education determines that the six surplus backboards, rims, and poles are of insufficient value to defray the costs of arranging a sale.

BE IT FURTHER RESOLVED that the Board of Education authorizes the donation of said surplus equipment to Crestview Baptist Church.

7.3 Payment of Master Teachers – Azusa Pacific University
(Prepared by Certificated - Human Resources Division)

The District has an agreement with the Azusa-Pacific University to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 049625 from Azusa Pacific University in the amount of \$200.00. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during the Spring session 2009, as provided for in the Agreement with Azusa Pacific University, as follows:

Ana Silva	\$100.00	Darla Brading	\$100.00
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7.4 Payment of Master Teacher – Chapman University
(Prepared by Certificated-Human Resources Division)

The District has an agreement with Chapman University to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 00577742 from Chapman University in the amount of \$125.00. The District wishes to pay this honorarium to the master teacher.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as master teacher during the summer session, as provided for in the Agreement with Chapman University, as follows:

Olivia Delgado	\$125.00
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7.5 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:

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SITE	DONOR	DONATION AND PURPOSE	CASH	VALUE
Purchasing Department	Nike Corporation	208 sportswear sets, to provide sports attire for needy students		\$5,776.00
Cypress Elementary School	Lifetouch National School Studios	\$560.00 to be used towards ASB funds	\$560.00	
Communications Department	The Counseling Team International	\$125.00 worth of Home Depot gift cards to be used as incentives at Management Team Summer Conference		\$125.00
Communications Department	Fox Occupational Medical Center	\$188.00 worth of Disneyland gift cards to be used as incentives at Management Team Summer Conference		\$188.00
Cypress Elementary School	Lifetouch National School Studios	\$560.00 to be used towards ASB funds	\$560.00	
San Geronio High School	Automatic Fire Sprinklers, Inc.	1998 Ford F150 truck for the Auto Shop Program		\$1,850.00
San Geronio High School	Automatic Fire Sprinklers, Inc.	1998 Ford F150 truck for the Auto Shop Program		\$1,850.00
Fairfax Elementary School	Lifetouch National School Studios	\$375.00 to be used for Model Students' and Peace Builders' incentives	\$357.00	
Vermont Elementary School	Doug Wilson	\$1,000.00 to sponsor the Vermont Parent University	\$1,000.00	
Chavez Middle School	Myrna Nocelo	\$220.15 to be used towards ASB funds	\$220.15	
Chavez Middle School	San Manuel Band of Mission Indians	\$5,000.00 to sponsor the Instrumental Music Program	\$5,000.00	
Chavez Middle School	San Manuel Band of Mission Indians	\$2,000.00 to sponsor Behavioral Incentive Program	\$2,000.00	
Chavez Middle School	Karen Strong	\$300.00 to be used towards Science Fair prizes	\$300.00	
Hillside Elementary School	Lifetouch National School Studios	\$134.00 to be used towards ASB funds	\$134.00	

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education acknowledges receipt of \$5,776.00, Nike Corporation; \$560.00, Lifetouch National School Studios; \$125.00, The Counseling Team International; \$188.00, Fox Occupational Medical Center; \$560.00, Lifetouch National School Studios; \$1,850.00, Automatic Fire Sprinklers, Inc.; \$1,850.00, Automatic Fire Sprinklers, Inc.; \$357.00, Lifetouch National School Studios; \$1,000.00, Doug Wilson; \$220.15, Myrna Nocelo;

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\$5,000.00, San Manuel Band of Mission Indians; \$2,000.00, San Manuel Band of Mission Indians; \$300.00, Karen Strong; and \$134.00, Lifetouch National School Studios.

7.6 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:

Sylvia Alv-Mahoney	To attend Gradelink Training in Effectively Integrating Technology into Curriculum and Instruction, St. Anthony School, San Bernardino, CA, September 4, 2009. Total cost, not to exceed \$1,428.00, will be paid from Accountability Department Account No. 536.
John Bachman	
Nida Banez	
Lori Campbell	
John Griffin	
Desiree Landin	
Elizabeth Lemus	
Teashia Lopez	
Elena Majico-Dixon	
Sr. Margaret Mullany	
Norma Roberts	
Nancy Tremblay	
(Board Representatives, St. Anthony School)	

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

Rebecca Forbush	To attend Gradelink Training in Effectively Integrating Technology into Curriculum and Instruction, Our Lady of the Assumption, San Bernardino, CA, August 21, 2009. Total cost, not to exceed \$1,728.00, will be paid from Accountability Department Account No. 536.
Laura Hall	
Terry Kondrack	
Sue Long	
Manel McMillan	
Pieter Nystrom	
Robert Robertson	
Rebecca Ryan	

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Yvette Schemenauer
Kristin Stevens
Rachel Visco
(Board Representatives,
Our Lady of the Assumption)

To be paid a stipend of \$150.00 per day for a total of one day. The total stipend, not to exceed \$150.00 per person, will be paid from Accountability Department Account No. 536.

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

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Commercial Warrant Register for period from August 1, through August 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; or Mohammad Z. Islam, Chief Business and Financial Officer, to sign disbursements.

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

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

San Bernardino High School wishes to hire Recruiting Realities for a presentation by Jack Renkens, on September 14, 2009. This motivational presentation will provide students with an educational resource about the collegiate athletic recruiting process. The cost, not to exceed \$695.00, will be paid from Ramona-Alessandro Elementary School Account No. 419.

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:

Recruiting Realities for a presentation by Jack Renkens, on September 14, 2009. The cost, not to exceed \$695.00, will be paid from Ramona-Alessandro Elementary School Account No. 419.

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

The Advanced Learner Programs and Services Department wishes to hire David Ghoogasian of The Lyceum #289 to provide four sessions of a course, "How the Brain Learns," as part of the requirements for the GATE certification, November 16, 2009, through May 17, 2010, for District personnel. The fee, not to exceed \$8,400.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

The Advanced Learner Programs and Services Department wishes to hire Dr. Susan Daniels, San Bernardino, CA, to conduct a series of courses to District staff for GATE Certification: Introduction to Teaching the Gifted and Talented; Differentiated Curriculum and Instruction; and Creativity, Thinking and Problem Solving, September 26, 2009, through June 12, 2010. The fee, not to exceed \$22,500.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

The English Learner Programs Department wishes to hire Roxanne Sensenbach to provide CTET Test Preparation training sessions to District staff, September 1, through December 3, 2009. The fee, not to exceed \$3,439.92, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

The English Learner Programs Department wishes to hire Lupe Navarro to provide CTET Test Preparation training sessions to District staff, September 15, through November 7, 2009. The fee, not to exceed \$3,439.92, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

Lincoln Elementary School wishes to hire Digital Edge Learning for five days of teacher professional development for 10 teachers, and five days of teacher coaching, September 2, 2009, through June 30, 2010. The fee, not to exceed \$21,000.00, will be paid as follows: \$18,744.00 from the Restricted General Fund—Quality Education Investment Act, Account No. 436; and \$2,256.00 from the Restricted General Fund—School Based Coordinated Fund, Account No. 419.

The Professional Development Department wishes to hire the University of California Professional Development Institute (UCPDI, UC/San Diego) to provide state-approved English Learner Professional Development training to eight District personnel to become trainers for ELPD, September 2, 2009, through June 30, 2010. The cost, \$1,250.00 per participant for a total cost not to exceed \$10,000.00, will be paid from the Restricted General Fund—Program Improvement Local Educational Agency, Account No. 513.

San Bernardino High School wishes to hire Brandy Yurkosky Education Consultant, Redlands, CA, to provide a World History curriculum that addresses the 10 California standards for World History and includes lesson plans and ancillary materials, transparencies, Power Point

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presentations, quizzes, review guides, rubrics, and assessments, September 2, 2009, through June 10, 2010. The fee, not to exceed \$6,000.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

The Special Education Department wishes to hire Academic Innovations, St. George, UT, to provide a two-day training workshop on Career Choices for District staff, September 9 and 10, 2009. The cost, not to exceed \$2,500.00, will be paid from Restricted General Fund—Workability 1 Program, Account No. 437.

The Student Services Department wishes to hire Robert and Eva Jacobo to present a series of 12 Night Culture Classes to staff, September 14, 2009, through June 11, 2010. The Jacobos will provide an Indian Educational program centering on Native American culture. The fee, not to exceed \$6,000.00, will be paid from the Restricted General Fund—Indian Education Formula, Account No. 505.

Wilson Elementary School wishes to hire Digital Edge Learning for five days of teacher professional development for six teachers, three days of teacher coaching, and three days of administrator coaching, September 2, 2009, through June 25, 2010. The fee, not to exceed \$16,350.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

It is recommended that the following resolution be adopted:

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

David Ghoogasian of The Lyceum #289 to provide four sessions of a course, “How the Brain Learns,” as part of the requirements for the GATE certification, November 16, 2009, through May 17, 2010, for District personnel. The fee, not to exceed \$8,400.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

Dr. Susan Daniels, San Bernardino, CA, to conduct a series of courses to District staff for GATE Certification: Introduction to Teaching the Gifted and Talented; Differentiated Curriculum and Instruction; and Creativity, Thinking and Problem Solving, September 26, 2009, through June 12, 2010. The fee, not to exceed \$22,500.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

Lupe Navarro to provide CTET Test Preparation training sessions to District staff, September 15, through November 7, 2009. The fee, not to exceed \$3,439.92, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

Digital Edge Learning for five days of teacher professional development for 10 teachers, and five days of teacher coaching, September 2, 2009, through June 30, 2010. The fee, not to exceed

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\$21,000.00, will be paid as follows: \$18,744.00 from the Restricted General Fund—Quality Education Investment Act, Account No. 436; and \$2,256.00 from the Restricted General Fund—School Based Coordinated Fund, Account No. 419.

The University of California Professional Development Institute (UCPDI, UC/San Diego) to provide state-approved English Learner Professional Development training to eight District personnel to become trainers for ELPD, September 2, 2009, through June 30, 2010. The cost, \$1,250.00 per participant for a total cost not to exceed \$10,000.00, will be paid from the Restricted General Fund—Program Improvement Local Educational Agency, Account No. 513.

Brandy Yurkosky Education Consultant, Redlands, CA, to provide a World History curriculum that addresses the 10 California standards for World History and includes lesson plans and ancillary materials, transparencies, Power Point presentations, quizzes, review guides, rubrics, and assessments, September 2, 2009 through June 10, 2010. The fee, not to exceed \$6,000.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

Academic Innovations, St. George, UT, to provide a two-day training workshop on Career Choices for District staff, September 9 and 10, 2009. The cost, not to exceed \$2,500.00, will be paid from Restricted General Fund—Workability 1 Program, Account No. 437.

Robert and Eva Jacobo to present a series of 12 Night Culture Classes to staff, September 14, 2009, through June 11, 2010. The Jacobos will provide an Indian Educational program centering on Native American culture. The fee, not to exceed \$6,000.00, will be paid from the Restricted General Fund—Indian Education Formula, Account No. 505.

Digital Edge Learning for five days of teacher professional development for six teachers, three days of teacher coaching, and three days of administrator coaching, September 2, 2009, through June 25, 2010. The fee, not to exceed \$16,350.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

BE IT FURTHER 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, September 1, through December 3, 2009. The fee, not to exceed \$3,439.92, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

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

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

The restricted program, Reading First Grant (506), was not included in the 2009-2010 approved budget. Based on the information received from the California Department of Education, an increase in the amount of \$301,824.00 will result in a revised total of \$301,824.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$301,824.00 in the budgeting of revenues and expenditures for the restricted program, Reading First Grant (506).

7.11 Signature Authority
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval for David Moyes, Accounts Payable Supervisor, for signature authority, effective September 2, 2009, for the following:

District Orders (and related journal entries);
Payroll orders (and related journal entries);
Voluntary Payroll Deductions (Pay 620);
Journal Entries (for those not authorized for District or payroll orders);
Checks drawn against the District Account;
Checks drawn against the Workers' Compensation Account;
Revolving Cash; and
Deposits to the County Treasurer

Board of Education approval is also requested to grant David Moyes access to the San Bernardino County Schools' Computer Consortium System with an Electronic Signature Key, effective September 2, 2009.

It is also recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education grants signature authorization for David Moyes, Accounts Payable Supervisor, effective September 2, 2009, for the following:

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District Orders (and related journal entries);
Payroll orders (and related journal entries);
Voluntary Payroll Deductions (Pay 620);
Journal Entries (for those not authorized for District or payroll orders);
Checks drawn against the District Account;
Checks drawn against the Workers' Compensation Account;
Revolving Cash; and
Deposits to the County Treasurer

BE IT FURTHER RESOLVED that the Board of Education grants access to David Moyes, Accounts Payable Supervisor, to the San Bernardino County Schools' Computer Consortium System with an Electronic Signature Key, effective September 2, 2009.

7.12 Extended Field Trip, Kimbark Elementary School, 5th Grade Mountain School, Lake Arrowhead, California
(Prepared by Business Services Division)

Kimbark Elementary School requests Board of Education approval of an extended field trip for 70 students, 2 5th Grade Mountain School staff members, and 5 District employees, to attend the 5th Grade Mountain School, in Lake Arrowhead, California, September 28, through October 2, 2009.

Students will have the opportunity to solidify the science knowledge they have acquired through their earlier grades. This trip will implement a science and environmental educational program that will result in students' increased conceptual understanding of the natural world and their role in it.

The cost of the trip, not to exceed \$12,600.00, including meals and lodging for 70 Kimbark Elementary School students, 2 5th Grade Mountain School staff members, and 5 District employees, will be paid from Kimbark Elementary School Account No. 419 and ASB funds. Transportation provided by First Student, not to exceed \$1,250.00, will be paid from Kimbark Elementary School Account No. 419. 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 70 Kimbark Elementary School students, 2 5th Grade Mountain School staff members, and 5 District employees, to attend the 5th Grade Mountain School, in Lake Arrowhead, California, September 28, through October 2, 2009. The cost of the trip, not to exceed \$12,600.00, including meals and lodging for 70 Kimbark Elementary School students, 2 5th Grade Mountain School staff members, and 5 District employees, will be paid from Kimbark Elementary School Account No. 419 and ASB funds. Transportation provided by First Student, not to exceed \$1,250.00, will be

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paid from Kimbark Elementary School Account No. 419. Names of the students are on file in the Business Services office.

7.13 Extended Field Trip, Lincoln Elementary School, Outdoor Science School, Forest Falls, California
(Prepared by Business Services Division)

Lincoln Elementary School requests Board of Education approval of an extended field trip for 70 students, 3 Outdoor Science School staff members, and 4 District employees, to attend the Outdoor Science School, in Forest Falls, California, September 28, through October 1, 2009.

Students will have the opportunity to transfer their textbook learning into real-life experiences, while studying the natural environment when exploring trails, investigating geological features, observing wildlife, comparing plant adaptations. Also, they will observe the night sky through telescopes.

The cost of the trip, not to exceed \$19,950.00, including meals and lodging for 70 Lincoln Elementary School students, 3 Outdoor Science School staff members, and 4 District employees, will be paid through sponsorship from the Inside the Outdoors, Outdoor Science School. Transportation provided by First Student, not to exceed \$861.76, will be paid from Lincoln Elementary School Account No. 419. 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 70 Lincoln Elementary School students, 3 Outdoor Science School staff members, and 4 District employees, to attend the Outdoor Science School, in Forest Falls, California, September 28, through October 1, 2009. The cost of the trip, not to exceed \$19,950.00, including meals and lodging for 70 Lincoln Elementary School students, three Outdoor Science School staff members and four District employees, will be paid through sponsorship from the Inside the Outdoors, Outdoor Science School. Transportation provided by First Student, not to exceed \$861.76, will be paid from Lincoln Elementary School Account No. 419. Names of the students are on file in the Business Services office.

7.14 Extended Field Trip, Muscoy Elementary School, Outdoor Science School, Running Springs, California
(Prepared by Business Services Division)

Muscoy Elementary School requests Board of Education approval of an extended field trip for 95 students, 7 Outdoor Science School staff members, and 3 District employees, to attend the Outdoor Science School, in Running Springs, California, September 28, through October 2, 2009.

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This trip offers students the opportunity to study life science and earth science through investigation and experimentation. Students will be given opportunities to learn the importance of understanding and protecting our wilderness areas. Activities include an archeological dig, plant kingdom identification, and studies of earth science cycles.

The cost of the trip, not to exceed \$30,400.00, including meals and lodging for 95 Muscoy Elementary School students, 7 Outdoor Science School staff members, and 3 District employees, will be paid through sponsorship from an anonymous donor. Transportation provided by First Student, not to exceed \$935.32, will be paid from Muscoy Elementary School Account No. 419. 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 95 Muscoy Elementary School students, 7 Outdoor Science School staff members, and 3 District employees, to attend the Outdoor Science School, in Running Springs, California, September 28, through October 2, 2009. The cost of the trip, not to exceed \$30,400.00, including meals and lodging for 95 Muscoy Elementary School students, 7 Outdoor Science School staff members, and 3 District employees, will be paid through sponsorship from an anonymous donor. Transportation provided by First Student, not to exceed \$935.32, will be paid from Muscoy Elementary School Account No. 419. Names of the students are on file in the Business Services office.

7.15 Notification of Mediated Settlement Agreement OAH Case Number 2009070030
(Prepared by Student Services Division)

On August 4, 2009, a Mediated Settlement Agreement was signed to resolve Office of Administration Hearings (OAH) Case Number 2009070030, Quintana v. San Bernardino City Unified School District that was filed on June 30, 2009. The specific terms of the agreement are as follows:

1. Upon District's receipt of documentation of proof of payment, the District will reimburse parents an amount not to exceed \$400.00 for an occupational therapy assessment provided by a vendor selected by the parents.
2. Upon District's receipt of documentation of proof of payment, the District will reimburse parents in an amount not to exceed \$12.50 per hour for two (2) hours per week, total aggregate of \$250.00, of speech and language provided to the student at the Truesdail Center for Communication Disorders, University of Redlands for the time period covered by the pediatrician/physician.
3. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$30.00 per hour for five (5) hours per week of behavioral therapy provided by Ame Vigil, Developmental Specialist, total aggregate of \$3,000.00.

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4. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$1,500.00 for a psychological evaluation conducted by Dr. Canter.
5. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$330.00 for the behavior therapy provided by development specialist Ame Vigil up to and including July 31, 2009.
6. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$250.00 for the speech and language therapy provided by the Truesdail Center, University of Redlands up to and including July 31, 2009.
7. Within 60 days calendar days of District Board approval and receipt of billing statement/invoice, District agrees to pay attorney's fees payable to the Law Office of David Kim, not to exceed \$7,100.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves reimbursements to parents for the following: occupational therapy assessment by vendor selected by parents not to exceed \$400.00; speech and language therapy provided by Truesdail Center for Communication Disorders not to exceed \$250.00; behavioral therapy provided by developmental specialist Ame Vigil not to exceed \$3,000.00; psychological evaluation conducted by Dr. Canter not to exceed \$1,500.00; behavior therapy provided by development specialist Ame Vigil up to and including July 31, 2009, not to exceed \$330.00; speech and therapy provided by the Truesdail Center up to and including July 31, 2009, not to exceed \$250.00; attorney fees payable incurred in OAH Case No. 2009070030 to the Law Office of David Kim not to exceed \$7,100.00. Payments are to be paid from the Restricted General Fund-Special Education, Account No. 827.

7.16 Notification of Settlement Agreement OAH Case Number 2009070178
(Prepared by Student Services Division)

On August 11, 2009, a Settlement Agreement was signed to resolve Office of Administration Hearings (OAH) Case Number 2009070178, Venegas v. San Bernardino City Unified School District that was filed on July 1, 2009. The specific terms of the agreement are as follows:

1. District agrees to fund 15 hours per week of in-home ABA services in the home by a paraprofessional employed by B.E.S.T. when school is in session at Anton Elementary and for two weeks during each of the three inter-sessions for the 2009-10 school year. Costs are not to exceed \$24,000.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.
2. During the 2010-11 school year the District agrees to fund 15 hours per week of ABA services, partly as in-home services and partly in an educational school site, provided by a paraprofessional employed by B.E.S.T. Anticipated costs are not to exceed \$21,000.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.

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- 3.. Within 60 days calendar days of Board approval and receipt of billing statement/invoice, District agrees to pay attorney's fees payable to the Disability Rights Legal Center, not to exceed \$3,000.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves funding in-home ABA services provided by a paraprofessional employed by B.E.S.T. during the 2009-10 school year not to exceed \$24,000.00; approves funding ABA services provided by B.E.S.T. during the 2010-11 school year not to exceed \$21,000.00; attorney fees payable incurred in OAH Case No. 2009070178 to the Disability Rights Legal Center not to exceed \$3,000.00. Payments are to be paid from the Restricted General Fund-Special Education, Account No. 827.

7.17 Agreement with Children's Resources to Provide Training in Culturally Relevant Learning Styles to District Students and their Parents
(Prepared by Business Services Division)

Rio Vista Elementary School requests Board of Education approval to enter into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective September 9, through October 7, 2009. The training will be provided to parents weekly in five sessions. The cost for the services, not to exceed \$3,500.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective September 9, 2009, through October 7, 2009. The training will be provided to parents weekly in five sessions. The cost for the services, not to exceed \$3,500.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

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

7.18 Agreement with College Board for College Readiness System™ Products for the PSAT/NMSQT® Exam
(Prepared by Business Services Division)

The Advanced Learner Programs and Services Department requests Board of Education approval to enter into an agreement with College Board, New York, NY, for College Readiness System™ Products for the PSAT/NMSQT® Exam for all tenth grade students, effective September 2,

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2009, through June 30, 2010. The PSAT/NMSQT® Exam is a means to assist students in preparing and planning for success in secondary school and college. The early participation program is an educational initiative by state/school districts to increase the opportunities for all students, with particular attention to those underrepresented in college populations. The cost, not to exceed \$19,799.25, will be paid from Restricted General Fund – Advanced Learner Programs and Services, Account No. 794.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with College Board, New York, NY, for College Readiness System™ Products for the PSAT/NMSQT® Exam for all tenth grade students, effective September 2, 2009, through June 30, 2010. The PSAT/NMSQT® Exam is a means to assist students in preparing and planning for success in secondary school and college. The early participation program is an educational initiative by state/school districts to increase the opportunities for all students, with particular attention to those underrepresented in college populations. The cost, not to exceed \$19,799.25, will be paid from Restricted General Fund – Advanced Learner Programs and Services, Account No. 794.

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

7.19 Agreement with the Orange County Superintendent of Schools for Participation in the Resident Outdoor Science School for District Students
(Prepared by Business Services Division)

The Elementary Instruction Department requests Board of Education approval to enter into an agreement with the Orange County Superintendent of Schools, Costa Mesa, CA, for participation in the Resident Outdoor Science School for District students, effective September 2, 2009, through June 30, 2010. Participation in the program will allow District students to attend designated Outdoor Science School sites. Educational programs and classes will be provided by certificated staff. In the event that the number of students who actually attend is less than 80 percent of the contracted number of students for any one event, the District shall be responsible for the underage. If a school cancels and no replacement school is found, the original site will be billed for 100 percent of the contracted enrollment. The District will provide busing to the Outdoor Science School sites; the individual District sites will pay the transportation fees. Except for Thompson Elementary School, the program is sponsored and there is no cost to students who participate; the only cost to the District is for transportation. Thompson Elementary School is 50 percent sponsored, and the total cost, not to exceed \$13,680.00, will be paid from Restricted General Fund – School Based Coordinated Program, Account No. 419.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves entering into an agreement with the Orange County Superintendent of Schools, Costa Mesa, CA, for participation in the Resident Outdoor Science School for District students, effective September 2, 2009, through June 30, 2010. Participation in the program will allow District students to attend designated Outdoor Science School sites. Educational programs and classes will be provided by certificated staff. In the event that the number of students who actually attend is less than 80 percent of the contracted number of students for any one event, the District shall be responsible for the underage. If a school cancels and no replacement school is found, the original site will be billed for 100 percent of the contracted enrollment. The District will provide busing to the Outdoor Science School sites; the individual District sites will pay the transportation fees. Except for Thompson Elementary School, the program is sponsored and there is no cost to students who participate; the only cost to the District is for transportation. Thompson Elementary School is 50 percent sponsored, and the total cost, not to exceed \$13,680.00, will be paid from Restricted General Fund – School Based Coordinated Program, Account No. 419.

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

7.20 Agreement with the Orange County Superintendent of Schools for Participation in the Inside the Outdoors Field Program for District Students
(Prepared by Business Services Division)

The Elementary Instruction Department requests Board of Education approval to enter into an agreement with the Orange County Superintendent of Schools, Costa Mesa, CA, to allow District students to participate in its Inside the Outdoors Field Program effective September 2, 2009, through August 31, 2010. Participation in the program will allow District students to attend designated Outdoor Science School sites. Educational programs and classes will be provided by certificated staff. In the event that the number of students who actually attend is less than 90 percent of the contracted number of students for any one event, the District shall be responsible for the underage. If a school cancels and no replacement school is found, the original site will be billed for 90 percent of the contracted enrollment. The District will provide busing to the Outdoor Science School sites; the individual District sites will pay the transportation fees. Because the program is sponsored, there is no cost to students who participate; the only cost to the District is for transportation.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Orange County Superintendent of Schools, Costa Mesa, CA, to allow District students to participate in its Inside the Outdoors Field Program effective September 2, 2009, through August 31, 2010. Participation in the program will allow District students to attend designated Outdoor Science School sites. Educational programs and classes will be provided by certificated staff. In the event that the number of students who actually attend is less than 90 percent of the contracted

number of students for any one event, the District shall be responsible for the underage. If a school cancels and no replacement school is found, the original site will be billed for 90 percent of the contracted enrollment. The District will provide busing to the Outdoor Science School sites; the individual District sites will pay the transportation fees. Because the program is sponsored, there is no cost to students who participate; the only cost to the District is for transportation.

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

7.21 Agreement with the Orange County Superintendent of Schools for Participation in the Inside the Outdoors School Program for District Students
(Prepared by Business Services Division)

The Elementary Instruction Department requests Board of Education approval to enter into an agreement with the Orange County Superintendent of Schools, Costa Mesa, CA, to allow District students to participate in its Inside the Outdoors School Program, effective September 2, 2009, through August 31, 2010. Participation in the program will allow District sites to host the "Traveling Scientist Program." In the event that the number of students who actually attend is less than 90 percent of the contracted number of students for any one event, the District shall be responsible for the underage. If a school cancels and no replacement school is found, the original site will be billed for 90 percent of the contracted enrollment. Because the program is sponsored for Bing Wong, Lytle Creek, and Palm Avenue Elementary Schools, there is no cost to the District or to the students from these schools who participate. The program is not sponsored for Vermont Elementary School; the cost, not to exceed \$1,005.00, will be paid from ASB funds.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Orange County Superintendent of Schools, Costa Mesa, CA, to allow District students to participate in its Inside the Outdoors School Program, effective September 2, 2009, through August 31, 2010. Participation in the program will allow District sites to host the "Traveling Scientist Program." In the event that the number of students who actually attend is less than 90 percent of the contracted number of students for any one event, the District shall be responsible for the underage. If a school cancels and no replacement school is found, the original site will be billed for 90 percent of the contracted enrollment. Because the program is sponsored for Bing Wong, Lytle Creek, and Palm Avenue Elementary Schools, there is no cost to the District or to the students from these schools who participate. The program is not sponsored for Vermont Elementary School; the cost, not to exceed \$1,005.00, will be paid from ASB funds.

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

7.22 Agreement with Total Compensation Systems, Inc., for Other Post-Employment Benefits (OPEB) Actuarial Services
(Prepared by Business Services Division)

The Accounting Services Department requests Board of Education approval to enter into an agreement with Total Compensation Systems, Inc., Agoura Hills, CA, to perform the actuary for the District's Other Post-Employment Benefits (OPEB) plan in accordance with California Public Employees Retirement System (CalPERS) actuarial assumptions, effective September 2, through December 31, 2009. Total Compensation Systems, Inc., is a noted actuarial company listed with CalPERS that performed actuaries for many school districts in the area including the County Superintendent of Schools. The total cost, not to exceed \$7,300.00, will be paid from Restricted General Fund – Fiscal Solvency Plan, Account No. 407.

Government Accounting Standards Board (GASB) Statement 45 requires school districts with revenues of \$100 million or more that offer OPEB to its employees to apply GASB 45 regulations. This includes the review of OPEB obligations by an actuary every two years and a strategy for funding the obligations. The District's OPEB covers medical, dental, vision and prescription benefits for five years after retirement or up to 65 years of age.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total Compensation Systems, Inc., Agoura Hills, CA, to perform the actuary for the District's Other Post-Employment Benefits (OPEB) plan, effective September 2, through December 31, 2009. The total cost, not to exceed \$7,300.00, will be paid from Restricted General Fund – Fiscal Solvency Plan, Account No. 407.

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

7.23 Agreement with Tyrone Montgomery to Provide Ombudsman Services to District Secondary Schools for Violence Prevention
(Prepared by Business Services Division)

The Student Services Division/Alternative Programs Department requests Board of Education approval to enter into an agreement with Tyrone Montgomery, Fontana, CA, to provide ombudsman services effective September 2, 2009, through June 30, 2010. Tyrone Montgomery will provide ombudsman tasks that will promote safe schools, violence prevention, and intervention services; work with the District's Parent Center to link parents of at-risk students with District support services; and speak at secondary school assemblies and classrooms. He will also serve as a student advocate. The cost, not to exceed \$40,000.00, will be paid from Restricted General Fund–School Safety Entitlement, Account No. 494.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Tyrone Montgomery, Fontana, CA, to provide ombudsman services effective September 2, 2009, through June 30, 2010. Tyrone Montgomery will provide ombudsman tasks that will promote safe schools, violence prevention, and intervention services; work with the District's Parent Center to link parents of at-risk students with District support services; and speak at secondary school assemblies and classrooms. He will also serve as a student advocate. The cost, not to exceed \$40,000.00, will be paid from Restricted General Fund–School Safety Entitlement, Account No. 494.

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

7.24 Agreement with WestEd to Administer the Biennial California Healthy Kids Survey
(Prepared by Business Services Division)

The Alternative Programs Department requests Board of Education approval to enter into an agreement with WestEd, Los Alamitos, CA, to administer the biennial California Healthy Kids Survey for all District students in Grades 5, 7, 9, and 11, and the entire population at Sierra High School, San Andreas High School, and Anderson School, effective October 1, 2009, through January 31, 2010. This survey is a requirement of the funding for the District's Title IV Safe and Drug Free Schools and Community and the Tobacco Use Prevention Education grant. The cost, not to exceed \$5,000.00, will be paid from Restricted General Fund – Drug Free Schools, Account No. 555.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with WestEd, Los Alamitos, CA, to administer the biennial California Healthy Kids Survey for all District students in Grades 5, 7, 9, and 11, and the entire population at Sierra High School, San Andreas High School, and Anderson School, effective October 1, 2009, through January 31, 2010. This survey is a requirement of the funding for the District's Title IV Safe and Drug Free Schools and Community and the Tobacco Use Prevention Education grant. The cost, not to exceed \$5,000.00, will be paid from Restricted General Fund – Drug Free Schools, Account No. 555.

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

7.25 Amendment of the Agreement with THINK Together to Provide C.A.P.S. Services to Students
(Prepared by Business Services Division)

The Student Services Division requests Board of Education approval to amend the agreement with THINK Together, Santa Ana, CA, approved by the Board on July 21, 2009, Agenda Item 9.22. The amendment is necessary due to an additional grant received to include additional students at Warm Springs Elementary School. The additional fee of \$102,060.00, added to the original fee of \$1,072,595.00 for a new aggregate total not to exceed \$1,174,655.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 574.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with THINK Together, Inc., Santa Ana, approved by the Board on July 21, 2009, Agenda Item 9.22. The amendment is necessary due to an additional grant received to include additional students at Warm Springs Elementary School. The additional fee of \$102,060.00, added to the original fee of \$1,072,595.00 for a new aggregate total not to exceed \$1,174,655.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 574.

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

7.26 Amendment of the Renewal of the Agreement with The Counseling Team International to Provide the Employee Assistance Program Counseling and Psychological Testing for Pre-Hire Applicant Assessment Testing Services
(Prepared by Business Services Division)

The Risk Management Department requests Board of Education approval to amend the Board Resolution to renew the agreement with The Counseling Team International, San Bernardino, CA, to provide the Employee Assistance Program (EAP) counseling and psychological testing for pre-hire applicant assessment testing services; provide orientation training about services for all employees and family members; provide a 24-hour on-call critical incident service; and provide psychological testing to school police personnel, as approved by the Board on June 16, 2009, Agenda Item No. 9.87, increasing the not-to-exceed cost of this renewal from \$37,500.00 to a new total cost, not to exceed \$81,000.00. All other terms and conditions shall remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the Board Resolution to renew the agreement with The Counseling Team International, San Bernardino, CA, to provide

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the Employee Assistance Program (EAP) counseling and psychological testing for pre-hire applicant assessment testing services; provide orientation training about services for all employees and family members; provide a 24-hour on-call critical incident service; and provide psychological testing to school police personnel, as approved by the Board on June 16, 2009, Agenda Item No. 9.87, increasing the not-to-exceed cost of this renewal from \$37,500.00 to a new total cost, not to exceed \$81,000.00. All other terms and conditions shall remain the same.

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

7.27 Amendment No. 1 to the Agreement with PJHM Architects for Architectural and Engineering Services for Lytle Creek K-8 School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with PJHM Architects, San Clemente, CA, previously approved by the Board on December 20, 2005, effective January 1, 2006, through December 31, 2009. This amendment is for the preparation of the California High Performance School Incentive Grant Program (CHPS/HPI) score card and corresponding submittal to Division of State Architect (DSA) for the Lytle Creek K-8 School project. The score card consists of points awarded for Site Selection and Building Orientation, Water and Energy Conservation, Sustainable Materials, Waste Reduction, and Indoor Environmental Quality. The Grant amount is based on the number of points awarded. Because this project is expected to surpass energy efficiency according to CHPS/HPI guidelines, the District will be reimbursed for money paid out to PJHM Architects. The cost for these additional services, not to exceed \$56,980.00, will be paid from Fund 35. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with PJHM Architects, San Clemente, CA, previously approved by the Board on December 20, 2005, effective January 1, 2006, through December 31, 2009. This amendment is for the preparation of the California High Performance School Incentive Grant Program (CHPS/HPI) score card and corresponding submittal to DSA for the Lytle Creek K-8 School Project. The cost for these additional services, not to exceed \$56,980.00, will be paid from Fund 35. All other terms and conditions remain the same.

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

7.28 Amendment No. 4 to the Agreement with Placo San Bernardino, LLC for Lease of Office Space Located at the Carousel Mall
(Prepared by Facilities/Operations Division)

The Facilities/Operations Division requests Board of Education approval to amend the agreement for lease of office space at the Carousel Mall in San Bernardino, CA, to reflect reduced space requirements for the Enrollment Center (approximately 7,600 sq. ft.) and to extend the term of the agreement for a two-year period, effective September 8, 2009, through September 7, 2011. The new base rent will be \$.83 per square foot for a monthly rent of \$6,308.00, not to exceed \$151,392.00, plus utilities will be paid from Unrestricted General Fund (01) Account No. ESC.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the lease agreement with Placo San Bernardino, LLC, San Bernardino, CA, for lease of office space at the Carousel Mall in San Bernardino, CA, to reflect reduced space requirements for the Enrollment Center only (approximately 7,600 sq. ft.) and to extend the term of the agreement for a two-year period, effective September 8, 2009, through September 7, 2011. The new base rent will be \$.83 per square foot for a monthly rent of \$6,308.00, not to exceed \$151,392.00, plus utilities will be paid from Unrestricted General Fund (01) Account No. ESC.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 4.

7.29 Resolution of the Board of Education of the San Bernardino City Unified School District Approving the Notices of Exemption from the California Environmental Quality Act ("CEQA") for the Proposed Construction of a Two-Story Building Classroom at Lincoln, Muscoy, Vermont, and Wilson Elementary Schools; and Delegating Authority to District Staff to Execute CEQA Documents
(Prepared by Facilities/Operations Division)

The proposed Projects would result in the replacement of aging portable classrooms and restrooms with permanent classrooms and restrooms. The number of replacement classrooms would not represent an increase of more than 50 percent of the number of existing classrooms, and the replacement classrooms would be built on the same sites as the existing portable classrooms. Furthermore, the new classrooms would represent an increase in earthquake resistance as compared to the existing portable classrooms. Under these circumstances, the Projects qualify under State CEQA Guidelines, Section 15302, as categorically exempt from the California Environmental Quality Act ("CEQA"), since these Projects involve the replacement of existing structures, with the new structures being located on the same sites as the structures replaced and having substantially the same purpose and similar capacity. Notices of Exemption

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will be filed with the County Clerk's office by District staff upon approval of the Projects, and no further actions pursuant to CEQA are required.

It is recommended that the following resolution be adopted:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING THE NOTICES OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE PROPOSED CONSTRUCTION OF A TWO-STORY BUILDING CLASSROOM AT THE LINCOLN, MUSCOY, VERMONT, AND WILSON ELEMENTARY SCHOOLS; AND DELEGATING AUTHORITY TO DISTRICT STAFF TO EXECUTE CEQA DOCUMENTS.

WHEREAS, the District proposes replacing portable classrooms and restrooms with permanent structures on the same sites. The proposed school sites are located at:

LINCOLN: 255 West 13th Street in the City of San Bernardino (Property);
MUSCOY: 2119 W. Blake Street in the City of San Bernardino (Property);
VERMONT: 3695 Vermont Street in the City of San Bernardino (Property);
WILSON: 2894 Belle Street in the City of San Bernardino (Property); and

WHEREAS, the Board has carefully reviewed the Notices of Exemption and all other relevant information contained in the administrative records for the Projects.

NOW THEREFORE, the Board of Education of the San Bernardino City Unified School District hereby finds, determines, declares, orders, and resolves as follows:

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

Section 2 – Compliance with CEQA. That the Board reviewed and considered the information contained in the Notices of Exemption, and finds that the Projects are exempt pursuant to State CEQA Guidelines, Section 15302.

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

Wael Elatar, Facilities Administrator
San Bernardino City Unified School District
Facilities Management
956 West 9th Street
San Bernardino, CA 92411

Section 4 – Delegation of Authority. The Board hereby authorizes District staff to execute the Notices of Exemption and the Certificates of Fee Exemption and file each with the County of San Bernardino, CA, within five working days from the Board approval date and to incur costs in the amount of the filing fees associated therewith.

7.30 Approval to Establish a Prequalification Program for Construction Contracts, Per Public Contract Code Section 20111.5 and District Policy 3311
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to establish a Prequalification Program for the District's Capital Improvement Program construction contracts in excess of \$1,000,000.00. This program will better ensure that qualified contractors are able to bid on District construction projects.

Public Contract Code Section 20111.5 and District Policy 3311, authorizes the Board of Education of a district to require prospective bidders for construction contracts to complete and submit a standardized questionnaire and financial statement. This questionnaire is required to include a complete statement of prospective bidders' financial ability and their experience in performing public works. The District must adopt and apply a uniform system of rating bidders on the basis of the completed questionnaire in order to determine the size of the contracts that each bidder is qualified to bid on. Each questionnaire submitted will be scored in accordance with an established point system implemented by Facilities Management.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves establishing a Prequalification Program for construction contracts in excess of \$1,000,000.00, per Public Contract Code Section 20111.5 and District Policy 3311. Prospective bidders will be required to complete and submit a standardized questionnaire and financial statement to ensure bidders' financial ability and experience in performing public works. The District must adopt and apply a uniform system of rating bidders. Each questionnaire submitted will be scored in accordance with an established point system implemented by Facilities Management.

7.31 Bid No. 01-09, Bid Requirements Contract for Built-Up Roofing Installation and Repair - Districtwide
(Prepared by Business Services Division)

Bid No. 01-09, Bid Requirements Contract for Built-Up Roofing Installation and Repair - Districtwide, was advertised on June 11, and June 18, 2009, and was opened on July 9, 2009, at 11:00 a.m. The purpose of this bid is to install and repair roofs at sites throughout the District as needed. The initial contract term shall be for one year from Board award. Bid may be extended in 12-month increments, not to exceed a total of five years. The cost will be charged to deferred maintenance - Fund 14 and non-deferred maintenance - Unrestricted General Fund 01.

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Bid packages were mailed to: Bell Roof Company, Inc., San Bernardino, CA; Inland Valley Roofing, Inc., San Bernardino, CA; E.J. Roofing Company, Inc., San Bernardino, CA; MJ Roofing Company, San Bernardino, CA; and San Bernardino Chamber of Commerce.

The results of the bidding are shown as follows:

<u>BIDDER</u>	<u>TOTAL AMOUNT BID</u>
Bell Roof Company, Inc. San Bernardino, CA	\$ 470.00 composite unit price
Inland Valley Roofing, Inc. San Bernardino, CA	\$ 383.60 composite unit price
Huffman Roof Company Riverside, CA	\$1,064.10 composite price

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Bid from Inland Valley Roofing, Inc., be rejected in entirety as non-responsible.

BE IT ALSO RESOLVED that Bid No. 01-09, Bid Requirements Contract for Built-Up Roofing Installation and Repair - Districtwide, be awarded to Bell Roof Company, Inc., San Bernardino, CA, the lowest responsible bidder meeting District specifications. The purpose of this bid is to install and repair roofs at sites throughout the District as needed. The initial contract term shall be for one year from Board award. Bid may be extended in 12-month increments, not to exceed a total of five years. The cost will be charged to deferred maintenance - Fund 14 and non-deferred maintenance - Unrestricted General Fund 01.

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

7.32 Bid No. F08-29, High School #8 Construction and Old Curtis Middle School Modernization Project
(Prepared by Facilities/Operations Division)

Bid No. F08-29, High School #8 Construction and Old Curtis Middle School Modernization Project was advertised on June 11, and June 18, 2009 in *The Sun*, the *Precinct Reporter* and the *El Chicano* newspapers. Bids were opened on August 6, 2009, at 2:00 p.m. and bids were received from the following contractors:

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<u>CONTRACTOR</u>	<u>BASE BID</u>
<u>Category 04 – Masonry</u>	
Nibbelink Masonry Construction Corp. Lancaster, CA	\$ 1,880,000.00
Frazier Masonry Corporation Lancaster, CA	2,189,493.00
Industrial Masonry, Inc. Colton, CA	2,193,000.00
NuWay, Inc. Riverside, CA	2,198,000.00
Kretschmar & Smith, Inc. Riverside, CA	2,386,000.00
Winegardner Masonry, Inc. Yucaipa, CA	2,420,000.00
Bledsoe Masonry, Inc. Riverside, CA	2,500,000.00
The Henson Company, Inc. Seattle, WA	2,622,000.00
New Dimension Masonry, Inc. San Diego, CA	2,753,880.00
<u>Category 05 – Structural Steel</u>	
Blazing Industrial Steel, Inc. Riverside, CA	1,900,000.00
Wide Flange Steel, Inc. Fontana, CA	2,037,192.00
Construction Steel Works, Inc. Fontana, CA	2,124,000.00

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KCB Towers, Inc. Highland, CA	2,143,310.00
Scrape Certified Welding, Inc. Fallbrook, CA	2,191,000.00
Canyon Steel Fabricators, Inc. Riverside, CA	2,772,871.00
Anderson Charnesky Structural Steel Beaumont, CA	2,912,000.00
Columbia Steel, Inc. Rialto, CA	2,984,400.00
<u>Category 06 – Rough Carpentry</u>	
RL Mays Construction, Inc. San Diego, CA	2,620,000.00
Four Point Builders, Inc. Temecula, CA	2,669,000.00
Gamut Framing, Inc. Montclair, CA	2,798,000.00
Hanes & Associates, Inc. Lancaster, CA	2,899,000.00
Abdellatif Enterprises, Inc. Riverside, CA	2,998,000.00
Cuyamaca Const., Inc. Santee, CA	3,075,000.00
Infinity Structures, Inc. Perris, CA	3,133,000.00
USS Cal Builders, Inc. Stanton, CA	3,248,000.00
Laurence-Hovenier, Inc. Corona, CA	3,340,146.00

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Rocky Coast Framers, Inc. Escondido, CA	3,414,900.00
West-Helm Construction, Inc. Chino, CA	3,490,000.00
D.W. McCasland, Inc. Irwindale, CA	3,510,000.00
McClone Construction Company Shingle Springs, CA	3,671,000.00
Plyco Corp. Mira Loma, CA	3,747,000.00
<u>Category 07 – Gypsum & Plaster</u>	
Sierra Lathing Company, Inc. Rialto, CA	2,115,500.00
Insul Drywall and Plastering, Inc. Corona, CA	2,449,445.00
<u>Category 08 – Casework</u>	
Lozano Caseworks, Inc. Colton, CA	1,369,450.00
Stolo Cabinets, Inc. Brea, CA	1,515,000.00
Dow Diversified, Inc. Costa Mesa, CA	1,529,443.00
ISEC, Incorporated Cypress, CA	1,531,620.00
Westmark Products, Inc. San Dimas, CA	1,728,354.00
K & Z Cabinet Co., Inc. Ontario, CA	1,797,600.00

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MAJ International, Inc.
Upland, CA 2,200,000.00

Roy E. Whitehead, Inc.
Riverside, CA 2,409,000.00

Category 09 – Roofing

Chapman Coast Roof Co., Inc.
Fullerton, CA 785,000.00

Alcal Arcade Contracting, Inc.
Riverside, CA 849,500.00

Letner Roofing Company
Orange, CA 857,250.00

Roy O. Huffman Roof Company
Riverside, CA 967,967.00

Best Contracting Services, Inc.
Gardena, CA 1,069,000.00

Applied Roof Engineering, Inc.
Corona, CA 1,238,000.00

Bell Roof Co., Inc.
San Bernardino, CA 1,392,495.00

Category 10 – Sheet Metal

Crowner Sheet Metal Products, Inc.
Baldwin Park, CA 624,400.00

RB Sheet Metal, Inc.
Mentone, CA 715,800.00

Applied Roof Engineering, Inc.
Corona, CA 738,000.00

Best Contracting Services, Inc.
Gardena, CA 758,036.00

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United Contractors
San Bernardino, CA 784,800.00

American Sheet Metal
Santee, CA 979,725.00

Category 11 – Glass & Glazing

E & R Glass Contractors, Inc.
Montclair, CA 274,670.00

Padua Glass Enterprises, Inc.
Ontario, CA 329,740.00

Queen City Glass Co.
Palm Springs, CA 371,306.00

Glazcon Production, Inc.
Bermuda Dunes, CA 384,400.00

Roy E. Whitehead, Inc.
Riverside, CA 408,750.00

Perfection Glass, Inc.
Lake Elsinore, CA 750,000.00

Category 13 – Acoustical

Cochran Interiors, Inc.
Arcadia, CA 482,606.00

Southcoast Acoustical Interiors, Inc.
Rancho Cucamonga, CA 489,475.00

Preferred Ceilings, Inc.
Brea, CA 527,000.00

Elljay Acoustics, Inc.
Placentia, CA 563,470.00

F. Rodgers Corporation
Livermore, CA 849,531.00

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Category 14 – Flooring

Mike's Custom Flooring San Bernardino, CA	997,800.00
Continental Flooring, Inc. Rancho Cucamonga, CA	999,765.00
Donald M. Hoover Co. Fontana, CA	1,036,135.00
ProSpectra Contract Flooring San Diego, CA	1,080,200.00
Floor Covering Unlimited, Inc. Los Angeles, CA	1,106,134.00

Category 15 – Painting

Prime Painting Contractors, Inc. Northridge, CA	* 204,750.00
Alonso Painting Spring Valley, CA	349,000.00
MC Painting Vista, CA	425,000.00
C.T. Georgiou Painting Co. Wilmington, CA	437,000.00
A.J. Fistes Corporation Long Beach, CA	437,690.00
Simmons and Wood, Inc. Lakeside, CA	572,481.00
Borbon, Incorporated Buena Park, CA	689,000.00
Fix Painting Co. Woodland Hills, CA	819,000.00

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Category 16 – Specialties

Inland Building Construction Cos. San Bernardino, CA	1,652,000.00
RVH Constructors, Inc. Ontario, CA	1,668,000.00
Robert L. Reeves Construction Company Paramount, CA	1,674,869.00
Inland Empire Architectural Specialties, Inc. Riverside, CA	1,700,000.00
ISEC, Incorporated Cypress, CA	1,927,127.00
Plyco Corp. Mira Loma, CA	2,035,000.00
Great West Contractors, Inc. Anaheim, CA	2,062,000.00
USS Cal Builders, Inc. Stanton, CA	2,300,000.00

Category 18 – Plumbing

Fischer, Inc. San Bernardino, CA	2,830,000.00
JPI Development Group, Inc. Murrieta, CA	2,910,000.00
Temecula Mechanical, Inc. Temecula, CA	2,953,125.00
PK Mechanical Systems, Inc. Wildomar, CA	3,000,575.00
Interpipe Contracting, Inc. Santee, CA	3,297,000.00

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Kincaid Industries, Inc. Thousand Palms, CA	3,298,000.00
Verne's Plumbing, Inc. Buena Park, CA	3,380,500.00
Pro-Craft Plumbing Company, Inc. Redlands, CA	3,439,000.00
Continental Plumbing, Inc. Mira Loma, CA	4,309,534.00
<u>Category 20 – Fire Sprinklers</u>	
J.G. Tate Fire Protection Systems, Inc., Poway, CA	* 187,777.00
Kincaid Industries, Inc. Thousand Palms, CA	319,000.00
United Automatic Sprinklers, Inc. Moreno Valley, CA	348,500.00
Fischer, Inc. San Bernardino, CA	358,000.00
Daart Engineering Company, Inc. San Bernardino, CA	364,900.00
Summit Fire Protection, Inc. Redlands, CA	488,000.00
<u>Category 21 – Doors & Hardware</u>	
Whitehead Construction, Inc. Riverside, CA	1,173,000.00
Inland Building Construction Cos. San Bernardino, CA	1,175,500.00
ISEC, Incorporated Cypress, CA	1,307,358.00

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Montgomery Hardware Co. Rancho Cucamonga, CA	1,419,870.00
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Design Hardware Company Los Angeles, CA	2,132,879.00
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Category 22 – Kitchen Equipment

R.W. Smith & Co. Costa Mesa, CA	584,210.00
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East Bay Restaurant Supply, Inc. Oakland, CA	603,121.00
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Kamran and Company, Inc. Santa Barbara, CA	628,000.00
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Kitcor Corporation Sun Valley, CA	666,111.00
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Category 30 – Multiple Trades

Plyco Corp. Mira Loma, CA	1,473,000.00
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Inland Building Construction Cos. San Bernardino, CA	1,489,000.00
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D & M Martin Construction, Inc. Crestline, CA	1,543,000.00
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USS Cal Builders, Inc. Stanton, CA	1,565,000.00
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Gamut Construction Company, Inc. Montclair, CA	2,839,044.00
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*Bid Withdrawn

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the contracts for Bid No. F08-29, High School #8 Construction and Old Curtis Middle School Modernization Project, be awarded to the lowest responsible bidders

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meeting the specifications for each category and Base Bid. The District rejected the alternates in Category 9 – Roofing and will re-bid at a later time. The cost will be paid from Funds 21, 35, 40, and/or Bridge Financing.

<u>CONTRACTOR</u>	<u>BASE BID</u>
<u>Category 04 – Masonry</u>	
Nibbelink Masonry Construction Corp. Lancaster, CA	\$1,880,000.00
<u>Category 05 – Structural Steel</u>	
Blazing Industrial Steel, Inc. Riverside, CA	1,900,000.00
<u>Category 06 – Rough Carpentry</u>	
RL Mays Construction, Inc. San Diego, CA	2,620,000.00
<u>Category 07 – Gypsum & Plaster</u>	
Sierra Lathing Company, Inc. Rialto, CA	2,115,500.00
<u>Category 08 – Casework</u>	
Lozano Caseworks, Inc. Colton, CA	1,369,450.00
<u>Category 09 – Roofing</u>	
Chapman Coast Roof Co., Inc. Fullerton, CA	785,000.00
<u>Category 10 – Sheet Metal</u>	
Crowner Sheet Metal Products, Inc. Baldwin Park, CA	624,400.00

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Category 11 – Glass & Glazing

E & R Glass Contractors, Inc.
Montclair, CA 274,670.00

Category 13 – Acoustical

Cochran Interiors, Inc.
Arcadia, CA 482,606.00

Category 14 – Flooring

Mike's Custom Flooring
San Bernardino, CA 92408 997,800.00

Category 15 – Painting

Alonso Painting
Spring Valley, CA 349,000.00

Category 16 – Specialties

Inland Building Construction Cos., Inc.
San Bernardino, CA 1,652,000.00

Category 18 – Plumbing

Fischer, Inc.
San Bernardino, CA 2,830,000.00

Category 20 – Fire Sprinklers

Kincaid Industries, Inc.
Thousand Palms, CA 319,000.00

Category 21 – Doors & Hardware

Whitehead Construction, Inc.
Riverside, CA 1,173,000.00

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Category 22 – Kitchen Equipment

R.W. Smith & Co. Costa Mesa, CA	584,210.00
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Category 30 – Multiple Trades

Plyco Corp. Mira Loma, CA	1,473,000.00
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Award Total \$ 21,429,636.00

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

7.33 Bid No. F08-29, Categories #17 and #19, High School #8 Construction and Old Curtis Middle School Modernization Project
(Prepared by Facilities/Operations Division)

Bid No. F08-29, High School #8 Construction and Old Curtis Middle School Modernization Project, was advertised on June 11, and June 18, 2009, in *The Sun*, the *Precinct Reporter* and the *El Chicano* newspapers. Bids for Category #17 - HVAC, and Category #19 - Electrical, were opened on August 20, 2009, at 2:00 p.m. and bids were received from the following contractors:

<u>CONTRACTOR</u>	<u>BASE BID</u>
<u>Category 17 – HVAC</u>	
Desert Air Cooling, Inc. Palm Springs, CA	\$3,250,000.00
Cool Air Supply, Inc. Glendale, CA	3,635,000.00
West-Tech Mechanical, Inc. Montclair, CA	3,655,500.00
RAN Enterprises, Inc. Huntington Beach, CA	3,944,000.00
Arrowhead Mechanical, Inc. San Bernardino, CA	4,100,000.00

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ACH Mechanical Contractors, Inc. Redlands, CA	4,158,000.00
Los Angeles Air Conditioning, Inc. La Verne, CA	4,212,000.00
Couts Heating and Cooling, Inc. Corona, CA	4,333,000.00
AireMasters Air Conditioning Santa Fe Springs, CA	5,254,000.00
<u>Category 19 – Electrical</u>	
Rancho Pacific Electric, Inc. Rancho Cucamonga, CA	6,714,500.00
The Mike Cox Electric, Inc. San Bernardino, CA	6,740,000.00
Gould Electric Poway, CA	6,983,000.00
R.I.S. Electrical Contractors, Inc. Riverside, CA	7,227,000.00
Beaumont Electric, Inc. Beaumont, CA	7,370,000.00
O’Bryant Electric, Inc. Chatsworth, CA	7,500,000.00
Gregg Electric, Inc. Ontario, CA	7,692,000.00
Daniel’s Electrical Construction Co., Inc. Fontana, CA	7,723,000.00
Champion Electric, Inc. Riverside, CA	7,993,000.00
BEC, Inc. San Bernardino, CA	8,790,000.00

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the contracts for Bid No. F08-29, High School #8 Construction and Old Curtis Middle School Modernization Project, Category #17 – HVAC and #19 – Electrical, be awarded to the lowest responsible bidders meeting the specifications for each category and Base Bid. The costs will be paid from Funds 21, 35, 40, and/or Bridge Financing.

<u>CONTRACTOR</u>	<u>BASE BID</u>
Category 17 – HVAC	
Desert Air Conditioning, Inc. Palm Springs, CA 92264	\$3,250,000.00
Category 19 – Electrical	
Rancho Pacific Electric, Inc. Rancho Cucamonga, CA 91730	\$6,714,500.00
Award Total	\$9,964,500.00

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

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

It is recommended that the following resolution be adopted:

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

*(S)1/04/1997 *(S)6/4/1996 *(S)9/6/1992

*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.

- 7.35 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

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

- 7.36 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
(Prepared by Youth Services Department)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the following student(s) were recommended for expulsion, but expulsion is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with the Education Code section 48900. Therefore, although they were recommended for expulsion, the expulsion is not granted:

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

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

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

05/20/2000

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

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

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

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

It is recommended that the following resolution be adopted:

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

3/6/1993 12/27/1990 4/26/1992 11/30/1994 2/6/1992 11/19/1991

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

It is recommended that the following resolution be adopted:

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

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

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

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7.42 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.

8.0 Action Items

8.1 Review of the Charter Petition for EXCEL Prep Charter School (Prepared by Student Services Division)

The initial District staff review of the charter petition for EXCEL Prep Charter School was prepared for the August 4, 2009 Board of Education meeting. In the initial review, staff found that five of the sixteen statutory elements for consideration lacked sufficient detail and/or included language that did not adhere to the District's standards, as reflected in Board Policy 0420.4. The petitioner pulled the item for the Board's consideration and has submitted revisions to the original document. The second review of the EXCEL Charter School petition does contain a reasonably comprehensive description of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608.

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

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

Findings: The charter petition contains a listing of five (5) names, signatures and credential numbers for teachers who are meaningfully interested in teaching at the charter. The petitioner further indicates that an estimate to employ "six to sixteen certificated teachers (growing as enrollment grows)." With an initial enrollment projected to be 130 students, in Grades K-6, the number of signatures presented in the petition meets the Education Code requirement for teachers' endorsement.

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

Findings: The charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

The initial charter petition stated that employees will be required to have fingerprinting and criminal background checks per Ed. Code 44237. However, the petition did not clarify in sufficient detail the process to be used to complete the Education Code requirement. There was no indication of where the fingerprinting would be completed, who would receive the information, what would happen to the information once reviewed, or what standard would be used to refuse employment based on the Education Code requirements.

The revised petition provides sufficient detail regarding criminal background checks and fingerprinting requirements. It identifies the role of the school's director and board president in the monitoring of such records and specifies that "the school will not employ any individual who has been convicted of or has criminal proceedings pending for a violent or serious felony pursuant to California Ed. Code section 44237."

Findings: The revised charter petition meets this element requirement.

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

While the original petition did state that the charter would follow Education Code 49406 related to Tuberculosis screening, it did not address the legal requirements of ongoing TB clearance. The petitioner's revisions to the original document now specifies that "any employees who test negative by a tuberculin skin test or any other test recommended by the CDC (Centers for Disease Control) shall be required to undergo follow-up tuberculin examinations at least once each four years or more often if the board deems necessary."

The initial petition indicated that if the charter school provides student bus services, the required coverage limit is \$5,000,000 Combined Single Limit per Occurrence. Insurance coverage needs to be \$5,000,000 and not conditioned on providing student bus services.

The petitioner has modified language to now stipulate an increase in the insurance coverage limit to \$5,000,000 and eliminated contingency to bus service provisions.

Findings: The revised charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

The initial charter petition did not identify an auditor by name or by firm. The petitioner has committed to the condition that the charter school will identify an approved auditor prior to the school's opening in the 2010-11 school year.

Findings: The charter petition meets this element requirement and notification provided to the District regarding the selection of an approved auditor by name or by firm prior to opening will satisfy the District's requirement.

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

Findings: The charter petition meets this element requirement.

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

The original petition did not describe retirement plans for classified employees. New language specifies that Social Security will be available to classified workers.

Findings: The revised charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

The original petition language implied that employees “may” have a right to return at anytime with the same salary, rights, duties, and responsibilities. The revised language in the petition eliminates confusion regarding employee rights and specifically states that “any district union employee who is offered employment and chooses to work at EP (EXCEL Prep) will not be covered by his or her respective collective bargaining unit agreement.”

Findings: The revised charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

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

Findings: The charter petition meets this element requirement.

Conclusion:

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the EXCEL Prep Charter School.

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

BE IT FURTHER RESOLVED that the Board of Education denies the charter petition submitted by the EXCEL Prep Charter School.

Or

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the EXCEL Prep Charter School for an initial term of three years from the date of the school's opening.

Or

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the EXCEL Prep Charter School for an initial term of three years from the date of the school's opening, with the following conditions:

1. EXCEL Prep Charter School will notify the District of the approved auditor, by name or by firm, prior to the opening of the charter school.
 2. EXCEL Prep Charter School will provide evidence that the teachers hired to work at the charter school meet the highly qualified staffing provisions outlined by No Child Left Behind legislation.
 3. EXCEL Prep Charter School will submit an Adopted Budget for the 2010-11 school year to the District by May 20, 2010 in order to allow time for the District's review of the budget and preparation for the San Bernardino City Unified Board of Education meeting on June 1, 2010.
- 8.2 Review of the Charter Petition for the Hardy Brown College Prep Charter School
(Prepared by Student Services Division)

The initial District staff review of the charter petition for Hardy Brown College Prep indicated that the petition did not contain a reasonably comprehensive description of all the element requirements for the establishment of a California charter school. Upon initial review, the petition submitted on July 1, 2009, was found to contain a reasonably comprehensive description of six (6) of the sixteen (16) statutory elements. The petitioning group has responded to each of the previous findings and amended the original document with the submission of revised language received in the District on August 10, 2009. Upon the second review of the Hardy Brown College Prep Charter petition, District staff has determined that the amended petition does contain a reasonably comprehensive description of all the element requirements for the

establishment of a California charter school as stipulated in California Education Code sections 47605-47608.

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

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

Findings: The petitioning charter school has exceeded the signature requirement of Education Code 47605. The school projects to open with 235 students in the first year of operation and has secured signatures from 261 parents of 342 children expressing meaningful interest in enrolling at the charter school.

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

The initial petition indicated intent to open with Grades K-3 and 6 in 2010, and to expand to a K-8 program by 2013. However, the Mission (page 1) specified a goal to “graduate high-achieving students of good character prepared for college and citizenship in a democratic society” and the statement that “Project Pipeline aims to create a K-12 learning environment.” It was recommended to the petitioner that the mission should be modified to more clearly specify the grade levels to be served at Hardy Brown College Prep. The petition has been amended to verify that the school will serve students in Grades K-8.

Following the initial review, it was suggested by District staff that the petition include specific information on the criteria needed for reclassification of English Learners and the time period for monitoring students who have been reclassified, as required by the State.

The petitioning group has added more comprehensive detail to their intended work with English learners. The petition now includes the following detail:

Reclassification of English Learners

Hardy Brown College Prep has developed a policy and procedures for English Learner (EL) reclassification based on the four criteria set forth in Education Code Section 313(d). The following reclassification guidelines will be used by Hardy Brown College Prep when evaluating a student’s readiness for reclassification from English Learner to English proficient (RFEP).

- *Assessment of English Proficiency: Review of CELDT results from annual assessment. Students must score at early advanced or higher overall and score at intermediate or higher in listening and speaking, reading, and writing.*
- *Comparison of Performance in Basic Skills: Review of results of latest California English-Language Arts Standards Test (CST in English-Language Arts). Although the State has set the Basic level on the CST in English-Language Arts as the minimum for English Learners to be eligible for reclassification, Hardy Brown College Prep will set the Proficient level on the CST in English-Language Arts as the minimum for English Learners to be eligible for reclassification.*
- *Teacher Evaluation of Student Academic Performance: Review of students' academic performance. Students must meet academic performance indicators established by Hardy Brown College Prep. Specifically, this would include a grade of 80% or higher on all academic work in English-Language Arts: class work, curriculum-embedded and informal assessments (formative and summative), and homework. Students will be provided opportunities for re-taking assessments or making up any academic work that does not receive an 80% or higher mark.*
- *Parent or Guardian Opinion or Consultation: Hardy Brown College Prep will provide notice to parents and guardians of their rights to participate in the reclassification process. Hardy Brown College Prep will encourage parents or guardians to participate in the reclassification process and attend a face-to-face meeting.*
- *Reclassification: Hardy Brown College Prep English Learners will reclassify any student who meets the above criteria as fluent English proficient (RFEP). Parents or guardians will be notified of their student's reclassification, and school records will be updated. Upon reclassification of any English Learner to RFEP, Hardy Brown College Prep will continue to monitor the student's progress for two years.*

Findings: The revised petition meets this element requirement.

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

The initial petition provided limited detail pertaining to how English proficiency will be measured or used as a measurable outcome. CELDT results and expectations for English proficiency progress should be a part of measurable student outcomes. In addition, there should

be a specific ongoing tool identified that will be used to measure how students are performing throughout the school year. The revised petition includes an additional “Student Academic Goal” that describes how English proficiency will be measured and additional descriptors of measures to be used for this academic goal. Figure 9 on page 21 of the revised petition includes the following measures and goals for students’ development of English proficiency:

Measure: 60% of all English Learners who have been at Hardy Brown College Prep for at least four years will score at early advanced or higher overall and score at intermediate or higher in listening and speaking, reading, and writing on the CELDT.

Measure: 60% of all English Learners who have been at Hardy Brown College Prep for at least four years will score at “proficient” levels on the CST in English Language Arts.

Measure: 60% of all English Learners who have been at Hardy Brown College Prep for at least four years will earn a grade of 80% or higher on all academic work in English-Language Arts: class work, curriculum-embedded and informal assessments (formative and summative), and homework.

Additionally, the revised charter petition includes new language to address the “Assessment Tools/Methods” associated with the new “Student Academic Goal” for English learners. Figure 20 (page 27) now identifies the California English Language Development Test (CELDT), the English California Standards Test (CST), the Harcourt diagnostic, benchmark, unit, and chapter assessments, and the Holt diagnostic, benchmark unit and chapter assessments as the measurement tools.

Finally, the revised petition now stipulates that “teachers, including those of English Learners will consistently monitor student needs and progress throughout the school year through a system of benchmark assessments... Teachers including those of English Learners will analyze student data to ensure that instruction is being appropriately modified and that students are progressing toward their stated learning outcomes (including measurable outcomes for English Learners). Grade-level meetings, held every two weeks will be an appropriate time for teacher teams to look at the data and plan for instructional modifications and interventions. Project Pipeline will provide training, coaching and model-lesson development for faculty. Teacher leaders and the principal will also assist teachers by reviewing student achievement data, identifying what standards students learned and did not learn and developing strategies to re-teach materials and move students to mastery.”

Findings: The revised petition meets this element requirement.

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

The content included in this section of the original petition was essentially a duplication of what was initially included in Element B, thus it was absent of information that takes English language development into account. The revisions in the petition developed and presented to address Element 2 also provide a comprehensive description of the requirement for Element 3.

Findings: The revised petition meets this element requirement.

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

The initial petition for the Hardy Brown College Prep Charter did not refer to the size or composition of the governing board; it did not include a description of roles and responsibilities of the governing body (although the role of the principal was addressed); there was no mention of terms of office and the selection/election process; there was no mention of how the board will be developed; and, while the initial petition stated that quarterly meetings would be held in public session in accordance with the Brown Act, there was no mention of conflict of interest policies or assurances.

The revised petition includes new language and comprehensive detail pertaining to each of the following points:

1. Conflicts of Interest Policies and Assurances;
2. Governance Structure, Roles and Responsibilities of Board Members;
3. Election, Term, and Removal Process for Board Members; and
4. Board Training and Sustainability.

Findings: The revised petition meets this element requirement.

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

The original petition for the Hardy Brown College Prep Charter School did not describe the process to be used to provide for the inspection and/or monitoring of credentials, did not clarify in sufficient detail the process to be used to complete the education code requirement for fingerprinting and criminal background checks, and there was no mention of the English learner authorization (i.e. CLAD/BCLAD) that is required for teachers who instruct English learners.

The revised petition includes new language to address the District's stated concerns:

- **Monitoring of Credentials:** The Personnel Technician in conjunction with Project Pipeline's Credentials Analyst will be responsible for the inspection and monitoring of teacher credentials. Teachers will be required to provide an original copy of their credential and this information will be verified through the CCTC's website. A tracking

process will be implemented to ensure that credentials remain valid. Teachers will be notified prior to the expiration of their credential that the credential must be renewed in order to remain eligible for employment.

- Possession of one of the documents issued by the California Commission on Teacher Credentialing (CCTC) that authorizes instruction to English Learners (EL). Including, but not limited to: Multiple or Single Subject Teaching Credential with English Learner Authorization or CLAD/BCLAD Emphasis, District Intern Credential with English Learner Authorization/BCLAD Emphasis, Bilingual Cross-cultural Specialist Credential, or CLAD/BCLAD Certificate (per Credential Leaflet: CL-622 from California Commission on Teacher Credentialing).

Findings: The revised petition meets this element requirement.

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

There were several areas of concern included in the District staff's review of the initial Hardy Brown College Prep Charter petition. The petitioner has provided additional detail and new language to address these concerns. Additional language addresses the following:

1. The establishment of a school disaster plan that will be developed in consultation with Camp and School Consulting, which specializes in emergency preparedness and risk management, including disaster plan development (www.campandschool.com).
2. Commercial General Liability, Comprehensive Bodily Injury and Property Damage Liability have been modified to reflect combined limits of at least \$2,000,000 for each occurrence and \$20,000,000 aggregate.
3. The Board, the SBCUSD and its officers, and its employees shall be named as additional insured's on such policy. Copies of certificates and notices shall be sent by the insurance carrier directly to the Board and the SBCUSD.
4. Employee benefits will include health, dental, and vision insurance.
5. Tuberculosis screening shall be required every four (4) years pursuant to the requirements of Education Code section 49406(b). Hardy Brown will provide notification to staff and volunteers with prolonged student contact with sufficient advanced notice to enable those individuals to timely complete their mandatory tuberculosis screening.

6. Each employee of the school shall submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237. The Livescan form for both the Department of Justice and the FBI fingerprinting/criminal background check will be distributed by the school's Personnel Technician. Candidates will be able to go to any Livescan station to get the fingerprinting done. Once the candidate has notified the school that they have completed the fingerprinting process, the Personnel Technician will follow up with the Department of Justice to request documentation as proof to verify clearance and make the determination to allow a candidate to begin employment or not. This documentation will be maintained in the employee's personnel file. The process must be completed before the employee's start date. If the candidate is not cleared, they will not be eligible for employment.

Findings: The revised petition meets this element requirement.

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

Findings: The petition, as initially submitted, meets this element requirement.

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

Findings: The petition, as initially submitted, meets this element requirement.

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

In review of the initial petition, District staff identified the following concerns:

1. There was no indication of the accounting system to be used by the Charter School.
2. No ADA enrollment data was provided for any year.
3. Rates used to determine funding appeared significantly higher than actual funding rates for State Aid and lottery.
4. Fund balance calculations were not provided.
5. Reserves were based on cash balances.
6. Staff could not calculate student/teacher ratios without clear ADA and enrollment projections.
7. Reporting periods (Interim, Unaudited Actuals, and Budget) were aligned with statutory timelines, but not with the District timelines.
8. The Independent Audit requirement was not referenced in the petition.
9. The financial system the Charter School intends to use is not disclosed in the petition.

The petitioning group has provided additional detail and language to address these concerns. New petition language includes the following:

1. Project Pipeline currently uses Cougar Mountain Software's Fund Accounting Suite to maintain its financial records. This is a fully integrated fund accounting package developed for non-profits that includes modules for accounts payable, accounts receivable, payroll, purchasing, inventory and cash management in addition to the general ledger. The chart of accounts allows for a user defined account code structure that can accommodate the SACS account segments.
2. ADA (95%) and Enrollment Projections are now included in the Assumption Worksheet, as reflected in Exhibit IV, page 80 of the revised petition.
3. The original budget for the charter petition used the latest estimates at the time for State Aid and lottery. The state budget was passed after the charter petition was submitted. The petitioners have revised the budget to reflect the new rates. Changes in the budget are reflected in Exhibits IV, V, and VI (pages 78-88) of the revised petition.
4. Fund balance calculations (including reserves) are now included in the planning budget, Exhibit IV (page 79).
5. The petitioner states that "charter schools are not subject to the same reserve for economic uncertainty requirements as school districts." However, they further indicate that they "(we) feel it prudent to always maintain a reserve of 5% of the Revenue Limit Sources and Categorical Block Grant Funds. This reserve is treated as a component of the (our) fund balance."
6. ADA (95%) and Enrollment Projections are now included in the Assumption Worksheet, as reflected in Exhibit IV, page 80 of the revised petition.
7. Dates and timelines have been modified to align with the District's requirements (preliminary, first interim, second interim, and final).
8. New language has been added to the petition that indicates the petitioner intends to engage with Perry Smith and Company as the independent auditors as the firm has extensive experience in school finance.
9. The financial system of the charter school will be the accounting system in conjunction with the attendance accounting system (as stipulated in number 1, above).

Findings: The revised petition meets this element requirement.

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

The District staff's review of the original petition referred to a heading that reads "The *Procedures by which pupils can be suspended or expelled*," but gave no indication that the Ed. Code provisions would be applied. Instead, the petition specified that "the school would reserve the right to suspend or expel students pursuant to the policy and procedures established by the governing board." Further, the initial petition did not address issues of due process for pupils.

Specific suspension and expulsion provisions from California Education Code have been incorporated into the revised charter petition. Additionally, the petition language has been supplemented to provide assurances that Hardy Brown College Prep will follow all applicable federal and state constitutional and statutory provisions regarding student discipline.

The charter petition has also been revised to include additional language regarding *due process* protections in regards to student suspension and expulsion to reflect assurances regarding compliance with federal and state laws, including both constitutional and statutory protections.

Findings: The revised petition meets this element requirement.

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

The District staff's review indicated that the petition did not address employee health benefits. The petitioner points out that the original charter petition stated "The school plans on obtaining its own health benefits via small business plan type offerings from local vendors (e.g., Kaiser and Blue Cross.)" and that "health benefits were also included in the budget on the 3401-3402 line on Exhibit IV."

In addition, the petitioners have provided additional detail by adding language to clarify that "employee benefits will include medical, dental, and vision insurance" (page 65).

Findings: The revised petition meets this element requirement.

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

Findings: The petition, as initially submitted, meets this element requirement.

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

Findings: The petition, as initially submitted, meets this element requirement.

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

The original petition indicated that the "superintendent will serve as the person to meet with to resolve disputes." While the original language meets the criteria of the standard and this element, the District recommended that the petition specify that the superintendent "or his/her

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designee” be referenced in the petition. The petitioner for the Hardy Brown College Prep Charter School has amended language to address this request.

Findings: The revised petition meets this element requirement.

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

Findings: The petition, as initially submitted, meets this element requirement.

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

Findings: The petition, as initially submitted, meets this element requirement.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the Hardy Brown College Prep Charter School.

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

BE IT FURTHER RESOLVED that the Board of Education denies the charter petition submitted by the Hardy Brown College Prep Charter School.

Or

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the Hardy Brown College Prep Charter School for an initial term of three years, commencing with the opening of the charter school.

8.3 Superintendent Evaluation Process
(Prepared by Superintendent)

Following the Administrative Presentation regarding the Superintendent evaluation process, the Board may consider taking action on the following resolution.

BE IT RESOLVED that the Board of Education approves moving forward with the revised process for evaluating the Superintendent

8.4 Personnel Report #5, dated September 1, 2009
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #5, dated September 1, 2009, which contains action such as hiring, retirements, resignations, promotions, and terminations involving certificated, classified, and other employees in the categories of noon duty aides, recreational supervisors, substitute employees, and others. These actions are consistent with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

The following resolution is recommended:

BE IT RESOLVED that the Personnel Report #5, dated September 1, 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.

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

EVELINA A. CAMPBELL

WHEREAS Evelina Campbell was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1966, until her retirement in 1990; and

WHEREAS Evelina Campbell was a dedicated teacher who worked at Roosevelt Elementary School and, even after retiring, continued serving the District as a substitute teacher for a few more years; and

WHEREAS on August 4, 2009, Evelina Campbell died, bringing deep sorrow to her loving family and friends;

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

BRONWYN GREER (TANNER) FREDERICK

WHEREAS Bronwyn Frederick was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1993, until her retirement in 2009; and

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WHEREAS Bronwyn Frederick was a dedicated teacher who worked at Davidson and Mt. Vernon Elementary Schools, Del Vallejo Middle School, and Adult Education; and

WHEREAS Bronwyn Frederick was a faithful member of the Church of Christ of Latter-Day Saints and loved visiting with family and friends, traveling, playing board games, and especially reading; and

WHEREAS on July 24, 2009, Bronwyn Frederick died, bringing deep sorrow to her loving family and friends; and

WHEREAS Bronwyn Frederick is survived by her husband, Michael J. Frederick; three daughters, Sarah Elaine (Frederick) Rawls, Kelly Ann (Frederick) Million, Rebecca Jean (Frederick) Jones; her mother, Elaine Greer Tanner; and her siblings, Alexis G. Tanner, Nello G. Tanner, Patrick G. Tanner, Gwendolyn G. (Tanner) Cannell, John G. Tanner, and Barney G. Tanner;

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

MARGARET VIOLA (THOMPSON) JONES

WHEREAS Margaret Jones was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1948, until her retirement in 1978; and

WHEREAS Margaret Jones was a dedicated teacher who worked at Arrowhead, Rio Vista, and Newmark Elementary Schools; and

WHEREAS besides serving the San Bernardino City Unified School District, Margaret Jones taught in Pennsylvania; attended Clarion State Teachers' College, California State University, Los Angeles, and Redlands University; and was a member of The First Presbyterian Church of San Bernardino and Delta Sigma Kappa Sorority; and

WHEREAS on August 3, 2009, Margaret Jones died, bringing deep sorrow to her loving family and friends; and

WHEREAS Margaret Jones is survived by her children, Ginger L. Tennant of Redlands and Frederick C. Jones of Placentia; five grandchildren, 15 great-grandchildren; and five great-great grandchildren; three brothers, Harold Thompson of Auburn, WA,

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Merle Thompson of San Jose, and Dwight Thompson of Carmel; and one sister,
Louise Redinger of San Bernardino;

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

SESSION SEVEN - Closed Session

9.0 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

Superintendent's Evaluation

SESSION EIGHT – Open Session

10.0 Action Reported from Closed Session

SESSION NINE - Closing

11.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, September 15, 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

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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: August 28, 2009