

**San Bernardino City Unified School District**

Regular Meeting of the Board of Education

Community Room  
Board of Education Building  
777 North F Street  
San Bernardino, California

**AGENDA INDEX**

July 21, 2009

Estimated Time

**SESSION ONE - Opening**

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

**SESSION TWO - Special Presentations**

- 2.0 Special Presentations** **5:35 p.m.**
- 2.1 Outstanding Student Awards
  - 2.2 Outstanding Customer Service Awards

**SESSION THREE - Public Hearings**

- 3.0 Public Hearings** **6:10 p.m.**
- 3.1 Presentation of District's Initial Contract Proposal to the San Bernardino Teachers Association (SBTA)
  - 3.2 Presentation of District's Initial Contract Proposal to the Communications Workers of America (CWA)

**SESSION FOUR - Administrative Presentation**

- 4.0 Administrative Presentation** **6:20 p.m.**
- 4.1 Modified Traditional Calendar

**SESSION FIVE - Administrative Reports**

- 5.0 Administrative Reports** **6:45 p.m.**
- 5.1 Citizens' Oversight Committee Annual Report
  - 5.2 Quarterly Uniform Complaint Report Summary
  - 5.3 Amendments to BP 0420.4 Charter School Petitions (Second Reading)
  - 5.4 Amendments to BB 9110 Terms of Office (First Reading)
  - 5.5 Amendments to BB 9230 Orientation (First Reading)
  - 5.6 Amendments to BB 9324 Minutes and Recordings (First Reading)
  - 5.7 Adoption of 2010-2011 Traditional and Year-Round (60-20) School Calendars

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

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

**SESSION SEVEN - Reports and Comments**

- 7.0** *Report by Board Members* **7:15 p.m.**

7.1 Legislative Update

- 8.0** *Report by Superintendent and Staff Members* **7:30 p.m.**

**SESSION EIGHT - Legislation and Action**

- 9.0** *Consent Items (When considered as a group, unanimous approval is advised.)* **7:45 p.m.**

9.1 Approval of Minutes

9.2 Payment of San Bernardino County School Boards Association Membership Dues for 2009-10

9.3 Payment of Master Teachers – University of Redlands

9.4 Payment of Master Teachers - University of La Verne

9.5 Payment of Master Teacher – National University

9.6 Acceptance of Gifts and Donations to the District

9.7 Business and Inservice Meetings

9.8 Cafeteria Warrant Register, Ending June 30, 2009

9.9 Commercial Warrant Registers for Period from June 16, through June 30, 2009

9.10 Extended Field Trip, San Bernardino High School, AVID 2009-10 College Tour, Camarillo, Santa Barbara, and Los Angeles, California

9.11 Extended Field Trip, San Bernardino High School, Journalism Training, Long Beach, California

9.12 Extended Field Trip, San Geronio High School, Running Camp, Mammoth Lakes, California

9.13 Federal/State/Local District Budgets and Revisions

9.14 Payment for Services Rendered by Non-Classified Experts and Organizations

9.15 Agreement for Nonpublic, Nonsectarian School/Agency Services with Applied Behavior Consultants-Ontario

9.16 Agreement with University College of Chapman University to Provide Supervised Fieldwork for Teacher Education

9.17 Amendment of the Agreement with Anthony Paul Lucey to Provide Mentoring Program for Students of the Educators for Tomorrow Teaching Academy at Arroyo Valley High School

9.18 Facilities Use Agreement with San Bernardino Valley College for Youth Services High School Graduation Ceremony

9.19 Food Service Agreement with REAL Journey Academies – New Vision Middle School

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- 9.20 Renewal of the Agreement with American Medical Response to Provide Ambulance Service at Home Football Games at San Bernardino High School
- 9.21 Renewal of the Agreement with Orange County Performing Arts Center for Arts Teach Residency at Palm Avenue and Roger B. Anton Elementary Schools
- 9.22 Renewal of the Agreement with THINK Together to Provide C.A.P.S. Services to Students
- 9.23 Rescission of the Agreement with PlanNet Consulting for the Evaluation and Assessment Testing of E-Rate Technology
- 9.24 Notice of Completion, Bid No. F06-01, Category No. 3, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools
- 9.25 Notice of Completion, Bid No.13-04 Requirements Contract for Built-Up Roofing Installation and Repair-Districtwide
- 9.26 Expulsion of Student(s)
- 9.27 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 9.28 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 9.29 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 9.30 Revocation of Suspension of Expulsion
- 9.31 Lift of Expulsion of Student(s)
- 9.32 Failure to Recommend Mandatory Expulsion 48915
- 9.33 Petition to Expunge Expulsion
- 9.34 Education Code 48213

**10.0 Action Items**

- 10.1 Review of the Charter Petition for the Options for Youth Public Charter School
- 10.2 Review of the Charter Petition for Crown Ridge Academy
- 10.3 Amendments to BP 0420.4 Charter School Petitions (Second Reading)
- 10.4 Amendments to BB 9110 Terms of Office (First Reading)
- 10.5 Amendments to BB 9230 Orientation (First Reading)
- 10.6 Amendments to BB 9324 Minutes and Recordings (First Reading)
- 10.7 Quarterly Uniform Complaint Report Summary
- 10.8 Adoption of 2010-2011 Traditional and Continuous Year-Round (60-20) Calendars
- 10.9 Personnel Report #2, dated July 21, 2009

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**SESSION NINE - Closed Session**

**11.0 Closed Session**

**8:00 p.m.**

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

**Student Matters/Discipline**

**Conference with Labor Negotiator**

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

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

**Public Employee Discipline/Dismissal/Release**

**Public Employee Appointment**

Title: Elementary Principal-Anderson School  
High School AAIAC

**SESSION TEN – Open Session**

**12.0 Action Reported from Closed Session**

**9:00 p.m.**

**SESSION ELEVEN - Closing**

**13.0 Adjournment**

**9:05 p.m.**

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 4, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: July 17, 2009

**San Bernardino City Unified School District**

Regular Meeting of the Board of Education

Community Room  
Board of Education Building  
777 North F Street  
San Bernardino, California

**AGENDA**

July 21, 2009

**SESSION ONE - Opening**

**1.0 *Opening***

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

**SESSION TWO - Special Presentations**

**2.0 *Special Presentations***

- 2.1 Outstanding Student Awards  
(Prepared by the Communications Department)

The Board of Education Outstanding Student Awards will be presented to nine students representing Ramona-Alessandro, Hunt, and Inghram Elementary Schools. To receive this award, students are nominated by their teachers based on academics, athletics, fine arts, outstanding citizenship, and most improvement. The nominees are presented to the principal, who makes the final selection. The Board wishes to recognize these students for their outstanding accomplishments.

- 2.2 Outstanding Customer Service Awards  
(Prepared by Certificated Human Resources Division)

Since 1998, the Board of Education and Superintendent have placed a high priority on providing outstanding customer service. To this end, a variety of programs have been developed to address this objective. The newest of these programs recognizes individual employees who have been nominated by their supervisors for their outstanding performance in the area of customer service. Ten such worthy recipients will be recognized quarterly for their accomplishments in this important area.

### SESSION THREE - Public Hearings

#### 3.0 *Public Hearings*

##### 3.1 Presentation of District's Initial Contract Proposal to the San Bernardino Teachers Association (SBTA) (Prepared by Certificated Human Resources)

On March 3, 2009, the Board of Education officially received the initial contract proposal from the San Bernardino Teachers Association. There has been opportunity for public comment. At this time, it is appropriate that the Board of Education present its initial proposal to the SBTA for a successor Collective Bargaining Agreement. This will complete the requirements set forth in Section 3547 of the California Government Code, which states, "All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public record."

The District's initial proposal is to maintain the provisions of the current Collective Bargaining Agreement for the 2008-2009 and 2009-2010 school years.

It is appropriate at this time to conduct a Public Hearing. President Parra Craig will open the Public Hearing and accept comments from the audience. Following public comments, if any, President Parra Craig will close the Public Hearing.

BE IT RESOLVED that the Board of Education adopts the District's initial contract proposal to SBTA.

##### 3.2 Presentation of District's Initial Contract Proposal to the Communications Workers of America (CWA) (Prepared by Certificated Human Resources Division)

On May 19, 2009, the Board of Education officially received the initial contract proposal from the Communications Workers of America (CWA). There has been opportunity for public comment. At this time, it is appropriate that the Board of Education present its initial proposal to the CWA for a successor Collective Bargaining Agreement. This will complete the requirements set forth in Section 3547 of the California Government Code which states, "all initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation shall be presented at a public meeting of the public school employer and thereafter shall be public record."

The District's initial proposal is to maintain the provisions of the current Collective Bargaining Agreement, except for the following modifications:

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ARTICLE IV – Union Rights – New Section (Orientation)

ARTICLE XV – Term of Agreement

It is appropriate at this time to conduct a Public Hearing. President Parra Craig will open the Public Hearing and accept comments from the audience. Following public comments, if any, President Parra Craig will close the Public Hearing.

BE IT RESOLVED that the Board of Education adopts the District’s initial contract proposal to CWA.

### **SESSION FOUR - Administrative Presentation**

#### ***4.0 Administrative Presentation***

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

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

#### **4.1 Modified Traditional Calendar (Prepared by Certificated Human Resources)**

The District has been contemplating the implementation of a modified traditional calendar for several years. The modified traditional calendar offers an early August start, larger intermittent breaks throughout the school year, and an early June finish. The District’s Calendar Development Advisory Committee (CDAC) has been exploring the potential for calendar modification for the 2010-2011 school year. Tonight, Dr. Harold Vollkommer, Assistant Superintendent, Certificated Human Resources, and members of the District’s CDAC will present information related to the structure of the modified traditional calendar concepts, as well as considerations connected to its implementation.

**SESSION FIVE - Administrative Reports**

**5.0 Administrative Reports**

5.1 Citizens' Oversight Committee Annual Report  
 (Prepared by Facilities/Operations Division)

In March 2004, the voters of San Bernardino approved the \$140 million Measure T Bond. By law, performance and financial audits are to be performed annually, and all bond expenditures are monitored by an independent Citizens' Oversight Committee (COC) to ensure that funds are spent as promised and specified. Per the COC's bylaws, the Committee shall present to the Board of Education, in public session, an annual written report. Sheri Hundley, COC Chair, will give a brief report.

5.2 Quarterly Uniform Complaint Report Summary  
 (Prepared by the Employee Relations/Human Resources-Classified Division)

Pursuant to legislation passed as a result of the Williams Case and Valenzuela Settlement Agreements, districts must report summarized data on the nature and resolution of all complaints on a quarterly basis to the governing board, at a regularly scheduled board meeting. The following is the quarterly report for the period from April to June 2009, pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of Regulations.

Williams and Valenzuela Settlement Legislation  
 Quarterly Report Summary  
 Quarterly Uniform Complaint Report Summary

For submission to school district governing board and county office of education

District Name: San Bernardino City Unified School District  
 Quarter covered by this report: April – June 2009

	Number of complaints received in quarter	Number of complaints resolved	Number of complaints unresolved
Instructional Materials	0	0	0
Facilities	0	0	0
Teacher Vacancy and Misassignment	0	0	0
CAHSEE Intensive Instructions for High School Exit Exam	0	0	0
Totals	0	0	0

Submitted by: Marie Arakaki  
 Title: Affirmative Action Director



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5.3 Amendments to BP 0420.4 Charter School Petitions (Second Reading)  
(Prepared by Student Services Division)

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

BP 0420.4 Philosophy, Goals, Objectives and Comprehensive plans

CHARTER SCHOOL PETITIONS

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

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

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

Unlike other alternative education programs which are under the direct control of the district, charter schools may be separate public entities that are governed independently in accordance with charter provisions which have been approved by the Board. All charter schools approved by the Board that are not under direct control of the Board shall be organized as nonprofit public benefit corporations and shall hold the District, its officers, agents, and employees harmless from any liability arising from the existence or operation of the charter school.

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

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

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

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

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

**Pre-Hearing Procedures**

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

**1. Petition**

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

- a. The name, address, and phone number of each applicant, together with a statement signed by each of them, formally applying to the Board for approval of the charter school.***
- b. A thorough description of the education, work experience, credentials, degrees, and certifications of the individuals comprising, or proposed to comprise, the directors, administrators, and managers of the proposed charter school.***
- c. The By-laws, articles of incorporation, and other management documents, as applicable, governing, or proposed to govern, the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions, which also apply to members of a Charter Board of Education.***

- d. A list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating, and evaluating the charter school, together with a thorough description of the qualifications of such consultants.*
- e. The names, addresses, and telephone numbers of those persons endorsing the proposal with original signatures of such petitioners and in the form provided in Education Code Section 47605. The petition form must also indicate that a copy of the charter school proposal was attached so that petitioners were able to review it prior to signing. Parents/guardians signing a petition must have one or more children who are age appropriate for the proposed charter school. Teachers signing a petition must be properly credentialed to teach one or more core academic classes in the proposed charter school.*
- f. A Charter School Proposal including reasonably comprehensive descriptions of those elements of school philosophy, curriculum, and practice as called for in Section 47605 (b)(5)(A) through 47605(b)(5)(P) inclusive of the Education Code.*
- g. A description of the proposed assessment program related to the school's measurable pupil outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.*
- h. A signed statement affirming that the school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any person on the basis of ethnicity, national origin, gender, or disability as set forth in Section 47605 (d)(1) of the Education Code.*
- i. The address and a description of the charter school facility or facilities located within the geographic boundaries of the SBCUSD, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured or has reasonable assurance of securing the facility for use by the charter school.*
- j. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed*

*balance sheet and statements of income and expense shall be included in cases of renewal applications.*

- k. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, and reserve positions, for the first three years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons or positions identified in paragraphs 1(a), 1(b), 1(d), and 1(m) of this policy.*
- l. An attorney's opinion or a narrative from the charter school applicant providing a thorough description of the potential civil liability, if any, of the charter school and the SBCUSD.*
- m. A summary of the administrative structure and organization of the school. The summary should specifically include School District liaison, special education, and other basic elements of school operation. This section should also detail the proposed academic calendar including: Days of instruction, hours of operation, expectations for pupil attendance, and annual instructional minutes for each grade level to be served.*
- n. The manner, format, and content by which the charter school proposes to regularly report to the SBCUSD, concerning implementation of the approved charter, measurable student progress, as well as the current and projected financial viability of the school.*
- o. The augmented plans to insure the health and safety of students and staff beyond those listed under Required Element F of Code Section 47605(b)(5)(F). These plans are to address any plans for additional tuberculosis screening, student supervision, safety training for staff, as well as requirements regarding immunization screening.*
- p. Education Code Section 47605(b)(5)(P) calls for a description of the procedures to be used if the charter school closes. The Board of Education expresses a preference for procedures which include a provision whereby residual assets of the charter school will accrue to the benefit of the programs operated by the SBCUSD.*
- q. An explanation of how the charter will meet compliance with all provisions of federal law and implementing regulations (20 U.S.C. Chapter 33, the Individuals with Disabilities Education Act) and eligibility for federal and state special education funds.*
- r. Other documents as requested by the Board*

- s. *Any other conditions set by the Board.*

**Timelines**

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

**Decision of the Board**

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

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

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

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

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

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

***Charter Conditions if Approved by the SBCUSD***

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

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

*that may be rendered against any of them. The Board and the SBCUSD shall notify the charter of the receipt of any such claims or demands.*

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

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

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

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

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

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

### **Monitoring and Supervision**

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

- 1. The relationship between the charter school and the SBCUSD, as well as any services to be provided by the SBCUSD, will be described in the Memorandum of*

***Understanding or Operating Agreement. The provisions of this written agreement will be discussed concurrently with consideration of charter approval.***

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

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

***(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.***

***(2) Failed to meet or pursue any of the pupil outcomes identified in the charter petition.***

***(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.***

***(4) Violated any provision of law.***

4. ***Upon written finding by the Board that the charter school committed any of the violations of paragraph 47607(b)(1) through (4) of the Code inclusive, the Board shall notify the charter school accordingly, providing notice that the Board may revoke the charter, and give the school reasonable opportunity to cure the violation (unless the Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils). After a reasonable period, if satisfactory evidence is not presented to the Board that the violation has been cured, the Board may revoke the charter effective at such date as the Board determines appropriate. Upon evidence satisfactory to the Board that the violation has been cured, the Board shall rescind the notice of intent to revoke.***



5. *The SBCUSD shall charge, and the charter school shall pay, for the actual costs of monitoring and supervision not to exceed 1% of the revenue of the charter school except as otherwise provided by law.*
6. *Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Board of Education may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the Board's appointee all rights and responsibilities exercised by any other director of the corporation.*
7. *A charter school shall promptly respond to all reasonable inquiries from the SBCUSD.*
8. *The SBCUSD is charged with developing such administrative policies and regulations as may be necessary or prudent to implement this policy.*

**SBCUSD Board of Education Preferences of Charter School Petitioners**

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

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

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

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

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

**Legal Reference:  
EDUCATION CODE**

[17280-17317](#) *Field Act*

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

*33054 Waivers*

[41365](#) *Charter school revolving loan fund*

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

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

[44237](#) *Criminal record summary*

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

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

[46201](#) *Instructional minutes*

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

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

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

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

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

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

[51745-51749.3](#) *Independent study*

[52052](#) *Alternative accountability system*

*54032 Limited English or low-achieving pupils*

[56026](#) *Special education*

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

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

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

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

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

**GOVERNMENT CODE**

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

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

[11960-11969](#) *Charter Schools*

**PENAL CODE**

[667.5](#) *Definition of violent felony*

[1192.7](#) *Definition of serious felony*

**CODE OF REGULATIONS, TITLE 5**

[11700.1-11705](#) *Independent study*

**CODE OF REGULATIONS, TITLE 24**

*101 et seq. California Building Standards Code*

**UNITED STATES CODE, TITLE 20**

[6311](#) *Adequate yearly progress*

[6319](#) *Qualifications of teachers and paraprofessionals*

[7223-7225](#) *Charter schools*

**CODE OF FEDERAL REGULATIONS, TITLE 34**

[200.1-200.78](#) *Accountability*

[300.18](#) *Highly qualified special education teachers*

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**COURT DECISIONS**

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

**ATTORNEY GENERAL OPINIONS**

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

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

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

*Management Resources:*

**CSBA PUBLICATIONS**

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

**CSBA ADVISORIES**

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

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

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

**U.S. DEPARTMENT OF EDUCATION GUIDANCE**

*Charter Schools Program, July 2004*

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

**WEB SITES**

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

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

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

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

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

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

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

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

- 5.4 Amendments to BB 9110 Terms of Office (First Reading)  
(Prepared by Superintendent)

Bylaws of the Board

BP 9910

**Terms Of Office**

The Board of Education shall consist of seven members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each ~~even-numbered~~ **odd-numbered** year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code [5017](#))

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Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code [5000](#))

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code [1302](#), [1360](#); Education Code [5017](#))

(cf. [9220](#) - Board of Education Elections)

(cf. [9223](#) - Filling Vacancies)

(cf. [9224](#) - Oath or Affirmation)

(cf. [9250](#) - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

[5000-5033](#) Election of school district board members

[35010](#) Control of district

[35012](#) Board members; number, election and terms

[35107](#) Eligibility

GOVERNMENT CODE

[1302](#) Continuance in office until qualification of successor

[1303](#) Exercising functions of office without having qualified

[1360](#) Necessity of taking constitutional oath

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

5.5 Amendments to BB 9230 Orientation (First Reading)  
(Prepared by Superintendent)

**Bylaws of the Board**

BB 9230

**ORIENTATION**

**Board Candidate Orientation**

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities *and expectations* of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

(cf. 9200 - Limits of Board Member Authority)

(cf. 9220 - Governing Board Elections)

(cf. 9270 - Conflict of Interest)

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The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to district staff and information.

*(cf. 1340 - Access to District Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

### **New Board Member Orientation**

***The Board may convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct.*** Incoming Board members shall receive the district's policy manual and other materials related to the district and Board member responsibilities.

*(cf. 9000 - Role of the Board)*  
*(cf. 9005 - Governance Standards)*

Upon their election, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.

***The Superintendent may provide incoming Board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not be limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.***

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*

Incoming members are encouraged to attend Board meetings ***and review agenda materials available to the public in order to become familiar with current issues facing the district.***

Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the district.

*(cf. 9240 - Board Development)*

*Legal Reference:*

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

33362-33363 Reimbursement of expenses; board member or member-elect

ELECTIONS CODE

13307 Candidate's statement

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

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*54950-54963 The Ralph M. Brown Act, especially:*

*54952.1 Member of a legislative body*

*54952.7 Copies of Brown Act to board members*

*Management Resources:*

CSBA PUBLICATIONS

*School Board Leadership, 2007*

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

*Guide to Effective Meetings, 2007*

*Professional Governance Standards, 2000*

*Maximizing School Board Leadership, 1996*

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

*Becoming a Better Board Member: A Guide to Effective School Board Service, 2006*

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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

Bylaw CSBA MANUAL MAINTENANCE SERVICE

adopted: July 2008

- 5.6 Amendments to BB 9324 Minutes and Recordings (First Reading)  
(Prepared by Superintendent)

**Bylaws of the Board**

BB 9324

**MINUTES AND RECORDINGS**

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law.

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

*(cf. 9323 - Meeting Conduct)*

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request.

(Education Code 35145, 35163)

*(cf. 1340 - Access to District Records)*

*(cf. 9323.2 - Actions by the Board)*

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda.

***In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.***

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***The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed.***

***The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.***

***The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.***

*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

*(cf. 3580 - District Records)*

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

*(cf. 9321.1 - Closed Session Actions and Reports)*

### **Recording or Broadcasting of Meetings**

The district may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5)

#### *Legal Reference:*

##### EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

##### GOVERNMENT CODE

54952.2 Meeting defined

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

##### PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

##### CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

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*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*

WEB SITES

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

Bylaw adopted: October 16, 2007

5.7 Adoption of 2010-2011 Traditional and Year-Round (60-20) School Calendars  
(Prepared by Certificated Human Resources Division)

The 2010-2011 traditional and year-round (60-20) school calendars have been prepared for adoption.

The calendars provide for 180 instructional days. The year-round (60-20) school calendar is not a precise 60/20 calendar with 60 days of instruction followed by 20 days of intersession. It has been adapted to limit sessions that end on a Monday or begin on a Friday. All legal holidays required by the Education Code and Collective Bargaining Agreements are included.

**San Bernardino City Unified School District  
SCHOOL CALENDAR  
2010-2011  
FOUR-TRACK YEAR-ROUND PROGRAM  
(Modified 60-20 Schedule)**

**FIRST DAY OF SCHOOL**

Classroom Teachers  
Students

**TRACKS A-B-C**

July 1, 2010  
July 6, 2010

**TRACK D**

July 29, 2010  
August 2, 2010

**LAST DAY OF SCHOOL**

Classroom Teachers  
Students

**TRACK A**

May 25, 2011  
May 25, 2011

**TRACKS B-C-D**

June 27, 2011  
June 27, 2011

**LEGAL HOLIDAYS**

July 4, 2010  
September 6, 2010  
November 11, 2010  
November 25, 2010  
December 25, 2010  
January 1, 2011

Independence Day (observed on July 5)  
Labor Day  
Veterans' Day  
Thanksgiving Day  
Christmas Day  
New Year's Day



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January 17, 2011	Dr. Martin Luther King's Birthday Day
February 11, 2011	Lincoln's Birthday Day
February 21, 2011	Washington's Birthday Day
May 30, 2011	Memorial Day

**SCHOOL RECESS DATES**

November 26, 2010	Day After Thanksgiving
December 23, 2010, through January 2, 2011	Christmas/Winter Recess

**ELEMENTARY PARENT CONFERENCES**

Track A	September 15-23, 2010
Tracks B-C-D	October 13-21, 2010
Track A	January 19-27, 2011
Tracks B-C-D	February 15-24, 2011

**San Bernardino City Unified School District  
SCHOOL CALENDAR  
2010-2011  
TRADITIONAL PROGRAM**

**FIRST DAY OF SCHOOL**

Classroom Teachers	July 30, 2010
Students	August 3, 2010

**LAST DAY OF SCHOOL**

Classroom Teachers	June 3, 2011
Students	June 2, 2011

**LEGAL HOLIDAYS**

September 6, 2010	Labor Day
November 11, 2010	Veterans' Day
November 25, 2010	Thanksgiving Day
December 25, 2010	Christmas Day
January 1, 2011	New Year's Day
January 17, 2011	Dr. Martin Luther King's Birthday Day
February 11, 2011	Lincoln's Birthday Day

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February 21, 2011	Washington's Birthday Day
May 30, 2011	Memorial Day

**SCHOOL RECESS DATES**

November 22-26, 2010	Thanksgiving Recess
December 16, 2010, through January 9, 2011	Christmas/Winter Recess
March 21, through April 1, 2011	Spring Recess

**ELEMENTARY PARENT CONFERENCES**

November 10-19, 2010  
March 10-18, 2011

**QUARTERS (HIGH SCHOOL)**

Last Day of First Quarter	October 1, 2010
Last Day of Second Quarter/First Semester	December 15, 2010
Last Day of Third Quarter	March 18, 2010
Last Day of Fourth Quarter/Second Semester	June 2, 2011

**TRIMESTERS (MIDDLE SCHOOL)**

Last Day of First Trimester	November 19, 2010
Last Day of Second Trimester	February 25, 2011
Last Day of Third Trimester	June 2, 2011

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

**6.0 *Other Matters Brought by Citizens***

This is the time during the agenda when the Board of Education is prepared to receive the comments of the public regarding any other items on this agenda or any school-related issues. Please complete a "Request to Address the Board of Education" form and adhere to the provisions described therein. Please submit this form to the Administrative Assistant. The Board requests that any persons wishing to make complaints against District employees file the appropriate complaint form prior to this meeting. The Board may not have complete information available to answer questions and may refer specific concerns to the appropriate staff person for attention. When the Board goes into Session Seven, there will be no further opportunity for citizens to address the Board on items under consideration.

## SESSION SEVEN - Reports and Comments

### 7.0 *Report by Board Members*

Individual Board members may wish to share a comment, concern, and/or observation with other Board members and/or staff about a topic not on the agenda. In addition, individual Board members may wish to suggest items to be scheduled on a future agenda.

#### 7.1 Legislative Update

### 8.0 *Report by Superintendent and Staff Members*

The Superintendent and other members of the management staff may discuss events and future activities significant to the school district.

## SESSION EIGHT - Legislation and Action

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

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

#### 9.1 Approval of Minutes (Prepared by Superintendent's Office)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on June 2, 2009, be approved as presented.

#### 9.2 Payment of San Bernardino County School Boards Association Membership Dues for 2009-10 (Prepared by Superintendent)

In accordance with the bylaws of the San Bernardino County School Boards Association, Article IV, Section 2, each school district that elects to participate shall pay annual dues for membership in the Association. Dues shall be payable July 1, of each year and shall be delinquent October 31. In addition, Section 35172 of the Education Code provides for the payment of membership dues from district funds.

A remittance in the amount of \$250.00 is requested from our district.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies payment of \$250.00 to the San Bernardino County School Boards Association for 2009-10 membership dues.

9.3 Payment of Master Teachers – University of Redlands  
(Prepared by Certificated Human Resources Division)

The District has an agreement with the University of Redlands 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 0218728 from the University of Redlands in the amount of \$600.00 for master teacher stipend. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Spring 2009, as provided for in the Agreement with the University of Redlands, as follows:

Gerardo Zavala	\$200.00	Kristy Williams	\$200.00
Juan Carlos Mendoza	\$200.00		

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

The District has an agreement with the University of La Verne to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 465936 from the University of La Verne in the amount of \$1,200.00. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

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

Pamela O' Connell	\$500.00	Sara Thomson	\$100.00
Kirk Frazer	\$200.00	William Chavez	\$400.00

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

The District has an agreement with National University to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 1217801 from National University in the amount of \$450.00. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Fall 2009, as provided for in the Agreement with National University, as follows:

Susan Hildago                      \$150.00              Ray Gallardo    \$300.00

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

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

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

SITE	DONOR	DONATION AND PURPOSE	CASH	VALUE
Mt. Vernon Elementary School	School Portraits by Kranz, Inc.	\$735.00 to be used towards ASB funds	\$735.00	
Mt. Vernon Elementary School	San Manuel Band of Mission Indians	\$1,200.00 to sponsor the GEMS Program	\$1,200.00	
Mt. Vernon Elementary School	San Bernardino Rotary Foundation	\$400.00 to be used towards Character Education	\$400.00	
Richardson PREP HI	Rotary Club	\$500.00 to be used towards ASB funds	\$500.00	
Anton Elementary School	Jacqueline Irons	Violin ½ size to be used for the music program		\$400.00
Inghram Elementary School	Life Touch National School Studios	\$301.00 to be used towards ASB funds	\$301.00	
Rodriguez PREP Academy	Joseph Guerra, Jr.	\$180.00 to be used towards ASB funds	\$180.00	

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Riley Elementary School	Kiwanis Club of San Bernardino	\$200.00 to be used towards ASB funds	\$200.00	
Parkside Elementary School	Lifetouch	\$195.00 to be used towards ASB funds	\$195.00	
Parkside Elementary School	Lifetouch	\$321.00 to be used towards ASB funds	\$321.00	

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 \$735.00, School Portraits by Kranz, Inc.; \$1,200.00, San Manuel Band of Mission Indians; \$400.00, San Bernardino Rotary Foundation; \$500.00, Rotary Club; \$400.00, Jacqueline Irons; \$301.00, Life Touch National School Studios; \$180.00, Joseph Guerra, Jr.; \$200.00, Kiwanis Club of San Bernardino; \$195.00, Lifetouch; and \$321.00, Lifetouch.

9.7 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 ratifies the attendance and participation of the following individual in scheduled business and inservice meetings:

Rebecca Ryan (Board Representative, Our Lady of the Assumption School)	To attend the Staff Development of Educators Conference-Differentiated Instruction at the Rivera Hotel, Las Vegas, NV, July 18-22, 2009. Total cost, not to exceed \$1,599.89, will be paid from Accountability Department Account No. 536.
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9.8 Cafeteria Warrant Register, Ending June 30, 2009  
 (Prepared by Facilities/Operations Division)

It is requested that the Board of Education adopt the Cafeteria Warrant Registers and authorize specific individuals to sign disbursements on its behalf.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Cafeteria Warrant Register, ending June 30, 2009, be approved.

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

9.9 Commercial Warrant Registers for Period from June 16, through June 30, 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 June 16, through June 30, 2009, be approved.

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

9.10 Extended Field Trip, San Bernardino High School, AVID 2009-10 College Tour, Camarillo, Santa Barbara, and Los Angeles, California  
(Prepared by Business Services Division)

San Bernardino High School requests Board of Education approval of an extended field trip for 20 students, 1 adult chaperone, and 4 District employees to attend the AVID 2009-10 College Tour in Camarillo, Santa Barbara, and Los Angeles, California, August 19, through August 20, 2009.

The trip presents an opportunity for students to gain an increased awareness and knowledge of the universities, as well as experience their size, demographic, and geographic locations. They will feel the cultural atmosphere and will compare the educational programs offered at each college, which will assist them in making a more thoughtful and educated decision about their future.

The cost of the trip, not to exceed \$1,722.00, including meals and lodging for 20 San Bernardino High School students, 1 adult chaperone, and 4 District employees, will be paid from San Bernardino High School AVID Club funds. Transportation provided by charter coach, not to

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exceed \$1,500.00, will be paid from San Bernardino High School Restricted General Fund 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 20 San Bernardino High School students, 1 adult chaperone, and 4 District employees to attend the AVID 2009-10 College Tour in Camarillo, Santa Barbara, and Los Angeles, California, August 19, through August 20, 2009. The cost of the trip, not to exceed \$1,722.00, including meals and lodging for 20 San Bernardino High School students, 1 adult chaperone, and 4 District employees, will be paid from San Bernardino High School AVID Club funds. Transportation provided by charter coach, not to exceed \$1,500.00, will be paid from San Bernardino High School Restricted General Fund Account No. 419. Names of the students are on file in the Business Services office.

9.11 Extended Field Trip, San Bernardino High School, Journalism Training, Long Beach, California  
(Prepared by Business Services Division)

San Bernardino High School requests Board of Education approval of an extended field trip for four students and two District employees to attend the Journalism Training, in Long Beach, California, August 10, through August 14, 2009.

Students will benefit from hands-on workshops led by California State University of Long Beach professors and professional journalists. They will learn the tactics of handling any design challenge, create exciting digital content, shoot and edit video, and capture and cut audio tracks.

The cost of the trip, not to exceed \$6,000.00, including meals and lodging for four San Bernardino High School students and two District employees, will be paid from San Bernardino High School Restricted General Fund Account No. 501. Transportation will be provided by private vehicle at no cost. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for four San Bernardino High School students and two District employees to attend the Journalism Training, in Long Beach, California, August 10, through August 14, 2009. The cost of the trip, not to exceed \$6,000.00, including meals and lodging for four San Bernardino High School students and two District employees, will be paid from San Bernardino High School Restricted General Fund Account No. 501. Transportation will be provided by private vehicle at no cost. Names of the students are on file in the Business Services office.



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9.12 Extended Field Trip, San Gorgonio High School, Running Camp, Mammoth Lakes, California  
(Prepared by Business Services Division)

San Gorgonio High School requests Board of Education approval of an extended field trip for 28 students and 6 District employees to attend the Running Camp, in Mammoth Lakes, California, August 1, through August 7, 2009.

The camp offers student athletes an opportunity to increase their conditioning by training in higher elevations. It will help them with time management, organizational skills, and leadership. It will promote team unity and responsibility.

The cost of the trip, not to exceed \$4,768.00, including meals and lodging for 28 San Gorgonio High School students and 6 District employees, will be paid from San Gorgonio High School ASB Account. Transportation provided by Xpress Rental, not to exceed \$2,835.60, will be paid from San Gorgonio High School ASB Account. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 28 San Gorgonio High School students and 6 District employees to attend the Running Camp, in Mammoth Lakes, California, August 1, through August 7, 2009. The cost of the trip, not to exceed \$4,768.00, including meals and lodging for 28 San Gorgonio High School students and 6 District employees, will be paid from San Gorgonio High School ASB Account. Transportation provided by Xpress Rental, not to exceed \$2,835.60, will be paid from San Gorgonio High School ASB Account. Names of the students are on file in the Business Services office.

9.13 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, Science Technology Engineering & Mathematics (STEM) grant (221), was not included in the 2009-2010 approved budget. Based on the Purchase Order #913300 dated May 20, 2009, from the San Bernardino County Superintendent of Schools covering Contract #08-09/1113 for San Gorgonio High School, an increase in the amount of \$20,000.00 will result in a revised total of \$20,000.00.

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The restricted program, Program Improvement Local Educational Agency Corrective Action Resources (PI Corrective) (513), was not included in the 2009-2010 approved budget. Based on the carryover from fiscal year 2008-2009, an increase in the amount of \$1,500,000.00 will result in a revised total of \$1,500,000.00.

The restricted program, American Recovery and Reinvestment Act (ARRA) of 2009, State Fiscal Stabilization Fund (535), was included in the 2009-2010 approved budget in the amount of \$13,785,988.00 for general purpose, which includes \$73,251.00 for Public Safety Academy program. Based on the apportionment letter from the California Department of Education dated June 23, 2009, an increase in an estimated amount of \$8,485,106.00 (one-time funding) for categorical programs will result in a revised total of \$22,197,843.00.

The restricted program, Education for Homeless Children and Youth, American Recovery and Reinvestment Act (ARRA) of 2009 (587), was not included in the 2009-2010 approved budget. Based on the grant award notification received on July 2, 2009, an increase in the amount of \$105,850.00 (one-time funding) will result in a revised total of \$105,850.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$20,000.00 in the budgeting of revenues and expenditures for the restricted program, Science Technology Engineering & Mathematics (STEM) grant (221) for San Geronio High School.

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,500,000.00 in the budgeting of expenditures for the restricted program, Program Improvement Local Educational Agency Corrective Action Resources (PI Corrective) (513).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$8,485,106.00 (one-time funding) in the budgeting of revenues and expenditures for the American Recovery and Reinvestment Act (ARRA) of 2009 restricted program, State Fiscal Stabilization Fund (535).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$105,850.00 (one-time funding) in the budgeting of revenues and expenditures for the Education for Homeless Children and Youth, American Recovery and Reinvestment Act (ARRA) of 2009 (587).

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

The Elementary Instruction Department wishes to hire Scholastic, Inc., Jefferson City, MO, to provide four days of professional development for READ 180 District staff, August 5, 2009, through June 30, 2010. The cost, not to exceed \$8,000.00, will be paid from Restricted General Fund-Title II Educational Services, Account No. 538.

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The English Learner Programs Department wishes the Board to ratify the hiring of Sopris West Educational Services to present two days of professional development workshops, “Step-Up to Writing” to District teachers and staff at Rio Vista Elementary School, July 2, through July 9, 2009. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund-Title III LEP Student Subgrant, Account No. 544.

Marshall Elementary School wishes to hire Sopris West Educational Services to present two days of professional development workshops, “Step-Up to Writing” to District teachers and staff, July 22, 2009, through June 30, 2010. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund-Elementary Secondary Education Act, Account No. 501.

Warm Springs Elementary School wishes to hire Bonnie Adama to provide professional development training workshops for primary teachers in using hands-on strategies through manipulatives to address grade level standards in mathematics, August 20, 2009. The cost, not to exceed \$800.00, will be paid from the Restricted General Fund-School Based Coordinated Program, Account No. 419.

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:

Scholastic, Inc., Jefferson City, MO, to provide four days of professional development for READ 180 District staff, August 5, 2009, through June 30, 2010. The cost, not to exceed \$8,000.00, will be paid from Restricted General Fund-Title II Educational Services, Account No. 538.

Sopris West Educational Services to present two days of professional development workshops, “Step-Up to Writing” to District teachers and staff, between July 22, 2009, and June 30, 2010. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund-Elementary Secondary Education Act, Account No. 501.

Bonnie Adama to provide professional development training workshops for primary teachers in using hands-on strategies through manipulatives to address grade level standards in mathematics, August 20, 2009. The cost, not to exceed \$800.00, will be paid from the Restricted General Fund-School Based Coordinated Program, Account No. 419.

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

Sopris West Educational Services to present two days of professional development workshops, “Step-Up to Writing” to District teachers and staff at Rio Vista Elementary School, between July 2, and 9, 2009. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund-Title III LEP Student Subgrant, Account No. 544.

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9.15 Agreement for Nonpublic, Nonsectarian School/Agency Services with Applied Behavior Consultants-Ontario  
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to enter into an agreement with Applied Behavior Consultants-Ontario, CA, to provide services to identified District special education students, primarily Emotionally Disturbed (ED) students, effective July 21, 2009, through June 30, 2010. Applied Behavior Consultants-Ontario will provide services to ED students who cannot be served otherwise because appropriate classes are enrolled to near capacity, or at the Individualized Education Program (IEP) teams' request. The nonpublic school classes will better meet the students' needs. The services that will be offered are those that are required by the students' IEP.

In accordance with the Education Code Section 56836.16 (a) for the 1998-99 fiscal year and each fiscal year thereafter, the superintendent shall apportion to each district and county superintendent providing programs, pursuant to Article 5 (Commencing with Section 56155) of Chapter 2, an amount equal to the difference, if any, between (1) the costs of master contracts with nonpublic, nonsectarian schools, and agencies to provide special education instruction, designated instruction and services, or both, to pupils in licensed children's institutions, foster family homes, residential medical facilities, and other similar facilities funded under this chapter, and (2) the state income received by the district or county superintendent for providing these programs. The sum of the excess cost, plus any state or federal income for these programs, shall not exceed the cost of master contracts with nonpublic, nonsectarian schools, and agencies to provide special education and designated instruction and services for these pupils, as determined by the superintendent. The daily rate of \$177.33 and other approved related services at agreed-upon rates, will be paid from Restricted General Fund-Special Education-Non-Public, Account No. 824.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Applied Behavior Consultants-Ontario, CA, to provide services to special education students, effective July 22, 2009, through June 30, 2010. The daily rate of \$177.33 and other approved related services at agreed-upon rates will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824.

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

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9.16 Agreement with University College of Chapman University to Provide Supervised Fieldwork for Teacher Education  
(Prepared by Business Services Division)

The Human Resources-Certificated Division requests Board of Education approval to enter into an agreement with University College of Chapman University, Ontario, CA, and Moreno Valley, CA, to provide supervised fieldwork for teacher education, effective August 1, 2009, continuing through July 31, 2014. The University will provide fieldwork candidates for whom the District will provide experience with a student population that is diverse in terms of ethnicity, culture, language, socio-economics, and/or special needs. There will be no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with University College of Chapman University, Ontario, CA, and Moreno Valley, CA, to provide supervised fieldwork for teacher education, effective August 1, 2009, continuing through July 31, 2014. The University will provide fieldwork candidates for whom the District will provide experience with a student population that is diverse in terms of ethnicity, culture, language, socio-economics, and/or special needs. There will be no cost to the District.

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

9.17 Amendment of the Agreement with Anthony Paul Lucey to Provide Mentoring Program for Students of the Educators for Tomorrow Teaching Academy at Arroyo Valley High School  
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval to amend the agreement with Anthony Paul Lucey, Highland, CA, approved by the Board on July 1, 2008, Agenda Item 8.34. The amendment is necessary to increase the fee due to increased duties of the provider. The additional fee, not to exceed \$3,400.00, will be paid from the Restricted General Fund-CAL Partnership Academies Mentor Grant, Account No. 492.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Anthony Paul Lucey, Highland, CA, approved by the Board on July 1, 2008, Agenda Item 8.34. The amendment is necessary to increase the fee due to increased duties of the provider. The additional fee, not to exceed \$3,400.00, will be paid from the Restricted General Fund-CAL Partnership Academies Mentor Grant, Account No. 492.

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

9.18 Facilities Use Agreement with San Bernardino Valley College for Youth Services High School Graduation Ceremony  
(Prepared by Business Services Division)

The Youth Services Department requests Board of Education approval to enter into a facilities use agreement with San Bernardino Valley College, San Bernardino, CA for the use of its Greek Theatre and one classroom for their high school graduation ceremony on August 11, 2009. The cost, not to exceed \$1,600.00, will be paid from Unrestricted General Fund – Youth Services, Account No. 060.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with San Bernardino Valley College, San Bernardino, CA for the use of its Greek Theatre and one classroom for the Youth Services high school graduation ceremony on August 11, 2009. The cost, not to exceed \$1,600.00, will be paid from Unrestricted General Fund – Youth Services, Account No. 060.

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

9.19 Food Service Agreement with REAL Journey Academies – New Vision Middle School  
(Prepared by Facilities/Operations Division)

The Nutrition Services Department requests Board of Education approval to enter into a meal program food service agreement with REAL Journey Academies - New Vision Middle School (charter school), San Bernardino, CA, effective August 5, 2009, through June 30, 2010, per terms of the agreement. This standardized food service agreement may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price, location(s), and number/style of meals served. The yearly prices are based on what type of service and materials are included with the meal, such as delivery, milk, straws, napkins, eating utensils, trays, and clean-up. There is no cost to the District.

It is recommended that the following resolutions be adopted:

BE IT RESOLVED that the Board of Education approves entering into a meal program food service agreement with REAL Journey Academies - New Vision Middle School (charter school),

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San Bernardino, CA, effective August 5, 2009, through June 30, 2010, per terms of the agreement and may be extended by mutual written consent one fiscal year at a time, up to a total of three years, subject to the terms and conditions agreed upon by June 30 of each year. There is no cost to the District.

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

9.20 Renewal of the Agreement with American Medical Response to Provide Ambulance Service at Home Football Games at San Bernardino High School  
(Prepared by Business Services Division)

San Bernardino High School requests Board of Education approval to renew the agreement with American Medical Response (AMR), Redlands, CA, to provide ambulance services for home football games, effective August 25, through December 1, 2009. AMR will provide two attendants during the five home football games to comply with by-law requirements of the San Andreas League. The cost of services, not to exceed \$1,596.00, will be paid from the Unrestricted General Fund Instructional Needs Assessment Program-High Schools, Account No. 203.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with American Medical Response (AMR), Redlands, CA, to provide ambulance services for home football games, effective August 25, through December 1, 2009. AMR will provide two attendants during the five home football games to comply with by-law requirements of the San Andreas League. The cost of services, not to exceed \$1,596.00, will be paid from the Unrestricted General Fund Instructional Needs Assessment Program-High Schools, Account No. 203.

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

9.21 Renewal of the Agreement with Orange County Performing Arts Center for Arts Teach Residency at Palm Avenue and Roger B. Anton Elementary Schools  
(Prepared by Business Services Division)

Palm Avenue Elementary School and Roger B. Anton Elementary School request Board of Education approval to renew the agreement with The Orange County Performing Arts Center, Costa Mesa, CA, for the 2009-2010 school year to present The Center's Arts Teach Residency, effective July 22, 2009, continuing through June 30, 2010. The residency is designed within The Center's Education and Community Department's programmatic framework that instruction provided by Arts Teach artists will directly reflect the development and learning needs of

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participating students. Artists will provide in-depth, visual, and performing arts standards-based training to introduce students to multicultural and multidisciplinary arts experiences through workshops, demonstrations, and assemblies. The cost, not to exceed \$100,600.00, will be paid from Unrestricted General Fund – Account No. 612.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with The Orange County Performing Arts Center, Costa Mesa, CA, for the 2009-2010 school year to present The Center's Arts Teach Residency, effective July 22, 2009, continuing through June 30, 2010. The residency is designed within The Center's Education and Community Department's programmatic framework that instruction provided by Arts Teach artists will directly reflect the development and learning needs of participating students. Artists will provide in-depth, visual, and performing arts standards-based training to introduce students to multicultural and multidisciplinary arts experiences through workshops, demonstrations, and assemblies. The cost, not to exceed \$100,600.00, will be paid from Unrestricted General Fund – Account No. 612.

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

9.22 Renewal of the Agreement with 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 renew the agreement with THINK Together, Santa Ana, CA, to provide C.A.P.S. services effective July 22, 2009, continuing through June 30, 2010. THINK Together will provide its services to all District middle schools and one District elementary school. The fee, not to exceed \$1,072,595.00, will be paid from the Restricted General Fund-After School Education and Safety Program, Account No. 459.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement to provide C.A.P.S. services effective July 22, 2009, continuing through June 30, 2010. THINK Together will provide its services to all District middle schools and one District elementary school. The fee, not to exceed \$1,072,595.00, will be paid from the Restricted General Fund-After School Education and Safety Program, Account No. 459.

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



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9.23 Rescission of the Agreement with PlanNet Consulting for the Evaluation and Assessment Testing of E-Rate Technology  
(Prepared by Business Services Division)

The Information Technology Department requests Board of Education approval to rescind its approval to enter into an agreement with PlanNet Consulting, Brea, CA, as approved on July 7, 2009, Agenda Item No. 8.27. The District will proceed through the formal bid process.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education rescinds its approval to enter into an agreement with PlanNet Consulting, Brea, CA, as approved on July 7, 2009, Agenda Item No. 8.27.

9.24 Notice of Completion, Bid No. F06-01, Category No. 3, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools  
(Prepared by Facilities/Operations Division)

Bid No. F06-01, Severe Special Day Class Buildings - Additions Project at Barton and Palm Elementary Schools, was previously awarded to multiple Prime Contractors. The work assigned to the Contractor listed below has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F06-01, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools for the work awarded to the Prime Contractor listed below:

Category No. 3 – Concrete  
ASR Constructors, Inc.  
Riverside, CA

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

9.25 Notice of Completion, Bid No.13-04 Requirements Contract for Built-Up Roofing Installation and Repair-Districtwide  
(Prepared by Business Services Division)

Bid 13-04 Requirements Contract for Built-Up Roofing Installation and Repair-Districtwide is complete. It is requested that the Board of Education formally accept the completed project.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No.13-04 Requirements Contract for Built-Up Roofing Installation and Repair, Purchase Order No. 070562 awarded to:

Bell Roof Company, Inc.  
P O Box 5218  
636 South I Street  
San Bernardino, CA 92410

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

9.26 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:

6/26/1992      \*(S)4/22/1997   \*7/7/1992

\*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.

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- 9.27 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.

04/27/2000

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

It is recommended that the following resolution be adopted:

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

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

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

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

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9.30 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:

08/31/1992    06/27/1994

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

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

It is recommended that the following resolution be adopted:

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

06/14/1994	02/24/1993	07/23/1995	10/17/1991	08/12/1997	08/17/1994
04/27/1993	10/06/1994	08/26/1992	01/28/1995	08/19/1993	03/07/1995
12/25/1992	01/31/1994	04/10/1995	04/15/1995		

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

It is recommended that the following resolution be adopted:

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

9.33 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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9.34 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.

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## **10.0 Action Items**

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

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

The Board of Education was scheduled to take action on the approval or denial of the Options for Youth Public Charter School petition at the June 2, 2009 Board Meeting. Earlier that day, the petitioner requested that the agenda item be pulled prior to Board action. Since that time, staff has toured the Options for Youth Charter facility in Rancho Cucamonga, met with a team from the petitioning group, conferred in conference calls, and provided guidance regarding the District's concerns and expectations for needed revisions to the initial petition.

The following narrative reflects findings based on District staff review of the revisions to the initial Options for Youth Public Charter School petition.

#### **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 fifteen (15) names, signatures, and credential numbers for teachers who are meaningfully interested in teaching at the charter. The petitioner further indicates an estimate to employ 25 teachers at the Charter in the first year of operation.

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

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

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

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

While the initial charter petition referred to a program design that includes both “guided independent study and/or traditional seat time programs,” there was indication that students would be accepted with IEP’s “identifying independent study as the best modality for learning.” The revised petition now includes language that reflects the level of support for students with special needs and specific Education Code language that pertains to IEP provisions for independent study programs specifically for special education students. Further, the visit to the Options for Youth Public Charter School program reveals a structure of support and direct classroom instruction that extends far beyond traditional structures of independent study programs.

The initial petition lacked depth regarding the needs of English learners. The revised petition provides greater detail to indicate the strategies showing how instruction and English Language Development (ELD) will be provided. The new language indicates that “assessments will be utilized to track the progress of limited English proficient students.” Additionally, the petition now indicates that students who are “less than Fully English Proficient (FEP) are assigned to the additional support resource of an English Language Arts Small Group Instruction (ELA SGI) class” that meets regularly.

The initial petition did not indicate how the school would identify and respond to the needs of pupils who are not achieving at or above the expected levels beyond assigning “modules” to support students in particular academic areas. With the initial thought that the Options for Youth Public Charter School would utilize a basic independent study instructional design, the revised petition and site visit clarify that all students will also be “placed in core subject area course of reading, English, and math, based on tested achievement levels and remaining graduation requirements.” Additional details have also been included in the petition to clarify the structure of learning “modules” to include an instructional designed that includes “supplemental modality, new materials, innovations and improvements that will be emphasized such as Small Group Instruction and tutoring.”

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.



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

The revised petition provides further clarification regarding this element. New language provides further definition of students’ expected or average length of stay in this charter school, and “based on the length of enrollment for each student, the charter school will utilize at least one of following measures of academic achievement:

- CAHSEE – passage of the exit exam
- STAR – movement of student from one proficiency level to the next in a given subject
- CELDT – The student moves from one proficiency level to the next
- Pre-post assessment – sufficient academic growth in alignment with length of enrollment
- Course Level Assessment – demonstration of proficiency in grade level courses using summative assessments”

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.

**Findings:** The petition indicates that a variety of assessment tools, that are appropriate to the skills, knowledge, and attitudes of the students being assessed, will be utilized. It includes the annual assessment results from the Statewide Testing And Reporting (STAR) program and outlines a plan for collecting, analyzing, and reporting data on student achievement. The petition presents a reasonably comprehensive description of the method for measuring pupil progress.

The initial petition meets this element requirement.

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

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

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

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

Additional language in the revised petition, as reflected below, addresses each of the earlier concerns expressed:

“It is the intent of OFY to comply with all aspects of the California Charter Schools Act including all Ed Codes which apply to charter schools, otherwise the charter school is generally exempt from state laws governing school districts, except where specifically included in the Charter School Act.”

“The Charter Board will determine the responsibility for day-to-day operating decisions by deferring these decisions to the Organization and Charter School leadership teams.”

“The Charter School shall fully conform to the Brown Act as set out in the California Government Code. The Brown Act requires school boards to conduct their business in a pre-announced open session with an agenda unless specific conditions exist that justify the meeting of a board in closed session. In addition, all of the Charter School's records that relate in any way to the operation of the Charter School, including without limitation all of the records of the non-profit corporation operating the Charter School, and any other entity to the extent it participates in the operation of the Charter School, are deemed to be subject to the requirements of the Public Records Act (Government Code Section 6250, *et seq.*) as well as Education Code Section 47604.3.”

“Parental involvement in the school is desired. OFY invites parents to participate as board members as the opportunity arises. Additional parental involvement typically may include feedback to the school via scheduled parental focus group meetings, the school's website and/or the toll-free OFY HOTLINE number, which is provided in the student handbook. In addition, the Charter School will have a Board of Educators and Parents, that will advise on the operations of the school, teachers and students. This team referred to as the School Wide Advisory Team (SWAT) analyzes school data and recommends a response to the collected data. Finally parental involvement may be found in our discipline procedure. A Board of Educators and Parents will review and act on all expulsions.”

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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.

**Findings:** While the initial petition stated that teachers would be required to hold a Commission on Teacher Credentialing (CTC) credential, the petition did not adequately address the requirement that teachers be “Highly Qualified” in relation to the No Child Left Behind (NCLB) Act.

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

Additional language provided in the petition revision includes the following:

“To the extent required by applicable law, teachers who teach cores subjects in the Charter School shall be required to hold a Commission on Teacher Credentialing certificate, permit that fulfills the No Child Left Behind (NCLB) Highly Qualified requirement, or other equivalent document to that which a teacher in other public schools would be required to hold. All teachers are required to renew their credentials prior to the credential expiration date. These documents shall be maintained on file at the Charter School and shall be subject to periodic inspection by the District. Director positions within the Charter School will have a minimum requirement of an Administrative Credential. Non-certificated positions within the Charter School will be based on the unique needs of the charter school, and minimum requirements of the position will be applied accordingly. Postings for positions within the Charter School shall have a job description which will summarize duties and responsibilities of that position. Options For Youth provides a comprehensive training program for a number of positions within the learning centers (see Exhibit B). Each new staff member and/or teacher will participate in a collaborative training process with Options For Youth’s Professional Development Department and the leadership team at each learning center. This process will ensure that all staff members and new teachers are provided with ongoing guidance and support to ensure best practices in teaching and learning.”

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.

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

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

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

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

New language to the charter petition includes the following:

“All employees will be subject to the requirements in connection with criminal record checks and TB testing. All employees are notified in their “Offer of Employment” letter, that the results from their criminal record check and TB test (if applicable) must be received by the Human Resource department prior to their first day of employment. All employees receive a hiring package which includes: an offer letter, an application for a Livescan or similar electronic fingerprinting service, a Department of Justice approved list of locations in which they may choose to have the electronic fingerprinting service completed, and a request for TB results completed within the past four years, if applicable. Any individual who has contact with students shall be required to undergo a TB test as required by law.”

“The results of all electronic fingerprinting procedures are sent to the charter school’s Human Resource department from the Department of Justice via a secure DOJ web-site, where they are reviewed for clearance by the Human Resource Manager, who will use this information to grant or deny employment. Upon receipt of the criminal record check, the Charter School’s Human Resource manager will follow applicable law, including all stipulations of Section 44237. All information obtained from the DOJ is confidential. No recipient of the information received from the DOJ may disclose its contents or provide copies of information. If the Information received via the secure DOJ web-site is printed, it shall be stored in a locked file separate from other files, and shall only be accessible to the custodian of records. If the Information received was printed, all copies shall be destroyed upon the hiring determination by shredding all copies. Furthermore, it is the responsibility of all employees to maintain the results of their TB test every

four years, and to provide the Human Resource department verification of said test results.”

“All plans for addressing natural disasters are outlined in the Charter School’s Emergency Preparedness Guide manual, which is provided on-site at each Charter School learning center and corporate offices. Each learning center and corporate office shall have a trained Site Emergency Liaison member, who will direct students and staff in the event of an emergency. Such emergencies may include, but are not limited to earthquakes, fire, explosion, chemical emergencies, blackouts, floods, bomb threats, threatening individuals, fights, weapons on campus, and student illness. The Emergency Preparedness Guide manual also describes the protocol for psychological first aid which may help individuals prepare for and respond to the emotional component of a crisis situation.”

“The Charter School shall have an Auto Liability of \$1,000,000 combined single limit. The Charter School will also have a Professional Liability of \$1,000,000 each occurrence and \$1,000,000 aggregate. Furthermore, the Charter School shall maintain Worker Compensation insurance in the amount of \$1,000,000.”

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 indicates that the charter school will maintain a policy of non-discrimination and will make “reasonable and practicable efforts to achieve a racial and ethnic balance among its students that reflects the District’s ethnic population.” The petition clearly states that the charter school will seek this balance through recruitment in various representative areas of the community and working with community based organizations to accomplish this balance.

The initial petition meets this element requirement.

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

**Findings:** The charter petition assures that the program, admission policies, employment practices, and that all other operations, will be non-sectarian. The petition further indicates that there will be neither tuition charge nor discrimination against any student based on ethnicity, national origin, gender, or disability.

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

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The initial petition meets this element requirement.

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

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

New language included in the revised petition includes the following:

“Currently the charter school contracts with Vavrinek, Trine, Day & Co., LLP auditing firm and MaGinnis, Knechtel, McIntyre, LLP auditing firm, although typically the charter school rotates auditing companies every five years to maintain objectivity.”

“It is the charter school’s intention to earn 1000 ADA within the first year of operation. Due to the mobility of our student population, our enrollment is typically three times that of our projected ADA. Student/Teacher ratio in the Charter School is typically 19:1, and is consistent with applicable law governing student/teacher ratio.”

The revised petition meets this element requirement.

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

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

The initial petition meets this element requirement.

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

**Findings:** The original petition indicated that all staff members of the charter school “shall be covered by Federal Social Security pursuant to applicable law.” Although the petition further states that “with respect to additional employee benefits, the Charter school shall comply with all

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applicable state and federal laws governing such benefits,” there is no description of the compensation package provided. This lack of clarity or specificity in the petition impedes definition of a clear and complete financial disclosure in the petition.

The revised petition includes the following clarification:

“If Charter School decides to offer existing or new employees of the Charter School the opportunity to participate in STRS or PERS, Charter School shall be responsible for making these arrangements through the County Office of Education or District as applicable.”

“A copy of the OFY Employee Handbook may be found under Exhibit H for further reference and detail regarding the employee compensation package.”

The information provided in the Employee Handbook (Exhibit H) includes reference to available 403(B) retirement plans, group insurance plans that include health, dental, short-term, long-term disability, and life insurance plans.

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 states that “pupils in the areas served by the Charter School have many schools available to them and will be free to return to their home District schools at any time pursuant to applicable State law and District policies.”

The initial petition meets this element requirement.

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

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

The new language provided in the revised petition includes the following:

“Although the San Bernardino City Unified School District does not assign any of its employees to work for the charter school, any employee of the district does have the right to leave the district to work for the charter school. However, there would be no rights or privileges of return to the school district after employment at the Charter School.”

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The revised petition meets this element requirement.

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

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

In subsequent meetings with the petitioners, it became evident that language in the initial petition included reference to a “good faith attempt to resolve the dispute” and that in the event that “a dispute cannot be resolved through a meeting, then, before resorting to litigation, arbitration, or some other dispute resolution process, the parties agree to first attempt to resolve the dispute by nonbinding mediation administered by the American Arbitration Association or before any mediator agreed to by both parties.” Additionally, the following reference in the petition was discussed: “The Demand for mediation (“Mediation Demand”) must be in writing, submitted to the American Arbitration Association and served upon all parties. The mediation shall commence within forty-five (45) calendar days from the date of receipt of the Mediation Demand and shall be concluded no later than sixty (60) calendar days from the date of receipt. Date of receipt shall be determined pursuant of the Notice provisions of section 2(L) below. The administrative costs of conducting the mediation, including but not limited to the mediator’s fees, will be shared equally by the parties.”

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

The new language provided in the revised petition has deleted earlier reference to the “National Labor Relations Act” and includes the following:



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“Employees of the Charter School are covered by the provisions of the Educational Employment Relations Act (EERA). They are not employees of the State of California, nor any political subdivision of the State.”

The revised 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 petition provides a “closure protocol” that outlines procedures and actions that would apply, in the event that the charter school closes. The procedures describe that notification will be given to parents and the County Office of Education with no reference of notification to the authorizing entity (the District). The petition indicates that notifications will occur “promptly” and that the Charter School will prepare final financial records and have an independent audit completed “as soon as reasonably practical, which is generally no more than six months.”

New language in the revised petition includes the following:

“Closure of the Charter School will be documented by official action of Options for Youth-San Bernardino, Inc. The action will identify the reason for closure. The Organization will promptly notify the authorizing entity (the District), the County Office of Education and the California Department of Education of the closure and of the effective date of the closure. If it is feasible to do so while still maintaining a viable and appropriate educational program, the charter school closure should occur at the end of an academic year. Mid-year school closures should be avoided if possible, and the charter school and the San Bernardino City Unified School District should work together to ensure that an appropriate, viable and legally compliant education program continues until the end of the school year.”

The revised petition meets this element requirement.

**Conclusion:**

The revised petition for the Options for Youth Public Charter School meets all element requirements stipulated in Education Code section 47605-47608. The District recommends to the Board of Education to approve this charter petition submitted by Options for Youth.

It is recommended that the following resolution be adopted:

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

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

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

Or

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

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

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

The third staff review of the charter petition for Crown Ridge Academy indicated that the petition did not contain reasonably comprehensive descriptions of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608. The revisions to the original petition signify that there are four elements needing further clarification or amendment.

The fourth staff review of the charter petition for Crown Ridge Academy addresses the remaining four (4) elements. The findings of this review are addressed below.

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

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

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

The revised petition, dated June 2009, indicates that "students will need to attain more than a year of academic progress within the school year to close the achievement gap between their actual skills and grade level skills." Specific interventions are identified and include intervention classes with double period blocks for additional support in math or literacy, tutoring, computerized supplemental instruction (PLATO or a similar program), explicit instruction in study skills, increased communication between teachers and parents, incentive and award programs, and frequent progress monitoring.

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

The revised petition, dated June 2009, provides extensive detail regarding services and practices appropriate to English Learners. There is clear reference to reading skill development through the utilization of the Cognitive Academic Language Learning Approach (CALLA) in English Language Development classes. This approach is intended to "help students develop academic literacy... and acquire content area vocabulary and familiarity with content area genres needed for their classes." The revision also references the use of the Sheltered Instruction Observation Protocol (SIOP) in core content classes that will be used as a part of a program for pre-service and in-service professional development. Direct instruction techniques will be used in core content areas to "improve ELs' acquisition of reading skills necessary to unlock unfamiliar words, along with other key skills in reading and writing." Specific mention is given to the "use of Crown Ridge Academy's identified ELD curriculum-embedded assessments" that will be administered at least three times each year.

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

The revised petition, dated June 2009, indicates that "assessment data will be used on an ongoing basis to inform the development of IEPs and to guide revisions in plans and strategies for

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supporting students' achievement of IEP goals." Further, the petition now stipulates that "the special education teacher will gather and analyze student performance data to monitor progress toward goals every six weeks or more frequently, as appropriate to the IEP goals."

The amended petition now 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 original petition stated that every student will demonstrate a year of academic growth for each year of school. In an earlier revision, the petition states that "given sufficient time and support, each student can meet grade level standards." One year of academic growth in a year of school does not give assurance that students will ever catch up.

The cover letter to the revised petition, dated June 2009, indicates that "all references to exactly one year of academic growth per student per year have been eliminated from the petition" and the petitioners "have clarified that it is the goal that each student will progress *at least one year* of academic growth per student per year."

With the disclosure that the academy has determined that a "reasonable projection of the average daily attendance (ADA) for the 2009-10 school year is 80%" any prognosis for students' acceleration is unfounded. Even the stated goal to reach a 90% attendance rate (with no timeline for improvement given), the ADA objective falls short of the District's current rate and does not support the goals specified.

The revised petition, dated June 2009, indicates that it is "Crown Ridge Academy's intent to target those students who have already dropped out of school or are at risk of doing so" and they maintain that "a 90% attendance rate is a reasonable goal." That said, the revised petition goes further to stipulate that the academy will "constantly strive to improve this attendance rate above the stated 90%" and that attendance rates for students that are with the charter school for multiple years will demonstrate attendance rates "appreciably over 90%."

The amended petition now 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:** Other than an indication that "teachers use information from a variety of ongoing assessments to plan and adjust learning opportunities" there is no reference to specific types of "academic support" that will follow the administration of assessments beyond reference to "supplemental academic enrichment programs" for students two or more years below grade

level. Without a systematic approach specified to accelerate student growth, a single year of academic growth in any given year is all that could be expected and would not suffice to assure that struggling students would ever “catch up.” While the petition states that “staff will be trained to identify students who are struggling and help these students meet benchmarks and power standards for grade level,” the stated plan to “develop additional group intervention classes either during, before, or after school” suggests a lapse in support and likelihood that students who are already behind, will not make necessary gains.

The cover letter to the revised petition, dated June 2009, indicates that “all references to exactly one year of academic growth per student per year have been eliminated from the petition” and the petitioners “have clarified that it is the goal that each student will progress *at least one year* of academic growth per student per year.” The revised petition, dated June 2009, indicates that “student placement in intervention classes providing additional support in math or literacy will be based on students’ scores on baseline and interim assessments and teacher referral” and that “students’ progress will be monitored regularly and students who do not show improvement will be referred to the Student Success Team to adjust and more closely monitor the success of the plans.”

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

The revised petition, dated June 2009, indicates that direct instruction techniques will be used in core content areas to “improve ELs’ acquisition of reading skills necessary to unlock unfamiliar words, along with other key skills in reading and writing.” Specific mention is given to the “use of Crown Ridge Academy’s identified ELD curriculum-embedded assessments” that will be administered at least three times each year. Appendix B to the petition indicates that “mastery of ELD reading standards will be monitored through running records and Basic Reading Inventory Assessments” and that “mastery of ELD writing standards will be monitored through student writing assessments” and “progress of oral language proficiency is monitored using school developed Oral Language Assessments.”

The revised petition meets the requirements of this element.

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

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

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

The cover letter to the revised petition, dated June 2009, indicates that “the founding team invited appropriate, non-compensated community members with whom the team has some level of connection and who will bring needed expertise to the board. Once seated, these board members have an ethical, fiduciary, and legal obligation to act in a non-conflicted manner.” The petitioners further state that “we believe there is no inherent conflict of interest in the founding team having some level of connection with the initial board members.”

The information provided meets this element requirement.

**Conclusion:**

The amended petition meets all the element requirements stipulated in Education Code section 47605-47608. The District staff recommends that the Board of Education approve this charter petition submitted by Crown Ridge Academy.

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

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

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

Or

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

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10.3 Amendments to BP 0420.4 Charter School Petitions (Second Reading)  
(Prepared by Student Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Board of Education approves the amendments to BP 0420.4 Charter School Petitions as presented.

10.4 Amendments to BB 9110 Terms of Office (First Reading)  
(Prepared by Superintendent)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Board of Education accepts the amendments to BB 9110 Terms of Office as a first reading.

10.5 Amendments to BB 9230 Orientation (First Reading)  
(Prepared by Superintendent)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Board of Education accepts the amendments to BB 9230 Orientation as a first reading.

10.6 Amendments to BB 9324 Minutes and Recordings (First Reading)  
(Prepared by Superintendent)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Board of Education accepts the amendments to BB 9324 Minutes and Recordings as a first reading.

10.7 Quarterly Uniform Complaint Report Summary  
(Prepared by the Employee Relations Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the findings of the Quarterly Uniform Complaint Report Summary for the period of April to June 2009.

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10.8 Adoption of 2010-2011 Traditional and Continuous Year-Round (60-20) Calendars  
(Prepared by Certificated Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education receives and accepts the 2010-2011 Traditional and Continuous Year-Round (60-20) Calendars.

10.9 Personnel Report #2, dated July 21, 2009  
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #2, dated July 21, 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 #2, dated July 21, 2009, be approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

**SESSION NINE - Closed Session**

***11.0 Closed Session***

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

**Student Matters/Discipline**

**Conference with Labor Negotiator**

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

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



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**Public Employee Discipline/Dismissal/Release**

**Public Employee Appointment**

Title: Elementary Principal-Anderson School  
High School AAIAC

**SESSION TEN – Open Session**

**12.0 Action Reported from Closed Session**

**SESSION ELEVEN - Closing**

**13.0 Adjournment**

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 4, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The District is committed to provide equal access to individuals with a disability to open and public meetings. For information on the availability of disability-related aids or services to enable any person with a disability to participate in a public meeting and/or to request reasonable accommodations, please contact:

Marie Arakaki, Affirmative Action Director  
777 North F Street  
San Bernardino, CA 92410  
(909) 381-1122  
(909) 381-1121 fax  
email: [marie.arakaki@sbcusd.k12.ca.us](mailto:marie.arakaki@sbcusd.k12.ca.us)

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

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

Posted: July 17, 2009