

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

December 1, 2009

Estimated Time

SESSION ONE - Opening

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

SESSION TWO - Special Presentations

- 2.0 Special Presentations** **5:35 p.m.**
2.1 Recognition of Marisa Rivas
2.2 Best Buy Check Presentation

SESSION THREE – Student Report/School Showcase

- 3.0 Student Report/School Showcase** **5:45 p.m.**
3.1 Sierra High School

SESSION FOUR – Other Matters Brought By Citizens

- 4.0 Other Matters Brought by Citizens** **6:00 p.m.**

SESSION FIVE - Reports and Comments

- 5.0 Report by Board Members** **6:15 p.m.**
5.1 Legislative Update
- 6.0 Report by Superintendent and Staff Members** **6:30 p.m.**

SESSION SIX - Legislation and Action

- 7.0 Consent Items (When considered as a group, unanimous approval is advised.)** **6:45 p.m.**
7.1 Approval of Minutes
7.2 Approval of Date for the Annual Organizational Meeting of the Board of Education
7.3 Payment of Master Teachers – University of Redlands
7.4 Request for Waiver of California High School Exit Exam (CAHSEE) Passage

Board of Education Meeting
December 1, 2009

- Requirement for Students with a Disability
- 7.5 Acceptance of Gifts and Donations to the District
- 7.6 Commercial Warrant Registers for Period from November 1, through November 15, 2009
- 7.7 Payment for Course of Study Activities
- 7.8 Sale of Used District Covered Electronic Waste (CEW/Non-CEW)
- 7.9 Hinshaw & Culbertson LLP Legal Services for Personnel Commission
- 7.10 Agreement with Consortium on Reading Excellence (CORE) to Provide Academic Coaching to Principal and Coaches at Hunt Elementary School
- 7.11 Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Curtis Middle School
- 7.12 Agreement with Scholastic, Inc., for Scholastic Reading Counts! Student Access Licenses
- 7.13 Facilities Use Agreement with Edgehill Club
- 7.14 Amendment to the Agreement with HMC Architects for Architectural and Engineering Services for Groups 6, 7, and 9 - Modernization Projects
- 7.15 Amendment to the Agreement with Bell Roof Company, Inc., for Roofing Installation and Repair - Districtwide
- 7.16 Amendment to the Agreement with Mike's Custom Flooring for Flooring Installation and Repair - Districtwide
- 7.17 Amendment to the Agreement with Petersen Tile, Inc., for Ceramic Tile Installation and Repair - Districtwide
- 7.18 Amendment to the Agreement with Universal Asphalt Company, Inc., for Paving and Repair - Districtwide
- 7.19 Amendment No. 2 to the Agreement with PJHM Architects for Architectural and Engineering Services for Lytle Creek K-8 School Project
- 7.20 Amendment No. 6 to the Agreement with Edward V. Regan for DSA Inspection Services for Modernization Projects at Various Sites
- 7.21 Resolution of the Board of Education of the San Bernardino City Unified School District Approving the Notices of Exemption from the California Environmental Quality Act ("CEQA") for the Proposed Modernization of Existing Facilities at Sierra, San Andreas and Pacific High Schools and Delegating Authority to District Staff to Execute CEQA Documents
- 7.22 Expulsion of Student(s)
- 7.23 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 7.24 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 7.25 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 7.26 Revocation of Suspension of Expulsion

Board of Education Meeting
December 1, 2009

- 7.27 Lift of Expulsion of Student(s)
- 7.28 Failure to Recommend Mandatory Expulsion 48915
- 7.29 Petition to Expunge, Rescind, or Modify Expulsion
- 7.30 Education Code 48213

8.0 Action Items

- 8.1 Review of the Charter Petition for Legends Preparatory Academy
- 8.2 Approval of Date for the Annual Organizational Meeting of the Board of Education
- 8.3 Personnel Report #11, Dated December 1, 2009

SESSION SEVEN - Closed Session

9.0 Closed Session 7:00 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

SESSION EIGHT – Open Session

10.0 Action Reported from Closed Session 8:00 p.m.

SESSION NINE - Closing

11.0 Adjournment 8:05 p.m.

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

Posted: November 25, 2009

Board of Education Meeting
December 1, 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

December 1, 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 Recognition of Marisa Rivas
(Prepared by Superintendent)

Richardson PREP HI teacher Marisa Rivas recently received the \$25,000 Milken Education Award from the Milken Family Foundation. The Board would like to recognize Ms. Rivas for receiving this award.

- 2.2 Best Buy Check Presentation
(Prepared by Curriculum/Instruction & Accountability Division)

Jeff King, Store Manager of Best Buy Stores, San Bernardino, will present a check to the District. The check represents a sponsorship that will fund the A.S.T.E.R.I.S.K. Program in the areas of professional development training and student internships. This sponsorship will enhance the program by allowing additional students the opportunity in the program to develop interpersonal and employment skills within the District and community agencies.

SESSION THREE – Student Report/School Showcase

3.0 *Student Report/School Showcase*

- 3.1 Sierra High School

SESSION FOUR – Other Matters Brought By Citizens

4.0 *Other Matters Brought by Citizens*

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

SESSION FIVE - Reports and Comments

5.0 *Report by Board Members*

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

5.1 Legislative Update

6.0 *Report by Superintendent and Staff Members*

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

SESSION SIX - Legislation and Action

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

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

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

It is recommended that the following resolution be adopted:

Board of Education Meeting
December 1, 2009

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on November 3, 2009, be approved as presented.

7.2 Approval of Date for the Annual Organizational Meeting of the Board of Education
(Prepared by Superintendent)

Education Code Sections 35143 and 72000(c)(2)(A) require that governing boards hold an annual organizational meeting and that each member of the Board be notified in writing of the date and time selected. The organizational meeting must be held at the first meeting within 15 days commencing with and including the first Friday in December (December 4-18, 2009). The organizational meeting must be selected by the Board at its regular meeting held immediately prior to the first day of this 15-day period (December 1, 2009).

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District establishes December 15, 2009, as the date of the official Annual Organizational Meeting.

7.3 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 0224892 from the University of Redlands in the amount of \$500.00 for master teachers. 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 as provided for in the Agreement with the University of Redlands, as follows:

Anderson, Catherine	\$100.00	Doussett, Julie	\$100.00
Escalante, Pelagia	\$100.00	Hill, Ronda	\$100.00
Motley, Lillie	\$100.00		

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

Education Code Section 60851(a) provides that “Commencing with the 2003-04 school year and each school year thereafter, each pupil completing Grade 12 shall successfully pass the exit

examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.” Waiver of the successful passage of the CAHSEE is allowed under Specific Code Section: E.C. 56101: “...the waiver is necessary or beneficial to the content and the implementation of the pupil’s individualized education program...” Waiver of the successful passage of the California High School Exit Exam (CAHSEE) is requested for the specific students with the birthdates listed below:

04/02/1991 07/26/1991

It is recommended that the following resolution be adopted:

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

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

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

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

SITE	DONOR	DONATION AND PURPOSE	CASH
Lincoln Elementary School	Forms at Ten, Inc.	\$300.00 to sponsor the Father/Son Seminar at Lincoln	\$300.00
Manuel A. Salinas Elementary School	Mr. Gaspar Uribe	\$100.00 to sponsor the 4th Grade Pizza Parties	\$100.00

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education acknowledges receipt of \$300.00, Forms at Ten, Inc.; and \$100.00, Mr. Gaspar Uribe.

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

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

Board of Education Meeting
December 1, 2009

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Commercial Warrant Register for period from November 1, through November 15, 2009, be approved.

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

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

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

Lincoln Elementary School wishes to hire Dream Shapers for a presentation entitled “Wildlife Company Animals 101,” on December 9, 2009. This presentation addresses animal habitats and adaptations and works to meet State Science Standards. The cost, not to exceed \$400.00, will be paid from Lincoln Elementary School Account No. 039.

It is recommended that the following resolution be adopted:

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

Dream Shapers for a presentation entitled “Wildlife Company Animals 101,” on December 9, 2009. The cost, not to exceed \$400.00, will be paid from Lincoln Elementary School Account No. 039.

7.8 Sale of Used District Covered Electronic Waste (CEW/Non-CEW)
(Prepared by Business Services Division)

The Purchasing Department requests Board of Education approval to sell CEW/Non-CEW obsolete computers, copier equipment and peripherals, including but not limited to, CPUs, monitors, copiers, televisions, keyboards, mice, printers, servers, and storage devices, in accordance with Education Code Section 17545. Most of the equipment is broken or are incomplete units.

These computers, copiers and peripherals are no longer of use to the District and not suitable for donation, due to their age and lack of software support. During the recycling process, all computer equipment will be destroyed.

Board of Education Meeting
December 1, 2009

RFP 11-09 was awarded by the Board of Education on August 4, 2009, to eWaste Center, Inc., Commerce, CA, as the highest responsible bidder for the purchase of used CEW/Non-CEW for recycling.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board awarded RFP 11-09 for the Sale of CEW/Non-CEW to eWaste Center, Inc., Commerce, CA, on August 4, 2009, to include the purchase of additional CEW/Non-CEW equipment and peripherals for recycling from the District for a one-year term, and all extensions, not to exceed five years. During the awarded term, the District will present new Board-approved computer and peripheral surplus lists to the awarded bidder with option to buy CEW at \$.24 per pound and Non-CEW at \$.04 per pound. Proceeds from the sale shall be deposited into the Warehouse Recycling Fund.

BE IT FURTHER RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declare the following items as surplus to District needs and are unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated November 18, 2009.

7.9 Hinshaw & Culbertson LLP Legal Services for Personnel Commission
(Prepared by Business Services Division)

Education Code 45313 provides that if the District's legal counsel is compelled to refuse to aid or represent the Personnel Commission in a legal matter because a conflict exists between the interests of the Commission and the interests of the Board of Education, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the District. The Personnel Commission has employed Hinshaw & Culbertson LLP, Los Angeles, CA, to provide legal services necessitated by the District's legal counsel's ongoing conflict of interest in providing representation to the Personnel Commission in accordance with Education Code 45313. Costs, not to exceed \$100,000.00, will be paid from unrestricted general funds.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment of invoice(s) submitted by Hinshaw & Culbertson LLP for the reasonable cost of legal services necessitated by the District's legal counsel's ongoing conflict of interest in providing representation to the Personnel Commission in accordance with Education Code 45313, where such invoice(s) have been approved by the Personnel Commission. Costs, not to exceed \$100,000.00, will be paid from unrestricted general funds.

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

Board of Education Meeting
December 1, 2009

7.10 Agreement with Consortium on Reading Excellence (CORE) to Provide Academic Coaching to Principal and Coaches at Hunt Elementary School
(Prepared by Business Services Division)

Hunt Elementary School requests Board of Education approval to enter into an agreement with CORE, Berkeley, CA, to provide academic coaching support to the site principal and teachers to establish the PLC model on campus, effective December 2, 2009, through June 30, 2010. The fee, not to exceed \$43,295.00, will be paid from the Restricted General Fund—High Priority Schools Grant Program/SAIT Corrective, Account No. 499.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with CORE, Berkeley, CA, to provide academic coaching support to site principal and teachers to establish the PLC model on campus, effective December 2, 2009, through June 30, 2010. The fee, not to exceed \$43,295.00, will be paid from the Restricted General Fund—High Priority Schools Grant Program/SAIT Corrective, Account No. 499.

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

7.11 Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Curtis Middle School
(Prepared by Business Services Division)

Curtis Middle School requests Board of Education approval to enter into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 125 parents of District students enrolled at Curtis Middle School, effective January 20, through March 17, 2010. The Parent Institute will recruit parents by phone, provide a needs assessment session, and provide a series of weekly training sessions. The training sessions will culminate in a graduation with certificates given to parents who attend four sessions. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act Title I, Account No. 501.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 125 parents of District students enrolled at Curtis Middle School, effective January 20, through March 17, 2010. The Parent Institute will recruit parents by phone, provide a needs assessment session, and provide a series of weekly training sessions. The training sessions will culminate in a graduation with certificates given to parents who attend four sessions. The training will

Board of Education Meeting
December 1, 2009

provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act Title I, Account No. 501.

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

7.12 Agreement with Scholastic, Inc., for Scholastic Reading Counts! Student Access Licenses
(Prepared by Business Services Division)

The Elementary Instruction Department requests Board of Education approval to enter into an agreement with Scholastic, Inc., New York, NY, for Scholastic Reading Counts! student access licenses for K-12 schools, effective December 3, 2009, through November 30, 2012. The cost, not to exceed \$174,189.00, incorporates a 50 percent discount, and, for the 2009-2010 School Year, will be paid by split funding as follows: \$26,116.00 to be paid from Restricted General Fund-Title II Educational Services, Account No. 538; and \$32,000.00 to be paid from Restricted General Fund – No Child Left Behind, Title I, Part B, Reading First Program, Account No. 506.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Scholastic, Inc., New York, NY, for Scholastic Reading Counts! student access licenses for K-12 schools, effective December 3, 2009, through November 30, 2012. The cost, not to exceed \$174,189.00, incorporates a 50 percent discount, and, for the 2009-2010 School Year, will be paid by split funding as follows: \$26,116.00 to be paid from Restricted General Fund-Title II Educational Services, Account No. 538; and \$32,000.00 to be paid from Restricted General Fund – No Child Left Behind, Title I, Part B, Reading First Program, Account No. 506.

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

7.13 Facilities Use Agreement with Edgehill Club
(Prepared by Business Services Division)

The Professional Development Department requests Board of Education approval to enter into a facilities use agreement with Edgehill Club, San Bernardino, CA, for the use of its hall on December 3, 4, 7, 2009, and January 12-13, 2010. The cost, not to exceed \$1,000.00, will be paid from the Restricted General Fund-Title II Educational Services, Account No. 538.

It is recommended that the following resolution be adopted:

Board of Education Meeting
December 1, 2009

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with Edgehill Club, San Bernardino, CA, for the use of its hall on December 3, 4, 7, 2009, and January 12-13, 2010. The cost, not to exceed \$1,000.00, will be paid from the Restricted General Fund-Title II Educational Services, Account No. 538.

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

7.14 Amendment to the Agreement with HMC Architects for Architectural and Engineering Services for Groups 6, 7, and 9 - Modernization Projects
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with HMC Architects, Ontario, CA, originally approved by the Board on March 20, 2001. This amendment is for additional services for design reconfiguration and contract administration for Groups 6, 7, and 9 - Modernization Projects. These additional services include field investigation, mechanical equipment and ductwork engineering, fire alarm system and equipment engineering, lighting and ceiling design, and an ADA-compliant path of travel not included in the original scope of services.

<u>Group 6</u>	
Anderson ES	\$ 6,300.00
Del Rosa ES	9,770.00
Monterey ES	8,900.00
Wilson ES	8,835.00
Subtotal:	33,805.00
<u>Group 7</u>	
Ramona-Alessandro ES	46,789.00
Marshall ES	27,549.00
Subtotal:	74,338.00
<u>Group 9</u>	
Inghram ES	33,799.00
Lytle Creek ES	21,329.00
Richardson PREP HI MS	36,729.00
Subtotal:	91,857.00
TOTAL:	\$200,000.00

The total cost, not to exceed \$200,000.00, plus approved reimbursables, will be paid from Funds 21, 35, and 40. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

Board of Education Meeting
December 1, 2009

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects, Ontario, CA, to provide additional services for design reconfiguration and contract administration for Groups 6, 7, and 9 - Modernization Projects. The total cost, not to exceed \$200,000, plus approved reimbursables, will be paid from Funds 21, 35, and 40. All other terms and conditions remain the same.

<u>Group 6</u>	
Anderson ES	\$ 6,300.00
Del Rosa ES	9,770.00
Monterey ES	8,900.00
Wilson ES	8,835.00
Subtotal:	33,805.00
<u>Group 7</u>	
Ramona-Alessandro ES	46,789.00
Marshall ES	27,549.00
Subtotal:	74,338.00
<u>Group 9</u>	
Inghram ES	33,799.00
Lytle Creek ES	21,329.00
Richardson PREP HI MS	36,729.00
Subtotal:	91,857.00
TOTAL:	\$200,000.00

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

7.15 Amendment to the Agreement with Bell Roof Company, Inc., for Roofing Installation and Repair - Districtwide
(Prepared by Facilities/Operations Division)

The Facilities Management/Maintenance & Operations Department requests Board of Education approval to amend the agreement with Bell Roof Company, Inc., San Bernardino, CA, originally approved by the Board on September 1, 2009, for roofing installation and repair throughout the District as needed, at the amount of \$470.00 composite unit price. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the total amount of \$470.00 composite unit price. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

Board of Education Meeting
December 1, 2009

BE IT RESOLVED that the Board of Education approves amending the agreement with Bell Roof Company, Inc., San Bernardino, CA, for roofing installation and repair throughout the District as needed. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the previously approved total amount of \$470.00 composite unit price. All other terms and conditions remain the same.

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

7.16 Amendment to the Agreement with Mike's Custom Flooring for Flooring Installation and Repair - Districtwide
(Prepared by Facilities/Operations Division)

The Facilities Management/Maintenance & Operations Department requests Board of Education approval to amend the agreement with Mike's Custom Flooring, San Bernardino, CA, originally approved by the Board on June 17, 2008, for flooring installation and repair throughout the District as needed, at the amount of \$15.11 composite total. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the amount of \$15.11 composite total. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Mike's Custom Flooring, San Bernardino, CA, for flooring installation and repair throughout the District as needed. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the previously approved amount of \$15.11 composite total. All other terms and conditions remain the same.

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

7.17 Amendment to the Agreement with Petersen Tile, Inc., for Ceramic Tile Installation and Repair - Districtwide
(Prepared by Facilities/Operations Division)

The Facilities Management/Maintenance & Operations Department requests Board of Education approval to amend the agreement with Petersen Tile, Inc., Colton, CA, originally approved by the Board on April 1, 2008, for ceramic tile installation and repair throughout the District as needed, at the amount of \$4.76 composite total. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the amount of \$4.76 composite total. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Petersen Tile, Inc., Colton, CA, for ceramic tile installation and repair throughout the District as needed. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the previously approved amount of \$4.76 composite total. All other terms and conditions remain the same.

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

7.18 Amendment to the Agreement with Universal Asphalt Company, Inc., for Paving and Repair - Districtwide
(Prepared by Facilities/Operations Division)

The Facilities Management/Maintenance & Operations Department requests Board of Education approval to amend the agreement with Universal Asphalt Company, Inc., Santa Fe Springs, CA, originally approved by the Board on May 6, 2008, for paving and repair throughout the District as needed, at the amount of \$1.469 composite total. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the amount of \$1.469 composite total. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

Board of Education Meeting
December 1, 2009

BE IT RESOLVED that the Board of Education approves amending the agreement with Universal Asphalt Company, Inc., Santa Fe Springs, CA, for paving and repair throughout the District as needed. This amendment is necessary to identify and add additional Facilities funding sources for the capital need assessment projects including modernization, rehabilitation, and code upgrades. The additional funds are: Funds 21 – Building Fund; 35 – School Facilities Aid Program; and 40 – Special Reserve for Capital Outlay Project, at the previously approved amount of \$1.469 composite total. All other terms and conditions remain the same.

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

7.19 Amendment No. 2 to the Agreement with PJHM Architects for Architectural and Engineering Services for Lytle Creek K-8 School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with PJHM Architects, San Clemente, CA, originally approved by the Board on December 20, 2005, for architectural and engineering services at the Lytle Creek K-8 School project. This amendment will extend the ending date from December 31, 2009, to June 30, 2014. This amendment is to allow for standard agencies approvals and construction activities concerning the project. There is no additional cost. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with PJHM Architects, San Clemente, CA, for architectural and engineering services at the Lytle Creek K-8 School project. This amendment will extend the agreement ending date from December 31, 2009, to a new ending date of June 30, 2014. This amendment is to allow for standard agencies approvals and construction activities concerning the project. There is no additional cost. All other terms and conditions remain the same.

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

7.20 Amendment No. 6 to the Agreement with Edward V. Regan for DSA Inspection Services for Modernization Projects at Various Sites
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Edward V. Regan, San Clemente, CA, originally approved by the Board on November 4, 2003, for DSA inspection services for modernization projects at Kimbark, Muscoy, and Vermont Elementary Schools and King Middle School. This amendment will extend the

Board of Education Meeting
December 1, 2009

ending date from December 31, 2009, to December 31, 2010. There is no additional cost. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Edward V. Regan, San Clemente, CA, for DSA inspection services for modernization projects at Kimbark, Muscoy and Vermont Elementary Schools and King Middle School. This amendment will extend the ending date from December 31, 2009, to December 31, 2010. There is no additional cost. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 6.

- 7.21 Resolution of the Board of Education of the San Bernardino City Unified School District Approving the Notices of Exemption from the California Environmental Quality Act ("CEQA") for the Proposed Modernization of Existing Facilities at Sierra, San Andreas and Pacific High Schools and Delegating Authority to District Staff to Execute CEQA Documents
(Prepared by Facilities/Operations Division)

The proposed Modernization Projects will not increase capacity of facility; therefore, the Projects qualify under State CEQA Guidelines, Class 1; Section 15301, as categorically exempt from the California Environmental Quality Act ("CEQA"). Notices of Exemption will be filed with the County Clerk's office by District staff upon approval of the Projects, and no further actions pursuant to CEQA will be required.

It is recommended that the following resolution be adopted:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING THE NOTICES OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE PROPOSED MODERNIZATION OF EXISTING FACILITIES AT SIERRA, SAN ANDREAS AND PACIFIC HIGH SCHOOLS; AND DELEGATING AUTHORITY TO DISTRICT STAFF TO EXECUTE CEQA DOCUMENTS

WHEREAS, the District proposes modernization of existing facilities at:

SIERRA HIGH SCHOOL: 570 E. Ninth St. San Bernardino, CA 92410 (Property);
SAN ANDREAS HIGH SCHOOL: 3232 E. Pacific St., Highland, CA 92346 (Property);
PACIFIC HIGH SCHOOL: 1020 Pacific St., San Bernardino, CA 92404 (Property), and,

WHEREAS, the Board has reviewed the Notices of Exemption.

Board of Education Meeting
December 1, 2009

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

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

Section 2 – Compliance with CEQA. That the Board reviewed and considered the information contained in the Notices of Exemption, and finds that the Projects are exempt pursuant to State CEQA Guidelines, Class 1; Section 15301.

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

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

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

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

It is recommended that the following resolution be adopted:

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

*(S)10/3/1995 *(S)11/8/1992 *(S)5/14/1992 *(S)4/1/1993 12/11/1992 **4/5/1993
*(S)9/1/1995 *(S)5/17/1994 *(S)11/12/1991 *(S)3/4/1994

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

**The Board does hereby expel the pupil for a period of one semester, and does hereby order the enforcement of the expulsion suspended for the following semester, allowing him/her to be

considered for re-enrollment in the district under suspended expulsion as deemed appropriate for the rehabilitation of the pupil, per Education Code section 48917.

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

- 7.23 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.

1/7/1995 4/2/1996

- 7.24 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:

10/24/1993

Board of Education Meeting
December 1, 2009

7.25 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:

6/26/2000

7.26 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:

12/22/1997

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

7.27 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:

9/2/1993 12/28/1991

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

It is recommended that the following resolution be adopted:

Board of Education Meeting
December 1, 2009

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

7.29 Petition to Expunge, Rescind, or Modify 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.

7.30 Education Code 48213
(Prepared by Youth Services Department)

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

8.0 Action Items

8.1 Review of the Charter Petition for Legends Preparatory Academy (Prepared by Student Services Division)

The Legends Preparatory Academy (LPA) Charter School Petition was submitted to the District on October 7, 2009. A Public Hearing was conducted at the November 3, 2009 Board Meeting and Board Action regarding the Legends Preparatory Academy petition is scheduled for December 1, 2009. District staff has conducted a review of the petition and legal counsel was secured for consultation and guidance.

Education Code section 47605(b) states that the governing board of a school district shall not deny a charter until it has conducted its own independent review of the charter and unless the board makes certain specified findings. Specifically, Education Code section 47605(b)(1)-(5) sets forth the grounds upon which a school board may deny a charter petition. These grounds are as follows:

- The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain the requisite number of signatures.
- The petition does not contain the requisite affirmations set forth in 47605(d).
- The petition does not contain a reasonably comprehensive description of all of the elements set forth in Education Code section 47605(b)(5)(A)-(P).

Charter petitions must contain a “reasonably comprehensive description” of sixteen (16) elements. (Ed. Code, § 47605(b)(5)(A)-(P).) “Reasonably comprehensive” is a subjective term, and different school boards may have different opinions as to what is and what is not a comprehensive description of a required element.

A governing board may consider and determine whether the substance of a charter element is in conflict with, inconsistent with, or preempted by any law, regulation, or pertinent District or county office policy or practices. (*See* Ed. Code, § 35160.)

In addition to the sixteen (16) elements, the Education Code also specifies several other legal standards and obligations with which a charter school petition is to comply. These elements include, but are not limited to, the elements set forth in Education Code section 47605(g), which states, in pertinent part, the following:

Board of Education Meeting
December 1, 2009

“The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.”

District staff and legal counsel’s (Sukhi Sandhu, Attorney at Law with Atkinson, Andelson, Loya, Ruud & Romo) review of the charter petition and the findings indicate that the petition for the Legends Preparatory Academy does not contain a reasonably comprehensive description of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608. Further, staff and legal counsel find that the petition potentially presents an unsound educational program for the pupils to be enrolled in the charter school; that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and the petition does not contain appropriate signatures.

Specific concerns regarding the petition and supporting documents:

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 ten (10) names, signatures and credential numbers for teachers who express, by virtue of their signatures that they are meaningfully interested in teaching at the charter. The petition identifies an enrollment projection of 240 ninth grade students for the 2010-2011 school year with an increase of 240 students each subsequent year as the school adds grade 10 in 2011-2012, grade 11 in 2012-2013, and grade 12 in 2013-2014. The number of signatures presented in the petition meets the Education Code requirement for teachers’ endorsement for the first year of operation. However, the qualifications of the teachers indicating meaningful interest are not sufficient to meet the curricular requirements for ninth grade students in 2010-2011. Further, as discussed in length below, the Charter School does not meet the requirements of Education Code in that it does not require that the teachers of College Preparatory classes be fully credentialed. As the school is purporting to be a college preparatory academy, it is imperative that the teachers be fully qualified in college preparatory classes.

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

Findings:

Staffing: The petition does not adequately address the provisions of services pursuant to IDEIA and Section 504. The District is obligated to ensure that a proposed school will meet the needs of individuals with exceptional needs in accordance with state and federal law (Ed. Code §47605.7(b)). The District has numerous concerns regarding the proposed language in the petition related to the provision of services pursuant to IDEIA and Section 504. The petition states that it is the petitioners' understanding that the District will be responsible for the hiring, training, and employment of site staff necessary to provide special education services to its students. It is the responsibility of the Legends Preparatory Academy to employ two (2) coordinators for the facilitation of IDEIA and 504 procedures. Yet neither the petition nor the budgetary documents account for the employment of such persons.

IEP Implementation: As an initial matter, the petitioners have failed to demonstrate that they have a complete and comprehensive understanding of the manner in which special education services are to be provided to students. For example, the petition states that the District shall be responsible for all school site implementation of the IEP. The petition should instead state that the school site implementation of the IEP is a shared responsibility between LPA and the District (SELPA). And that the LPA would provide modifications and accommodations (outlined within each individual's IEP) in the general education environment taught by the general education (LPA) teacher.

Interim and Initial Placements of LPA Students: The petition states that the District and LPA shall conduct an IEP meeting within 30 days for special education students who enroll at the school from another school district outside of the San Bernardino SELPA. The petition should further indicate that the LPA shall provide notification to the District SELPA within five (5) days of a student enrolling with a current IEP.

Nonpublic Placements: The petition states that LPA shall be solely responsible for selecting, contracting with, and overseeing all nonpublic schools and nonpublic agencies used to serve special education students. As the school will not be opening as its own LEA for purposes of the provision of special education services, the petition should provide that it is the sole responsibility of the District SELPA.

English Language Learners: The petition provides a general statement regarding how the school will follow all State and Federal requirements; however, no specifics are provided. As a significant portion of the student population is ELL students, it is imperative that the petition contain specifics as to the manner in which these students will be educated. The petition indicates that the SOLOM instrument will be used to measure progress in students' comprehension, fluency, vocabulary, punctuation, and grammar usage. SOLOM is an oral assessment measure and can be extremely subjective. This single measure and the review reveals that only proposed strategies for instruction and intervention are Guided Language Acquisition Design (GLAD). While the petition provides detail regarding course offerings, there is no reference to English Language Development (ELD) being provided as a class or through

Board of Education Meeting
December 1, 2009

content delivery in other courses and no mention of ELD standards being addressed or used to provide instruction. State law clearly states that English Learners must receive ELD daily until reclassified. Finally, there is no mention of primary language testing or the required time period for monitoring, to be adhered to, once students have been reclassified. These findings reveal that there is insufficient structure and program design to assure a quality instructional program for English Learners at the Legends Preparatory Academy.

The petition does not meet this element requirement.

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

Findings:

The petition identifies School-Wide Outcomes (SWOs) that represent behaviors and skills that students will be expected to master. Along with the California State Education Standards, the SWOs define the foundation of what the charter will expect the students to know and be able to do upon graduation. The petition also identifies assessment measures for desired outcomes but neglects to reference expectations for English Learners in terms of ELD progress or achievement on state standardized tests (Title III requirements). There is no indication that CELDT and/or CST/CAHSEE results, expectations, or targets for English proficiency progress will be included with the identified measurable student outcomes or among the identified goals. The goals identified for the State and Federal mandatory student achievement measures do not provide a specific target of expected achievement and give no indication that a system is intended to address these targets with updates and alignment to new expectations annually.

The petition does not meet this element requirement.

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

Findings:

The petition indicates that LPA shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851. Once again, the petition neglects to reference expectations for English Learners in terms of ELD progress or achievement on state standardized tests (Title III requirements). There is no indication that CELDT and/or CST/CAHSEE results, expectations, or targets for English proficiency progress will be included with the identified measurable student outcomes or among the identified goals. There is no information provided to address requirements for formative and summative methods of assessment for ELD and grade level standards for English Learners.

The petition does not meet this element requirement.

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

Findings:

The charter petition provides that the non-profit corporation, Legends Preparatory Charter Schools, will govern LPA. The petition and the supporting documents (bylaws and articles of incorporation) identify the governance structure design for the school, the role, qualifications, and legal requirements of board members. The petition also indicates a number of advisory committees that will be chaired by board members. While the advisory committees will be open to “all staff members, parents, and community members,” there is no mention of how the charter school will “ensure” parental involvement.

While the petition indicates that the LPA will comply with all regulations set forth in the Brown Act, there is no such assurance for the Public Records Act. Charter schools, while exempt from many provisions of the Education Code, are not exempt from laws such as the Public Records Act applicable in general to public agencies. Additionally, the Conflict of Interest provisions only pertain to the members of the charter board of directors with no indication that employees of the charter will be held to the same provisions.

Further, legal counsel suggests that there is a likely probability that the petitioners do not have a comprehensive understanding of Government Code section 1090 and its applicability to the LPA and Legends Preparatory Charter Schools (LPCS). A review of the bylaws of the LPCS evidences a lack of any information or agreement to abide by the conflict of interest provisions applicable to public agencies, including charter schools. Although the petition provides indication the LPA will comply with the provisions of Government Code 1090, the bylaws of LPCS do not contain the same assurance. It is meaningless to have LPA agree to abide by these provisions without the same being true for the parent corporation that makes all decisions regarding operations and governance of LPA.

As a result of the foregoing, the petition does not meet this element requirement.

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

Findings:

The charter petition states that employees will be required to have fingerprinting and criminal background checks per Ed. Code 44237. However, the petition does not clarify in sufficient detail the process to be used to complete the Education Code requirement. There is no indication of where the fingerprinting will be completed, who will receive the information, what will happen to the information once reviewed, or what standard will be used to refuse employment based on the Education Code requirements. A statement that employees will be required to furnish a criminal record summary does not meet the intent or requirement of the law.

Board of Education Meeting
December 1, 2009

The petition stipulates that teachers of core academic subjects must have CLAD, CTEL, or BCLAD certification. CTEL is an examination and not an authorization.

The qualifications of the teachers who signed the petition indicating meaningful interest in teaching in the 2010-2011 school year are not sufficient to meet the curricular requirements for ninth grade students in 2010-2011. Further, as the school is purporting to be a college preparatory academy, it is imperative that the petition provide that teachers be fully qualified and credentialed in college preparatory classes. Based upon the teacher credentials submitted in the petition, of those teachers who state meaningful interest in teaching at the charter school, the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

The charter petition does not meet this element requirement.

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

Findings:

The petition does state that the charter will follow Education Code 49406 related to Tuberculosis screening; however, the petition does not describe in sufficient detail how the process will be executed. In addition, the petition does not address procedures for ongoing TB clearance requirements.

The petition does not meet the 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 identifies a goal and intent to achieve a balance that will come close to mirroring the student demographics of the local high schools. Strategies are outlined that reference an annual review of the student demographics, actions to address any significant disparities, marketing plans, and recruitment practices.

The petition does meet this element requirement.

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

Findings: The petition stipulates that LPA will admit all pupils who wish to attend the school as outlined in Education Code 47605. There is information pertaining to a public random lottery plan that would be facilitated in the event that the number of applications received exceeds

spaces available. Fair lottery procedures, lottery preference weightings, development and communication regarding any waiting list, and lottery record keeping are specified.

The petition does meet 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 petition review conducted by the District's Business Services Division concludes the following:

- The funding is overstated and the budget is unsound because it is based on overly aggressive projections;
- The Financial System that the charter school will implement is not disclosed in the petition;
- The charter school's revolving loan amount is overstated by \$350,000.00.
- The present financial condition of the American Sports Academy is unstable and could potentially jeopardize the charter and consequently, leasing classrooms from the American Sports Academy is considered to be a questionable strategy.

We find that the petitioners have used enrollment projections to build their budget that appear excessively large and there does not appear to be a valid and quantifiable basis to build this budget. It is also noted that there is no salary schedule included in the petition and that the petitioners intend to hire ten (10) teachers with an average salary of \$50,000.00. While the petitioners acknowledge that the proposed salary "may be lower than SBCUSD," we assert that this salary amount is far lower than that paid to the teachers in the local area and thus, the school may have difficulty recruiting qualified and appropriately credentialed personnel.

The petition does not meet this element requirement.

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

Findings: The petition includes a detailed description of student disciplinary procedures, including suspension and expulsion provisions and makes reference to the Education Code Section 48900 and 48915. Procedures for suspension and expulsion specify criteria for the following: A conference conducted by the Executive Director with the student and his/her parent or guardian; notification to parents (by phone with written notification to follow); length of suspensions; recommendations for expulsion; expulsion hearings; appeal of suspension and expulsion; rehabilitation plans; and, special education discipline.

Board of Education Meeting
December 1, 2009

While the petition suggests intent to adhere to discipline procedures that are consistent to the Education Code, distinctions are noted from law and the petitioner's proposed practices in both the length of suspensions and the appeal process.

The petition states that the length of suspension for students may not exceed a period of ten (10) continuous days. Education Code 48911 specifies a conflicting restriction on the number of days:

48911. (a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.

The petition indicates that appeals "will be heard by a fair and impartial panel of representatives assigned by the Legends Preparatory Academy Board of Directors" and that "the decision of the panel of representatives of the Board and Executive Director will be final." Education Code 48919 provides additional language and protections pertaining to the appeal process:

48919. If a pupil is expelled from school, the pupil or the pupil's parent or guardian may, within 30 days following the decision of the governing board to expel, file an appeal to the county board of education which shall hold a hearing thereon and render its decision.

The appeal process set forth is confusing and incomplete. As an initial matter, the petition provides that the suspension of a student is at the discretion of the executive director, yet it is the same individual who then considers the appeal of the suspension. Similarly, the expulsion, if heard by the Board can be appealed within ten (10) working days, but it is unclear who would be hearing the appeal beyond the claim that it would include "a fair and impartial panel of representatives." The failure to include this information and all steps in the process demonstrates a misunderstanding of the due process requirements for suspending or expelling a student.

While the petition does meet this element requirement, the practices outlined therein limit due process protections and therefore present the potential for an unsound educational program for the pupils to be enrolled in the charter school.

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

Findings:

The petition states that fulltime "classified" school faculty will participate in the State Teacher Retirement System (STRS) and that "all classified personnel will be eligible to participate in a 403B Retirement Plan." It is presumed that the intent is that fulltime "certificated" faculty will participate in STRS.

The petition does meet this element requirement.

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

Findings: The petition stipulates that LPA is a charter school of choice and that no child shall be required to attend. It further indicates that students whose parents choose for them not to attend the school can apply for another District school or request an intra-district transfer consistent with District policy.

The petition does meet this element requirement.

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

Findings: The petition does not mention collective bargaining agreements, procedures, or policies relating to the terms and conditions under which District employees may be employed at the charter school or employee rights upon leaving the District to work for the charter school.

The petition does not meet this element requirement.

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

Findings: The petition does not state that a charter school representative, District representative or their designees, shall meet and confer in an attempt to resolve the dispute. The petition does not contain the statement that the “San Bernardino City Unified School District reserves the right to take any action it deems appropriate and the school reserves the right to seek legal redress for any such actions under the law.” In addition, the dispute is not required to be referred to mediation in those cases where the District determines the violation constitutes a severe and imminent threat to the health and safety of the charter school staff or students. Additionally, this section contains a paragraph that appears to be completely unrelated to this requirement. The inclusion of this paragraph leads to unnecessary confusion.

Furthermore, it is the opinion of legal counsel that the dispute resolution provision in the proposed petition is not reasonably comprehensive. Specifically, the dispute resolution process set forth in the petition places unnecessary and cumbersome obligations upon the District, which are not required by the provisions of the Education Code.

The petition does not meet this element requirement.

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

Findings: The petition states that the LPA will be the exclusive public employer of all employees of the charter school and that the LPA will comply with all provisions of the Educational Employment Relations Act.

The petition does meet this element requirement.

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

Findings: The petition stipulates procedures that would be applied in the event that the school should close, for any reason. The procedures address matters of and timelines for parent notification, notification to SBCUSD, transfer of student records, notification to the California Department of Education, a financial closeout audit, submission of a final audit, and any required year-end financial reports to the California Department of Education and SBCUSD.

The petition does meet this element requirement.

Conclusion:

The Legends Preparatory Academy Charter Petition does not meet all the element requirements stipulated in Education Code section 47605-47608. The District does not recommend to the Board of Education to approve this charter petition submitted by Legends Preparatory Academy, based upon the following grounds for denial:

- The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain a reasonably comprehensive description of all of the sixteen elements set forth in EC section 47605 (b) (A-P).

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 Legends Preparatory Academy.

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

Board of Education Meeting
December 1, 2009

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

Or

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the Legends Preparatory Academy for an initial term of three years.

8.2 Approval of Date for the Annual Organizational Meeting of the Board of Education
(Prepared by Superintendent)

Education Code Sections 35143 and 72000(c)(2)(A) require that governing boards hold an annual organizational meeting and that each member of the Board be notified in writing of the date and time selected. The organizational meeting must be held at the first meeting within 15 days commencing with and including the first Friday in December (December 4-18, 2009). The organizational meeting must be selected by the Board at its regular meeting held immediately prior to the first day of this 15-day period (December 1, 2009).

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District establishes December 15, 2009, as the date of the official Annual Organizational Meeting.

8.3 Personnel Report #11, Dated December 1, 2009
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #11, dated December 1, 2009, which contains action such as hiring, retirements, resignations, promotions, and terminations involving certificated, classified, and other employees in the categories of noon duty aides, recreational supervisors, substitute employees, and others. These actions are consistent with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

The following resolution is recommended:

BE IT RESOLVED that the Personnel Report #11, dated December 1, 2009, be approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

Board of Education Meeting
December 1, 2009

SESSION SEVEN - Closed Session

9.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator:	Yolanda Ortega
Employee Organization:	California School Employees Association San Bernardino School Police Officers Association
District Negotiator:	Harold Vollkommer
Employee Organization:	Communications Workers of America San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

SESSION EIGHT – Open Session

10.0 Action Reported from Closed Session

SESSION NINE - Closing

11.0 Adjournment

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

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

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

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

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

Posted: November 25, 2009