

**San Bernardino City Unified School District**

Special Meeting of the Board of Education

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

**AGENDA INDEX**

May 11, 2010

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 Asian/Pacific-American Heritage Month
  - 2.2 Recognition of Cinco de Mayo
  - 2.3 Recognition of Day of the Teacher
  - 2.4 Recognition of Classified Employees Appreciation Week (May 16 - 22, 2010)

**SESSION THREE –Administrative Presentation**

- 3.0 Administrative Presentation** **5:40 p.m.**
- 3.1 Presentation on School Improvement Grant Update

**SESSION FOUR – Administrative Report**

- 4.0 Administrative Report** **6:30 p.m.**
- 4.1 Budget Update Fiscal Year 2010-2011

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

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

**SESSION SIX - Reports and Comments**

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

**SESSION SEVEN - Legislation and Action**

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

- 8.1 Approval of Minutes
- 8.2 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
- 8.3 Acceptance of Gifts and Donations to the District
- 8.4 Business and Inservice Meetings
- 8.5 Cafeteria Warrant Register, Ending March 31, 2010
- 8.6 Commercial Warrant Registers for Period from April 1, through April 15, 2010
- 8.7 Payment for Course of Study Activities
- 8.8 Payment for Services Rendered by Non-Classified Experts and Organizations
- 8.9 Federal/State/Local District Budgets and Revisions
- 8.10 Delegation of Purchasing Authority - Nutrition Services Department
- 8.11 Sale of Used District Covered Electronic Waste (CEW/Non-CEW)
- 8.12 Notification of Mediated Settlement Agreement OAH Case Number 2010030697
- 8.13 Notification of 10-Day Final Settlement Agreement OAH Case Number 2009120942
- 8.14 Extended Field Trip, CAPS Central, Alpine Meadows Outdoor Science School, Angeles Oaks, California
- 8.15 Extended Field Trip, Pacific High School, San Diego State University Football Camp, San Diego, California
- 8.16 Extended Field Trip, San Geronio High School, Serrano Campsite, Big Bear, California
- 8.17 Agreement for Nonpublic, Nonsectarian School/Agency Services with Hope, Inc., dba Hope Counseling and Family Therapy, Inc.
- 8.18 Agreement to Provide Off-Campus Training Facility for Patton State Hospital
- 8.19 Agreement with Boley Stewart to Provide Training in Anger Management to Parents of District Students
- 8.20 Agreement with CHAMPIONS to Provide Leadership Programs to Student Leadership Council Students from Arroyo Valley, Pacific, San Andreas, San Bernardino, and San Geronio High Schools
- 8.21 Agreement with Children's Resources to Provide Training in Culturally Relevant Learning Styles to District Students and their Parents
- 8.22 Agreement with JPR, Inc., dba Sylvan Learning Center in Rialto to Provide Academic Camps to Certain District Students
- 8.23 Facilities Use Agreement with Jerry Lewis Swim Center for Bradley Elementary School
- 8.24 Facilities Use Agreement with Jerry Lewis Swim Center for Davidson Elementary School
- 8.25 Food Service Agreements with Altus Academy, Casa Ramona Charter School, First Steps Child Development Center, and The Rock Church

- 8.26 Amendment No. 1 to the Agreement with WestEd to Administer the Biennial California Healthy Kids Survey
- 8.27 Amendment No. 1 to Notification of Mediated Settlement Agreement OAH Case Number 2009070030
- 8.28 Amendment No. 2 to the Facilities Use Agreement with National University
- 8.29 Amendment No. 3 to the Agreement with School Facility Consultants to Provide State Financial Hardship Services
- 8.30 Amendment No. 8 to the Agreement with HMC Group Architects to Provide Architectural and Engineering Services for Indian Springs High School New Construction/Old Curtis Middle School Modernization
- 8.31 Bid No. F08-12, Inghram, Lytle Creek and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools Modernization and Deferred Maintenance Project
- 8.32 Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107
- 8.33 Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107
- 8.34 Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107
- 8.35 Physical Education Exemptions
- 8.36 Expulsion of Student(s)
- 8.37 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 8.38 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 8.39 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 8.40 Revocation of Suspension of Expulsion
- 8.41 Lift of Expulsion of Student(s)
- 8.42 Failure to Recommend Mandatory Expulsion 48915
- 8.43 Petition to Expunge, Rescind, or Modify Expulsion
- 8.44 Education Code 48213

**9.0 *Action Items***

- 9.1 Amendment No. 5 to the Agreement with URS Corporation Program Management Services to Manage the Facilities Capital Improvement Program
- 9.2 Personnel Report #21, Dated May 11, 2010
- 9.3 In Recognition of Deceased Employees

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**SESSION EIGHT - Closed Session**

**10.0 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 Pursuant to Government Code Section 54957**

**Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(c) – One Case**

**Public Employee Appointment**

Title: Middle School Principal  
Provisional Personnel Commission Director

**SESSION NINE – Open Session**

**11.0 Action Reported from Closed Session**

**9:00 p.m.**

**11.1 SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
RESOLUTION TERMINATING SERVICES OF CERTIFICATED  
EMPLOYEES AS A RESULT OF REDUCTION OR  
DISCONTINUATION OF PARTICULAR KINDS OF SERVICES**

**SESSION TEN - Closing**

**12.0 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, May 18, 2010, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: May 7, 2010

**San Bernardino City Unified School District**

Special Meeting of the Board of Education

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

**AGENDA**

May 11, 2010

**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 Asian/Pacific-American Heritage Month  
(Prepared by the Communications Department)

**WHEREAS** during the month of May 2010, the San Bernardino City Unified School District joins others in California and the United States in celebrating the contributions of Asian/Pacific Americans; and

**WHEREAS** this observance allows us to consider the valuable contributions of Asian/Pacific Americans to the growth and development of our great state and nation in the areas of agriculture, business, government, industry, literature, science, and the fine arts; and

**WHEREAS** the Board of Education of the San Bernardino City Unified School District serves many Asian/Pacific students and recognizes the cultural diversities among the different Asian/Pacific-American groups, including Bengali, Burmese, Cambodian, Chinese, Filipino, Hawaiian, Hmong, Indonesian, Japanese, Korean, Lao, Malayan, Okinawan, Thai, Pakistani, Vietnamese, Samoan, Asian-Indian, and others; and

**WHEREAS** the San Bernardino City Unified School District has a responsibility in promoting the knowledge and understanding that can be gained by all, regardless of race, through appropriate ceremonies and activities celebrating Asian/Pacific-American heritage;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District declares May 2010 Asian/Pacific-American Heritage Month.

2.2 Recognition of Cinco de Mayo  
(Prepared by the Communications Office)

**WHEREAS** the date May 5, 1862, marks a vital and significant time in the battle for Mexican independence; and

**WHEREAS** promoting knowledge of the importance and meaning of this date, Cinco de Mayo, is necessary so that our students know about the bravery and courage displayed by the Mexican people in their struggle for independence; and

**WHEREAS** all students in our community need to be aware of Mexican history and how it affects the Mexican people north of the United States/Mexico border, as well as south of the border; and

**WHEREAS** we live in a diverse community in which all groups have shared in the American dream and made the sacrifices and contributions to make America a great country; and

**WHEREAS** a special recognition of the meaning of Cinco de Mayo is taking place in California and nationwide this month;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District declares that schools in the District acknowledge the historical importance and heroism commemorated in the celebration of Cinco de Mayo and further that schools recognize the impact of Mexican culture and tradition on the history and friendship between Mexico and the United States.

2.3 Recognition of Day of the Teacher  
(Prepared by the Communications Department)

**WHEREAS** the Board of Education of the San Bernardino City Unified School District is honored each year to participate with other school districts throughout California in declaring a day to celebrate teachers; and

**WHEREAS** countries throughout the world recognize the importance of teachers, and Mexico has set aside *Día del Maestro*, which is celebrated May 15; and

**WHEREAS** we honor the women and men who make such a vital contribution to our community and our nation by teaching, motivating, supporting, nurturing, and preparing children and youth to become productive citizens of the future; and

**WHEREAS** May 12, 2010, has been designated "The Day of the Teacher" in California, honoring the thousands of women and men who have chosen the education profession, have accepted positions in the public schools, and who are building exemplary careers in this field; and

**WHEREAS** being a good teacher goes far beyond the act of merely delivering facts and information; good teachers encourage students to learn and strive for success, to develop lifelong skills on which the students' futures depend, and give support and guidance to children and youth during the formative years of their lives; and

**WHEREAS** additionally, May 14, 2010, has been chosen as the day to honor teachers in the San Bernardino City Unified School District, who are second-to-none in their chosen profession;

**THEREFORE, BE IT RESOLVED** that the members of the Board of Education of the San Bernardino City Unified School District, acting on behalf of the residents of the City of San Bernardino, take this opportunity to express their gratitude and appreciation to the teachers of the School District for their service, dedication, and professional excellence in providing quality education to every student in this school system; and

**BE IT FURTHER RESOLVED** that May 14, 2010, be declared a day to honor and express appreciation to all members of the teaching staff of the District schools.

2.4 Recognition of Classified Employees Appreciation Week (May 16 - 22, 2010)  
(Prepared by the Communications Department)

**WHEREAS** in order for the San Bernardino City Unified School District to run efficiently and effectively, it must depend daily on the dedication and capabilities of employees in the Classified Service; and

**WHEREAS** more than 2,400 classified employees who work in various capacities ranging from instructional aides, computer technicians, and delivery drivers to library clerks and custodians, perform their duties with great pride and skill; and

**WHEREAS** classified employees work with commitment in forwarding the mission of the San Bernardino City Unified School District and thereby provide many benefits to this community, its schools, and the state of California; and

**WHEREAS** our School District joins the state of California in setting aside May 16-22, 2010, as a fitting time to honor classified employees and recognize their long and excellent service record;

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**THEREFORE, BE IT RESOLVED** that the members of the Board of Education of the San Bernardino City Unified School District acknowledge the contributions of the District's classified employees and express the appreciation of the School District and the community for these important services; and

**BE IT FURTHER RESOLVED** that the Board of Education designates May 16-22, 2010, as a period of time set aside to spotlight the accomplishments of our classified employees.

### **SESSION THREE –Administrative Presentation**

#### **3.0 Administrative Presentation**

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

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

##### **3.1 Presentation on School Improvement Grant Update** (Prepared by the Deputy Superintendent’s Office)

Dr. Arturo Delgado, Superintendent; Dr. Judy White, Deputy Superintendent; and Dr. Paul Shirk, Assistant Superintendent, Research and Technology/Custodian of Records; will provide an update on the implementation plan of the School Improvement Grant. The timeline and activities of the grant will be shared.

### **SESSION FOUR – Administrative Report**

#### **4.0 Administrative Report**

##### **4.1 Budget Update Fiscal Year 2010-2011** (Prepared by Business Services Division)

Mohammad Z. Islam, Chief Business and Financial Officer, will provide a brief report on the Fiscal Year 2010-2011 budget. A detailed report will be presented to the Board at the June 1, 2010 Board meeting.



## **SESSION FIVE – Other Matters Brought By Citizens**

### **5.0 *Other Matters Brought by Citizens***

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

## **SESSION SIX - Reports and Comments**

### **6.0 *Report by Board Members***

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

#### 6.1 Legislative Update

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

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

## **SESSION SEVEN - Legislation and Action**

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

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

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

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Minutes of the Board of Education Meetings held on April 6, and April 13, 2010, be approved as presented.

8.2 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:

09/17/1990

It is recommended that the following resolution be adopted:

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

8.3 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
Arrowview Middle School	A Foundation for Kids	88 Leap Frog Cramer devices		\$5,279.00
San Bernardino High School	Digital Edge Learning Inc.	\$270.00 to sponsor Jasmine Ray for Basketball Camp	\$270.00	
San Bernardino High School	Women’s Club of San Bernardino	To be used for the San Bernardino High School Luau	\$100.00	
Palm Avenue Elementary School	Leslie Ensmann	Five-piece drum set-one bass drum, three toms, one snare drum, snare stand, cym stand, hi-hat stand, and bass drum peddle		\$500.00
San Geronio High School	Vanessa Barajas	To be used to sponsor Odyssey of the Mind	\$150.00	

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San Gorgonio High School	Flint Myers & Margaret Myers	To be used to sponsor Odyssey of the Mind	\$115.00	
San Gorgonio High School	Pre-Fab Builders, Inc.	To be used to sponsor the Baseball program	\$100.00	
San Gorgonio High School	James and Rowena Ramos	To be used to sponsor the Baseball program	\$500.00	
San Gorgonio High School	Latisha and Patrick Casas	To be used to sponsor the Baseball program	\$1,000.00	
San Gorgonio High School	Shennoy-En Foundation	To be used to sponsor the Peer Leadership Club	\$3,000.00	
Del Vallejo Middle School	Gregory Scott Davis	\$200.00 to be used for the Music Club's transportation fee	\$200.00	

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education acknowledges receipt of \$5,279.00, A Foundation for Kids; \$270.00, Digital Edge Learning Inc.; \$100.00, Women's Club of San Bernardino; \$500.00, Leslie Ensman; \$150.00, Vanessa Barajas; \$115.00, Flint Myers & Margaret Myers; \$100.00, Pre-Fab Builders, Inc.; \$500.00, James and Rowena Ramos; \$1,000.00, Latisha and Patrick Casas; \$3,000.00, Shennoy – En Foundation; and \$200.00, Gregory Scott Davis.

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

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

It is recommended that the following resolution be adopted:

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

Caloca, Eugenia (Board Representative, Parent)	To attend the 2010 California Association for Bilingual Education (CABE) Conference, Riverside, CA, May 26, 2010. Total cost, not to exceed \$160.00, will be paid from Jones Elementary Account No. 501.
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Chavez, Elvia  
(Board Representative)

To attend the 2010 California Association for Bilingual Education (CABE) Conference, Riverside, CA, May 26, 2010. Total cost, not to exceed \$85.00, will be paid from Davidson Elementary School Account No. 501.

Angeles, Angela  
Arroyo, Maria  
Benitez, Celia  
Mendez, Maribel  
(Board Representatives)

To attend the 2010 California Association for Bilingual Education (CABE) Conference in Riverside, California, on May 26, 2010. Total cost, not to exceed \$400.00, will be paid from English Learner Programs Department Account No. 261.

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

Garcia, Yesenia  
Geary, Kenneth J.  
Griffin, Jasher  
Mendez, Cecilia  
Musial, Elizabeth  
O'Grady, Sean  
Paul, Nissan  
Roberson, Justin  
Zylman, Kelly  
(Board Representatives, Youth Leaders)

To attend the BOOST – Best Of Out Of School Time Conference, Palm Springs Convention Center, in Palm Springs, CA, April 28, through May 1, 2010. Total cost, including meals and mileage per District guidelines, not to exceed \$7,700.00, will be paid from CAPS ASES Account No. 459.

8.5 Cafeteria Warrant Register, Ending March 31, 2010  
(Prepared by Facilities/Operations Division)

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Cafeteria Warrant Register, ending March 31, 2010, 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 Larry Lobaugh, Nutrition Services Program Manager, to sign disbursements. Two signatures are required on all cafeteria warrants.

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8.6 Commercial Warrant Registers for Period from April 1, through April 15, 2010  
(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 April 1, through April 15, 2010, 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.

8.7 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.

King Middle School wishes to hire Mr. Burden as a guest speaker, May 24, through May 28, 2010. He will impart on his experience as a soldier in the Vietnam War. The presentation will be made free of charge.

Manuel A. Salinas Elementary School wishes to hire Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 7, 2010. The performance is based on a fantasy tale, as Jackie Paper and Puff sail for Honalee in search of adventure. The cost, not to exceed \$730.00, will be paid from Manuel A. Salinas Elementary School Account No. 459.

Manuel A. Salinas Elementary School wishes to hire Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 14, 2010. The performance is based on Capella music of the '50s and '60s. The cost, not to exceed \$1,330.00, will be paid from Manuel A. Salinas Elementary School Account No. 459.

Manuel A. Salinas Elementary School wishes to hire Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 21, 2010. The performance is based on connecting United States history curriculum to American folk music that is designed to both educate and entertain the students. The cost, not to exceed \$780.00, will be paid from Manuel A. Salinas Elementary School Account No. 459.

Manuel A. Salinas Elementary School wishes to hire Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 27, 2010. The performance is based on creating a

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love for reading through stories from some of the world's greatest authors. The cost, not to exceed \$880.00, will be paid from Manuel A. Salinas Elementary School Account No. 459.

Manuel A. Salinas Elementary School wishes to hire Orange County Performing Arts Center for a performance by Allyson Pinkowski on June 11, 2010. The performance is based on the basics of poetry through the dynamic and imaginative use of song, dance and theater. The cost, not to exceed \$880.00, will be paid from Manuel A. Salinas Elementary School Account No. 459.

Manuel A. Salinas Elementary School wishes to hire Orange County Performing Arts Center for a performance by Allyson Pinkowski on June 18, 2010. The performance is based on the evolution of theater from ancient Greece to the Modern day. The cost, not to exceed \$805.00, will be paid from Manuel A. Salinas Elementary School Account No. 459.

Marshall Elementary School wishes to hire Wheels of Freestyle for an interactive presentation on June 21, 2010. The performance will be based on a unique way of providing anti-drug, anti-violence, bike safety, and helmet wear to students. The cost, not to exceed \$1,499.00, will be paid from Marshall Elementary School Account No. 459.

Kendall Elementary School wishes to hire Full Spectrum Educational Services for a presentation on June 4, 2010. The presentation Portable Planetarium brings a mobile planetarium to students. The students will gaze into a starry night to see stars, constellation, and galaxy. The program teaches astronomy and the solar system. The cost, not to exceed \$750.00, will be paid from Kendall Elementary School Account No. 567.

Cajon High School wishes to hire Cal State University San Bernardino to present a six-week, creative writing workshop, commencing on May 5, through June 2, 2010. This is an incredible enrichment opportunity for the students that will inspire a love of writing and cultivate creativity. It is also an opportunity to increase college awareness and college-going culture for the students. These presentations will be free of charge.

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:

Mr. Burden as a guest speaker at King Middle School, May 24, through May 28, 2010. The presentations will be made free of charge.

Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 14, 2010. The cost, not to exceed \$1330.00, will be paid from Manuel Salinas Elementary School Account No. 459.

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Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 21, 2010. The cost, not to exceed \$780.00, will be paid from Manuel Salinas Elementary School Account No. 459.

Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 27, 2010. The cost, not to exceed \$880.00, will be paid from Manuel Salinas Elementary School Account No. 459.

Orange County Performing Arts Center for performance by Allyson Pinkowski on June 11, 2010. The cost not to exceed \$880.00, will be paid from Manuel Salinas Elementary School Account No. 459.

Orange County Performing Arts Center for a performance by Allyson Pinkowski on June 18, 2010. The cost not to exceed \$805.00, will be paid from Manuel Salinas Elementary School Account No. 459.

Wheels of Freestyle for a presentation on June 21, 2010. The cost, not to exceed \$1,499.00, will be paid from Marshall Elementary School Account No. 459.

Full Spectrum Educational Services for a presentation on June 4, 2010. The cost, not to exceed \$750.00, will be paid from Kendall Elementary School Account No. 567.

BE IT FURTHER 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 ratifies payment to the following:

Cal State University San Bernardino to present a six-week, creative writing workshop, commencing on May 5, through June 2, 2010. These presentations will be free of charge.

Orange County Performing Arts Center for a performance by Allyson Pinkowski on May 7, 2010. The cost, not to exceed \$730.00, will be paid from Manuel Salinas Elementary School Account No. 459.

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

The Advanced Learner Programs and Services Department wishes to hire Joanna Lauer, Costa Mesa, CA, to provide a five-day training workshop for District GATE teachers to provide the competencies to differentiate curriculum and instruction for gifted and high ability learners, June 7, and June 11, 2010. The cost, not to exceed \$3,810.00, will be paid from Restricted General Fund—Gifted and Talented Education, Account No. 430.

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Anton Elementary School wishes to approve to hire Sopris West Educational Services to present two days of professional development workshops, “Step-Up to Writing” to District teachers and staff at Anton Elementary School, June 1-2, 2010. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund—ELAP, Account No. 496.

The CAPS Central Department wishes to hire Impact People™, Chula Vista, CA, to provide a two-day workshop to District teachers and administrators that participate in the District’s CAPS program on May 10, and June 24, 2010. The teachers and administrators will learn about managing and motivating frontline staff. The fee, not to exceed \$4,500.00, will be paid from the Restricted General Fund--After School Safety and Enrichment for Teens, Account No. 566.

Pacific High School requests the Board to ratify hiring Convening Conversations, Redlands, CA, to provide a one-day workshop, Problem Based Learning, for District staff, April 14, 2010. The cost, not to exceed \$250.00, will be paid from Restricted General Fund—ESEA Title 1, Account No. 501.

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:

Joanna Lauer, Costa Mesa, CA, to provide a five-day training workshop for District GATE teachers to provide the competencies to differentiate curriculum and instruction for gifted and high ability learners, June 7, and June 11, 2010. The cost, not to exceed \$3,810.00, will be paid from Restricted General Fund—Gifted and Talented Education, Account No. 430.

Sopris West Educational Services to present two days of professional development workshops, “Step-Up to Writing” to District teachers and staff at Anton Elementary School, June 1-2, 2010. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund—ELAP, Account No. 496.

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

Impact People™, Chula Vista, CA, to provide a two-day workshop to District teachers and administrators that participate in the District’s CAPS program on May 10, and June 24, 2010. The teachers and administrators will learn about managing and motivating frontline staff. The fee, not to exceed \$4,500.00, will be paid from the Restricted General Fund--After School Safety and Enrichment for Teens, Account No. 566.

Convening Conversations, Redlands, CA, to provide a one-day workshop, Problem Based Learning, for District staff, April 14, 2010. The cost, not to exceed \$250.00, will be paid from Restricted General Fund—ESEA Title 1, Account No. 501.



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

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

The restricted program, RDA Highland Program (121), was included in the Fiscal Year 2009-2010 approved budget in the amount of \$579,018.51 for revenues and \$2,647,662.46 for expenditures. Based on actual funding received from City of Highland on April 26, 2010, an increase in the amount of \$231,421.35 will result in a revised total of \$810,439.86 in revenues and \$2,879,083.81 in expenditures.

The restricted program, After School Education and Safety Program (459), was included in the Fiscal Year 2009-2010 approved budget in the amount of \$7,099,872.00. Based on the information received from the California Department of Education website, an increase in the amount of \$112,500.00 will result in a revised total of \$7,212,372.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$231,421.35 in the budgeting of expenditures and revenues for the restricted program, RDA Highland Program (121).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$112,500.00 in the budgeting of expenditures and revenues for the restricted program, After School Education and Safety Program (459).

8.10 Delegation of Purchasing Authority - Nutrition Services Department  
(Prepared by Facilities/Operations Division)

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education, per Education Code Section 17605, authorizes James Cunningham, Nutrition Services Assistant Director and Ponciano Vidaurri, while working out of class as Nutrition Services Business Manager, to sign purchase orders for non-biddable supplies and services directly related to food and food products, and for biddable products directly related to food and food products effective July 1, 2010, through June 30, 2011.

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BE IT FURTHER RESOLVED that the Board of Education, per Education Code Section 17605, authorizes Lisa Falcone and Joanna Nord, Nutrition Services Administrative Analysts, and Becky Hickey, Nutrition Services Buyer, to sign purchase orders that cost less than \$15,000.00 for non-biddable supplies and services directly related to food and food products, and biddable products directly related to food and food products effective July 1, 2010, through June 30, 2011.

8.11 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 computer, 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 are not suitable for donation, due to their age and lack of software support. During the recycling process, all computer equipment will be destroyed.

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 \$.21 per pound and Non-CEW at \$.03 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 declares 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 April 21, 2010.

8.12 Notification of Mediated Settlement Agreement OAH Case Number 2010030697  
(Prepared by Business Services Division)

On April 8, 2010, a Mediated Settlement Agreement was signed to resolve Office of Administration Hearings (OAH) Case Number 2010030697, Arellano v. San Bernardino City

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Unified School District that was filed on March 3, 2010. The specific terms of the agreement are as follows:

1. District agrees to purchase monthly city bus passes for Student and Student's parent to ride the Omni Trans bus from home to school for the months of April, May, June, July, August, September, October, November, and December 2010. The total cost for the bus passes is not to exceed \$660.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.
2. Within 60 calendar days of District Board approval and receipt of billing statement/invoice, District agrees to pay attorney's fees and costs incurred by parent and related to OAH Case #2010030697, payable to Disability Rights Legal Center, not to exceed \$4,000.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the monthly city bus passes for the months of April through and including December 2010, for student and student's parent is not to exceed \$660.00; pay attorney fees and costs incurred by parent and related to OAH Case No. 2010030697, made payable to Disability Rights Legal Center, not to exceed \$4,000.00, payments to be paid from the Restricted General Fund-Special Education, Account No. 827.

8.13 Notification of 10-Day Final Settlement Agreement OAH Case Number 2009120942  
(Prepared by Business Services Division)

On April 6, 2010, a 10-Day Final Settlement Agreement was signed to resolve Office of Administration Hearings (OAH) Case Number 2009120942, Torres v. San Bernardino City Unified School District that was filed on December 16, 2009. The specific terms of the agreement are as follows:

1. Contingent upon the School accepting Student for enrollment and attendance at Hope School and the School signs a District approved master contract, the District will fund Petitioner's attendance at Hope Non-Public School located in Rancho Cucamonga, CA, including transportation from his home to school and back home for the 2011-2012 school year through and including the last day of the 2011 extended school year when school is in session at Hope School as determined by the Hope School calendar.
2. Within 60 days of District's receipt of proof of payment, District will reimburse parent an amount not to exceed \$2,500.00 for the June 10, 2009 psychological evaluation of Petitioner conducted by Robin L. Morris, Psy.D. Payment will be made from the Restricted General Fund—Special Education, Account No. 827.

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3. Within 60 calendar days of District's receipt of detailed billing statement/invoice, District agrees to pay not to exceed \$9,000.00 for attorney's fees and costs incurred related to OAH Case Number 2009120942. Payment will be made payable to the Law Office of Bruce Bothwell. Payment will be made from the Restricted General Fund—Special Education, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves paying for Petitioner's attendance to Hope School NPS located in Rancho Cucamonga, CA, including transportation; reimbursement to parent not to exceed \$2,500.00 for the psychological evaluation conducted by Dr. Morris, June 10, 2009; attorney's fees incurred in OAH Case Number 2009120942 to the Law Office of Bruce Bothwell not to exceed \$9,000.00. Payments are to be paid from the Restricted General Fund—Special Education, Account No. 827.

8.14 Extended Field Trip, CAPS Central, Alpine Meadows Outdoor Science School, Angeles Oaks, California  
(Prepared by Business Services Division)

The CAPS Central Department requests Board of Education approval of an extended field trip for 70 students and 10 District employees to attend the Outdoor Science School, at Alpine Meadows Outdoor Science School, Angeles Oaks, California, June 21, through June 22, 2010.

Students have the opportunity to study the natural environment by exploring trails, investigating geological features, observing wildlife, comparing plant adaptations, and the night sky through telescopes.

The cost of the trip, not to exceed \$14,395.13, including meals and lodging for 70 CAPS Central students and 10 District employees will be paid from CAPS Central Account No. 566. Transportation by First Student Bus Lines, not to exceed \$3,000.00, will be paid from CAPS Central Account No. 566. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 70 CAPS Central students and 10 District employees to attend the Alpine Meadows Outdoor Science School, Angeles Oaks, California, June 21, through June 22, 2010. The cost of the trip, not to exceed \$14,395.13, including meals and lodging for 70 CAPS Central students and 10 District employees will be paid from CAPS Central Account No. 566. Transportation by First Student Bus Lines, not to exceed \$3,000.00, will be paid from CAPS Central Account No. 566. Names of the students are on file in Business Services office.

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8.15 Extended Field Trip, Pacific High School, San Diego State University Football Camp, San Diego, California  
(Prepared by Business Services Division)

Pacific High School requests Board of Education approval of an extended field trip for 15 students and 4 District employees to attend the San Diego State University Football Camp, San Diego, California, June 18, through June 19, 2010.

Students have the opportunity to participate in the San Diego State University Football Camp with eight other Southern California high school teams. Students will have the opportunity to work on basic football fundamentals, such as passing and catching skills with San Diego State University coaches.

The cost of the trip, not to exceed \$1,200.00, including meals and lodging for 15 Pacific High School students and 4 District employees, will be paid from Pacific High School ASB funds. Transportation will be provided by private vehicles. 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 15 Pacific High School students and 4 District employees to attend the San Diego State University Football Camp, in San Diego, California, June 18, through June 19, 2010. The cost of the trip, not to exceed \$1,200.00, including meals and lodging for 15 Pacific High School students and 4 District employees, will be paid from Pacific High School ASB funds. Transportation provided by private vehicles. Names of the students are on file in the Business Services office.

8.16 Extended Field Trip, San Gorgonio High School, Serrano Campsite, Big Bear, California  
(Prepared by Business Services Division)

San Gorgonio High School requests Board of Education approval of an extended field trip for 32 students from the Black Student Union, 2 District employees, and 1 chaperone to attend the Serrano Campsite, at Big Bear, California, May 21, through May 23, 2010.

The purpose of this extended field trip is to encourage teambuilding skills, physical activity, and bonding among students. Students will also have the opportunity to experience camping in the outdoors, meal preparation, nature walks, and bird watching.

The cost of the trip, not to exceed \$312.00, including campsite fees, supplies and meals for 32 students, 2 District employees, and 1 chaperone, will be paid from ASB fund. Transportation by H&L Charter Bus Company, not to exceed \$600.00, will be paid from San Gorgonio High School Account No. 566. No student will be denied participation due to financial constraints.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 32 students from the Black Student Union, 2 District employees, and 1 chaperone to attend the Serrano Campsite, at Big Bear, California, May 21, 2010 through May 23, 2010. The cost of the trip, not to exceed \$312.00, including campsite fees, supplies, and meals for 32 students, 2 District employees, and 1 chaperone, will be paid from ASB fund. Transportation by H&L Charter Bus Company, not to exceed \$600.00, will be paid from San Geronio High School Account No. 566. Names of the students are on file in the Business Services office.

- 8.17 Agreement for Nonpublic, Nonsectarian School/Agency Services with Hope, Inc., dba Hope Counseling and Family Therapy, Inc.  
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to enter into an agreement with Hope, Inc., dba Hope Counseling and Family Therapy, Inc., Rancho Cucamonga, CA, to provide services to identified District special education students, primarily Emotionally Disturbed (ED) students, effective July 1, 2010, through June 30, 2011. Hope, Inc., 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. The cost and other approved related services at agreed-upon rates, will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824. 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.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Hope, Inc., dba Hope Counseling and Family Therapy, Inc., Rancho Cucamonga, CA, to provide services to special education students, effective July 1, 2010, through June 30, 2011. The daily fee and other approved related services at agreed-upon rates will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824.

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

8.18 Agreement to Provide Off-Campus Training Facility for Patton State Hospital  
(Prepared by Facilities/Operations Division)

The Nutrition Services Department requests Board of Education approval to enter into an agreement with Patton State Hospital, Patton, CA, for provision of an off-campus training facility, effective July 1, 2010, through June 30, 2011, with extension by mutual written consent one fiscal year at a time, up to a total of three years. Under the agreement, nutrition program students from Patton receive internship experience at the Nutrition Center. There is 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 Patton State Hospital, Patton, CA, for provision of an off-campus training facility, effective July 1, 2010, through June 30, 2011, with extension by mutual written consent one fiscal year at a time, up to a total of three years. Under the agreement, nutrition program students from Patton receive internship experience at the Nutrition Center. There is 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.

8.19 Agreement with Boley Stewart to Provide Training in Anger Management to Parents of District Students  
(Prepared by Business Services Division)

The School Linked Services Department requests Board of Education approval to enter into an agreement with Boley Stewart, San Bernardino, CA, to provide training in anger management to parents of District students, effective May 6, through June 30, 2010. The training will be provided to parents weekly for eight weeks. The cost for the services, not to exceed \$3,200.00, will be paid from the Restricted General Fund—Medi-Cal Billing, Account No. 585.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Boley Stewart, San Bernardino, CA, to provide training in anger management to parents of District students, effective May 6, through June 30, 2010. The training will be provided to parents weekly for eight weeks. The cost for the services, not to exceed \$3,200.00 will be paid from the Restricted General Fund—Medi-Cal Billing, Account No. 585.

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

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8.20 Agreement with CHAMPIONS to Provide Leadership Programs to Student Leadership Council Students from Arroyo Valley, Pacific, San Andreas, San Bernardino, and San Gorgonio High Schools  
(Prepared by Business Services Division)

The CAPS Central Program Department requests Board of Education approval to enter into an agreement with CHAMPIONS, Inglewood, CA, to provide a two-day leadership program to students from Arroyo Valley, Pacific, San Andreas, San Bernardino, and San Gorgonio High Schools that are members of the Leadership Council, June 21-22, 2010. The fee, not to exceed \$7,400.00, will be paid from the Restricted General Fund—After School Safety and Enrichment for Teens, Account No. 566.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with CHAMPIONS, Inglewood, CA, to provide a two-day leadership program to students from Arroyo Valley, Pacific, San Andreas, San Bernardino, and San Gorgonio High Schools that are members of the Leadership Council, June 21-22, 2010. The fee, not to exceed \$7,400.00, will be paid from the Restricted General Fund—After School Safety and Enrichment for Teens, Account No. 566.

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

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

The Family Resource Center requests Board of Education approval to enter into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective May 4, through June 1, 2010. The training will be provided to parents weekly in five sessions. The cost for the services, not to exceed \$3,300.00, will be paid from the Restricted General Fund—Medi-Cal Billing, Account No. 585.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective May 4, through June 1, 2010. The training will be provided to parents weekly in five sessions. The cost for the services, not to exceed \$3,300.00, will be paid from the Restricted General Fund—Medi-Cal Billing, Account No. 585.

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



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8.22 Agreement with JPR, Inc., dba Sylvan Learning Center in Rialto to Provide Academic Camps to Certain District Students  
(Prepared by Business Services Division)

The School-Linked Services/Homeless Education Department requests Board of Education approval to enter into an agreement with JPR, Inc., dba Sylvan Learning Center in Rialto, CA, to provide academic camps to identified District students from 11 underperforming schools, effective May 10, through June 30, 2010. The fee, not to exceed \$31,200.00, will be paid from the Restricted General Fund—Education for Homeless Children and Youth Program, Account No. 586.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with JPR, Inc., dba Sylvan Learning Center in Rialto, CA, to provide academic camps to identified District students from 11 underperforming schools, effective May 10, through June 30, 2010. The fee, not to exceed \$31,200.00, will be paid from the Restricted General Fund—Education for Homeless Children and Youth Program, Account No. 586.

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

8.23 Facilities Use Agreement with Jerry Lewis Swim Center for Bradley Elementary School  
(Prepared by Business Services Division)

Bradley Elementary School requests Board of Education approval to enter into a facilities use agreement with the Jerry Lewis Swim Center, San Bernardino, CA, for an end-of-year swim party on June 3, 2010. The total cost, not to exceed \$201.00, will be paid from the Restricted General Fund—21st Century Community Learning Center Grant, Account No. 574.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes Bradley Elementary School to enter into a facilities use agreement with the Jerry Lewis Swim Center, San Bernardino, CA, for an end-of-year swim party on June 3, 2010. The total cost, not to exceed \$201.00, will be paid from the Restricted General Fund—21st Century Community Learning Center Grant, Account No. 574.

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

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8.24 Facilities Use Agreement with Jerry Lewis Swim Center for Davidson Elementary School  
(Prepared by Business Services Division)

Davidson Elementary School requests Board of Education approval to enter into a facilities use agreement with the Jerry Lewis Swim Center, San Bernardino, CA, for an end-of-year swim party on June 4, 2010. The total cost, not to exceed \$201.00, will be paid from the Restricted General Fund—21st Century Community Learning Center Grant, Account No. 574.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes Davidson Elementary School to enter into a facilities use agreement with the Jerry Lewis Swim Center, San Bernardino, CA, for an end-of-year swim party on June 4, 2010. The total cost, not to exceed \$201.00, will be paid from the Restricted General Fund—21st Century Community Learning Center Grant, Account No. 574.

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

8.25 Food Service Agreements with Altus Academy, Casa Ramona Charter School, First Steps Child Development Center, and The Rock Church  
(Prepared by Facilities/Operations Division)

The Nutrition Services Department requests Board of Education approval to enter into meal program food service agreements with Altus Academy, Rialto, CA; Casa Ramona Charter School, San Bernardino, CA; First Steps Child Development Center, Redlands, CA; and The Rock Church, San Bernardino, CA, effective July 1, 2010, through June 30, 2011. There is no cost to the District.

These standardized food service agreements may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price, location(s) and number/style of meals served. The yearly prices are based on what type of service and materials are included with the meal, such as delivery, milk, straws, napkins, eating utensils, trays, and clean-up.

It is recommended that the following resolutions be adopted:

BE IT RESOLVED that the Board of Education approves entering into meal program food service agreements with Altus Academy, Rialto, CA; Casa Ramona Charter School, San Bernardino, CA; First Steps Child Development Center, Redlands, CA; and The Rock Church, San Bernardino, CA, effective July 1, 2010, through June 30, 2011, per terms of the agreements. These standardized agreements may be extended by mutual written consent one fiscal year at a time up to a total of three

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years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, yearly price changes, location(s), and number/style of meals served. There is no cost to the District.

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

8.26 Amendment No. 1 to the Agreement with WestEd to Administer the Biennial California Healthy Kids Survey  
(Prepared by Business Services Division)

The Alternative Programs Department requests Board of Education approval to amend the agreement with WestEd, Los Alamitos, CA, approved by the Board on September 1, 2009, Agenda Item 7.24. The amendment is necessary to extend the period of performance through June 30, 2010, and to exercise the contract provision to request raw data sets and school-level reports for an additional fee. The additional cost for services of \$3,300.00, added to the initial cost of services of \$5,000.00, results in an aggregate total not to exceed \$8,300.00, and will be paid from Restricted General Fund – CAPS ASES Account No. 459.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with WestEd, Los Alamitos, CA, approved by the Board on September 1, 2009, Agenda Item 7.24. The amendment is necessary to extend the period of performance through June 30, 2010, and to exercise the contract provision to request raw data sets and school-level reports for an additional fee. The additional cost for services of \$3,300.00, added to the initial cost of services of \$5,000.00, results in an aggregate total not to exceed \$8,300.00, and will be paid from Restricted General Fund – CAPS ASES Account No. 459.

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

8.27 Amendment No. 1 to Notification of Mediated Settlement Agreement OAH Case Number 2009070030  
(Prepared by Business Services Division)

Amend the August 4, 2009, Mediated Settlement Agreement (OAH) Case Number 2009070030, Quintana v. San Bernardino City Unified School District that was filed on June 30, 2009. The specific terms of the agreement should read as follows:

1. Upon District's receipt of documentation of proof of payment, the District will reimburse parents an amount not to exceed \$400.00 for an occupational therapy assessment provided by a vendor selected by the parents.

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2. Upon District's receipt of documentation of proof of payment, the District will reimburse parents in an amount not to exceed \$12.50 per hour for two (2) hours per week, total aggregate of \$900.00, of speech and language provided to the student at the Truesdail Center for Communication Disorders, University of Redlands for the time period covered by the pediatrician/physician.
3. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$30.00 per hour for five (5) hours per week of behavioral therapy provided by Jennifer Johnston, Developmental Specialist, total aggregate of \$5,400.00.
4. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$1,500.00 for a psychological evaluation conducted by Dr. Canter.
5. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$330.00 for the behavior therapy provided by development specialist Ame Vigil up to and including July 31, 2009.
6. Upon District's receipt of documentation of proof of payment, District will reimburse parents an amount not to exceed \$250.00 for the speech and language therapy provided by the Truesdail Center, University of Redlands up to and including July 31, 2009.
7. Within 60 days calendar days of District Board approval and receipt of billing statement/invoice, District agrees to pay attorney's fees payable to the Law Office of David Kim, not to exceed \$7,100.00. Payment will be made from the Restricted General Fund-Special Education, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending parents' reimbursements for the following: occupational therapy assessment by vendor selected by parents not to exceed \$400.00; speech and language therapy provided by Truesdail Center for Communication Disorders not to exceed \$900.00; behavioral therapy provided by developmental specialist Jennifer Johnston not to exceed \$5,400.00; psychological evaluation conducted by Dr. Canter not to exceed \$1,500.00; for behavior therapy provided by development specialist Ame Vigil up to and including July 31, 2009, not to exceed \$330.00; speech and therapy provided by the Truesdail Center up to and including July 31, 2009, not to exceed \$250.00; attorney fees payable incurred in OAH Case No. 2009070030 to the Law Office of David Kim not to exceed \$7,100.00. Payments are to be paid from the Restricted General Fund-Special Education, Account No. 827.

8.28 Amendment No. 2 to the Facilities Use Agreement with National University  
(Prepared by Business Services Division)

The English Learner Programs Department requests Board of Education approval to amend the facilities use agreement with National University, San Bernardino, CA, approved by the Board on June 16, 2009, Agenda Item 9.53, and amended by the Board on January 19, 2010, Agenda Item 9.15. The amendment is necessary to increase the vendor's fee by \$20,000.00 for

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additional meeting dates. The additional fee of \$20,000.00, when added to the original fee of \$50,000.00, results in an aggregate total not to exceed \$70,000.00, and will be paid from the Restricted General Fund 01 - Title II Educational Services, Account No. 538. All other terms and conditions will remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the facilities use agreement with National University, San Bernardino, CA, approved by the Board on June 16, 2009, Agenda Item 9.53, and amended by the Board on January 19, 2010, Agenda Item 9.15. The amendment is necessary to increase the vendor's fee by \$20,000.00 for additional meeting dates. The additional fee of \$20,000.00, when added to the original fee of \$50,000.00, results in an aggregate total not to exceed \$70,000.00, and will be paid from the Restricted General Fund 01 - Title II Educational Services, Account No. 538. All other terms and conditions will remain the same.

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

8.29 Amendment No. 3 to the Agreement with School Facility Consultants to Provide State Financial Hardship Services  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with School Facility Consultants, Sacramento, CA, for continued assistance in securing Financial Hardship funding from the State Allocation Board (SAB) originally approved by the Board on October 17, 2006, and effective through September 30, 2011. This amendment is necessary due to additional reviews required by the Office of Public School Construction (OPSC) and deferrals in fund releases by the State due to the economic downturn. The cost, not to exceed \$42,000.00, plus reimbursable expenses, will be paid from School Facility Program, Fund 21, and School Facilities Aid Program, Fund 35. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with School Facility Consultants, Sacramento, CA, for continued assistance in securing Financial Hardship funding from the State Allocation Board (SAB). This amendment will add an additional \$42,000.00 for services due to additional reviews required by the Office of Public School Construction (OPSC) and deferrals in fund releases by the State due to the economic downturn. The new total cost, not to exceed \$229,000.00, plus reimbursable expenses, will be paid from School Facility Program, Fund 21, and School Facilities Aid Program, Fund 35. All other terms and conditions remain the same.

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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 Amendment No. 3.

8.30 Amendment No. 8 to the Agreement with HMC Group Architects to Provide Architectural and Engineering Services for Indian Springs High School New Construction/Old Curtis Middle School Modernization  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with HMC Group Architects, Ontario, CA, originally approved by the Board on August 1, 2000, for architectural and engineering services for Indian Springs High School. This amendment is for additional design services to revise the composite utility plans and horizontal control plans to re-route 23 new roof drains and their point of connection to the existing on-site storm drain system. The cost, not to exceed \$3,450.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, or 35. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Group Architects, Ontario, CA, for additional design services to revise the composite utility plans and horizontal control plans to re-route 23 new roof drains and their point of connection to the existing on-site storm drain system. The cost, not to exceed \$3,450.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, or 35. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 8.

8.31 Bid No. F08-12, Inghram, Lytle Creek and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools Modernization and Deferred Maintenance Project  
(Prepared by Facilities/Operations Division)

Bid No. F08-12, Inghram, Lytle Creek and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools Modernization and Deferred Maintenance Project was advertised on March 18, and March 25, in *The Sun*, *El Chicano*, *Precinct Reporter*, and *Press Enterprise* newspapers. Bids were opened on April 22, 2010, at 1:30 p.m. and bids were received from the following:

<u>Contractors</u>	<u>Base Bid including Allowances *</u>
Oakview Constructors, Inc. Calimesa, CA	\$ 4,392,000.00

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Plyco Corporation Mira Loma, CA	\$ 4,550,000.00
Harik Construction, Inc. Glendora, CA	\$ 4,587,000.00
ACC Contractors, Inc. Azusa, CA	\$ 4,589,000.00
Al Shankle Construction Company, Inc. Mira Loma, CA	\$ 4,738,300.00
States Link Construction Inc. Huntington Beach, CA	\$ 4,850,000.00
Rossetti Construction Company, Inc. Ontario, CA	\$ 4,880,000.00
USS Cal Builders, Inc. Stanton, CA	\$ 4,890,000.00
Allied E. Corporation Irvine, CA	\$ 4,900,000.00
Cyrcon Builders LP Valencia, CA	\$ 4,923,962.00
AWI Builders, Inc. Vernon, CA	\$ 4,972,200.00
G2K Construction Inc. Agoura Hills, CA	\$ 5,150,000.00
Great West Contractors Inc. Anaheim, CA	\$ 5,286,000.00
PW Construction Inc. Glendora, CA	\$ 5,483,000.00
Delmac Construction & Development Inc. Los Angeles, CA	\$ 5,588,000.00





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BE IT RESOLVED that the Board of Education approves the request by the Prime Contractor, Plyco Corp., for Bid F08-29, Category 30 - Multiple Trades, to release ATE Environmental, Inc., the demolition subcontractor, from their obligation to perform the demolition work on the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project and to substitute T3 Contractors Corporation, Riverside, CA, as the subcontractor for demolition work, pursuant to Public Contract Code, Section 4107. There is no additional cost. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any required documents to effect said substitution.

8.33 Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107

(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to allow the Prime Contractor, Inland Building Construction Companies, Inc., Bid F08-29, Category 16 – Specialties to release its specialties (toilet partitions and accessories) subcontractor, Henri Specialties, due to financial hardship, from their obligation on the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project and to substitute Preferred Construction Specialties, Brea, CA, pursuant to Public Contract Code, Section 4107. Inland Building Construction Companies, Inc., has received the rescission of quote notification from the subcontractor requesting to be removed from 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 the request by the Prime Contractor, Inland Building Construction Companies, Inc., Bid F08-29, Category 16 – Specialties, to release Henri Specialties, the specialties subcontractor, from their obligation on the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project and to substitute Preferred Construction Specialties, Brea, CA, as the subcontractor for specialties (toilet partitions and accessories), pursuant to Public Contract Code, Section 4107. There is no additional cost. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any required documents to effect said substitution.

8.34 Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to allow the Prime Contractor, Bogh Engineering, Inc., Bid F08-29, Category 28 - Offsite Street Improvements, to release its storm drain subcontractor, K & S Enterprises, due to the inability to meet the bonding requirements, from their obligation on the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project and to substitute TBU, Inc., Beaumont, CA, pursuant to Public Contract Code Section 4107. Bogh Engineering, Inc., has received the rescission of quote notification from K & S Enterprises requesting to be removed from 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 the request by the Prime Contractor, Bogh Engineering, Inc., Bid F08-29, Category 28 - Offsite Street Improvements, to release K & S Enterprises, the storm drain subcontractor, from their obligation on the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project and to substitute TBU, Inc., Beaumont, CA, as the subcontractor for storm drains, pursuant to Public Contract Code Section 4107. There is no additional cost. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any required documents to effect said substitution.

8.35 Physical Education Exemptions  
(Prepared by Student Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the following students whose birth dates are listed below be exempt from physical education requirements and placed in alternative periods of instruction:

7/16/90      7/21/93      7/29/93      1/4/95

8.36 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

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listed below in accordance with the Board rules and regulations and in compliance with Education Code Section 48900:

\*\*~~(S)~~1/11/1995   \*~~(S)~~5/28/1997   \*~~(S)~~12/10/1994   \*~~(S)~~2/8/1995   \*~~(S)~~2/8/1991   1/12/1995  
\*\*~~(S)~~4/26/1996   \*~~(S)~~4/8/1993   \*~~(S)~~6/18/1993   \*~~(S)~~4/26/2000   \*~~(S)~~4/11/1996   \*~~(S)~~4/2/1996  
\*\*~~(S)~~11/17/1994   \*~~(S)~~9/17/1994   \*~~(S)~~9/9/1997   \*~~(S)~~12/6/1995   \*~~(S)~~1/23/1995

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

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

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

8.37   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.

11/16/1995   1/23/1996   5/21/1993   3/9/1996   2/14/1992   7/23/1999  
11/17/1994

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8.38 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:

1/5/1995      2/12/1996      5/25/1995

8.39 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:

1/15/1999

8.40 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:

12/23/1993

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.

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

It is recommended that the following resolution be adopted:

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

10/9/1992      9/22/1994      7/12/1994

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

It is recommended that the following resolution be adopted:

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

8.43 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.

8.44 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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**9.0 Action Items**

9.1 Amendment No. 5 to the Agreement with URS Corporation Program Management Services to Manage the Facilities Capital Improvement Program  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to extend the agreement with URS Corporation, Rancho Cucamonga, CA, effective July 1, 2010 through June 30, 2011, with a one-year renewal option. URS Corporation is the Program Manager for the program management services under the Facilities Capital Improvement Program (FCIP). The estimated total cost of \$1,765,000.00 will be paid from Funds 21, 25, 35, and 40.

The FCIP currently has 36 active modernization projects, 23 new construction projects, and other special projects, with an over \$150 million annual construction budget. Due to the District's increased construction and pre-construction, as well as, Facilities Management's vacant positions, URS Corporation's services are still needed to continue and assist in areas of pre-construction management services, project construction services, and community and business outreach. District staff has successfully negotiated with URS for reduced rates and reduced scope of work.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves Amendment No. 5 to extend the agreement with URS Corporation, Rancho Cucamonga, CA, effective July 1, 2010, through June 30, 2011, with a one-year renewal option. URS Corporation is the Program Manager for the program management services under the Facilities Capital Improvement Program (FCIP). The estimated total cost of \$1,765,000.00 will be paid from Funds 21, 25, 35, and 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 5.

9.2 Personnel Report #21, Dated May 11, 2010  
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #21, dated May 11, 2010, 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 #21, dated May 11, 2010, be approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

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

**JACK OAKES**

- WHEREAS** Jack Oakes was an outstanding teacher and administrator for the San Bernardino City Unified School District from 1994 until 2010; and
- WHEREAS** Jack Oakes taught at Emmerton Elementary School from 1994 to 1997, and served as a vice principal at Davidson Elementary School from 1997 to 2002; and
- WHEREAS** in 2002, Jack Oakes became the principal of Ramona-Alessandro Elementary School, where he led the staff until his untimely passing; and
- WHEREAS** Jack Oakes enjoyed activities such as baseball, coaching, riding, and cooking, and was a member of the Native Sons of the Golden West; and
- WHEREAS** on April 17, 2010, Jack Oakes died, bringing deep sorrow to his loving family and friends; and
- WHEREAS** Jack Oakes is survived by his wife, Judy; his sons, Adam, Casey, and Keenan; his parents, Jim and Claudia Oakes, all of San Bernardino; and a brother, Andrew Oakes, and his wife, Christy, of Redlands;

**THEREFORE BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its deep gratitude for Jack Oakes' many fine years of service and does extend its deepest sympathy to his family.

**CONSTANCE QUAYLE**

- WHEREAS** Constance Quayle was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1979, until 1990; and
- WHEREAS** Constance Quayle was known as a patient, hardworking employee dedicated to helping the students of San Bernardino; and
- WHEREAS** Constance Quayle was a member of the American Legion Post 14 Woman's Auxiliary and the Valencia Lea Travel Club; and



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**WHEREAS** on December 31, 2009, Constance Quayle died, bringing deep sorrow to her loving family and friends; and

**WHEREAS** Constance Quayle is survived by her son, James; her daughter-in-law, Dodie; 12 grandchildren, and 9 great-grandchildren;

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

**SESSION EIGHT - Closed Session**

**10.0 Closed Session**

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

**Student Matters/Discipline**

**Conference with Labor Negotiator**

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

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

**Public Employee Discipline/Dismissal/Release Pursuant to Government Code Section 54957**

**Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code Section 54956.9(c) – One Case**

**Public Employee Appointment**

Title: Middle School Principal  
Provisional Personnel Commission Director

**SESSION NINE – Open Session**

***11.0 Action Reported from Closed Session***

**11.1 SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
RESOLUTION TERMINATING SERVICES OF CERTIFICATED  
EMPLOYEES AS A RESULT OF REDUCTION OR  
DISCONTINUATION OF PARTICULAR KINDS OF SERVICES**

**ACTING ON PROPOSED DECISION OF THE ADMINISTRATIVE LAW JUDGE**

WHEREAS, on February 24, 2010, the Superintendent served notice to this Board recommending that 196 certificated positions be reduced or eliminated, and that a corresponding number of certificated employees receive notice that their services will not be required for the ensuing 2010-11 school year, pursuant to Education Code sections 44949 and 44955;

WHEREAS, on March 2, 2010, this Board adopted a resolution to reduce or discontinue 196 certificated teaching positions not later than the beginning of the 2010-11 school year, as set forth therein;

WHEREAS, the particular kind of services to be reduced or discontinued as set forth in the resolution are determined to be particular kinds of services within the meaning of Education Code section 44955;

WHEREAS, on or before March 15, 2010, the Superintendent's designee served notice on 269 certificated employees (Respondents) that it has been recommended that their services will not be required for the ensuing 2010-11 school year, pursuant to Education Code sections 44949 and 44955; 78 of those notices were precautionary notices;

WHEREAS, the notices served upon the Respondents advised them that they may request a hearing to determine if there was cause for not reemploying them for the ensuing 2010-11 school year, and that if they failed to timely request a hearing, that failure shall constitute a waiver of their right to a hearing in accordance with Education Code section 44949;

WHEREAS, certain Respondents (Adams, Alba, Bakanec, Brink, Cordova, Davenport, Fields, Florez, G. Garcia, Green, Guzman, Hammer, Henao, Kuld, Mayor, McGee, Mooney, Morales Alfonso, Pantoja, A. Perez, Quintero-Rivera, Raef, Ratica, Ruffin, Russell, Saldana, Samaro, Sanz, A. Schmidt, Thissen, Weede, ) did not timely request a hearing, and consequently waived their right to a hearing; certain other Respondents requested a hearing, and accordingly an evidentiary hearing was scheduled for April 27, 2010, pursuant to Education Code sections 44955 and 44949 before an Administrative Law Judge;

WHEREAS, prior to hearing, the District dismissed the accusations against Respondents Awad-Shendi, Baragone, Barber, Blumenthal, Bowling, Chegroune, Curtis, Daniels, Drew, Flores-Bravo, Gahungo, Green, Haberman, Hatfield, Hildebrand, Hopper, Juhnke, Kubitza,

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Ledesma, Loney, McGilvery, Mesko-Maggs, Monroe, Pillalamarri, Quinlan, Ratica, Rosales, Russell, Shingles, Sinkfield, Stanton, Stiller, Stockham, Sullivan, Tarver, Tivey, Weede, Wright, and Wyser-Orpineda because these respondents submitted their EL Authorization.

WHEREAS, prior to the hearing, the District dismissed the accusations against Respondents Bravo, Brink, Chaney, Cruz, Fahlender, Farrington, Goodyear, McNeir, Moline, Slack, and Vasquez, because these employees are either retiring, resigning, or have been nonreelected;

WHEREAS, during the April 27, 2010, hearing, the District dismissed the accusation against respondent du Puzo;

WHEREAS, on May 5, 2010, the Administrative Law Judge submitted a proposed decision related to those proceedings which was received by the District on May 6, 2010;

WHEREAS, this Board has received and considered the proposed decision of the Administrative Law Judge, a copy of which is attached hereto, and any arguments submitted by or on behalf of the parties regarding that proposed decision;

WHEREAS, the proposed decision endorsed the layoff with respect to the certificated employees identified therein;

WHEREAS, as a result of additional attrition created by retirements and resignations received by the District after March 15, 2010, this Board has determined to reduce the scope of the proposed layoff such that only the following particular kinds of services shall be reduced or eliminated, to the extent shown:

K-6 Elementary Classroom Teachers	103	F.T.E.
<b>TOTAL CERTIFICATED POSITIONS</b>	<b>103</b>	<b>F.T.E.</b>

WHEREAS, the particular kinds of services referenced above will be reduced or eliminated to the extent shown within the meaning of Education Code section 44955 not later than the beginning of the 2010-11 school year;

WHEREAS, Education Code section 44949, subdivision (c)(3), provides that this Board shall make the final determination as to the sufficiency of the cause and disposition of the layoff;

WHEREAS, Education Code section 44955, subdivision (c), requires final Board action and notifications to employees no later than May 14, unless that date is extended within a hearing pursuant to Education Code section 44949, subdivision (e);

WHEREAS, the services of no permanent or other employee are being terminated while any probationary employee or any other employee with less seniority is being retained to render

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a service which the permanent or other employee is certificated and competent to render, within the meaning of, and except as permitted by, Education Code section 44955; the individuals whose employment is being terminated are not certificated and competent (within the meaning of, and except as permitted by, Education Code section 44955) to render the service being performed by any employee with less seniority who is being retained;

WHEREAS, the jurisdictional and statutory prerequisites have been satisfied as to all of the employees named in the Final Layoff List attached hereto, to the extent required by law; sufficient cause exists for such employees' termination of employment after consideration of facts including but not limited to the employees' seniority, competency, and scope of credentials; and that cause relates to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949, subdivision (c)(3), to the extent that provision applies; and

WHEREAS, reemployment rights pursuant to Education Code section 44956 and 44957 shall be provided to the employees whose services are terminated as a result of this layoff.

NOW, THEREFORE, BE IT RESOLVED that this Board accepts the proposed decision of the Administrative Law Judge and adopts as its own that proposed decision;

BE IT FURTHER RESOLVED that the extent of the layoff shall be reduced as shown above, and the number of employees to receive a final layoff notice shall be reduced to the minimum number to achieve the indicated reduction in particular kinds of services;

BE IT FURTHER RESOLVED that the employment of the 97 certificated employees named in the Final Layoff List attached hereto is hereby terminated effective upon the close of the current school year (i.e., the end of such employees' last working day prior to July 1, 2010), to the extent shown therein;

BE IT FURTHER RESOLVED that the precautionary layoff notices and accusations issued to any certificated employees not named in the Final Layoff List attached hereto are hereby rescinded and all such employees shall not be laid off as a result of this proceeding;

BE IT FURTHER RESOLVED that the layoff notices and accusations issued to the any additional certificated employees not named in the Final Layoff List attached hereto are hereby rescinded and all such employees shall not be laid off as a result of this proceeding;

BE IT FURTHER RESOLVED that this decision is effective immediately and that the 97 certificated employees named in the Final Layoff List attached hereto shall be given appropriate final layoff notice by the Superintendent or designee of the termination of their services, with said notice to be given on or before May 14, 2010, in the manner prescribed by law; and finally

BE IT FURTHER RESOLVED that reemployment rights shall be afforded to the affected employees in accordance with and to the extent applicable by the Education Code, if and when reemployment is available.

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**SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

**FINAL LAYOFF LIST**

The following certificated personnel will receive a final layoff notice:

- 1 Agha, Farah
- 2 Alas-Negri, Marisela
- 3 Alba, Maribel
- 4 Amador, Martha
- 5 Anderson, Kristin
- 6 Applegate, Valerie
- 7 Bagnell, Annette Christine
- 8 Barbu, Diana
- 9 Beuler, Joyella Jane
- 10 Black, Clinton
- 11 Blacksher, Kristina
- 12 Boren, Alba
- 13 Bougetz, Jaimie Elizabeth
- 14 Brown, Eboni
- 15 Brown, Nicole
- 16 Brown, Norma
- 17 Cachu, Laura
- 18 Camacho, Lisa
- 19 Campbell, Kimberly Leanne
- 20 Carmargo, Veronica
- 21 Carson, Wendi
- 22 Castillo, Cynthia
- 23 Chavez, Patricia
- 24 Chen, Susan
- 25 Concepcion, Marissa
- 26 Cooney, Melody
- 27 Crockett, Joelle Imauni
- 28 Dean, Cassandra
- 29 Dean, Kristen M
- 30 Dorame, Eric
- 31 Downing, Stephanie
- 32 Duag, Elaine
- 33 Duran, Samuel
- 34 Elliott, Lindsay
- 35 Esquibel, Malissa
- 36 Fields, Mary B

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- 37 Florez, Marisa
- 38 Garcia, Grisel
- 39 Garcia, Helen
- 40 Goebel, Kristen
- 41 Gutierrez, Mayra
- 42 Guzman, Cynthia
- 43 Hammer, JoAnn C.
- 44 Henao, Jennifer
- 45 Hodges, Rosario
- 46 Hunter, Marcia
- 47 Jackson, Talena Hill
- 48 Jimenez-Garcia, Maria
- 49 Kane, Sheena
- 50 Kuld, Gregory
- 51 Lingenfelter, Tina
- 52 Lopez, Elizabeth
- 53 Luna, Peter
- 54 Macias, Julia
- 55 Maenpaa, Kelly
- 56 Manjarrez, Amanda
- 57 Mao, Elisa
- 58 Marshall, Renita
- 59 Martin, Marrina R
- 60 McGee, Arlene
- 61 Meaca, Marisol
- 62 Moreno, Denise
- 63 Mueller, Thomas
- 64 Murguia, Anna
- 65 Nolasco, Jesus
- 66 Ortega, Paulette
- 67 Pantoja, Jessica
- 68 Parker, Marlan
- 69 Parrish, Janet
- 70 Pelayo, Nora
- 71 Pepe, John
- 72 Perez, Jeanette Monica
- 73 Perez, Sarah
- 74 Pinon, Enriqueta
- 75 Ponsler, Shawn
- 76 Quezada, Rosalinda Vera
- 77 Quintero-Rivera, Alicia
- 78 Raef, Theresa
- 79 Reyes, Nancy V

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- 80 Robles, Rebecca Alexandra
- 81 Rodriguez, Kimberly
- 82 Romero, Jesse
- 83 Ruffin, Cameron
- 84 Saldana, Catherine
- 85 Sanz, Lizette
- 86 Sargent, Kimbre
- 87 Sassaman, Sandra
- 88 Silva, Lanaya Marie
- 89 Sorrell, LaTonya
- 90 Stallings, Amber
- 91 Thissen, Kimberly Anne
- 92 Tonn, Sierra Diane
- 93 Warren, Bonnie
- 94 Westerhaus, Anja
- 95 Wirick, Jodi
- 96 Yates, Jennifer
- 97 Youglove, Gina

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BEFORE THE BOARD OF EDUCATION  
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Reduction in Force  
Involving the Respondent Identified in  
Exhibit A.

OAH No. 2010030940

**PROPOSED DECISION**

Mary Agnes Matyszewski, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 27, 2010, in San Bernardino, California.

Sherry Gordon and Todd Robbins, Atkinson, Andelson, Loya, Ruud & Romo, represented San Bernardino City Unified School District.

Elizabeth Garfield, Attorney at Law, represented the respondents identified in Appendix A.

Respondents David Davenport, Matthew Delano, Stephen Emrich, JoAnn Hammer, Lisa Harrison, Cassandra Loney, John Pepe, Cameron Ruffin, Lizette Sanz, and Wayne McGilvery represented themselves.

No appearance was made by or on behalf of respondents Brett Bakanec, Veronica Camargo, Erika Cordova, Elaine Duag, Jennifer Henao, Craig Lampert, Julia Macias, Kassy Mayor, Arlene McGee, Sarah Morales Alfonso, Thomas Muller, Jessica Pantoja, Angela Perez, Alicia Quintero-Rivera, Teresa Raef, Pedro Ramos, Kimberly Rodriguez, Martha Samaro, Amy Schmidt, Tara Schmidt, Kimberly Thissen, Anja Westerhaus, Paloma Gomez Alicia Martinez, Christian Ponce, and Marcus Wilkerson who did not request a hearing.

Before the hearing the accusations served on Irene Awad-Shendi, Joseph Baragone, Meghan Barber, Cynthia Blumenthal, Rick Bowling, Richard Bravo, Jennifer Brink, Mary Chegroune, Mario Cruz, Luisa Curtis, Erik Drew, Mary Lou Farlender, Nanette Flores Bravo, Oleksandr Gahungu, Dorothy Green, Joanne Haberman, Ward T. Hildebrand, Megal Hopper, Marcia Japutra, Jeffrey Juhnke, Andrew Kubitz, Patricia Ledesma, Cassandra Loney, Robin McNeir, Ashley Mesko-Maggs, Tracy Monroe, Lakshmi Pillalamarri, Michael Quinlan, Emily Ratica, Michelle Rosales, Gail Russell, Julie Shingles, Natachia Sinkfield, Tyrone Slack, Theodore Stanton, Kristina Stiller, Jill Sullivan, Deborah Tarver, Shirley



Vasquez, Jean Weede, Caitlin Wright, Christian Wyser-Orpineda, were withdrawn and the precautionary accusations served on respondents Eugene Chaney, Dawn Farrington, Gregor Goodyear, Garth Moline, and Jerry Tivey were withdrawn and their layoff notices rescinded.

At the conclusion of the presentation of the evidence, respondents' attorney requested an opportunity to submit a written brief limited to the issue of the 39 respondents whose notices were withdrawn prior to the start of the hearing. That request was granted and a briefing schedule established. Thereafter, the matter was submitted on May 4, 2010.<sup>1</sup>

### FACTUAL FINDINGS

1. Harold Vollkommer made and filed the accusation in his official capacity as Assistant Superintendent, Human Resources, San Bernardino City Unified School District.
2. Respondents are identified in Appendix A, attached hereto and incorporated by this reference. All respondents are certificated employees of the district.
3. On March 2, 2010, the Board of Education of the San Bernardino City Unified School District (Board) adopted a resolution entitled Reduction of Particular Kinds of Certificated Services-A, which reduced particular kinds of services and directed the superintendent to give appropriate notices to certificated employees whose positions would be affected by the action. The resolution involved the reduction or elimination of 196 full time equivalent (FTE) positions.
4. In the resolution the Board "determined that due to a significant population of English language learners with specialized educational needs, a specific and compelling need exists to employ and retain certificated employees who have formal (not emergency) authorization to teach English Learner ("EL") students, as determined by the California Commission on Teacher Credentialing, and the special training and experience that comes" from having such an authorization.
5. The resolution specifically noted that the "failure to staff a classroom containing one or more EL students with a certificated employee possessing an appropriate EL authorization is 'misassignment' subject to sanction by the County Superintendent of Schools." The resolution referenced laws pertaining to EL students and noted that the district's needs and its students' needs "should not and cannot be adequately served by concentrating EL students in particular classrooms in such a manner as to lessen the need for certificated employees with EL authorizations."

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<sup>1</sup> Respondents' closing brief was marked and received in evidence as Exhibit 38. The district's reply brief was marked and received in evidence as Exhibit 39. The points raised in those briefs were addressed throughout this decision.

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6. The Board also established a bump analysis to determine which employees could bump into a position being held by a junior employee. The resolution defined “competency” pursuant to Education Code section 44955, subdivision (b), for the purposes of bumping as possession of “(1) a valid credential in the relevant subject matter area; (2) ‘highly qualified’ status under the No Child Left Behind Act in the position to be assumed; and (3) an appropriate formal (not emergency) EL authorization, if required by the position to be assumed.”

7. The resolution authorized the superintendent to deviate from the seniority list i.e. to “skip” more junior employees, if necessary, pursuant to Education Code section 44955(d)(1). The superintendent was directed to implement the resolution in a manner that was consistent with the district’s policies and its efforts to offer certain services to its students. There is no legal requirement mandating that skipping criteria be contained in a resolution. Employees who met any of the skipping criteria for some but not all of their assignment(s) were to be retained only for that portion of their assignment that required the skipping criteria.

8. In January 2009 the California Department of Education informed the district that it had failed to meet “Adequate Yearly Progress” and that it had failed to meet the “100 percent Highly Qualified Teacher requirement for three consecutive years as mandated by NCLB.” As a result of these failures, the district was placed into Level C of the Compliance Monitoring, Interventions, and Sanctions Program for the 2008-2009 school year. The district skipped employees who were highly qualified under NCLB standards and employees who were authorized to teach EL students. The district skipped these teachers because approximately 17,000, or one third, of the district’s students are EL students. The district introduced the teacher qualifications it had adopted in 2007 to improve EL student achievement as required by NCLB.

9. On March 2, 2010, the district adopted “Resolution to Adopt Criteria for Resolving Ties in Seniority Related to Certificated Layoffs” which established tie-breaking criteria to determine the order of termination for those employees who shared the same seniority dates.

10. The master schedules for the schools for the 2010-2011 school year were not established on the date of the hearing.

11. On or before March 12, 2010,<sup>2</sup> written notice was given to certificated employees, including respondents, of the recommendation that their services would not be required for the 2010-11 school year. The reasons for the recommendation were set forth in these preliminary layoff notices. Thereafter, an accusation was served on each respondent who requested a hearing. Except for the notice issue specifically addressed in Findings of Fact No. 30 below, all prehearing jurisdictional requirements were met.

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<sup>2</sup> The district introduced a sample of the notice sent to employees which was dated March 12, 2010.

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12. Before issuing the preliminary layoff notices, the district took into account all positively assured attrition. The district must issue final layoff notices before May 15, and when it does so the district will take into account any additional attrition that has occurred. After that, further attrition will allow the district to rehire employees whose employment was terminated as a result of this reduction in force proceeding. An issue arose during the hearing regarding the vacancies created by attrition which has occurred since March 15, but the district was not required to consider those vacancies. (*San Jose Teachers Association v. Allen* (1983) 144 Cal. App. 3d 627.)

13. The layoffs will not reduce any of the district's educational offerings to levels below those levels required by law.

14. The district alleged that that it relied on its seniority list when making layoff decisions and that the district sent verification requests to employees before March 15 to verify the accuracy of the information on that seniority. The district received updated information until the day before the hearing, which allowed the district to rescind several notices.

*The District's Skipping Criteria and Bumping Analysis*

15. At issue in this proceeding was the district's use of an EL certificate to justify its retention of more junior employees over others with more seniority that did not possess an EL certificate. The evidence established the district's need for employees with EL certificates, especially in light of the State's non-compliance report issued to the district. The evidence established that the district had adopted a policy in 2007 in which the district advised teachers of the need for EL training and of its value to the district. The evidence established that the district sent letters in late summer 2009 to all employees who were not EL certified, advising them to obtain EL certification because such certification was most likely going to be used as a skipping criteria. The district allowed teachers to submit proof of having obtained EL certification right up until the day before the hearing, even going so far as accepting proof of EL certifications issued by the local university the Saturday before the hearing so that those employees who completed the EL certification training on that day would not have to drive to the district's offices to submit proof. The district went "above and beyond" the call of duty to advise employees of the importance of the EL certification and it provided them with ample opportunity to obtain the certification. The evidence did not establish that the district's EL certification criteria were arbitrary or capricious. (*San Jose Teachers Association v. Allen* (1983) 144 Cal. App. 3d 627, 637.)

16. Education Code section 44955, subdivisions (b) and (c), sets forth a general rule that requires the district to retain senior employees over more junior employees and to retain permanent employees over temporary employees. Any exception to this general rule must be based on statute. For employees hired on the same date, Education Code section 44955, subdivision (d) provides:

“(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

(1) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

(2) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.”

17. Under subdivision (d)(1), a district may skip a junior teacher being retained for specified reasons. (*Bledsoe v. Biggs Unified School District* (2008) 170 Cal. App. 4th 127, 131.) Junior teachers may be given retention priority over senior teachers only if the junior teachers possess superior skills or capabilities which their more senior counterparts lack. (*Santa Clara Federation of Teachers, Local 2393, v. Governing Board of Santa Clara Unified School District* (1981) 116 Cal.App.3d 831, 842-843.)

18. A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or “bump” a junior employee who is filling that position. (*Lacy v. Richmond Unified School District* (1975) 13 Cal.3d 469, 473-474.)

19. Although the district’s use of EL certification as a skipping criteria was not arbitrary or capricious, the way in which the district implemented its use in this proceeding was arbitrary and capricious. A preponderance of the evidence established that when the district compiled its layoff list, the district did not permit employees to move between the various types of schools. Even if a middle schoolteacher were certificated and competent to bump a junior high school teacher, the district did not permit that to occur. Assistant Superintendent Vollkommer testified that the district did not “move between schools.” The district’s actions were contrary to the Education Code. Other than the employment of ROP and adult education teachers, which was not at issue here, there is nothing in the Education Codes that restricts skipping and bumping to the type of school where an employee teaches. For example, if a middle school teacher is certificated and competent, he or she can bump a more junior high school teacher.

20. Layoff notices should be rescinded in those cases in which a notice was served upon more senior respondent who was certificated and competent to hold a position being retained by a more junior employee on the basis that the more junior teacher taught at a

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different type of school<sup>3</sup>, and the accusations improperly served upon those respondents should be dismissed.

21. Respondents Ana Serrano-Gomez, Angela Shih, Amanda Diaz, and Jessie Romero testified that they hold the requisite competence, certification and seniority to bump a more junior teacher who is currently teaching at a different school. It is recommended that district review its personnel files to determine if these individuals are entitled by their seniority and credentials to bump a more junior employee.

22. Respondents Matthew Riesland, Nadine Eastwood, Steve Ryser, Yvonne Magdaleno, Lori Maxwell, Linda Gordon, Ty Stockham, Adrian Eddington, Randall Jensen, Randall Murray, John Arient, Paula Bougie, John Rezendes-Herrick, David Daniels and Eric Abrams completed their CLAD certification at the University of Redlands class the Saturday before the hearing, but none of them had their notices rescinded; the district offered no explanation for this omission. Since the district withdrew the notices and accusations filed against all other teachers who completed that Saturday class, fairness dictates that the notices and accusations filed against these respondents be rescinded, as well, especially if these respondents have more seniority than other teachers who are being retained.

23. Respondent Shawndee Hatfield testified that the district's bumping list was incorrect because she is NCLB compliant. Based upon this testimony and the evidence in support thereof, the district revised its bumping list and withdrew the accusation and rescinded the notice that was issued to Hatfield. This amendment in the seniority list resulted in respondent MarLan Parker moving from the precautionary layoff list to the final layoff list proposed by the district.

24. Respondents Eric Abrams and Paula Bougie testified that they have the requisite EL certification and they could not understand why their colleagues with less seniority had their notices rescinded while theirs remained in place. The district explained in its closing argument that Abrams and Bougie were on the precautionary layoff list only, but the district offered no explanation for the reason their colleagues' notices were rescinded and Abrams' and Bougie's were not. It is recommended the district review Abrams' and Bougie's personnel files, correct them to reflect their current certifications, and then determine if these individuals have sufficient seniority to retain their employment.

25. Respondent Gina Younglove testified that she received her CLAD certification in December 2009 and that employees with less seniority were being retained. It is recommended that the district review Younglove's personnel file, correct it to reflect her current certification, and then determine if she has sufficient seniority to retain her employment, especially in light of the fact that the district rescinded the layoff notices of individuals who had EL certification.

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<sup>3</sup> Thus, a certificated and competent elementary school teacher can bump a middle school or high school teacher; a certificated and competent middle school teacher can bump an elementary school or high school teacher; and a certificated and competent high school teacher can bump an elementary school or middle school teacher.

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26. Respondent JoAnne Hammer introduced documentation to support her testimony that she has a CLAD certification and not an SDAIE certificate, as was recorded in the district's seniority list. It is recommended the district review her personnel file, correct it to reflect her current certification, and determine if she has sufficient security to retain her employment.

27. Several employees testified about the reasons they had not yet obtained their EL certification. Marie de Bello explained that her degree did not require her to take a foreign language, which is a prerequisite to obtaining her EL certification. Dita Lehrack, explained that she was scheduled to take the EL courses in the summer of 2009, but her husband was diagnosed with terminal cancer and she cared for him instead. Lehrack is currently scheduled to complete her EL certification coursework in May. Jennifer Noel testified that over the years when she tried to take the EL courses offered by the district, she was told that she did not qualify for them for one reason or another. However, nothing prevented Noel from obtaining the certification from a non-district-sponsored source. The explanations offered by these three respondents were insufficient in light of the district's needs.

*Substitute Teacher Issues*

28. Respondent Jessie Romero disputed his seniority date of August 21, 2009, arguing that he should be given credit for previous substitute teaching experience within the district. Education Code section 44918, subdivision (a), provides that any employee classified as a substitute or temporary employee who serves during one school year for at least 75 percent of the number of days of the school year shall be deemed to have served one year as a probationary employee if he or she is employed as a probationary employee the following year. Romero testified that in the past he has worked more than 75 percent of the school year, but not in the school year immediately before his employment as a middle school teacher. Romero is being paid at a "Level III" salary level because of his prior experience in the district. Although the district chose to pay Romero at a higher rate because of this experience, nothing in the Education Code allows him to have his seniority date amended since he did not work 75 percent of the school days during the school year before he was employed on a full-time basis.

29. Respondents Linaya Silva and Victoria Dandridge disputed their seniority dates because they had worked more than 75 percent in the previous school year as substitute teachers. It is recommended that in light of Education Code section 44918, subdivision (a), the district review their personnel files and determine if their seniority dates should be adjusted based upon their prior substitute teacher experience, as well as determine if they have sufficient seniority based upon their prior substitute teaching to retain their employment.

*Service Issue*

30. Respondent Craig Lampert was previously employed by the district and he returned to employment with the district in 2009 after living out of state for seven years. When re-employed he provided the district with his new residence address and received his paychecks

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at that address. A copy of his pay stub corroborated his testimony. However, for whatever reason and no valid reason was offered at hearing, Lampert's notice was served at his previous address. Lampert was unaware of the notice until a colleague advised him that his name was on the layoff list. The district argued that since he appeared at this hearing, notice was sufficient. However, without proper service on Lampert, he cannot be a party to these proceedings and this administrative law court lacks jurisdiction to proceed on the district's case filed against him.

*Credential Issues*

31. Respondent Pamela Bruce disputed the district's seniority list which indicated that she had a Preliminary Single Subject Science credential. Bruce submitted transcripts which indicated she had "cleared" that credential by taking courses in March 2009 and April 2010. It is recommended the district review Bruce's personnel file and update it accordingly. However, the district is entitled to consider those credentials currently held when it issues its preliminary layoff notices and Bruce's credential was not "cleared" until after the March 15 notice deadline. Accordingly, she was properly served with a notice and accusation.

32. Respondent Angela Shih pointed out that she has a clear credential, which was reflected on the seniority list, but the district's Bump Analysis listed her as having only a preliminary credential. The district admitted that the Bump Analysis was incorrect, but that this error did not affect her status. It is recommended the district review Shih's personnel file and the bump analysis to ensure that her notice was proper.

33. Respondent Michelle de Puzo testified that the seniority list incorrectly identified her as having an intern credential when she possesses a preliminary credential. de Puzo received her CLAD on March 19, 2010, which makes her highly qualified under NCLB. de Puzo also disputed her August 21, 2009, start date, testifying that her correct start date should be August 11, 2009, the date her principal required her to attend mandatory training for which she was paid. She introduced e-mails and documents corroborating her claim. The preponderance of the evidence established that de Puzo was required to attend the mandatory training and that she reasonably relied on the statements made by her principal and attended the training under the reasonable belief that her attendance was required. She forfeit her summer vacation in order to attend this orientation. In its closing argument, the district stated that it had identified a vacancy that de Puzo was entitled to occupy and the district withdrew its accusation and rescinded the notice filed against de Puzo.

34. Respondent Cynthia Castillo testified that her credential was incorrectly listed on the seniority list. She obtained her preliminary credential in December 2009, but she is still listed as only having an intern credential. It is recommended the district review Castillo's personnel file, make the necessary correction, and then determine if she has sufficient seniority to permit her to retain her employment.

*Other Issues*

35. Respondent Laura Wheeler testified that other English teachers with lower seniority dates received precautionary layoff notices whereas she had received a layoff notice despite her seniority. Wheeler teaches the REACH program which makes her “highly qualified.” It is recommended the district review Wheeler’s personnel file and determine if she has sufficient seniority and competency to permit her to retain her employment, especially in light of Findings of Fact Nos. 15-20, inclusive.

36. Respondent Bonnie Warren inquired if she was eligible for a different seniority date because of her prior work experience in the district. Warren worked between 2002 and 2006 as an intern, teaching in the same class during the 2005-2006 school year. Warren left her employment when she could not pass her CSET examination. After passing the CSET examination in the summer of 2006, Warren was re-employed by the district during the 2006-2007 school year as an Opportunity Teacher at the high school with an intern credential. She separated from employment on September 2, 2008, when her intern credential lapsed. She obtained her clear credential on December 8, 2008, and she was re-employed by the district as a high school teacher. Education Code section 44464 expressly provides that interns do not have the rights provided by Education Code sections 44948 and 44949. Nothing in the Education Code permits the district to “tack on” additional time for those years during which Warren worked as an intern. Her seniority date was correctly determined by the district.

37. Respondent Diana Mojic-Mastranzo, who holds a BCLAD, could not understand why she was on the regular layoff list when employee # 2555, who holds a CLAD, was on the precautionary layoff list. The district offered no explanation for this. In light of the findings in Findings of Fact Nos. 15-20, it is recommended the district review Mjoic-Mastranzo’s personnel file and determines if she has sufficient seniority to retain her employment.

38. Respondent Monica Lopez-Alonso, whose credential cleared in 2009, inquired as to why employee numbers 2539 and 2528, who have less seniority, were being retained when she was being laid off. It is recommended that the district review Lopez-Alonso’s personnel file, make any necessary corrections to reflect her correct credential, and then determine if she has sufficient seniority to retain her employment.

*Precautionary Layoff Issues*

39. The district issued precautionary layoff notices to ensure that it could reduce its force in sufficient numbers as ordered by the Board. There was nothing improper in the district taking this precaution. Given the recommendations noted above and below, at this juncture none of the precautionary layoff notices can be rescinded until such time as the district complies with those recommendations. Some of the recommendations may result in employees who initially received a precautionary layoff notice being placed on the district’s



final layoff notice list; others may have their notices rescinded after the recommended actions contained in this order are completed.

#### LEGAL CONCLUSIONS

1. Jurisdiction for this proceeding exists pursuant to sections 44949 and 44955, and all notices and other requirements of those sections have been provided as required.

2. A district may reduce services within the meaning of section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that proffered services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

3. The decision to reduce or discontinue a particular kind of service is matter reserved to the district's discretion and is not subject to second-guessing in this proceeding. (*Rutherford v. Board of Trustees of Bellflower Unified School District* (1976) 64 Cal.App.3d 167.)


4. Because of the reduction of particular kinds of services, cause exists pursuant to Education Code section 44955 to give notice to respondents that their services will not be required for the 2010-2011 school year. The cause relates solely to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949. The district has identified the certificated employees who are providing the particular kinds of services that the Governing Board directed be reduced or discontinued. It is recommended that the Governing Board give respondents notice before May 15, 2010, that their services will not be required by the District for the school year 2010-11.

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RECOMMENDATION

It is recommended that the governing board give notice to the respondents whose names are set forth below except for those respondents identified above in the Findings of Fact Nos. 20-26, 29, 30, 32-35, 37, and 38, inclusive, that their employment will be terminated at the close of the current school year and that their services will not be needed for the 2010-2011 school year.

DATED: May 5, 2010

  
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MARY AGNES MATYSZEWSKI  
Administrative Law Judge  
Office of Administrative Hearings

Appendix A

RESPONDENTS

The following certificated personnel received a layoff notice:

1 Adams, Keisha L	36 Carmargo, Veronica
2 Agha, Farah	37 Carson, Wendi
3 Alas-Negri, Marisela	38 Castillo, Cynthia
4 Alba, Maribel	39 Ceja, Elida
5 Amador, Martha	40 Chavez, Patricia
6 Anderson, Kristin	41
7 Applegate, Valerie	42 Chen, Susan
8 Arreola, Fiorella A	43 Concepcion, Marissa
9 Arroyo, Nancy	44 Cooney, Melody
10 Atencio, Callie	45 Cooper, John D
11	46 Cordova, Erika
Bagnell, Annette	Crockett, Joelle
12 Christine	47 Imauni
13 Bakanec, Brett Adam	48
14	49
15	50 Davenport, David
16 Barbu, Diana	51
17 Beuler, Joyella Jane	52 Dean, Cassandra
18 Black, Clinton	53 Dean, Kristen M
19 Blacksher, Francine	54 Delano, Matthew
20 Blacksher, Kristina	55 Demarco, Ana
21	56 Diaz, Amanda
22 Bogarin, Alexis R	57 Dorame, Eric
23 Boren, Alba	58 Downing, Stephanie
Bougetz, Jaimie	
24 Elizabeth	59
25	60 Duag, Elaine
26 Bracken, Michelle	61 Duran, Samuel
27	62 Eck, Barbara
28	63 Elliott, Lindsay
29 Brown, Eboni	64 Esquibel, Malissa
30 Brown, Nicole	65
31 Brown, Norma	66 Fields, Mary B
32 Cachu, Laura	67
Cals Southern,	
33 Jennifer	68 Florez, Marisa
34 Camacho, Lisa	69
Campbell, Kimberly	
35 Leanne	70 Garcia, Grisel

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71	Garcia, Helen	106	Magdaleno, Yvonne C.
72	Girasek, Berenise	107	Manjarrez, Amanda
73	Goebel, Kristen	108	Mao, Elisa
74	Grajeda, Marie	109	Marshall, Renita
75		110	Martin, Marrison R
76	Guillen, Karla	111	Mayor, Kassy
77	Gutierrez, Mayra	112	McGee, Arlene
78	Guzman, Cynthia	113	McNair, Lisa Renee
79		114	
80	Hammer, JoAnn C.	115	Meaca, Marisol
81	Harrison, Lisa Marie	116	Hyson Mojica-Mastranzo,
82		117	Diana
83	Henao, Jennifer	118	
84	Hidalgo, Monica Ann	119	Mooney, Eric James Morales Alfonso, Sarah
85	Hodges, Rosario	120	Mary
86		121	Moreno, Denise
	Hudson-Cousins,	122	Moss, Robert
87	Shakirah Nar	123	Muller, Thomas
88	Hunter, Marcia	124	Murguia, Anna
89	Jackson, Talena Hill	125	Ortega, Paulette
90		126	Pantoja, Jessica
91	Jimenez-Garcia, Maria	127	Parrish, Janet
92	Johns-King, Vanessa	128	Parker, MarLan
93		129	Pepe, John D
94	Kane, Sheena	130	Perez, Angela I
95		131	Perez, Jeanette Monica
96	Kuld, Gregory	132	Perez, Sarah
97	Lampert, Craig L	133	Peterson, Jessica L
98		134	
99	Lehrack, Dita J	135	Pinon, Enriqueta
100	Lingenfelter, Tina	136	Ponsler, Shawn
101		137	Prato, Patricia
102	Lopez, Elizabeth		Quezada, Rosalinda
103	Luna, Felicia	138	Vera
104	Lyons, Jessica Lynn	139	
105	Macias, Julia	140	Quintero-Rivera, Alicia

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141	Raef, Teresa	176	Torres, Angela
142	Ramirez, Melissa Yong	177	
143	Ramos, Pedro	178	Verduzco, Georgina
144		179	Warren, Bonnie
145	Reyes, Nancy V	180	
	Robles, Rebecca		
146	Alexandra	181	Westerhaus, Anja
147	Rodriguez III, Santos	182	Wheeler, Laura
148	Rodriguez, Kimberly	183	Willemse, Brian
149	Romero, Jesse	184	Wilson, Danielle
150	Rosales, Crystal	185	Wirik, Jodi
151		186	Womack, Jacqueline A
152	Ruffin, Cameron	187	Wong, Jessica
153		188	
154	Saldana, Catherine	189	
155	Samaro, Martha G	190	Yates, Jennifer
156	Sanz, Lizette	191	Younglove, Gina
157	Sargent, Kimbre		
158	Sassaman, Sandra		
159	Schmidt, Amy		
160	Schmidt, Tara Nicole		
161			
162	Silva, Lanaya Marie		
163	Simental-Gladin, Maribel		
164	Singer, Trimonisha		
165			
166			
167	Sorrell, LaTonya		
168	Stallings, Amber		
169			
170			
171			
172			
173	Thissen, Kimberly Anne		
174	Tonn, Sierra Diane		
175	Tornero, Jessica Christine		

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The following certificated personnel received a precautionary layoff notice:

1	Abell, Megan	41	Martinez-Guzman, Cecilia C
2	Abrams, Eric S	42	Maxwell, Laurie H
3	Anderson, Joey K	43	Mc Gilvery, Wayne S
4	Arient, John G	44	
5	Awunganyi, John	45	Murray, Randall M
6	Back, Tiffany Moree	46	Noel, Jennifer L
7	Benitez, Ana Beatris	47	Nolasco, Jesus
8	Besheer, Rebecca Marie	48	Ochoa, Mayra
9	Bonds, Diane C	49	Ortega, Anna Marie
10	Bougie-Thomas, Paula J		
11	Brown-Taylor, Nadine	51	Phillips, Ramona Rae
12	Bruce, Pamela Sue	52	Ponce, Christine
13		53	Reynolds, Charles E
14	Chiang, Krystal	54	Reynolds, Kira Diane Rezendes-Herrick, John
		55	M
15	Condrey, Christina	56	Riesland, Matthew A
16	Daniels, David A	57	Roberts, Stephen M
17	Danridge, Victoria	58	Rodriguez, Claudia
18	Debello, Marie S	59	Romero, Sara Victoria
19	Eastwood, Nadine	60	Roundy, Robin
20	Eddington, Adrian	61	Ryser, Steven J
21	Emrich, Stephen J	62	Salazar, Mayra
22		63	Schlagel, Lacie
23	Gomez, Paloma	64	Scoggin, Kelly Serrano-Gomez,
24		65	Natividad
25	Gordon, Linda M	66	Sherman, Karyl
26	Gueringer, Ronnie J	67	Shih, Angela
27	Hart, Cassandra	68	Smith, Christal
28	Hendrickson, Matthew		Stephens, Eileen Catherine
29	Hickey, Saira	69	
30	Hildebrand, Ward T	70	Stockham, Ty D
31	Hoffman, Sarah	71	Thach, Hue Thi
32	Horta, Naomi	72	
33	Jensen, Randal A	73	Torres, Oscar
34	Li, Vy	74	Urenda, Beatriz
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36	Lovett, Wikitoria	76	Williams, Christine
37	Luna, Peter	77	Zapata, Norma Angelica
38	Madrigal, Anacelia	78	Zavala, Agustin
39	Maenpaa, Kelley		
40	Martinez, Alicia		

Board of Education Meeting  
May 11, 2010

## **SESSION TEN - Closing**

### ***12.0 Adjournment***

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, May 18, 2010, 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: May 7, 2010