

San Bernardino City Unified School District

Regular Meeting of the Board of Education

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

AGENDA INDEX

December 7, 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 – Annual Organizational Meeting

- 2.0 Annual Organizational Meeting** **5:35 p.m.**
2.1 Election of Officers and Assignment of Other Responsibilities
2.2 Annual Consideration of Board Policies
2.3 Organizational and Annual Meeting of the San Bernardino Schools Financing Corporation

RECESS

San Bernardino Schools Financing Corporation
Annual Meeting
Tuesday, December 7, 2010

Community Room
Board of Education Building
San Bernardino City Unified School District
777 North F Street
San Bernardino, California

AGENDA

- 1.0 Call to Order**
2.0 Directors Present
3.0 Designation and Election of Officers
4.0 Public Comments
5.0 Adjournment

RECONVENE

SESSION THREE - Special Presentations

- 3.0** *Special Presentations* **5:40 p.m.**
3.1 Recognition of District Schools that Exited Program Improvement
3.2 Recognition of the Silver Schools of Achievement Awards
3.3 Starfish Awards

SESSION FOUR – Student Report/School Showcase

- 4.0** *Student Report/School Showcase* **6:10 p.m.**
4.1 Middle College High School

SESSION FIVE – Public Hearings

- 5.0** *Public Hearings* **6:25 p.m.**
5.1 Public Disclosure of Memorandum of Understanding (Class Size at Non-QEIA Schools) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA)
5.2 Charter Petition for Optimo Preparatory Academy
5.3 Charter Petition for Le Ta'iala International Language Immersion Academy

SESSION SIX - Administrative Presentation

- 6.0** *Administrative Presentation* **6:30 p.m.**
6.1 Charter School Update

SESSION SEVEN - Administrative Reports

- 7.0** *Administrative Reports* **6:50 p.m.**
7.1 First Period Interim Financial Report as of October 31, 2010
7.2 School Improvement Grant Update

SESSION EIGHT – Other Matters Brought By Citizens

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

SESSION NINE - Reports and Comments

- 9.0** *Report by Board Members* **7:15 p.m.**
9.1 Legislative Update
10.0 *Report by Superintendent and Staff Members* **7:30 p.m.**

SESSION TEN - Legislation and Action

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

- 11.1 Approval of Minutes
- 11.2 Payment of Master Teacher – University of Redlands
- 11.3 Acceptance of Gifts and Donations to the District
- 11.4 Commercial Warrant Registers for Period from November 1, through November 15, 2010
- 11.5 Payment to Services Rendered by Non-Classified Experts and Organizations
- 11.6 Notification of Final Resolution Settlement Agreement
- 11.7 Extended Field Trip, Urbita Elementary School, Outdoor Science Camp, Forest Falls, California
- 11.8 Extended Field Trip, San Geronio High School, Harvard Model Congress, San Francisco, California
- 11.9 Agreement to Provide an In-Depth Fiscal Review for Casa Ramona Academy Charter School
- 11.10 Agreement with the State of California Department of Toxic Substances Control for Environmental Oversight for the Proposed H. Frank Dominguez Elementary School (Burbank II)
- 11.11 Professional Services Agreements for HVAC Systems Upgrades at Various District Sites
- 11.12 Amendment of the Agreement with Fagen Friedman & Fulfrost, LLC for the Public Employee Performance Evaluation Facilitator
- 11.13 Amendment to the Facilities Use Agreement with National University
- 11.14 Amendment No. 1 to the Professional Services Agreement with Adorno, Yoss, Alvarado & Smith for Legal Services
- 11.15 Amendment No. 1 to the Agreement with Anderson Architecture for Architectural and Engineering Services for the Proposed H. Frank Dominguez Elementary School (Burbank II)
- 11.16 Amendment No. 1 to the Professional Services Agreement with PJHM Architects for Architectural and Engineering Services for Modernization Projects at Pacific, Sierra, and San Andreas High Schools
- 11.17 Amendment No. 7 to the Agreement with Edward V. Regan for DSA Inspection Services for Modernization Projects at Various Sites
- 11.18 Amendment No. 10 to the Agreement with HMC Architects to Provide Architectural and Engineering Services for Indian Springs High School New Construction/Old Curtis Middle School Modernization Project
- 11.19 Renewal of the Affiliation Agreement with Community Care on Palm to Provide a Site for Clinical Practice for Adult Education Students Enrolled in the Certified Nursing Assistant Training Program
- 11.20 Renewal of the Lease Agreement with M Space Holdings, LLC for Relocatable Classrooms Located at Middle College High School

- 11.21 Renewal of the Lease Agreement with M Space Holdings, LLC for Relocatable Classrooms Located at San Gorgonio High School
- 11.22 Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Flooring
- 11.23 Expulsion of Student(s)
- 11.24 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
- 11.25 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
- 11.26 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 11.27 Revocation of Suspension of Expulsion
- 11.28 Lift of Expulsion of Student(s)
- 11.29 Failure to Recommend Mandatory Expulsion 48915
- 11.30 Petition to Expunge, Rescind, or Modify Expulsion
- 11.31 Education Code 48213

12.0 Action Items

- 12.1 Public Disclosure of Memorandum of Understanding (Class Size at Non-QEIA Schools) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA)
- 12.2 First Period Interim Financial Report as of October 31, 2010
- 12.3 Personnel Report #11, Dated December 7, 2010

SESSION ELEVEN - Closed Session

13.0 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

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Public Employee Discipline/Dismissal/Release

SESSION TWELVE – Open Session

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

SESSION THIRTEEN - Closing

15.0 *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, December 21, 2010, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: December 3, 2010

Board of Education Meeting
December 7, 2010

San Bernardino City Unified School District

Regular Meeting of the Board of Education

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

AGENDA

December 7, 2010

SESSION ONE - Opening

1.0 Opening

1.1 Call to Order

1.2 Pledge of Allegiance to the Flag

SESSION TWO – Annual Organizational Meeting

2.0 Annual Organizational Meeting

2.1 Election of Officers and Assignment of Other Responsibilities
(Prepared by Superintendent)

The Education Code and the Bylaws of the Board of Education require certain actions with regard to the internal organization of the Board.

● Election of a Board President

BE IT RESOLVED that the Board of Education elects _____ to serve as Board President for the ensuing year.

● Election of a Board Vice President

BE IT RESOLVED that the Board of Education elects _____ to serve as Board Vice President for the ensuing year.

● Election of a Board Secretary. It has been the past practice that the Superintendent serve as the Secretary of the Board.

BE IT RESOLVED that the Board of Education elects Arturo Delgado to serve as Board Secretary.

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

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

- Board Certification of Action

BE IT RESOLVED that Arturo Delgado, Secretary of the Board of Education, and Phyllis Gronek, Assistant Secretary of the Board, be authorized to certify or attest to actions taken by the Board of Education whenever such certification or attestation is required for any purpose as prescribed by Education Code Sections 35250 and 35036.

The Board of Education will make the following appointments.

- Appointment of a Board Member to serve as the Board's designated representative to elect members to the San Bernardino County Committee on School District Organization. Danny Tillman served as representative last year.
- Appointment of Board Members to serve as the Board's designated representative and alternate to the Center for Individuals with Disabilities. Louise Ayala served as representative and Danny Tillman served as an alternate last year.
- Appointment of CSBA Delegates--Based on the ADA of the District, the Board is entitled to two delegates. Currently, the delegates are Teresa Parra Craig and Lynda Savage. The position held by Mrs. Savage will expire in May 2012; the position held by Mrs. Parra Craig will expire in May 2011.
- Appointment of Board Members to serve as the Board's designated representatives to the Education Bridge Committee. Teresa Parra Craig, Barbara Flores, and Judi Penman served as representatives last year.
- Appointment of a Board Member to serve as the Board's designated representative to Arrowhead United Way. Judi Penman served as representative last year.

2.2 Annual Consideration of Board Policies (Prepared by Superintendent)

Board Bylaws 9310 state that the Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or District circumstances.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education readopts all existing Board policies until revised or revoked by the Board of Education.

2.3 Organizational and Annual Meeting of the San Bernardino Schools Financing Corporation
(Prepared by Superintendent)

As required by the San Bernardino Schools Financing Corporation Bylaws, the Board of Directors of the Corporation shall have an annual meeting for the purpose of organization, selection of officers, and transaction of other business. According to the Bylaws, annual meetings of the Board of Directors shall be held immediately following the first organizational meeting of the year of the San Bernardino District Board of Education.

It is appropriate at this time to recess as the Board of Education of the San Bernardino City Unified School District and convene as the Board of Directors of the San Bernardino Schools Financing Corporation.

RECESS

San Bernardino Schools Financing Corporation
Annual Meeting
Tuesday, December 7, 2010

Community Room
Board of Education Building
San Bernardino City Unified School District
777 North F Street
San Bernardino, California

AGENDA

1.0 Call to Order

2.0 Directors Present

3.0 Designation and Election of Officers

BE IT RESOLVED that _____ be elected as the Corporation's President.

BE IT ALSO RESOLVED that _____ be elected as the Corporation's Vice President.

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BE IT ALSO RESOLVED that Arturo Delgado be elected as the Corporation's Secretary/Treasurer.

BE IT FURTHER RESOLVED that Phyllis Gronck be elected as the Corporation's Assistant Secretary.

4.0 Public Comments

5.0 Adjournment

At the conclusion of the meeting of the Board of Directors of the San Bernardino Schools Financing Corporation, the Board of Education will reconvene its regular meeting.

RECONVENE

SESSION THREE - Special Presentations

3.0 Special Presentations

3.1 Recognition of District Schools that Exited Program Improvement
(Prepared by the Communications Office)

The Board is recognizing Lytle Creek, Muscoy, Juanita Blakely Jones and Kimbark Elementary Schools for making significant academic growth and formally exiting the state's Program Improvement watch list.

3.2 Recognition of the Silver Schools of Achievement Awards
(Prepared by the Communications Department)

The Schools of Achievement recognition program honors schools that have met or exceeded their API and AYP targets during the 2009-10 school year. At this time, the Board of Education would like to recognize and congratulate seven District schools who have earned a Silver Schools of Achievement Award. Schools earning a Silver award met all API and AYP targets.

3.3 Starfish Awards
(Prepared by Certificated Human Resources Division)

Since 1991, the Board of Education and Superintendent have had a strong commitment to providing outstanding customer service. To this end, many programs and activities have been developed and implemented. As part of this effort, the Superintendent authorized the creation of a recognition program for schools that have exemplified the customer service objectives of the District. Tonight it is our pleasure to recognize 16 schools that have met the following criteria as Starfish Award Winners:

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- 9 or above on Mystery Customer rating
- 90% satisfied or less than 10% dissatisfied on all questions on end-of-year parent survey
- Customer Service Poster displayed in a visible and accessible location
- Submitted Parent Survey Response Form

Winning schools for the 2009-2010 school year include: Alessandro, Belvedere, Burbank, Fairfax, Lincoln, Mt. Vernon, Oehl, Palm Avenue, , Rio Vista, E. Neal Roberts, Roosevelt, Thompson, and Warm Springs Elementary Schools; Arrowview and Curtis Middle Schools, and Rodriguez PREP Academy.

SESSION FOUR – Student Report/School Showcase

4.0 Student Report/School Showcase

4.1 Middle College High School

SESSION FIVE – Public Hearings

5.0 Public Hearings

5.1 Public Disclosure of Memorandum of Understanding (Class Size at Non-QEIA Schools) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA) (Prepared by Certificated Human Resources Division)

On November 17, 2010, the San Bernardino Teachers Association (SBTA) ratified the following Memorandum of Understanding that clarifies compensation related to class size at non-QEIA schools as well as additional compensation that teachers will be eligible to receive.

MEMORANDUM OF UNDERSTANDING SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT AND SAN BERNARDINO TEACHERS ASSOCIATION

October 28, 2010

MOU – Class Size for Non-QEIA Schools

This Memorandum of Understanding is made and entered into this 28th day of October 2010 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter the District) and the SAN BERNARDINO TEACHERS ASSOCIATION, CTA/NEA (hereinafter the Association).

WHEREAS, class size plays an important role in the success of students; and

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WHEREAS, the collective bargaining agreement between the SBCUSD and SBTA contains language related to maximum class sizes; and

WHEREAS, the Board of Education approved a budget plan with the intent of staffing non-QEIA primary classes (K-3) at 25:1; and

WHEREAS, the district and the union agree that reducing and/or eliminating “capping” is positive for students, but has an impact on class size;

BE IT RESOLVED that the District and the Association hereby agree:

1. Class size maximums as per Article XV, Section 1 of the Collective Bargaining Agreement will remain in effect at all sites.
2. Teachers of primary grades (K-3) at non-QEIA schools who have more than twenty-five (25) students on their official class roster will be compensated for up to three (3) additional students.
3. The rate of compensation will be \$10 per student per day.
4. The beginning date for compensation will be consistent with Article XV, Section 1 of the Collective Bargaining Agreement which addresses the balancing of classes. Payment will commence (retroactively) on the 21st school day and continue through the end of the school year.

This Memorandum of Understanding shall be effective retroactive to the contractual provision related to class size balancing within the collective bargaining agreement.

5.2 Charter Petition for Optimo Preparatory Academy
(Prepared by Student Services Division)

On November 15, 2010, Optimo Preparatory Academy submitted a charter petition to the Student Services Division. At this time, a Public Hearing will be held to consider the level of support for the petition.

5.3 Charter Petition for Le Ta’iala International Language Immersion Academy
(Prepared by Student Services Division)

On November 15, 2010, Le Ta’iala International Language Immersion Academy submitted a charter petition to the Student Services Division. At this time, a Public Hearing will be held to consider the level of support for the petition.

SESSION SIX - Administrative Presentation

6.0 *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 Eight - Other Matters Brought by Citizens.*

6.1 Charter School Update (Prepared by Student Services Division)

Dr. Harold Vollkommer, Assistant Superintendent, Certificated Human Resources/Student Services Divisions, will provide information related to a recent review of the Public Safety Academy.

SESSION SEVEN - Administrative Reports

7.0 *Administrative Reports*

7.1 First Period Interim Financial Report as of October 31, 2010 (Prepared by Business Services Division)

The Education Code, as updated by AB1200 and AB2756, requires school districts to report on their financial condition at the time of budget adoption and after closing the books with the unaudited actuals. Two interim reports are also required during the Fiscal Year for the periods from July 1 through October 31 (first period), and from July 1 through January 31 (second period).

A resolution is contained in the Action item section of the agenda regarding the certification by the Board of Education as to the District’s ability to meet its financial obligations for the current Fiscal Year and the subsequent two Fiscal Years.

First Period Interim Financial Report

The interim reports consist of projections for ADA (average daily attendance), Revenue Limit Summary, and General Fund Summary (revenues, expenditures, and fund balance) for the current and subsequent two years. Also included are a current year Cash Flow Projection, a Summary Review of State Financial Criteria and Standards, and a Certification that the District will meet its financial obligations for the current and subsequent two years.

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The Board of Education approved the Fiscal Year 2010-2011 Adopted Budget on June 15, 2010. In addition, other budget changes have been brought to the Board on the overall financial condition of the District.

A school district’s revenue limit is derived primarily from ADA. ADA is projected from enrollment numbers adjusted using cohort survival procedures for historic relationships, growth, attendance percentages, and other factors. The following ADA projections were used for this report and are detailed further in the accompanying Form AI, Average Daily Attendance Form.

Projection as of:	For:	CBEDS (Excluding Charter Schools & County)	Increase	Funded ADA * (Excluding Charter Schools & County)	Increase
Budget Adoption-06/2010	10/11	51,721	N/A	48,429	N/A
First Interim-10/2010	10/11	51,315	(406)	47,866	(563)
First Interim-10/2011	11/12	50,545	(770)	47,007	(859)
First Interim-10/2012	12/13	49,787	(758)	46,337	(670)

*Funded ADA is based upon prior year P-2 ADA adjusted for charter schools under the minimum guarantee

The **Form RLI, Revenue Limit Summary**, translates ADA numbers into revenue limit amounts.

The primary interim report document is **Form 01I, General Fund Summary**. The columns on the attached Form 01I report the following information:

- Column A** – the original (adopted) budget
- Column B** – the Board approved operating budget as of October 31
- Column C** – actual-to-date as of October 31
- Column D** – the projected year total and
- Column E** – the percentage differences between the Board approved operating budget and projected year totals

The summary Form 01I financial reports have been created projecting the current 2010-2011 Fiscal Year as well as the 2011-2012 and 2012-2013 using the following assumptions:

Revenues

- Projected revenue limit funding will decrease due to declining Enrollment
- COLAs of (0.39%) for 2010-2011, projected 0.0% for 2011-2012 and 1.9% for 2011-2012
- The revenue limit deficit for 2010-2011 is 17.963% and subsequent years
- Reductions to the Revenue Limit for current RDA funds are projected at \$163,167 for 2010-11 and same amount for subsequent years

- State and Federal categorical programs were projected at the 2010-2011 level with no COLA added in 2011-2012 and 1.9% COLA in 2012-2013 and decreased by the programs ending in subsequent years
- Inland Valley Development Agency (IVDA) funding was estimated at \$2,500,000 (one-time) for Fiscal Year 2010-11 and \$1,250,000 in subsequent years
- Prior year carryover is included in the current year budget but not for subsequent years
- One-time ARRA SFSF carryover has been included in the Fiscal Year 2010-11 in the amount of \$8,880,269 and must be fully spent by September 30, 2011
- ARRA Education Jobs Funding of \$8,604,494 of which \$4,302,247 is included in Fiscal Year 2010-11 and \$4,302,247 in Fiscal Year 2011-12. This funding must be fully spent by September 30, 2012
- Local Revenue has been reduced by one-time funding in 2011-12 and maintained at the same level for 2012-13
- Categorical programs Flexibility option (AB X3 4) has been fully exercised for current Fiscal Year and subsequent years

Expenditures

- The number of certificated positions required to be cut due to declining enrollment, excess positions over allotment and end of program funding:

<u>FY 2011-12</u>	<u>FY 2012-13</u>
229 Certificated (FTE)	83 Certificated (FTE)

- Classified salaries were negotiated to freeze step and column for Fiscal Year 2010-11 only. Classified salaries are projected to increase by step and column for Fiscal Years 2011-12 and 2012-13
- Nine days of furlough for Management (Certificated and Classified) are included for Fiscal Year 2010-11 and reduced to four days of furlough for Fiscal Year 2011-12 through Fiscal Year 2012-13
- Five days of furlough for Classified employees will end in 2010-11 and be restored in 2011-12
- Statutory employee benefits have been increased to reflect the increase in salaries
- Health and Welfare benefits are projected to remain at the 2010-11 level for subsequent years
- Textbook new adoption requirements have been suspended by CDE until 2012-13. Projected costs increased in 2012-13 when acquisition of textbooks must resume to comply with the new adoption for Fiscal Year 2013-14
- Routine Repair and Maintenance program has been included in the budget at 2% of General Fund expenditures for current and subsequent Fiscal Years. There will be no carryover provision
- The IVDA funds have been used to offset the cost of the Routine Repair and Maintenance program in Fiscal Year 2010-11 (one-time)

- Supplies, equipment and other services for subsequent Fiscal Years have been decreased by the one-time allocation in 2010-2011
- Transportation costs were projected to remain at the current-year level for subsequent Fiscal Years
- Utility costs were adjusted to reflect savings for the subsequent two Fiscal Years

Reserves

- The required Designated Reserve for Economic Uncertainties is projected at \$9,970,000 for current Fiscal Year and maintained at the required 2% level for subsequent Fiscal Years
- Other Designated amounts:

Reserve for Revolving Cash	\$210,000
Reserve for Stores	<u>\$600,000</u>
Total other Designations	\$810,000
- Designated unrestricted general fund amount is \$17,044,378 to cover the projected deficit for Fiscal Year 2011-12 and the restricted general fund balance is \$25,089,997

Current sections of the Education Code, which were revised by AB1200 and AB2756, require the governing board of the school districts to certify that the District will meet its financial obligations for the current Fiscal Year and the subsequent two Fiscal Years. Based on the foregoing information and the following summary of financial and attendance reports, the District is expected to make an estimated **ongoing cuts of \$17.3 million in Fiscal Year 2011-12 and an additional \$41.5 million ongoing cuts for Fiscal Year 2012-13 to meet its ongoing obligations for the subsequent two Fiscal Years.** These cuts are required to maintain the fiscal solvency of the district in the subsequent two Fiscal Years. Thus, it is recommended that the Board of Education approve a **positive certification** for the First Interim Financial Report for Fiscal Year 2010-11.

7.2 School Improvement Grant Update
(Prepared by the Deputy Superintendent's Office)

Dr. Judy D. White, Deputy Superintendent, and Jim Dilday, CIA Administrator, will be available to provide an update on the School Improvement Grant.

SESSION EIGHT – Other Matters Brought By Citizens

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

SESSION NINE - Reports and Comments

9.0 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.

9.1 Legislative Update

10.0 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 TEN - Legislation and Action

11.0 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.

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on November 2, 2010, be approved as presented.

11.2 Payment of Master Teacher – University of Redlands (Prepared by Certificated Human Resources Division)

The District has an agreement with the University of Redlands to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 0243911 from the University of

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Redlands in the amount of \$100.00. The District wishes to pay this honorarium to the master teacher.

It is recommended that the following resolution be adopted:

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

Judy Rodriguez \$100.00

11.3 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
Urbita Elementary School	F.E. Espinoza Jr.	\$100.00 to sponsor the ASB	\$100.00
Cajon High School	Clean Cutter Tiller Blades	\$500.00 to sponsor the Cajon Wrestling Program	\$500.00
Muscoy Elementary School	Diane Lopez	\$187.50 to sponsor the field trip transportation cost	\$187.50
Hillside Elementary School	Horace Mann	\$280.00 to support student incentives and activities	\$280.00
Manuel A. Salinas Creative Arts Elementary School	Jose Chavez	\$500.00 to sponsor the ASB	\$500.00
Arroyo Valley High School	Target Take Charge of Education	\$228.49 to support the Sports Program	\$228.49
Cajon High School	Barona Band of Mission Indians	\$5,000.00 towards the production of the Cajon yearbook	\$5,000.00

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 \$100.00, F.E. Espinoza Jr.; \$500.00, Clean Cutter Tiller Blades; \$187.50, Diane Lopez; \$280.00, Horace Mann; \$500.00, Jose Chavez; \$228.49, Target Take Charge of Education; and \$5,000.00, Barona Band of Mission Indians.

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11.4 Commercial Warrant Registers for Period from November 1, through November 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 November 1, through November 15, 2010, be approved.

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

11.5 Payment to Services Rendered by Non-Classified Experts and Organizations
(Prepared by Business Services Division)

Bradley Elementary School wishes to hire Digital Edge Learning for five days of teacher professional development, "Full Digital Delivery Experience", December 8, 2010, through June 30, 2011. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund—Economic Impact Aid State Compensatory Education, Account No. 420.

The Business Services Division wishes to amend the Board resolution to hire Digital Edge Learning, approved by the Board on November 16, 2010, Agenda Item 10.13. The amendment is necessary to substitute Davidson Elementary School for Mt. Vernon Elementary School. All other terms and conditions remain the same.

The English Learner Programs Department wishes to hire Sopris West Educational Services to present two days of professional development workshops, "Secondary Step-Up to Writing" to District teachers and staff, December 16-17, 2010. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account No. 544.

King Middle School wishes to hire Learning Plus Associates, Rancho Cucamonga, CA, to conduct a one-day workshop for District staff to address the use of academic language, test taking strategies and teaching lessons directly in 10-12 minutes, keys to implementing Standards Plus, calendaring lessons and the use of assessments, December 10, 2010. The fee, not to exceed \$975.00, will be paid from the Restricted General Fund—INAP Middle Schools, Account No. 204.

It is recommended that the following resolution be adopted:

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

Digital Edge Learning for five days of teacher professional development, “Full Digital Delivery Experience,” December 8, 2010, through June 30, 2011. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund—Economic Impact Aid State Compensatory Education, Account No. 420.

Amend the Board resolution to hire Digital Edge Learning, approved by the Board on November 16, 2010, Agenda Item 10.13. The amendment is necessary to substitute Davidson Elementary School for Mt. Vernon Elementary School. All other terms and conditions remain the same.

Sopris West Educational Services to present two days of professional development workshops, “Secondary Step-Up to Writing” to District teachers and staff, December 16-17, 2010. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account No. 544.

Learning Plus Associates, Rancho Cucamonga, CA, to conduct a one-day workshop for District staff to address the use of academic language, test taking strategies and teaching lessons directly in 10-12 minutes, keys to implementing Standards Plus, calendaring lessons and the use of assessments, December 10, 2010. The fee, not to exceed \$975.00, will be paid from the Restricted General Fund—INAP Middle Schools, Account No. 204.

11.6 Notification of Final Resolution Settlement Agreement
(Prepared by Student Services Division)

On October 20, 2010, a Final Resolution Settlement Agreement was signed to resolve Alternative Dispute Resolution, David Venegas v. San Bernardino City Unified School District. The specific terms of the agreement are as follows:

1. District agrees to reimburse Parents for the following Independent Assessments within sixty (60) days of the District’s receipt of appropriate documentation as proof of payments by Parents: Psychoeducational assessment not to exceed \$3,800.00; Occupational Therapy assessment not to exceed \$1,500.00; Speech and Language assessment not to exceed \$1,200.00; Assistive Technology assessment not to exceed \$600.00; Vision Therapy assessment not to exceed \$600.00; Audiology assessment not to exceed \$600.00. Total cost for Parent reimbursement for Independent Assessments not to exceed \$8,300.00. Payment will be made from the Restricted General Fund—Special Education, Account No. 827.
2. District agrees to reimburse Parents in an amount not to exceed \$50.00 per hour for one (1) hour per week of speech and therapy provided to student by a qualified credentialed or licensed speech and language pathologist selected by Parents to commence the week

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after signed Agreement through and including the last day of the 2010/11 school year as determined by the Cypress Elementary School calendar on days Cypress is in session. Cost for the Parent reimbursement for the speech and language pathologist not to exceed \$1,400.00. 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 Parents' Reimbursement for Independent Assessment (\$8,300.00) and Parents' Reimbursement for speech and language therapist not to exceed \$1,400.00. Total aggregate not to exceed \$9,700.00. Payments are to be paid out of the Restricted General Fund—Special Education, Account No. 827.

11.7 Extended Field Trip, Urbita Elementary School, Outdoor Science Camp, Forest Falls, California
(Prepared by Business Services Division)

Urbita Elementary School requests Board of Education approval of an extended field trip for 65 students, 5 Outdoor Science Camp staff members, and 2 District employees to attend the Outdoor Science Camp, in Forest Falls, California, January 31, through February 4, 2011.

Students will have the opportunity to study the natural environment by exploring trails, investigating geological features, observing wildlife, comparing plant adaptations, and to observe the night sky through telescopes. The trip also allows students to transfer their textbook learning into real-life experiences.

The cost of the trip, not to exceed \$20,000.00, including meals and lodging for 65 Urbita Elementary School students, 5 Outdoor Science Camp staff members, and 2 District employees, will be paid from sponsorship by the Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$754.00, will be paid from Urbita Elementary School Account No. 205. 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 65 Urbita Elementary School students, 5 Outdoor Science Camp staff members, and 2 District employees, to attend the Outdoor Science Camp, in Forest Falls, California, January 31, through February 4, 2011. The cost of the trip, not to exceed \$20,000.00, including meals and lodging for 65 Urbita Elementary School students, 5 Outdoor Science Camp staff members, and 2 District employees, will be paid from sponsorship by the Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$754.00, will be paid from Urbita Elementary School Account No. 205. Names of the students are on file in the Business Services office.

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11.8 Extended Field Trip, San Gorgonio High School, Harvard Model Congress, San Francisco, California
(Prepared by Business Services Division)

San Gorgonio High School requests Board of Education approval of an extended field trip for 22 students and 2 District employees to attend the Harvard Model Congress in San Francisco, California, January 13, through January 17, 2011.

Students will have the opportunity to participate in a variety of comprehensively designed simulations covering all three branches of government and myriad special programs to give them a complete “Inside the Beltway” experience.

The cost of the trip, not to exceed \$20,000.00, including meals and lodging for 22 San Gorgonio High School students and 2 District employees, will be paid from the Harvard Model Congress Club funds. Transportation to and from the Ontario Airport will be provided by students’ parents, at no cost. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 22 San Gorgonio High School students and 2 District employees to attend the Harvard Model Congress in San Francisco, California, January 13, through January 17, 2011. The cost of the trip, not to exceed \$20,000.00, including meals and lodging for 22 San Gorgonio High School students and 2 District employees, will be paid from the Harvard Model Congress Club funds. Transportation to and from the Ontario Airport will be provided by students’ parents, at no cost. Names of the students are on file in the Business Services office.

11.9 Agreement to Provide an In-Depth Fiscal Review for Casa Ramona Academy Charter School
(Prepared by Business Services Division)

Board of Education approval is needed to enter into an agreement with Nigro & Nigro, PC, Murrieta, CA, to provide an in-depth fiscal review of the Casa Ramona Academy charter school for Fiscal Year 2010-11 and subsequent two years, effective January 3, through January 21, 2011. The review will include, but not be limited to, charter school fiscal conditions, donations, litigation, facilities issues including lease or rental agreements and others. Nigro & Nigro will produce a report and make a formal presentation to the Board at completion of the review. The fee, not to exceed \$10,500.00, will be paid from the Unrestricted General Fund—Board of Education, Account No. 066.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves entering into an agreement with Nigro & Nigro, PC, Murrieta, CA, to provide an in-depth fiscal review of the Casa Ramona Academy charter school for Fiscal Year 2010-11 and subsequent two years, effective January 3, through January 21, 2011. The review will include, but not be limited to, charter school fiscal conditions, donations, litigation, facilities issues including lease or rental agreements and others. Nigro & Nigro will produce a report and make a formal presentation to the Board at completion of the review. The fee, not to exceed \$10,500.00, will be paid from the Unrestricted General Fund—Board of Education, Account No. 066.

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

11.10 Agreement with the State of California Department of Toxic Substances Control for Environmental Oversight for the Proposed H. Frank Dominguez Elementary School (Burbank II)
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into an environmental oversight agreement with the State of California Department of Toxic Substances Control (DTSC) for the proposed H. Frank Dominguez Elementary School (Burbank II).

This agreement is required for DTSC to monitor, review, and approve the work of the Preliminary Environmental Assessment (PEA). The PEA requires the District to conduct response actions and other associated activities under the oversight of DTSC and receive site certification from DTSC. The agreement will also enable the District to integrate and expedite implementation of PEA, site cleanup, project finance and construction processes by seeking and obtaining all CDE and OPSC final approvals and SAB School Facility Program apportionment for a project at the site prior to completion of the required response actions. The estimated total cost, not to exceed \$17,666.00, with an advance payment of \$8,833.00 within 10 days of executed agreement, will be paid from Funds 21, 25, 35, and 40.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an environmental oversight agreement with the Department of Toxic Substances Control (DTSC) for the proposed H. Frank Dominguez Elementary School (Burbank II). The estimated total cost, not to exceed \$17,666.00 with an advance payment of \$8,833.00 within 10 days of executed agreement, 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 agreement.

11.11 Professional Services Agreements for HVAC Systems Upgrades at Various District Sites
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into professional services agreements with the following firms to provide HVAC systems upgrades at various District sites, effective December 8, 2010, through December 7, 2013. The estimated not-to-exceed costs, plus reimbursables, will be paid from Funds 21, 40, and 01 - Management 707, Deferred Maintenance.

These firms are from a list of on-call providers for architectural and engineering services for small to medium-sized construction projects (under \$5 million) originally approved by the Board on September 18, 2007, and effective through September 18, 2012.

Group	Firm	Sites	Amount
Group 1	Adolph Ziemba AIA & Assoc. Burbank, CA	San Bernardino HS	\$400,000.00
Group 2	Adolph Ziemba AIA & Assoc. Burbank, CA	Cajon HS, Pacific HS	\$300,000.00
Group 3	NTD Architecture San Dimas, CA	Arrowview, Del Vallejo, Golden Valley, King, Richardson, Serrano, Shandin Hills	\$600,000.00

These services were identified as a result of the Board of Education’s direction to install air conditioning and replace evaporative cooling systems with air conditioning. To achieve economy of scale and accelerate completion of design, sites were divided into groups based on similar HVAC upgrade needs.

On October 7, 2010, the District issued Requests for Proposals to the seven pre-qualified firms. Five proposals were received on November 8, 2010, from Adolph Ziemba & Assoc., NTD Stichler Architecture, PCH Architects, STV Inc., and ATI Architects. The Facilities Management Selection Committee reviewed and ranked all submitted proposals, interviewed all firms to obtain additional information, and selected the best overall firms to recommend to the Board of Education.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into professional services agreements with the following pre-qualified firms to provide HVAC systems upgrades at various District sites, effective December 8, 2010 through December 7, 2013. The estimated not-to-exceed costs, plus reimbursables, will be paid from Funds 21, 40, and 01 - Management 707, Deferred Maintenance.

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Group	Firm	Sites	Amount
Group 1	Adolph Ziemba AIA & Assoc. Burbank, CA	San Bernardino HS	\$400,000.00
Group 2	Adolph Ziemba AIA & Assoc. Burbank, CA	Cajon HS, Pacific HS	\$300,000.00
Group 3	NTD Architecture San Dimas, CA	Arrowview, Del Vallejo, Golden Valley, King, Richardson, Serrano, Shandin Hills	\$600,000.00

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

11.12 Amendment of the Agreement with Fagen Friedman & Fulfroost, LLC for the Public Employee Performance Evaluation Facilitator
(Prepared by Business Services Division)

The Board of Education approval is requested to amend the agreement with Fagen Friedman & Fulfroost, LLC, to assist with a public employee performance evaluation. The agreement was approved by the Board on August 17, 2010, Agenda Item 9.1. The amendment is necessary to add \$5,000.00 to the original cost of \$5,000.00 for an aggregate total not to exceed \$10,000.00. The additional fee will be paid from the Unrestricted General Fund—Board of Education, Account No. 066. 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 agreement with Fagen Friedman & Fulfroost, LLC, to assist with a public employee performance evaluation, which was approved by the Board on August 17, 2010, Agenda Item 9.1. The amendment is necessary to add \$5,000.00 to the original cost of \$5,000.00 for an aggregate total not to exceed \$10,000.00. The additional fee will be paid from the Unrestricted General Fund—Board of Education, Account No. 066. 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 all related documents.

11.13 Amendment to the Facilities Use Agreement with National University
(Prepared by Business Services Division)

The Professional Development Center requests Board of Education approval to amend the facilities use agreement with National University, approved by the Board on July 6, 2010, Agenda Item 9.20. The amendment is necessary to add \$20,000.00 to the initial fee due to increased use of the facilities. The additional fee of \$20,000.00, added to the initial fee of \$20,000.00 for an aggregate total not to exceed \$40,000.00, will be paid from the Restricted

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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, approved by the Board on July 6, 2010, Agenda Item 9.20. The amendment is necessary to add \$20,000.00 to the initial fee due to increased use of the facilities. The additional fee of \$20,000.00, added to the initial fee of \$20,000.00 for an aggregate total not to exceed \$40,000.00, 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 all related documents.

11.14 Amendment No. 1 to the Professional Services Agreement with Adorno, Yoss, Alvarado & Smith for Legal Services
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the professional services agreement for legal services with Adorno, Yoss, Alvarado & Smith, Santa Ana, CA, previously renewed by the Board on June 15, 2010. Due to the firm's expansion, Adorno, Yoss, Alvarado & Smith has requested a name change to AlvaradoSmith, a Professional Corporation. 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 professional services agreement for legal services with Adorno, Yoss, Alvarado & Smith. Due to the firm's expansion, Adorno, Yoss, Alvarado & Smith has requested a name change to AlvaradoSmith, a Professional Corporation, effective November 8, 2010. All other terms and conditions remain the same.

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

11.15 Amendment No. 1 to the Agreement with Anderson Architecture for Architectural and Engineering Services for the Proposed H. Frank Dominguez Elementary School (Burbank II)
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Anderson Architecture, San Juan Capistrano, CA, originally approved by the

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Board on March 20, 2001, for architectural and engineering services at the proposed H. Frank Dominguez Elementary School (Burbank II). This amendment is for additional services for participation in Southern California Edison's Savings by Design Program and bid package of hazardous materials abatement and demolition for the new construction project. The costs for additional services are \$11,400.00 plus approved reimbursable expenses, for the Savings By Design Program; and \$15,791.00 for the hazardous materials bid package. The total cost, not to exceed \$27,191.00, will be paid from Funds 21, 25, 35, and 40. 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 Anderson Architecture, San Juan Capistrano, CA, for architectural and engineering services at the proposed H. Frank Dominguez Elementary School (Burbank II). This amendment is for additional services for participation in Southern California Edison's Savings by Design Program and bid package of hazardous materials abatement and demolition for the new construction project. The costs for additional services are \$11,400.00 plus approved reimbursable expenses, for the Savings By Design Program; and \$15,791.00 for the hazardous materials bid package. The total cost, not to exceed \$27,191.00, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

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

11.16 Amendment No. 1 to the Professional Services Agreement with PJHM Architects for Architectural and Engineering Services for Modernization Projects at Pacific, Sierra, and San Andreas High Schools
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with PJHM Architects, San Juan Capistrano, CA, originally approved on December 16, 2008, and effective through December 31, 2013. This amendment is needed to provide HVAC systems upgrades at Sierra and San Andreas High Schools as part of the current modernization and to include the option for two annual extensions, subject to District approval. The estimated not-to-exceed cost of \$250,000.00, plus reimbursables, will be paid from Funds 21, 40, and 01 - Management 707, Deferred Maintenance.

These services were identified as a result of the Board of Education's direction to install air conditioning and replace evaporative cooling systems with air conditioning at District sites.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves amending the professional services agreement with PJHM Architects, San Juan Capistrano, CA, for architectural and engineering services for modernization projects at Pacific, Sierra, and San Andreas High Schools, and effective through December 31, 2013. This amendment is needed to provide HVAC systems upgrades at Sierra and San Andreas High Schools, per Board of Education direction, and to include the option for two annual extensions, subject to District approval. The estimated not-to-exceed cost of \$250,000.00, plus reimbursables, will be paid from Funds 21, 40, and 01 - Management 707, Deferred Maintenance.

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

11.17 Amendment No. 7 to the Agreement with Edward V. Regan for DSA Inspection Services for Modernization Projects at Various Sites
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Edward V. Regan, San Clemente, CA, originally approved by the Board on November 4, 2003, for DSA inspection services for modernization projects at Kimbark, Muscoy, and Vermont Elementary Schools and King Middle School. This amendment will extend the ending date from December 31, 2010, to December 31, 2011. There is no additional cost. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Edward V. Regan, San Clemente, CA, for DSA inspection services for modernization projects at Kimbark, Muscoy and Vermont Elementary Schools and King Middle School. This amendment will extend the ending date from December 31, 2010, to December 31, 2011. There is no additional cost. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 7.

11.18 Amendment No. 10 to the Agreement with HMC Architects to Provide Architectural and Engineering Services for Indian Springs High School New Construction/Old Curtis Middle School Modernization Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with HMC Architects, Ontario, CA, originally approved by the Board on August 1, 2000, and effective through June 30, 2012. Due to contractor error, this amendment is needed for additional design services for re-engineering and DSA approval for the ball walls at Indian

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Springs High School. The contractor will be back-charged for all expenses related to this error. The cost, not to exceed \$2,800.00, 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 Architects, Ontario, CA, effective through June 30, 2012, for additional design services for re-engineering and agency approval for the ball walls at Indian Springs High School, due to contractor error. The contractor will be back-charged for all expenses related to this error. The cost, not to exceed \$2,800.00, 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. 10.

11.19 Renewal of the Affiliation Agreement with Community Care on Palm to Provide a Site for Clinical Practice for Adult Education Students Enrolled in the Certified Nursing Assistant Training Program
(Prepared by Business Services Division)

The Adult School requests Board of Education approval to renew the affiliation agreement with Community Care on Palm, Riverside, CA, to provide a site for clinical practice for students enrolled in the Adult School's Certified Nursing Assistant training program, effective March 1, 2011, through February 28, 2014. The Adult School will provide an instructional program at no charge for adults to practice clinical procedures while under the supervision of Adult School instructors. There will be no charge to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the affiliation agreement with Community Care on Palm, Riverside, CA, to provide a site for clinical practice for students enrolled in the Adult School's Certified Nursing Assistant training program, effective March 1, 2011, through February 28, 2014. The Adult School will provide an instructional program at no charge for adults to practice clinical procedures while under the supervision of Adult School instructors. There will be no charge to the District.

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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11.20 Renewal of the Lease Agreement with M Space Holdings, LLC for Relocatable Classrooms Located at Middle College High School
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the lease agreement with M Space Holdings, LLC, Harrison Township, MI, originally approved by the Board on December 20, 2005, for seven relocatable classrooms at Middle College High School, for continued modernization and new construction activities, effective December 21, 2010, through December 31, 2011, with option for a two-year renewal. The annual lease payment, not to exceed \$48,636.00 per year, will be paid from Funds 21, 25, and 35.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the lease agreement with M Space Holdings, LLC, Harrison Township, MI for seven relocatable classrooms at Middle College High School for continued modernization and new construction activities, effective December 21, 2010, through December 31, 2013, with option for a two-year renewal. The annual lease payment, not to exceed \$48,636.00 per year, will be paid from Funds 21, 25, and 35.

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

11.21 Renewal of the Lease Agreement with M Space Holdings, LLC for Relocatable Classrooms Located at San Gorgonio High School
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to renew the lease agreement with M Space Holdings, LLC, Harrison Township, MI, originally approved by the Board on March 7, 2006, for five relocatable classrooms at San Gorgonio High School, for continued modernization and new construction activities, effective December 21, 2010, through December 31, 2011, with option for a two-year renewal. The annual lease payment, not to exceed \$33,223.60 per year, will be paid from Funds 21, 25, and 35.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the lease agreement with M Space Holdings, LLC, Harrison Township, MI for five relocatable classrooms at San Gorgonio High School, for continued modernization and new construction activities, effective December 21, 2010, through December 31, 2013, with option for a two-year renewal. The annual lease payment, not to exceed \$33,223.60 per year, will be paid from Funds 21, 25, and 35.

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

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

The Facilities Management Department requests Board of Education approval to allow the general contractor, Great West Contractors, Inc., Bid F08-06, for Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools (Group 2) Modernization Projects, to release its flooring subcontractor, New Image Commercial Flooring, Inc., from their obligation on the projects due to a clerical error in their proposal. Great West Contractors, Inc. has received a letter of withdrawal from New Image Commercial Flooring, Inc. requesting to be removed from the projects and will substitute with Mike's Custom Flooring, Redlands, CA, pursuant to Public Contract Code Section 4107. There is no additional cost. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the request by the general contractor, Great West Contractors, Inc., Bid F08-06, for Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools (Group 2) Modernization Projects, to release New Image Commercial Flooring, Inc., the flooring subcontractor, from their obligation on the projects, and to substitute Mike's Custom Flooring, Redlands, CA, as the flooring subcontractor, 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.

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

It is recommended that the following resolution be adopted:

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

*(S)6/25/1994	*(S)10/13/1995	**3/6/1993	*(S)11/24/1993	*(S)9/18/1994	*(S)5/21/1993
*(S)8/2/1993	*(S)2/20/1997	*(S)9/1/1992	***(S)3/30/1997	11/21/1996	**2/4/1994
*9/21/1997	*(S)1/3/1994				

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

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**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.

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

It is recommended that the following resolution be adopted:

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

1/20/1994 1/19/1996

11.25 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:

4/3/1995

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11.26 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:

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

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

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

11.28 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:

10/16/2002 3/3/1993 1/23/1995 8/3/1997

11.29 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:

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11.30 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.

11.31 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.

12.0 Action Items

- 12.1 Public Disclosure of Memorandum of Understanding (Class Size at Non-QEIA Schools) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA)
(Prepared by Certificated Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the Memorandum of Understanding between the San Bernardino Teachers Association and the San Bernardino City Unified School District.

- 12.2 First Period Interim Financial Report as of October 31, 2010
(Prepared by Business Services Division)

In compliance with the provisions of the Education Code, a certification by the Board of Education as to the District's ability to meet its financial obligations is appropriate. It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves, on the basis of information presented, the First Interim Financial Report of 2010-11, as of October 31, 2010.

BE IT ALSO RESOLVED that the President of the Board of Education be authorized to certify on behalf of the Board that the San Bernardino City Unified School District will be able to meet its financial obligations for the current Fiscal Year and subsequent two Fiscal Years with the required estimated ongoing cuts of \$17.3 million in Fiscal Year 2011-12 and an additional \$41.5 million in ongoing cuts for Fiscal Year 2012-13 to maintain the fiscal solvency of the District in the subsequent two Fiscal Years.

BE IT FURTHER RESOLVED that the Board of Education approves a positive certification for the First Interim Financial Report for Fiscal year 2010-11.

- 12.3 Personnel Report #11, Dated December 7, 2010
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #11, dated December 7, 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.

Board of Education Meeting
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The following resolution is recommended:

BE IT RESOLVED that the Personnel Report #11, dated December 7, 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.

SESSION ELEVEN - Closed Session

13.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

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

Public Employee Discipline/Dismissal/Release

SESSION TWELVE – Open Session

14.0 Action Reported from Closed Session

SESSION THIRTEEN - Closing

15.0 Adjournment

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

Board of Education Meeting
December 7, 2010

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

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

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

Posted: December 3, 2010