

AGENDA INDEX FOR THE  
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

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**DR. BARBARA FLORES**  
Vice President

**LOUISE A. AYALA**  
Board Member

**TERESA PARRA CRAIG**  
Board Member



**DANNY TILLMAN**  
President

**RICHARD BRAY**  
Superintendent

**JUDI PENMAN**  
Board Member

**LYNDA K. SAVAGE**  
Board Member

**DR. ELSA O. VALDEZ**  
Board Member

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August 9, 2011

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 Academic Excellence for Students Receiving  
Advanced Placement Diploma Awards, International Baccalaureate  
Diplomas, Golden State Seal Merit Diplomas, and Seal of Biliteracy  
(Dr. Eliseo Davalos)

**SESSION THREE –Public Hearing**

- 3.0**    *Public Hearing*    **6:00 p.m.**
- 3.1    Public Disclosure of Memorandum of Understanding (Five Percent  
Salary Reduction) Between the San Bernardino City Unified School  
District and the Communications Workers of America (CWA)  
(Dr. Harold Vollkommer)



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- 9.13 Amendment to Agreement with Life Long Learning & Associates to Provide Staff Development for the Algebra Action Research Project
- 9.14 Amendment No. 2 to the Service Agreements with Temporary Labor Companies to Provide Nutrition Services Personnel
- 9.15 Renewal of the Agreement with the County of San Bernardino, Department of Behavioral Health, to Provide Screening, Diagnosis and Treatment to Eligible Medi-Cal Recipients
- 9.16 Renewal of the Agreement with Digital Edge Learning to Provide Professional Development and Technical Training to District Staff
- 9.17 Memorandum of Understanding (MOU) with Colton-Redlands-Yucaipa Regional Occupational Program (ROP) for Participation in the CTE TEACH Pilot Site Project
- 9.18 Approval of Eminent Domain Acquisition Settlement with Christ Temple Church for Property Located at the Proposed Graciano Gomez Elementary School Site
- 9.19 Approval to Process Payments for Pending Change Orders for Group 7 Modernization Projects at Alessandro, Bradley, Marshall, and Warm Springs Elementary Schools - Cyrcon Builders
- 9.20 Resolution of Intent by the District to Grant the San Bernardino Associated Governments (SANBAG) Non-Exclusive Temporary Construction Easement at the Arrowview Middle School and the Board of Education Properties
- 9.21 Expulsion of Student(s)
- 9.22 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 9.23 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 9.24 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 9.25 Revocation of Suspension of Expulsion
- 9.26 Lift of Expulsion of Student(s)
- 9.27 Failure to Recommend Mandatory Expulsion 48915
- 9.28 Petition to Expunge, Rescind, or Modify Expulsion

**10.0 Action Items**

- 10.1 Election of an Interim Board Secretary and Interim Assistant Secretary  
(Mr. Richard Bray)
- 10.2 Resolution Denying Request for Material Revisions to the Charter for the New Vision Middle School  
(Mrs. Yolanda Ortega)
- 10.3 Resolution Conditionally Approving Only for the 2011-12 Fiscal Year Material Revisions to the Charter for the new Vision Middle School  
(Mrs. Yolanda Ortega)

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10.4 Personnel Report #3, Dated August 9, 2011  
(Dr. Harold Vollkommer)

**SESSION NINE - Closed Session**

**11.0** *Closed Session*

**8:30 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: Harold Vollkommer  
Employee Organization: California School Employees Association  
Communications Workers of America  
San Bernardino School Police Officers Association  
San Bernardino Teachers Association

**Public Employee Discipline/Dismissal/Release**

**Conference with Legal Counsel: Anticipated Litigation**

Number of Cases: Five

**SESSION TEN – Open Session**

**12.0** *Action Reported from Closed Session*

**9:30 p.m.**

**SESSION ELEVEN - Closing**

**13.0** *Adjournment*

**9:35 p.m.**

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 16, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: August 5, 2011

**AGENDA FOR THE  
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**

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**DR. BARBARA FLORES**  
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Board Member

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Board Member

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**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 Academic Excellence for Students Receiving Advanced Placement Diploma Awards, International Baccalaureate Diplomas, Golden State Seal Merit Diplomas, and Seal of Biliteracy  
(Prepared by Curriculum/Instruction & Accountability and Research)

High school students within the San Bernardino City Unified School District are able to earn special recognition for their academic achievements by either completing Advanced Placement (AP) courses, participating in the International Baccalaureate program, by demonstrating their mastery of the high school curriculum by taking the Golden State Examination, and also by demonstrating high levels of proficiency in English and another language.

Tonight, the Board of Education wishes to recognize and congratulate those students who have earned the distinction of graduating from high school and achieving a score of 3 or higher on AP

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exams, or receiving a full International Baccalaureate Diploma or a Golden State Seal Merit Diploma or the Seal of Bilingual Proficiency.

### **SESSION THREE –Public Hearing**

#### **3.0 Public Hearing**

- 3.1 Public Disclosure of Memorandum of Understanding (Five Percent Salary Reduction) Between the San Bernardino City Unified School District and the Communications Workers of America (CWA)  
(Prepared by Certificated Human Resources Division)

On July 26, 2011, the Communications Workers of America (CWA) ratified the following Memorandum of Understanding that provides for the equivalent of a five percent salary reduction effective August 1, 2011.

**MEMORANDUM OF UNDERSTANDING  
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
AND COMMUNICATIONS WORKERS OF AMERICA (CWA)  
July 26, 2011  
MOU-Five Percent Salary Reduction**

This Memorandum of Understanding is made and entered into this 26th day of July, 2011 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter referred to as “District”) and the Communications Workers of America (hereinafter referred to as “Union”).

**WHEREAS**, the Governor’s budget cuts have had a significant impact on the District’s operating budget, and;

**WHEREAS**, the Board of Education approved a budget plan on February 22, 2011, that includes a five percent (5%) salary reduction for all employees.

**IT IS HEREBY AGREED** as follows:

1. It is expected that all District employee groups (SBTA, CSEA, CWA, SBSPOA, and Management) shall make equitable contributions to the District’s budget crisis in relation to the 5% salary reduction.
2. The District and the Union agree that the reduction of five (5) days in the school calendar results in a reduction in work opportunity of approximately 2% for substitute employees which will lead to a relative cost savings.

3. The District and Union agree that the temporary elimination of the Resident Substitute program results in a savings of approximately 1%.
4. The Union and the District also agree that in order to achieve CWA's proportionate share, substitute rates will be reduced by 2% as follows:

Regular Substitute Rate	\$125.00 shall become \$122.50
Long Term Rate	\$135.00 shall become \$132.30
Retired Teacher Daily Rate	\$135.00 shall become \$132.30
Elementary Resident Substitute	\$135.00 shall become \$132.30
Secondary Resident Substitute	\$145.00 shall become \$142.10

5. Should the District's financial outlook improve (e.g. unexpected revenue is received), the District and Union shall meet to negotiate that portion that may impact restoration of the five (5) percent salary reduction to the extent allowed by the laws/regulations associated with the funding source.
6. This Memorandum of Understanding shall be effective beginning August 1, 2011 and will remain in effect until the conditions of salary restoration can be implemented or until June 30, 2013, whichever is earlier.

### Conduct Public Hearing

It is recommended that the following resolution be adopted:

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

## **SESSION FOUR - Administrative Presentation**

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

This is the time during the agenda when the Board of Education is prepared to receive the comments of members of the public as well as get information from the school staff. If you wish to address the Board relative to the specific topic under Board consideration, complete a "Request to Address the Board of Education" form and place it in the inbox located on the agenda table. 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.*

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4.1 SIG Turnaround Model Schools  
(Prepared by Curriculum/Instruction & Accountability and Research)

An update will be provided by the principals of two SIG Turnaround Model Schools -- Kris Kolling, Hunt Elementary School, and Heidi Vazquez, Wilson Elementary School.

**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 place this form in the inbox located on the agenda table. 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 Eight, there will be no further opportunity for citizens to address the Board on items under consideration.

**SESSION SIX – Closed Session**

**6.0 *Closed Session***

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

**Conference with Legal Counsel: Anticipated Litigation**

Number of Cases: One

**SESSION SEVEN - Reports and Comments**

**7.0 *Report by Board Members***

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

7.1 Legislative Update

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

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



**SESSION EIGHT - Legislation and Action**

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

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

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on June 28, and July 5, 2011, be approved as presented.

9.2 Payment of Master Teacher – University of Phoenix  
(Prepared by Certificated Human Resources Division)

The District has an agreement with the University of Phoenix 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 639948 from the University of Phoenix in the amount of \$240.00. 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 during Spring Session 2011, as provided for in the Agreement with the University of Phoenix, as follows:

Karen Roybal            \$240.00

Requester: Human Resources, Certificated  
Approver: Assistant Superintendent, Certificated Human Resources

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

The District has an agreement with National University to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 1248501 from National

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University in the amount of \$1,050.00. 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 during spring session as provided for in the Agreement with National University, as follows:

Gomez, Hedy            \$1,050.00

Requester: Human Resources, Certificated

Approver: Assistant Superintendent, Certificated Human Resources

9.4    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
Palm Avenue Elementary School	Edison International Princeton , NJ	\$800.00 To sponsor the ASB Program	\$800.00	
SBCUSD Managers Scholarship Fund	Dr. Eliseo Davalos San Bernardino, CA	\$1,000.00 SBCUSD Scholarship Fund	\$1,000.00	
Cajon High School	Cajon High School ASB San Bernardino, CA	Five new Mac computers to aid in the publication of Cajon High School yearbook		\$7,000.00

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 \$800.00, Edison International, Princeton, NJ; \$1,000.00, Dr. Eliseo Davalos, San Bernardino, CA; and five new Mac computers total value of \$7,000.00, Cajon High School ASB.

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Requester: Palm Avenue Elementary School, SBCUSD Managers Scholarship Fund, and Cajon High School

Approver: Chief Business and Financial Officer, Business Services Division

9.5 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:

Manuel McMillan  
Terry Kondrack  
Rebecca Forbush  
Rachel Visco  
Patricia Godsy  
Laura Hall  
Kristin Stevens  
Robert Robertson  
Rebecca Ryan  
Pieter Nystrom  
Sue Long  
(Board Representatives, Our Lady of the Assumption School)

Be paid a one-day stipend at \$150.00 per day for attending Gradelink and eBeam Training on August 19, 2011, at Our Lady of the Assumption School. The total stipend for all attendees, not to exceed \$1,650.00, will be paid from Accountability Department Account No. 536.

Manuel McMillan  
Terry Kondrack  
Rebecca Forbush  
Rachel Visco  
Patricia Godsy  
Laura Hall  
Kristin Stevens  
Robert Robertson  
Rebecca Ryan  
Pieter Nystrom  
Sue Long

Be paid a two-day stipend at \$150.00 per day for attending Step Up to Writing Training, August 22-23, 2011 at Our Lady of the Assumption School. The total stipend for all attendees, not to exceed \$ 3,300.00, will be paid from Accountability Department Account No. 536.

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(Board Representative, Our Lady of the Assumption School.)

Requester: Director, Accountability Department  
Approver: Chief Business and Financial Officer, Business Services Division

9.6 Commercial Warrant Registers for Period from July 1, through July 15, 2011  
(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 July 1, through July 15, 2011, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, 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.

Requester: Accounting Services Department  
Approver: Director, Accounting Services Department

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

The Accountability Department wishes to hire Santa Cruz Consultants, Aptos, CA, to present two-days of Step Up to Writing professional development services at Our Lady of the Assumption School, August 22, 2011, through August 23, 2011. The fee, not to exceed \$4,150.00, will be paid from the Restricted General Fund—Title II Part A (Teacher Quality), Account No. 536.

Requester: Director, Accountability Department  
Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

The Advanced Learner Programs and Services Department wishes to hire Insight Resources, San Bernardino, CA, to conduct a series of courses to District GATE staff to provide competencies to differentiate curriculum and instruction for gifted and high ability learners, September 1, 2011, through June 30, 2012. The fee, not to exceed \$20,250.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

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Requester: Director, Advanced Learner Programs and Services/GATE

Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

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:

Santa Cruz Consultants, Aptos, CA, to present two-days of Step Up to Writing professional development services at Our Lady of the Assumption School, August 22, through August 23, 2011. The fee, not to exceed \$4,150.00, will be paid from the Restricted General Fund—Title II Part A (Teacher Quality), Account No. 536.

Insight Resources, San Bernardino, CA, to conduct a series of courses to District GATE staff to provide competencies to differentiate curriculum and instruction for gifted and high ability learners, September 1, 2011, through June 30, 2012. The fee, not to exceed \$20,250.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

9.8 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.

Education Code Section 42127(i)(4) states that districts must incorporate any changes in the revenues and expenditures that are required under the funding provided by the Budget Act and/or any other known revisions within forty-five (45) days of the Governor signing the budget.

Per AB 114, it directs school districts to project the same level of funding as they received in Fiscal Year 2010-11 in determining their Fiscal Year 2011-12 budgets. The unrestricted revenue was included in the Fiscal Year 2011-12 Adopted Budget in the amount of \$271,824,797.00. Based on the restoration of funding, an increase of \$15,726,965.00 will result in a revised total of \$287,551,762.00.

The School Administration Program (035) was included in the Fiscal Year 2011-12 Adopted Budget in the amount of \$26,890,850.00. Based upon the adjustment of positions to meet staffing requirements, an increase of \$170,019.00 will result in a revised unrestricted general fund total of \$27,060,869.00 for expenditures.

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The restricted program, Edison International (226) was not included in the Fiscal Year 2011-2012 budget. Based on the donations received on June 23, 2011, an increase of \$750.34 will result in a revised total of \$750.34 for revenues and expenditures.

The restricted program, Mental Health Services-SB 87 (508) was not included in the Fiscal Year 2011-2012 budget. Based on the award letter received from CDE on July 20, 2011, an increase of \$218,445.00 will result in a revised total of \$218,445.00 for revenues and expenditures.

The restricted program, Fund 12-State Preschool Program-CSPP-1435 (102, 103, 251, 252) was included in the Fiscal Year 2011-2012 budget for \$6,069,046.00. Based on the award letter received by our District on June 27, 2011, a decrease of \$108,424.00 will result in a revised total of \$5,960,622.00 for revenues and expenditures.

The restricted program, Fund 12-Child Care and Development Program-CCTR-1234 (250) was included in the Fiscal Year 2011-2012 budget for \$1,633,501.00. Based on the award letter received by our District on June 27, 2011, a decrease of \$61,737.00 will result in a revised total of \$1,571,764.00 for revenues and expenditures.

The restricted program, Fund 67-Self Insurance Fund OPEB (OPB) was not included in the Fiscal Year 2011-2012 budget. An increase of \$668,000.00 will result in a revised total of \$668,000.00 for revenues and expenditures.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$15,726,965.00 of revenues per AB114 and \$170,019.00 of expenditures in order to meet the 45-day revision requirements to Fiscal Year 2011-12 per Education Code Section 42127(i)(4).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$750.34 in the budgeting of revenues and expenditures for the restricted program, Edison International (226).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$218,445.00 in the budgeting of revenues and expenditures for the restricted program, Mental Health Services-SB 87 (508).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$108,424.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-State Preschool Program-CSPP-1435 (102, 103, 251, 252).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$61,737.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-Child Care and Development Program-CCTR-1234 (250).

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BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$668,000.00 in the budgeting of revenues and expenditures for the restricted program, Fund 67– Self Insurance Fund OPEB (OPB).

Requester: Director, Fiscal Services

Approver: Chief Business and Financial Officer, Business Services Division

- 9.9 Extended Field Trip, San Gorgonio High School, NCA Summer Cheer Camp, Newport Beach, California  
(Prepared by Business Services Division)

San Gorgonio High School requests Board of Education approval of an extended field trip for 13 students and 4 District employees to attend the NCA Summer Cheer Camp, in Newport Beach, California, July 26, through July 29, 2011.

Students' participation in the NCA Summer Cheer Camp will provide cheer teams and coaches with a comprehensive curriculum at this summer camp to ensure that teams learn the proper balance of skill, leadership, technique, and character.

The cost of the trip, not to exceed \$6,688.00, including meals and lodging for 13 San Gorgonio High School students and 4 District employees, will be paid from San Gorgonio High School Booster Club. Transportation will be provided by each student's parent/guardian, as well as one private vehicle/van driven by a District employee at no cost to the District. 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 ratifies an extended field trip for 13 San Gorgonio High School students and 4 District employees to attend the NCA Summer Cheer Camp, in Newport Beach, California, July 26, through July 29, 2011. The cost of the trip, not to exceed \$6,688.00, including meals and lodging for 13 San Gorgonio High School students and 4 District employees will be paid from San Gorgonio High School Booster Club. Transportation will be provided by each student's parent/guardian, as well as one private vehicle/van driven by a District employee at no cost to the District. Names of the students are on file in the Business Services office.

Requester: Principal, San Gorgonio High School

Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

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9.10 Agreement to Provide Specialized Administrative Services  
(Prepared by Business Services Division)

The Office of Curriculum/Instruction and Accountability and Research requests Board of Education approval to enter into an agreement with Jim Dilday, Crestline, CA, to provide specialized transitional services to the Office of Curriculum/Instruction and Accountability and Research on an as-needed basis, effective July 1, 2011, through June 30, 2012. Total cost, not to exceed \$31,020.00, will be paid from the Restricted General Fund-Title I Account 524.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Jim Dilday, Crestline, CA, to provide specialized transitional services to the Office of Curriculum/Instruction and Accountability and Research on an as-needed basis, effective July 1, 2011, through June 30, 2012. Total cost, not to exceed \$31,020.00, will be paid from the Restricted General Fund-Title I Account 524.

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

Requester/Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

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

Rio Vista Elementary School requests Board of Education approval to enter into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective August 10, through September 19, 2011. The training will be provided to parents weekly in six sessions. The cost for the services, not to exceed \$4,500.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective August 10, through September 19, 2011. The training will be provided to parents weekly in six sessions. The cost for the services, not to exceed \$4,500.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.



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

Requester: Principal, Rio Vista Elementary School

Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

9.12 Facilities Use Agreement with Ecclesia Christian Fellowship  
(Prepared by Business Services Division)

The Creative Before- and After-School Programs for Success (CAPS) Department requests Board of Education approval to enter into a facilities use agreement with Ecclesia Christian Fellowship, San Bernardino, CA, for rental of the sanctuary and classrooms for CAPS staff development, effective July 28, 2011, through July 29, 2011. The cost, not to exceed \$800.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into a facilities use agreement with Ecclesia Christian Fellowship, San Bernardino, CA, for rental of the sanctuary and classrooms for CAPS staff development, effective July 28, through July 29, 2011. The cost, not to exceed \$800.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

Requester: Director, CAPS Central

Approver: Assistant Superintendent, Student Services

9.13 Amendment to Agreement with Life Long Learning & Associates to Provide Staff Development for the Algebra Action Research Project  
(Submitted by Curriculum/Instruction & Accountability)

The Curriculum/Instruction & Accountability Department requests Board of Education approval to amend the agreement with Life Long Learning & Associates, Blue Jay, CA, originally approved by the Board of Education on June 21, 2011, to provide staff development for middle and high schools for the Algebra Action Research Project, effective July 1, 2011, through June 30, 2012. This amendment is for a change in funding source, to be paid from Account No. 403, CAHSEE Intensive Instruction and Services, instead of Account No. 538, Restricted General Fund – Title II Educational Services, not to exceed \$141,000.00. All other terms and conditions will remain the same.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies amending the agreement with Life Long Learning & Associates, Blue Jay, CA, to provide staff development for middle and high schools for the Algebra Action Research Project, effective July 1, 2011, through June 30, 2012. This amendment is for a change in funding source, to be paid from Account No. 403, CAHSEE Intensive Instruction and Services, instead of Account No. 538, Restricted General Fund – Title II Educational Services, not to exceed \$141,000.00. All other terms and conditions will remain the same.

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

Requester: Coordinator, Secondary Education Department

Approver: Assistant Superintendent, Curriculum/Instruction & Accountability and Research

9.14 Amendment No. 2 to the Service Agreements with Temporary Labor Companies to Provide Nutrition Services Personnel  
(Prepared by Facilities/Operations Division)

The Nutrition Services Department requests Board of Education approval to amend the service agreements with Arrow Staffing, Redlands, CA, and Manpower, San Bernardino, CA, originally approved by the Board on October 5, 2010, to provide temporary nutrition services personnel as needed, for the preparation, service, and clean up at District sites, as well as other nutrition services' duties as required, and is necessary due to the continued high number of vacancies and the lack of enough nutrition services substitutes. This amendment is for an additional \$400,000.00 for continued staffing, for a new, not-to-exceed total cost of \$1,000,000.00, and will be paid from Nutrition Services Cafeteria Account No. 92.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the service agreements with Arrow Staffing, Redlands, CA, and Manpower, San Bernardino, CA, to provide temporary Nutrition Services personnel as needed, for the preparation, service, and clean up at District sites, as well as other nutrition services' duties as required, and is necessary due to the continued high number of vacancies and the lack of enough nutrition services substitutes. This amendment is for an additional \$400,000.00 for continued staffing, for a new, not-to-exceed total cost of \$1,000,000.00, and will to be paid from Nutrition Services Cafeteria Account No. 92.

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

Requester: Director, Nutrition Services Department

Approver: Assistant Superintendent, Facilities/Operations Division

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August 9, 2011

9.15 Renewal of the Agreement with the County of San Bernardino, Department of Behavioral Health, to Provide Screening, Diagnosis and Treatment to Eligible Medi-Cal Recipients  
(Prepared by Business Services Division)

The Alternative Programs Department requests Board of Education approval to renew the agreement with the County of San Bernardino, Department of Behavioral Health, to provide early, periodic screening, diagnosis, and treatment to eligible Medi-Cal recipients ages 0-21 years, effective August 10, 2011, through June 30, 2012. 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 renewing the agreement with the County of San Bernardino, Department of Behavioral Health, to provide early, periodic screening, diagnosis, and treatment to eligible Medi-Cal recipients ages 0-21 years, effective August 10, 2011, through June 30, 2012. 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 any related documents.

Requester: Director, Alternative Programs Department  
Approver: Assistant Superintendent, Human Resources

9.16 Renewal of the Agreement with Digital Edge Learning to Provide Professional Development and Technical Training to District Staff  
(Prepared by Business Services Division)

Davidson Elementary School requests Board of Education approval to renew the agreement with Digital Edge Learning, Redlands, CA, to provide digital lesson design that will focus on checking for understanding, increased student engagement and instructional rigor, effective August 1, 2011, through June 30, 2012. The fee, not to exceed \$17,750.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies the renewal of the agreement with Digital Edge Learning, Redlands, CA, to provide digital lesson design that will focus on checking for understanding, increased student engagement and instructional rigor, effective August 1, 2011, through June 30, 2012. The fee, not to exceed \$17,750.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

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

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Requester: Principal, Davidson Elementary School

Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

- 9.17 Memorandum of Understanding (MOU) with Colton-Redlands-Yucaipa Regional Occupational Program (ROP) for Participation in the CTE TEACH Pilot Site Project  
(Prepared by Business Services Division)

The College/Career Development Department requests Board of Education approval to enter into an MOU with the Colton-Redlands-Yucaipa ROP, Redlands, CA, effective August 10, 2011, through June 30, 2012. The Colton-Redlands-Yucaipa ROP shall provide professional development for CTE and ROP teachers. 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 MOU with the Colton-Redlands-Yucaipa ROP, Redlands, CA, effective August 10, 2011, through June 30, 2012. The Colton-Redlands-Yucaipa ROP shall provide professional development for CTE and ROP teachers. 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 all related documents.

Requester: Coordinator, College/Career Development Department

Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

- 9.18 Approval of Eminent Domain Acquisition Settlement with Christ Temple Church for Property Located at the Proposed Graciano Gomez Elementary School Site  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval of the eminent domain property acquisition settlement with Christ Temple Church, the owner of property located at 1442 West 11<sup>th</sup> Street, San Bernardino, CA (APN 0139-061-31), for the proposed Graciano Gomez Elementary School (Alessandro II). Per the court-ordered mediation with Judge John Kennedy (Ret.) held on July 12, 2011 between Christ Temple Church, the District, and by their respective legal counsels, all parties agreed to a settlement amount of \$1,082,500.00, to be paid from Fund 35. Eligible relocation costs will be reimbursed by State and are separate from this settlement.

On April 7, 2009, the Board adopted a Resolution of Necessity pursuant to California Code of Civil Procedure Section 1240.040, to exercise the power of eminent domain for purposes of acquiring real property within the District's boundaries by virtue of Section 35270.5 of the California Education Code.

Board of Education Meeting  
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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the eminent domain property acquisition settlement with Christ Temple Church of Christ Trust, the seller of property located at 1442 West 11<sup>th</sup> Street, San Bernardino, CA (APN 0139-061-31), for the proposed Graciano Gomez Elementary School (Alessandro II), in the amount of \$1,082,500.00, to be paid from Fund 35. Eligible relocation costs will be reimbursed by State and are separate from this settlement.

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

Requester: Interim Facilities Administrator, Facilities Management Department

Approver: Assistant Superintendent, Facilities/Operations Division

9.19 Approval to Process Payments for Pending Change Orders for Group 7 Modernization Projects at Alessandro, Bradley, Marshall, and Warm Springs Elementary Schools - Cyrcon Builders  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to process payments for change orders pending Division of State Architect (DSA) approval for Cyrcon Builders, Los Angeles, CA, General Contractor for Group 7 Modernization Projects at Alessandro, Bradley, Marshall, and Warm Springs Elementary Schools, per Board approval on April 20, 2010, of the new change order approval procedures.

Due to state-mandated furlough days and increased workloads at the DSA, the District has experienced significant delays with approval of the change orders and the County District Financial Services will not pay change orders until all DSA approvals have been received, which has taken as long as a year and is resulting in financial penalties to the District. County Counsel has reviewed and advised Board approval is needed in order to avoid payment of penalties for completed construction projects. Certain controls are in place to ensure the compliance to code for these pending change orders.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves processing of payments for change orders pending Division of State Architect (DSA) approval for Cyrcon Builders, Los Angeles, CA, General Contractor for Group 7 Modernization Projects at Alessandro, Bradley, Marshall, and Warm Springs Elementary Schools, per Board of Education approval on April 20, 2010, as follows:

Board of Education Meeting  
August 9, 2011

- The Architect, DSA Inspector of Record (IOR), and Contractor shall provide certification that all work pertaining to the pending change orders has been completed in compliance with all of the plans and specifications and applicable codes.
- The District will validate that the work pertaining to the pending change orders is satisfactorily completed.
- The Contractor will provide, with the application for payment, the above certification signed by all parties.
- If the DSA does not approve the change orders that were submitted and the payments have been released using this procedure, any potential fixes arising from DSA corrections to these change orders would have to be paid by the District which would, in turn, seek remedies through the Architect, IOR, or Contractor.

Requester: Interim Facilities Administrator, Facilities Management Department

Approver: Assistant Superintendent, Facilities/Operations Division

9.20 Resolution of Intent by the District to Grant the San Bernardino Associated Governments (SANBAG) Non-Exclusive Temporary Construction Easement at the Arrowview Middle School and the Board of Education Properties  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval of the resolution of intent by the District to grant the San Bernardino Associated Governments (SANBAG) non-exclusive easements for temporary construction over, under, and across real property owned by the District. The San Bernardino City Unified School District is the owner of parcels of land for Arrowview Middle School site, specifically parcel numbers 0149-201-01 and 02; and for the Board of Education site, specifically parcel numbers 0140-273-03, 07 thru 09, 17, 19, 20, and 22.

The principal purpose of the Arrowview Middle School and Board of Education sites easements is construction encroachment during the period of construction of the Omnitrans sbX E-Street Corridor Bus Rapid Transit Project. The easements will be in effect for the duration of the construction only, a period of six months, after which they will expire unless extended by written notice. The easements are located within the areas as defined by the easement legal descriptions and site map (Exhibits A and B, respectively) for both sites.

Total payment by SANBAG to the District will be in the amount of \$7,700.00 for the Arrowview Middle School temporary construction easement and \$2,950.00 for the Board of Education temporary construction easement based on the original six-month agreements. Any extension beyond the initial six months will result in an additional payment of \$0.08 per square foot per month for the Arrowview easement and \$0.06 per square foot per month for the Board of Education easement.

Board of Education Meeting  
August 9, 2011

It is recommended that the following resolution be adopted:

BE IT RESOLVED that it is the judgment of the Board of Education, and in the best interests of the District, to grant a non-exclusive temporary construction easement to the San Bernardino Associated Governments (SANBAG) at the Arrowview Middle School site, specifically parcel numbers 0149-201-01 and 02, for the purpose of construction encroachment during the period of construction of the Omnitrans sbX E-Street Corridor Bus Rapid Transit Project, as described in attached Exhibits A & B.

BE IT ALSO RESOLVED that it is the judgment of the Board of Education, and in the best interests of the District, to grant a non-exclusive temporary construction easement to the San Bernardino Associated Governments (SANBAG) at the Board of Education site, specifically parcel numbers 0140-273-03, 07 thru 09, 17, 19, 20, and 22, for the purpose of construction encroachment during the period of construction of the Omnitrans sbX E-Street Corridor Bus Rapid Transit Project, as described in attached Exhibits A & B.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to execute all documents and to incur reasonable costs, as necessary, to facilitate the transactions described herein.

Requester: Interim Facilities Administrator, Facilities Management Department  
Approver: Assistant Superintendent, Facilities/Operations Division

# PARSONS

3200 E. Guasti Road, Suite 200, Ontario, CA 91761 • Telephone: 909-218-3600 • Fax 909-218-3605 • www.parsons.com

EXHIBIT A  
TEMPORARY CONSTRUCTION EASEMENT  
AP 0149-201-02

THAT PORTION OF LOT 1, BLOCK 84, NINE ACRE SURVEY OF RANCHO SAN BERNARDINO, IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 2 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,

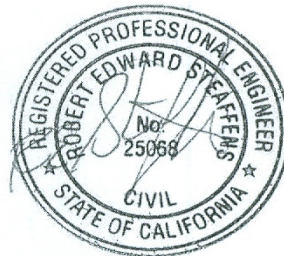
COMMENCING AT THE CENTERLINE OF HIGHLAND AVENUE (41.25 FEET HALF WIDTH) AND "E" STREET (41.25 FEET HALF WIDTH); THENCE N. 00°14'18" W. 125.77 FEET; THENCE S. 89°45'42" W. 41.25 FEET TO THE **TRUE POINT OF BEGINNING**; ; THENCE N.45°14'18"W., A DISTANCE OF 7.07 FEET; THENCE N.00°14'18"W., A DISTANCE OF 116.00 FEET; THENCE N.44°45'42"E., A DISTANCE OF 7.07 FEET TO THE EAST LINE OF SAID LOT 1; THENCE S.00°14'18"E., A DISTANCE OF 126.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 605 SQUARE FEET, MORE OR LESS.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

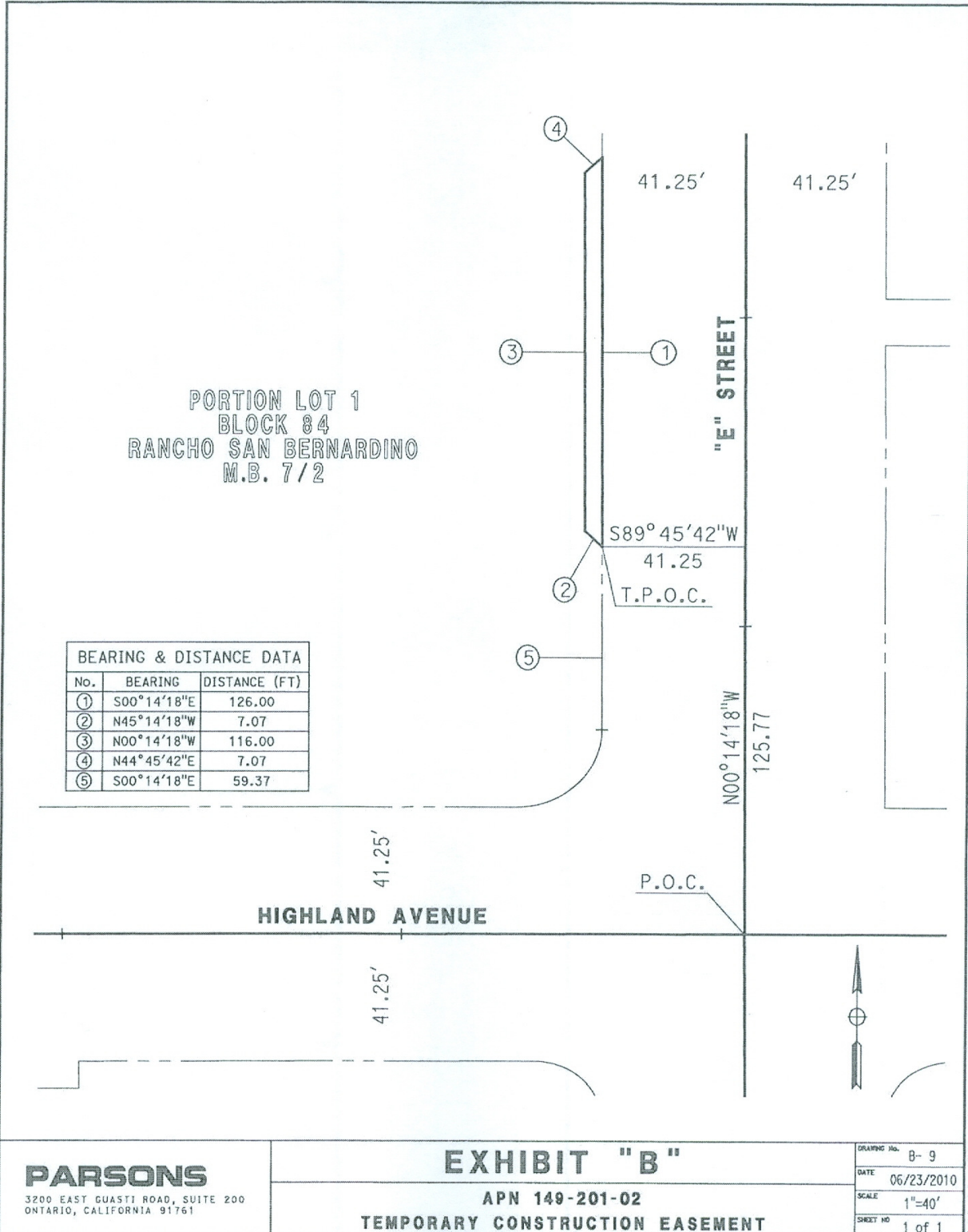
DATED THIS 15TH DAY OF JULY, 2010

  
ROBERT EDWARD STEAFFENS, PE 25068  
REGISTRATION EXPIRES 12/31/11





ARROWVIEW ES



APN149-201-02-TCE-Sheet1.dgn

7/5/2010

PlotTad by: P0044860

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EXHIBIT A  
TEMPORARY CONSTRUCTION EASEMENT  
AP 0140-273-22

THAT PORTION OF LOT 8, BLOCK 53 OF CITY OF SAN BERNARDINO, IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 1 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

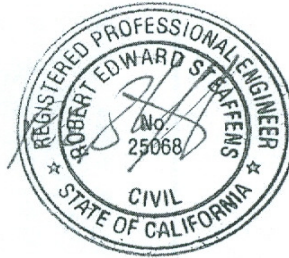
COMMENCING AT THE INTERSECTION OF 8TH STREET (41.25 FEET HALF WIDTH) AND "E" STREET (41.25 FEET HALF WIDTH); THENCE S.00°32'45"E., A DISTANCE OF 193.62 FEET; THENCE S.89°27'15"W., A DISTANCE OF 41.25 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S.00°32'45"E., A DISTANCE OF 145.45 FEET; THENCE S.89°38'03"W., A DISTANCE OF 5.00 FEET; THENCE N.00°32'45"W., A DISTANCE OF 145.45 FEET; THENCE N.89°38'03"E., A DISTANCE OF 5.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 727 SQUARE FEET, MORE OR LESS.

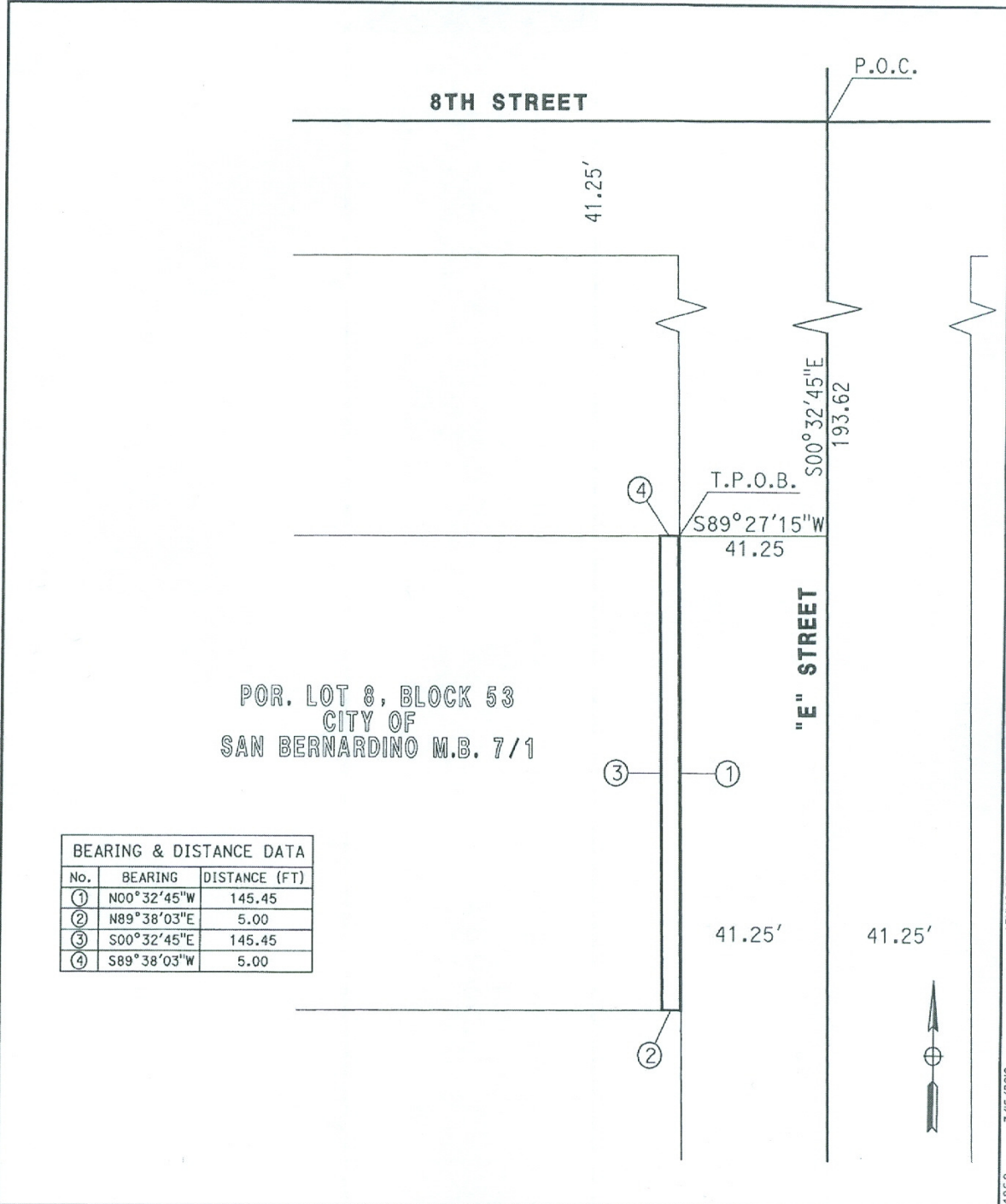
ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 16TH DAY OF JULY, 2010

  
ROBERT EDWARD STEAFFENS, PE 25068  
REGISTRATION EXPIRES 12/31/11



BOARD OF EDUCATION



BEARING & DISTANCE DATA		
No.	BEARING	DISTANCE (FT)
①	N00°32'45"W	145.45
②	N89°38'03"E	5.00
③	S00°32'45"E	145.45
④	S89°38'03"W	5.00

APN140-273-22-TCE-Sheet1.dgn  
 7/16/2010  
 PLOTTED BY: P0044960

**PARSONS**  
 3200 EAST GUASTI ROAD, SUITE 200  
 ONTARIO, CALIFORNIA 91761

**EXHIBIT "B"**

APN 140-273-22  
 TEMPORARY CONSTRUCTION EASEMENT

DRAWING No.	B-83
DATE	06/21/2010
SCALE	1"=40'
SHEET NO	1 of 1

Board of Education Meeting  
August 9, 2011

9.21 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)9/14/1999 \*(S)7/15/1997 \*\*(S)6/18/1995 \*(S)1/16/1999 \*\*(S)8/24/1996 \*\*(S)11/9/1995

\*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.

9.22 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.

Board of Education Meeting  
August 9, 2011

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

It is recommended that the following resolution be adopted:

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

10/9/1995	2/3/1994	1/19/1996	6/18/1993	8/31/2000	3/9/1993
10/14/1997	3/23/1996	12/29/1998			

- 9.24 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:

- 9.25 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.

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

It is recommended that the following resolution be adopted:

Board of Education Meeting  
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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:

2/18/1999    11/14/1996    7/28/1993    7/6/1994

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

It is recommended that the following resolution be adopted:

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

9.28    Petition to Expunge, Rescind, or Modify Expulsion  
(Prepared by Youth Services Department)

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

7/9/1998

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.

**10.0 Action Items**

10.1 Election of an Interim Board Secretary and Interim Assistant Secretary  
(Prepared by Superintendent)

Due to the resignation of Superintendent Arturo Delgado and retirement of Superintendent's Assistant Phyllis Gronek, it is necessary to elect an Interim Board Secretary and Interim Assistant Secretary. It has been past practice that the Superintendent serve as the Secretary of the Board and it has proven desirable to appoint a Staff person as Assistant Secretary of the Board. It is suggested this practice be continued.

BE IT RESOLVED that the Board of Education elects Richard Bray to serve as Board Interim Secretary.

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

10.2 Resolution Denying Request for Material Revisions to the Charter for the New Vision Middle School  
(Prepared by Employee Relations Division)

**Resolution Denying Request for Material Revisions to the Charter  
For the New Vision Middle School by the Governing Board of the  
San Bernardino City Unified School District**

**WHEREAS**, pursuant to Education Code section 47600, *et seq.*, the Governing Board of the San Bernardino City Unified School District ("District Board") is required to review and consider authorization of charter schools and material revisions to charters under the District Board's oversight; and

**WHEREAS**, pursuant to Education Code section 47607(a)(2), requests for material revision to a charter are governed by the standards and criteria in Education Code section 47605; and

**WHEREAS**, on or about April 7, 2009, the District Board approved the Charter for the New Vision Middle School ("New Vision" or "Charter School") to serve students in grades sixth through eighth for a five-year term and ending June 30, 2014; and

**WHEREAS**, on or about May 11, 2011, New Vision submitted a request for material revisions to its Charter, for the purpose of expanding New Vision to serve ninth grade as well as sixth through eighth grades (the "Request"); and



**WHEREAS**, a public hearing on the Request was conducted on June 7, 2011, pursuant to Education Code section 47605, at which time the District Board considered the level of support for these material revisions to the Charter by teachers employed by the District, other employees of the District, and parents. At that hearing Mr. Alex Lucero spoke in favor of the material revisions; and

**WHEREAS**, the District staff, including experts from the District's various departments, has reviewed and analyzed all information received with respect to the Request and information related to the operation and potential effects of the proposed revised New Vision Charter, including speaking to and meeting with New Vision representatives relative to the Request for material revisions. Pursuant to that analysis, the District staff determined that the Request included a variety of issues and deficiencies. These areas of concern were communicated, both in writing and in face-to-face communications to New Vision, and New Vision was given an opportunity to make further revisions to the Request in order to remedy these concerns. On July 15, 2011, New Vision submitted a revised Request; and

**WHEREAS**, the District staff analyzed the revised Request submitted by New Vision on July 15, 2011. Pursuant to that analysis District staff had determined New Vision successfully addressed some of the concerns that had been explained to New Vision, but that some issues and deficiencies remain with respect to the Request; and

**WHEREAS**, the District Board has fully considered the request for material revisions to the New Vision Charter and the recommendation provided by District staff; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS**, that the Governing Board of the San Bernardino City Unified School District finds the above listed recitals to be true and correct and incorporates them herein by this reference.

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the San Bernardino City Unified School District, having fully considered and evaluated the Request for material revisions to the New Vision Charter hereby finds the Request not to be consistent with sound educational practice, based upon grounds and factual findings including, but not limited to, the following, and hereby denies the Request for material revisions pursuant to Education Code sections 47605 and 47607:

The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code section 47605(b)(1)]

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the San Bernardino City Unified School District hereby determines the foregoing findings are supported by the following specific facts:



THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL. [Education Code section 47605(b)(1)]

- a. New Vision will not be offering science in the ninth grade program, which may negatively impact a student's progress towards meeting A-G requirements through the remaining three years of high school.
- b. English Language Development – The Request does not include an English Language Development (“ELD”) course description and class(es) that identifies when a set period of time will be set aside daily specifically to provide English learners the development of English. While embedding ELD strategies throughout the day is appropriate, it is also necessary to identify specifically when English language development will be the focus.
- c. New Vision expects to commence the ninth grade instructional program on August 22, 2011, which is less than two weeks away. The Board believes there is insufficient time for New Vision to make the necessary arrangements, acquire instructional materials and/or hire instructional staff in time for the ninth grade educational program to commence on that date.

**BE IT FURTHER RESOLVED AND ORDERED** that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Request for material revisions to the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by the District Board at its special Board meeting of August 9, 2011.

**AYES IN FAVOR OF SAID RESOLUTION:**

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Board of Education Meeting  
August 9, 2011

**NOES AGAINST SAID RESOLUTION:**

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**ABSTAINED:**

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Dated: \_\_\_\_\_

By: \_\_\_\_\_

Danny Tillman  
President, Governing Board  
San Bernardino City Unified School District

Dated: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_, Governing Board  
San Bernardino City Unified School District

- 10.3 Resolution Conditionally Approving Only for the 2011-12 Fiscal Year Material Revisions to the Charter for the new Vision Middle School  
(Prepared by Employee Relations Division)

**Resolution**  
**Conditionally Approving Only for the 2011-12 Fiscal Year**  
**Material Revisions to the Charter for the New Vision Middle School**  
**By the Governing Board of the San Bernardino City Unified School District**

**WHEREAS**, pursuant to Education Code section 47600, *et seq.*, the Governing Board of the San Bernardino City Unified School District (“District Board”) is required to review and consider authorization of charter schools and material revisions to charters under the District Board’s oversight; and

**WHEREAS**, pursuant to Education Code section 47607(a)(2), requests for material revision to a charter are governed by the standards and criteria in Education Code section 47605; and

**WHEREAS**, on or about April 7, 2009, the District Board approved the Charter for the New Vision Middle School (“New Vision” or “Charter School”) to serve students in grades sixth through eighth for a five-year term ending June 30, 2014; and

**WHEREAS**, on or about May 11, 2011, New Vision submitted a request for material revisions to its Charter, for the purpose of expanding New Vision to serve ninth grade as well as sixth through eighth grades (“Request”); and

**WHEREAS**, a public hearing on the request for material revisions to the Charter was conducted on June 7, 2011, pursuant to Education Code section 47605, at which time the District Board considered the level of support for these material revisions to the Charter by teachers employed by the District, other employees of the District, and parents. At that hearing Mr. Alex Lucero spoke in favor of the material revisions; and

**WHEREAS**, the District staff, including experts from the District’s various departments, has reviewed and analyzed all information received with respect to the request for material revisions to the Charter and information related to the operation and potential effects of the proposed revised New Vision Charter, including speaking to and meeting with New Vision representatives relative to the request for material revisions. Pursuant to that analysis, the District staff determined that the Request included a variety of issues and deficiencies. These areas of concern were communicated, both in writing and in face-to-face communications to New Vision, and New Vision was given an opportunity to make further revisions to the Request in order to remedy these concerns. On July 15, 2011, New Vision submitted a revised Request; and

**WHEREAS**, the District staff analyzed the revised Request submitted by New Vision on July 15, 2011. Pursuant to that analysis District staff had determined New Vision successfully

addressed some of the concerns that had been explained to New Vision, but that some issues and deficiencies remain with respect to the Request and, based on that review, has made a recommendation to the District Board that additional revisions to the Charter be made prior to final approval of the materially revised Charter; and

**WHEREAS**, the District Board has fully considered the request for material revisions to the New Vision Charter and the recommendation provided by District staff; and

**WHEREAS**, the District Board finds that there are serious concerns regarding New Vision's preparation to expand its operations to serve ninth grade, and that it will be necessary to reevaluate the effectiveness of New Vision's expanded program after it has been in effect for one school year; and

**WHEREAS**, the District Board finds that certain changes and revisions to the Charter are necessary to support the request for material revisions. The District administration is pursuing the implementation of such changes and revisions. New Vision has made a number of revisions to the Charter based on the District's concerns and requests, but certain additional changes and revisions remain necessary to support the material revisions including expansion to ninth grade. Such changes and revisions are set forth below:

1. By August 15, 2011, New Vision will provide a revised instructional schedule that specifically includes an English Language Development ("ELD") course description and class(es) that identifies when a set period of time will be set aside daily specifically to provide English learners the development of English.

2. By August 15, 2011, New Vision will provide information and credentialing documentation regarding the certificated employees to be hired for the ninth grade for the 2011-2012 school year.

3. By September 30, 2011, New Vision will provide written verification that it has submitted all college preparatory classes to UCOP for college approval; and

**WHEREAS**, in reviewing the request for material revisions to the New Vision Charter, the District Board has been cognizant of the value provided to the community by New Vision during the time that it has been operating pursuant to the Charter granted by the District Board; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS**, that the Governing Board of the San Bernardino City Unified School District finds the above listed recitals to be true and correct and incorporates them herein by this reference.

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the San Bernardino City Unified School District hereby conditionally approves the material revisions to the Charter to be effective only for the 2011-12 fiscal year, subject to necessary changes being made to the Charter as noted above, with the materially revised Charter to remain in effect only

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through the end of the 2011-12 fiscal year, and then the Charter shall revert to its originally approved terms for the remainder of the current term of the Charter, which expires on June 30, 2014.

The foregoing resolution was considered, passed, and adopted by the District Board at its special Board meeting of August 9, 2011.

**AYES IN FAVOR OF SAID RESOLUTION:**

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**NOES AGAINST SAID RESOLUTION:**

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**ABSTAINED:**

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\_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Danny Tillman  
President, Governing Board  
San Bernardino City Unified School District

Dated: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_, Governing Board  
San Bernardino City Unified School District

10.4 Personnel Report #3, Dated August 9, 2011  
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #3, dated August 9, 2011, 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 #3, dated August 9, 2011, 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 EIGHT - Closed Session**

**11.0 Closed Session**

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

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## **Student Matters/Discipline**

### **Conference with Labor Negotiator**

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

## **Public Employee Discipline/Dismissal/Release**

### **Conference with Legal Counsel: Anticipated Litigation**

Number of Cases: Five

## **SESSION TEN – Open Session**

### ***12.0 Action Reported from Closed Session***

## **SESSION ELEVEN - Closing**

### ***13.0 Adjournment***

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 16, 2011, 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.

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

Posted: August 5, 2011