

AGENDA INDEX FOR THE  
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**

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**DR. BARBARA FLORES**  
Vice President

**LOUISE A. AYALA**  
Board Member

**TERESA PARRA CRAIG**  
Board Member



**DANNY TILLMAN**  
President

**RICHARD BRAY**  
Interim Superintendent

**JUDI PENMAN**  
Board Member

**LYNDA K. SAVAGE**  
Board Member

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

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August 16, 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    Outstanding Student Awards  
(Mrs. Linda Bardere)
  - 2.2    Community and School Alliance (CaSA) Foundation Grant Awards  
(Mrs. Linda Bardere)
  - 2.3    Outstanding Customer Service Awards  
(Dr. Harold Vollkommer)
  - 2.4    Recognition of Board of Education Member Louise A. Ayala

**SESSION THREE –Public Hearing**

- 3.0**    ***Public Hearing***    **6:25 p.m.**
- 3.1    K-12 Textbook and Instructional Materials Incentive Program,  
Tracks A, B, and C, 2011-2012  
(Dr. Eliseo Davalos)



CURRICULUM/INSTRUCTION AND ACCOUNTABILITY AND RESEARCH

- 8.14 Agreement with A 2 Z Educational Consultants to Provide English Language Arts Site Support to Teachers at Arroyo Valley High School
- 8.15 Agreement with Action Learning Systems, Inc., to Provide Accountability Coaching and Interactive Instruction Workshops for Elementary School Teachers
- 8.16 Agreement with Cengage Learning to Provide Certiport Authorized Testing Center for Arroyo Valley High School for CTE Classes
- 8.17 Agreement with Digital Edge Learning to Provide Professional Development and Technical Training to District Staff
- 8.18 Payment for Course of Study Activities

EMPLOYEE RELATIONS

- 8.19 Alternate Charter School Facilities Agreement with Real Journey Academies, Inc. dba New Vision Middle School

FACILITIES/OPERATIONS DIVISION

- 8.20 Approval to Process Payments for Pending Change Orders for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project - Various Contractors
- 8.21 Approval to Reject Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School
- 8.22 Resolution for Approval of Replacement Contractor for New Construction of the George Brown Jr. Elementary School Project – Bid No. F08-13, Category No. 4, Multi-Trade
- 8.23 Cafeteria Warrant Register, Ending July 31, 2011
- 8.24 Notice of Completion, Bid No. F07-04, Hillside and Hunt Elementary Schools Modernization and Deferred Maintenance Projects
- 8.25 Notice of Completion, District Bid No. 09-09, Technology Infrastructure- Nutrition Services PO C 200636

STUDENT SERVICES DIVISION

- 8.26 Payment for Services Rendered by Non-Classified Experts and Organizations
- 8.27 Agreement with Juvenile Court Schools for the Adult School to Provide GED Testing Services
- 8.28 Agreement with San Bernardino County Head Start and Preschool Program for Special Education Services
- 8.29 Agreement with STRUMPF Associates to Assist in Completing the Development of a Comprehensive Strategic Plan for Adult School
- 8.30 Expulsion of Student(s)
- 8.31 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 8.32 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

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- Means of Correction
- 8.33 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
  - 8.34 Revocation of Suspension of Expulsion
  - 8.35 Lift of Expulsion of Student(s)
  - 8.36 Failure to Recommend Mandatory Expulsion 48915
  - 8.37 Petition to Expunge, Rescind, or Modify Expulsion

**9.0 Action Items**

- 9.1 Personnel Report #4, Dated August 16, 2011

**SESSION EIGHT - Closed Session**

**10.0 Closed Session**

**8:00 p.m.**

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

**Student Matters/Discipline**

**Conference with Labor Negotiator**

District Negotiator: 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: Three

**SESSION NINE – Open Session**

**11.0 Action Reported from Closed Session**

**9:00 p.m.**

**SESSION TEN - Closing**

**12.0 Adjournment**

**9:05 p.m.**

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, September 6, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: August 12, 2011

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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 Outstanding Student Awards  
(Prepared by the Communications Department)

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

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2.2 Community and School Alliance (CaSA) Foundation Grant Awards  
(Prepared by the Communications Department)

Glenda Rice, treasurer of the Community and School Alliance Board of Directors, will present 25 CaSA grants to 18 District schools and the ASTERISK Student Intern Program. Funding for these grants totals almost \$22,000. CaSA grant money is raised through the publication of the annual CaSA *Tabloid*, with this year being its 20<sup>th</sup> Anniversary Edition.

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

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

2.4 Recognition of Board of Education Member Louise A. Ayala  
(Prepared by the Communications Office)

**WHEREAS** Louise A. Ayala was elected to the Board of Education of the San Bernardino City Unified School District in 2006; and

**WHEREAS** she provided outstanding leadership in shaping the structure and goals of the District and improving the quality of public education in San Bernardino; and

**WHEREAS** she worked tirelessly as an advocate for all children and was dedicated to putting the needs of children first; and

**WHEREAS** Louise Ayala encouraged the involvement of parents and the community in the educational process and in the celebration of student and organizational successes;

**THEREFORE, BE IT RESOLVED** that in appreciation for her dedication to our students, our community and the San Bernardino City Unified School District, we honor Louise A. Ayala with this resolution acknowledging her commitment to public education.

**SESSION THREE –Public Hearing**

**3.0 Public Hearing**

- 3.1 K-12 Textbook and Instructional Materials Incentive Program, Tracks A, B, and C, 2011-2012  
(Prepared by Curriculum/Instruction & Accountability and Research)

California Education Code Section 60119 specifies that the governing boards of school districts are subject to the requirements of Education Code Section 60119 (as revised by Chapter 118, Statutes of 2005 and CCR, Title 5, Section 9531) in order to receive instructional materials funds. The governing board of each district and county office of education is required to hold an annual public hearing and adopt a resolution stating whether each pupil in the district has sufficient textbooks or instructional materials in specified subjects that are aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks adopted by the state board.

The adoption of designated textbooks for each course Districtwide is an essential part of the development of an articulated, sequential, and standardized curriculum in each subject. The San Bernardino City Unified School District has an ongoing procedure whereby textbooks are continually reviewed and updated by committees that are representative of the school community. Books are reviewed for content and their match with District and State frameworks.

This Public Hearing is being held to enable additional input by parents, teachers, and members of the community, and bargaining union leaders in order to comply with Education Code 60119.

Conduct Public Hearing

It is recommended that the following resolution be adopted:

WHEREAS, the governing board of the San Bernardino City Unified School District, in order to comply with the requirements of Education Code Section 60119 held a public hearing on August 16, 2011, at 5:30 o'clock, which is on or before the eighth week of school and which did not take place during or immediately following school hours, and;

WHEREAS, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place and purpose of the hearing, and;

WHEREAS, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

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WHEREAS, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the San Bernardino City Unified School District, and;

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

WHEREAS, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics
- Science
- History-social science
- English/language arts

WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

WHEREAS, laboratory science equipment was available for science laboratory classes offered in Grades 9-12, inclusive;

THEREFORE, BE IT RESOLVED that for the 2011-2012 school year, the San Bernardino City Unified School District has provided each pupil in Tracks A, B, and C with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

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

## **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 Attendance Update  
(Prepared by Student Services Division)

Ray Culberson, Youth Services Director, will present information to the Board regarding current student enrollment and attendance, growth targets for 2011-2012, and site and district-level strategies to meet growth targets.

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

**SESSION SIX - Reports and Comments**

**6.0 *Report by Board Members***

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

6.1 Legislative Update

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

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

**SESSION SEVEN - Legislation and Action**

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

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

INTERIM SUPERINTENDENT

8.1    Renewal of the Agreement with Stanfill Associates, Inc., to Perform as External Evaluator for Pacific High School's Federal Smaller Learning Communities Grant  
(Prepared by Business Services Division)

Pacific High School requests Board of Education approval to renew the agreement with Stanfill Associates, Inc., Los Osos, CA, to perform as external evaluator for Pacific High School's Federal Smaller Learning Communities grant, effective August 17, 2011, through June 30, 2012. Stanfill Associates, Inc., will regularly assess the school's progress toward meeting the intended goals, to include making periodic visits to the school to verify progress, and will assist in the yearly narrative and report required by the United States Department of Education. The cost, not to exceed \$15,000.00, will be paid from the Restricted General Fund—SLC-Every Student Connected, Account No. 511.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Stanfill Associates, Inc., Los Osos, CA, to perform as external evaluator for Pacific High School's Federal Smaller Learning Communities grant, effective August 17, 2011, through June 30, 2012. Stanfill Associates, Inc., will regularly assess the school's progress toward meeting the intended goals, to include making periodic visits to the school to verify progress, and will assist in the yearly narrative and report required by the United States Department of Education. The cost, not to exceed \$15,000.00, will be paid from the Restricted General Fund—SLC-Every Student Connected, Account No. 511.

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

Requester: Principal, Pacific High School  
Approver: Interim Superintendent

BUSINESS SERVICES DIVISION

8.2 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
Belvedere Elementary School	Rudolph Sandoval Edison International San Bernardino, CA	\$120.00 to sponsor the ASB	\$120.00	
Belvedere Elementary School	Rudolph Sandoval Edison International San Bernardino, CA	\$120.00 to sponsor the ASB	\$120.00	
Belvedere Elementary School	Rudolph Sandoval Edison International San Bernardino, CA	\$120.00 to sponsor the ASB	\$120.00	
Kendall Elementary School	Edison International Princeton, NJ	\$300.00 to be used towards student incentives and awards	\$300.00	
Parkside Elementary School	Cartridges for Kids Loveland, Co	\$107.00 to be used towards student incentives	\$107.00	
English Learner Programs Department	Schools First Federal Credit Union Redlands, CA	Refreshments with the total value of \$2,000.00 for ELPD and EAIII meetings		\$2,000.00
Inghram Elementary School	Nancy Jackson Edison International Princeton, NJ	\$225.00 to sponsor the ASB	\$225.00	
Inghram Elementary School	Nancy Jackson Edison International Princeton, NJ	\$225.00 to sponsor the ASB	\$225.00	
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Inghram Elementary School	Lifetouch National School Studios	\$173.17 to sponsor the ASB	\$173.17	
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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 \$120.00, Rudolph Sandoval, San Bernardino, CA; \$120.00, Rudolph Sandoval, San Bernardino, CA; \$120.00, Rudolph Sandoval, San Bernardino, CA; \$300.00, Edison International, Princeton, NJ; \$107.00, Cartridges for Kids, Loveland, CO; Refreshments with the total value of \$2,000.00, Schools First Federal Credit Union; \$225.00, Nancy Jackson, Princeton, NJ; \$225.00, Nancy Jackson, Princeton NJ; \$225.00, Nancy Jackson, Princeton, NJ; \$225.00, Edison International, Princeton, NJ; and \$173.17, Lifetouch National School Studios, Corona, CA.

Requester: Various

Approved: Chief Business and Financial Officer, Business Services Division

8.3 Commercial Warrant Registers for Period from July 16, through July 31, 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 16, through July 31, 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: Director, Accounting Services Department

Approver: Chief Business and Financial Officer, Business Services Division

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

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

The unrestricted program, Charter School Oversight (099) was included in the Fiscal Year 2011-2012 budget for \$204,545.53. An increase in the amount of \$22,500.00 to establish the Charter School Oversight Program will result in a revised total of \$227,045.53 for expenditures and a decrease of \$22,500.00 in the unrestricted fund balance.

The restricted program, Smaller Learning Environments-AVHS (376) was included in the Fiscal Year 2011-2012 approved budget in the amount of \$4,500.00. Based on the award letter received on July 26, 2011, an increase of \$4,182.90 will result in a revised total of \$8,682.90.

The restricted program, Smaller Learning Environments-CHS (377) was included in the Fiscal Year 2011-2012 approved budget in the amount of \$16,000.00. Based on the award letter received on July 26, 2011, an increase of \$4,902.61 will result in a revised total of \$20,902.61.

The restricted program, After School Education and Safety Program (459), was included in the Fiscal Year 2011-2012 approved budget in the amount of \$7,729,279.00. Based on information received on July 25, 2011, from the California Department of Education, an increase in the amount of \$493,255.00 will result in a revised total of \$8,222,534.00.

The restricted program, Indian Education Formula (505), was included in the Fiscal Year 2011-2012 approved budget in the amount of \$118,582.00. Based on the grant award notification received on July 27, 2011, an increase in the amount of \$4,154.00 will result in a revised total of \$122,736.00.

The restricted program, 21<sup>st</sup> Century Community Learning Centers (574), was included in the Fiscal Year 2011-2012 approved budget in the amount of \$1,067,700.00. Based on information received on July 25, 2011, from the California Department of Education, a decrease in the amount of \$100,101.00 will result in a revised total of \$967,599.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$22,500.00 in the budgeting of expenditures and the decrease of \$22,500.00 in the unrestricted fund balance for the unrestricted program, Charter School Oversight (099).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$4,182.90 in the budgeting of revenues and expenditures for the restricted program, Smaller Learning Environments-AVHS (376).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$4,902.61 in the budgeting of revenues and expenditures for the restricted program, Smaller Learning Environments-CHS (377).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$493,255.00 in the budgeting of revenues and expenditures for the restricted program, After School Education and Safety Program (459).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$4,154.00 in the budgeting of revenues and expenditures for the restricted program, Indian Education Formula (505).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of \$100,101.00 in the budgeting of revenues and expenditures for the restricted program, 21<sup>st</sup> Century Community Learning Centers (574).

Requester: Director, Fiscal Services

Approved: Chief Business and Financial Officer, Business Services Division

8.5 Change Organized to Unorganized Associated Student Body (ASB) at San Andreas High School  
(Prepared by Business Services Division)

Education Code 48930 sets forth provisions for organizing an associated student body within any public school. Schools must request Board of Education's approval to organize an associated student body in order to further promote school activities.

It is recommended that the following resolution be approved:

BE IT RESOLVED that the Board of Education approves changing the Associated Student Body at San Andreas High School from an organized to an unorganized associated student body for the fiscal year 2011-12.

Requester: Director, Accounting Services

Approver: Chief Business and Financial Officer, Business Services Division

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8.6 Agreement with Fiscal Crisis & Management Assistance Team (FCMAT) to Provide an In-depth Study of the Special Education Program  
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to enter into an agreement with the Fiscal Crisis & Management Assistance Team (FCMAT), to provide an in-depth study of the Special Education Program, effective August 17, through November 30, 2011. The study will involve an overall review of the Special Education delivery system, including but not limited to, program compliance, staffing levels, program efficiencies, special education transportation system, process and procedures for providing students with non-public agency services, due process, and compliance concerns. The report will be presented to the Board on November 15, 2011. The total cost, not to exceed \$31,150.00, will be paid from the Restricted General Fund, Special Education Program, Account No. 827.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Fiscal Crisis & Management Assistance Team (FCMAT), to provide an in-depth study of the Special Education Program, effective August 17, 2011, continuing through November 30, 2011. The study will involve the overall review of the Special Education delivery system. The report will be presented to the Board on November 15, 2011. The total cost, not to exceed \$31,150.00, will be paid from the Restricted General Fund, Special Education Program, Account No. 827.

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

Requester: Board of Education

Approver: Chief Business & Financial Officer, Business Services Division and Assistant Superintendent, Student Services

8.7 Request for Proposals (RFP) No. 19-11, Network Monitoring Solution  
(Prepared by Business Services Division)

RFP No. 19-11 Network Monitoring Solution, advertised June 23, and June 30, was opened July 8, 2011, at 11:00 a.m. The main purpose of this bid is to seek bids from responsive bidders for the purchase of network monitoring software and services for the District's Information Technology Department.

Bids were mailed to Absolute Software, Austin, TX; Apple Inc., Austin, TX; CDW-Government, Chandler, AZ; Cybertech, Oakbrook, IL; GovPlace, Irvine, CA; JAMF Software, Minneapolis, MN; and San Bernardino Chamber of Commerce.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that bids were received as follows:

Bidder	Bid Amount - Excluding Tax	Terms
DLT Solutions Herndon, VA	\$82,198.16	Net 30
Presidio Network Solutions Orlando, FL	\$79,017.84	Net 30
NetXperts, Inc. San Ramon, CA	\$76,954.55	Net 30
Sehi Computer San Clemente, CA	No Bid	No Bid
Vector Resources Rancho Cucamonga, CA	\$84,781.33	Net 30

BE IT ALSO RESOLVED that RFP No. 19-11, Network Monitoring Solution be awarded to NetXperts, Inc., San Ramon, CA; the lowest responsible bidder in accordance with Public Contract PCC 20118.1.

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

Requester: Director, Purchasing Department

Approver: Chief Business and Financial Officer, Business Services Division

8.8 Bid No. 19-10 R1, Chain Link Fencing & Associated Materials  
(Prepared by Business Services Division)

Bid No. 19-10 R1, Chain Link Fencing & Associated Materials, was advertised on June 23, and June 30, and was opened on July 7, 2011, at 10:00 a.m. The purpose of this bid is to purchase chain link fencing and associated materials for the District Maintenance & Operations. The cost for the materials will be charged to the General Fund Account No. 076.

Bid packages were mailed to A & A Fence Co., Banning, CA; Crown Fence Supply Co., Santa Fe Springs, CA; Diamond Fence Co., San Bernardino, CA; Econo Fence Inc., Riverside, CA; Moore Fence Co., Perris, CA; Quality Fence Co., Paramount, CA; and San Bernardino Chamber of Commerce.

The results of the bidding are shown as follows:

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<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
APW Construction, Inc. Glendora, CA	\$129,911.98
All Valley Fence & Supply Imperial, CA	\$75,669.50
Crown Fence Supply Co. Santa Fe Springs, CA	\$69,015.48
Diamond Fence Co. San Bernardino, CA	\$121,782.50
Econo Fence, Inc. Riverside, CA	\$74,063.92
Moore Fence Co. Perris, CA	\$83,138.60
Quality Fence Co. Paramount, CA	\$105,972.34

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Bid No. 19-10 R1, Chain Link Fencing and Associated Materials be awarded to Crown Fence Supply Co., Santa Fe Springs, CA, lowest responsive bidder meeting District specifications.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line item basis, as needed, throughout the initial one-year term of bid, and all extensions, not to exceed three years total. The cost for the materials will be charged to the General Fund, Account No. 076.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any agreements associated with this bid.

Requester: Director, Purchasing Department

Approver: Chief Business and Financial Officer, Business Services Division

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8.9 Bid No. 20-10 R1, Irrigation Materials  
(Prepared by Business Services Division)

Bid No. 20-10 R1, Irrigation Materials, was advertised on June 23, and June 30, and was opened on July 12, 2011, at 11:30 a.m. The purpose of this bid is to purchase irrigation materials for the District Maintenance & Operations. The cost for the materials will be charged to the General Fund Account No. 076.

Bid packages were mailed to Ferguson Enterprise, Pomona, CA; Hydro-Scape, San Bernardino, CA; Imperial Sprinklers Supply, Inc., Escondido, CA; John Deere Landscapes, Riverside, CA; Pro Pipe & Supply Inc., Redlands, CA; Smith Pipe and Supply, Inc., and San Bernardino Chamber of Commerce.

The results of the bidding are shown as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNTS</u>	
	<u>Group A (Items 1 -29)</u>	<u>Group B (Items 30 – 39)</u>
Ewing Phoenix, AZ	\$64,075.64	No Bid
Ferguson Enterprise Pomona, CA	\$64,236.70	No Bid
Hydro-Scape San Bernardino, CA	\$66,452.23	No Bid
Imperial Sprinkler Supply Escondido, CA	\$65,242.02	\$233,524.80
John Deere Landscapes Riverside, CA	\$64,567.18	No Bid
Pro Pipe & Supply Inc. Redlands, CA	\$86,253.41	No Bid
Smith Pipe & Supply Ontario, CA	\$80,718.90	No Bid

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that Bid No. 20-10 R1, Group A (Items 1 – 29), be awarded to John Deere Landscapes, Riverside, CA; and Imperial Sprinklers Supply, Inc., Escondido, CA; the lowest responsible bidders meeting District specifications.

BE IT ALSO RESOLVED that Bid No. 20-10 R1, Group B (Items 30 – 39), be awarded to Imperial Sprinkler Supply Inc., Escondido, CA; the single responsive bidder for these items.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line item basis, as needed, throughout the initial one-year term of the bid, and all extensions, not to exceed three years total. The cost for the materials will be charged to the General Fund, Account No. 076.

Requester: Director, Purchasing Department

Approver: Chief Business and Financial Officer, Business Services Division

8.10 Bid No. 21-10 R1, Electrical Materials & Supplies  
(Prepared by Business Services Division)

Bid No. 21-10 R1, Electrical Materials & Supplies, was advertised on June 23, and June 30, and was opened on July 12, 2011, at 1:30 p.m. The purpose of this bid is to purchase Electrical Materials & Supplies for the District Maintenance & Operations on an as-required basis for routine repair and maintenance. The cost for the materials will be charged to the General Fund Account No. 076.

Bid packages were mailed to American Electric Supply, Inc., Corona, CA; Consolidated Electrical Distributors, San Bernardino, CA; Graybar, San Bernardino, CA; One Source Distributors LLC., Downey, CA; Mike Cox Electric, Rancho Cucamonga, CA; West Lite Supply Co., Cerritos, CA; Wesco Distribution, Inc., San Bernardino, CA; and San Bernardino Chamber of Commerce.

The results of the bidding are shown as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
American Electric Corona, CA	\$46,818.91
Consolidated Electrical Distributors San Bernardino, CA	\$32,303.40
One Source Distributor Downey, CA	\$45,301.45



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Best Contracting Services Gardena, CA	\$1,100.80 composite unit price
Inland Valley Roofing San Bernardino, CA	\$472.25 composite unit price
Sylvester Roofing Escondido, CA	\$995.50 composite unit price
Vance & Associates Roofing Inc. Anaheim, CA	\$959.80 composite unit price

BE IT RESOLVED that Bid No. 21-11, Requirements Contract for Built-Up Roofing Installation and Repair District-wide be awarded to Inland Valley Roofing, San Bernardino, CA, the lowest responsible bidder meeting District specifications as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT EXCLUDING TAX</u>
Inland Valley Roofing San Bernardino, CA	\$472.25

BE IT ALSO RESOLVED the initial contract term shall be for one year from Board award, and may be extended in 12-month increments, not to exceed a total of five years. The cost will be charged to deferred and non-deferred maintenance, Unrestricted General Fund 01.

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

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

8.12 Bid No. 24-11, Curriculum-Based Measurement Software  
(Prepared by Business Services Division)

Bid No. 24-11 Curriculum-Based Measurement Software, advertised July 22, and July 29, was opened August 5, 2011, at 2:00 p.m. The main purpose of this bid is to seek bids for the purchase of benchmark and student progress monitoring software to be used Districtwide at elementary and high school sites.

Bid's were mailed to CORE K12 Education, Jersey City, NJ; iSteep, LLC, Miami, FL; National Center on Accessible Instructional Material at Cast, Inc., Wakefield, MA; Pearson, San Antonio, TX; Vantage Learning, Ewing, NJ; Wireless Generation, Brooklyn, NY; and San Bernardino Chamber of Commerce.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that bids were received as follows:

<u>Bidder</u>	<u>Unit Cost</u>	<u>Extended Cost</u>	<u>Terms</u>
Pearson San Antonio, TX	\$6.00 per license	\$270,000	Net 30
Vantage Learning Ewing, NY	\$14.00 (Bundle Pricing)	\$630,000	Net 30

BE IT ALSO RESOLVED that Bid No. 24-11, Curriculum-Based Measurement Software be awarded to Pearson, San Antonio, TX; the lowest responsive/responsible bidder in accordance with Public Contract PCC 20118.1.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated on a line item unit cost basis, as needed through the initial one-year term of bid, and all extensions, not to exceed five years total in accordance with the terms of the bid documents.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Finance Officer, to sign all contracts related to this bid.

Requester: Director, Purchasing Department

Approver: Chief Business and Financial Officer, Business Services Division

CERTIFICATED HUMAN RESOURCES DIVISION

8.13 Payment of Master Teacher – Chapman University  
(Prepared by Certificated Human Resources Division)

The District has an agreement with Chapman 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 05013618 from Chapman University in the amount of \$125.00. 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 master teacher during spring session, as provided for in the Agreement with Chapman University, as follows:

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Goebel, Kristen                      \$125.00

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

CURRICULUM/INSTRUCTION AND ACCOUNTABILITY AND RESEARCH

8.14    Agreement with A 2 Z Educational Consultants to Provide English Language Arts Site Support to Teachers at Arroyo Valley High School  
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval to enter into an agreement with A 2 Z Educational Consultants, Litchfield Park, AZ, to provide English language arts site support to teachers at Arroyo Valley High School, effective August 17, 2011, through May 30, 2012. The fee, not to exceed \$100,000.00, will be paid from the Restricted General Fund—Title I, Account No. 524.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with A 2 Z Educational Consultants, Litchfield Park, AZ, to provide English language arts site support to teachers at Arroyo Valley High School, effective August 17, 2011, through May 30, 2012. The fee, not to exceed \$100,000.00, will be paid from the Restricted General Fund—Title I, Account No. 524.

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

Requester: Principal, Arroyo Valley High School  
Approver: Assistant Superintendent, Curriculum/Instruction and Accountability and Research

8.15    Agreement with Action Learning Systems, Inc., to Provide Accountability Coaching and Interactive Instruction Workshops for Elementary School Teachers  
(Prepared by Business Services Division)

The Curriculum/Instruction and Accountability and Research Department requests Board of Education approval to enter into an agreement with Action Learning Systems, Inc., Pasadena, CA, to provide accountability coaching and interactive instruction workshops for elementary school teachers, August 30, 2011, through May 24, 2012. The fee, not to exceed \$100,000.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

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 Action Learning Systems, Inc., Pasadena, CA, to provide accountability coaching and interactive instruction workshops for elementary school teachers, August 30, 2011, through May 24, 2012. The fee, not to exceed \$100,000.00, 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 all related documents.

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

8.16 Agreement with Cengage Learning to Provide Certiport Authorized Testing Center for Arroyo Valley High School for CTE Classes  
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval to enter into an agreement with Cengage Learning, Independence, KY, to provide Certiport Authorized Testing Center for CTE classes effective August 17, 2011, through June 30, 2012. The fee, not to exceed \$3,982.95, will be paid from the Restricted General Fund—Title II Secondary Education, Account No. 512.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Cengage Learning, Independence, KY, to provide Certiport Authorized Testing Center for CTE classes effective August 17, 2011, through June 30, 2012. The fee, not to exceed \$3,982.95, will be paid from the Restricted General Fund—Title II Secondary Education, Account No. 512.

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

Requester: Coordinator, College/Career Development

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

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

Hunt Elementary School requests Board of Education approval to enter into an 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 17, 2011, through June 30, 2012. The fee, not to exceed \$50,000.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an 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 17, 2011, through June 30, 2012. The fee, not to exceed \$50,000.00, 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.

Requester: Principal, Hunt Elementary School

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

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

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

Kimbark Elementary School wishes to hire The Power of One for two presentations titled “The Anti-bullying Show” on September 8, 2011. The presentations will impart environmental concepts to the students. The cost, not to exceed \$785.00, will be paid from Kimbark Elementary School ASB Account.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2011-12 school year and approves payment to the following:

The Power of One for two presentations titled “The Anti-bullying Show” on September 8, 2011. The cost, not to exceed \$785.00, will be paid from Kimbark Elementary School ASB Account

Requester: Principal, Kimbark Elementary School

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

EMPLOYEE RELATIONS

8.19 Alternate Charter School Facilities Agreement with Real Journey Academies, Inc. dba New Vision Middle School  
(Prepared by Business Services Division)

On October 12, 2010, Real Journey Academies, Inc. dba New Vision Middle School operating as a direct funded charter school, submitted to the District a request for facilities under the provisions of Education Code section 47614 and its implementing regulations set forth in Title 5 of the California Code of Regulations section 11969.9(a), et seq, "Proposition 39 Request." 5CCR section 11969.1(b) states, "If a charter school and a school district mutually agree to an alternative to specific compliance with any of the provisions of this article, nothing in this article shall prohibit implementation of that alternative, including, for example, funding in lieu of facilities . . ." Pursuant to the requirements of Education Code section 47614 and its implementing regulations, in lieu providing facilities to New Vision Middle the District has offered to sell New Vision Middle School four (4) portables for the cost of One Dollar (\$1.00), and to reimburse the charter school at a not-to-exceed amount of \$13,200.00 for the cost of moving the portables.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the sale of four (4) portables, identification numbers 36007/8, 36005/6, 31511, and 54611 to Real Journey Academies, Inc. dba New Vision Middle School as set forth under the provisions of Education Code section 47614, "Proposition 39 Request" for the cost of One Dollar (\$1.00).

BE IT ALSO RESOLVED that the Board of Education approves reimbursing the charter school for the cost of moving the portables at a not-to-exceed amount of \$13,200.00.

BE IT ALSO RESOLVED that the Board of Education approves entering into the following agreements for the sale of the portables as mutually agreed upon by both parties:

1. Alternate Charter School Facilities is Agreement By and Between San Bernardino City Unified School District and Real Journey Academies, Inc., dba New Vision Middle School;
2. Purchase and Sale Agreement; and
3. Bill of Sale

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all documents associated with the sale of the four (4) portables.

Requester: New Vision Middle School  
Approver: Assistant Superintendent, Employee Relations

FACILITIES/OPERATIONS DIVISION

- 8.20 Approval to Process Payments for Pending Change Orders for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project - Various Contractors  
(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 the following contractors for the Indian Springs High School/Old Curtis Middle School New Construction and Modernization Project, per Board approval on April 20, 2010, of the new change order approval procedures:

- Blazing Industrial Steel, Inc., Riverside, CA - Structural Steel
- Bogh Engineering, Inc., Beaumont, CA - Concrete & Offsite Street Improvements
- Chapman Coast Roof Co., Inc., Fullerton, CA - Roofing
- Fischer, Inc., San Bernardino, CA - Plumbing
- Rancho Pacific Electric, Inc., Rancho Cucamonga, CA - Electrical
- RGSLA, Inc., Whittier, CA - Modernization Re-Roofing
- Sierra Lathing Company, Inc., Rialto, CA - Gypsum & Plaster

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 the processing of payments for change orders pending Division of State Architect (DSA) approval for the following contractors for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project: Blazing Industrial Steel, Inc. - Structural Steel; Bogh Engineering, Inc.- Concrete and Offsite Street Improvements; Chapman Coast Roof Co., Inc.- Roofing; Fischer, Inc.- Plumbing; Rancho Pacific Electric, Inc.- Electrical; RGSLA, Inc.- Modernization Re-Roofing; and Sierra Lathing Company, Inc.- Gypsum & Plaster, per Board of Education approval on April 20, 2010, as follows:

The Architect, Construction Manager, DSA Inspector of Record 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.

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- 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, Construction Manager, IOR, or Contractor.

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

8.21 Approval to Reject Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School  
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to reject in its entirety, Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School, due to the apparent low bidder's withdrawal of their bid and the remaining bids were outside the District's proposed budget. The District will rebid at a later time after reviewing the scope of work with the Architect of Record.

Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School, was advertised on June 2, and June 9, 2011, in The Sun, El Chicano and Precinct Reporter newspapers. Bids were opened on June 27, 2011, at 2:00 p.m. and the following bids were received:

<b>Contractors</b>	<b>Total Base Bid including Allowance</b>
Broughton Construction Inc. * Rancho Cucamonga, CA	\$340,524.00
JM Builders, Inc. Redlands, CA	\$467,953.00
Barkley Andross Corporation Hesperia, CA	\$616,953.00
Fischer, Inc. San Bernardino, CA	\$633,953.00
Riverside Construction Company, Inc. Riverside, CA	\$690,393.00

\* Withdrew bid

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School be rejected in its entirety and will rebid at a later time after reviewing the scope of work and budget with the Architect of Record.

Requester: Interim Facilities Administrator, Facilities Management Department

Approver: Assistant Superintendent, Facilities/Operations Division

8.22 Resolution for Approval of Replacement Contractor for New Construction of the George Brown Jr. Elementary School Project – Bid No. F08-13, Category No. 4, Multi-Trade

(Prepared by Facilities/Operations Division)

On June 7, 2011, the Board of Education awarded Great West Contractors, Inc., Anaheim, CA, a contract for demolition, site clearing, earthwork, concrete, and other work for the George Brown Jr. Elementary School Project (Bid No. F08-13, Category No. 4 – Multi Trade), in the amount of \$7,114,296.00. On August 9, 2011, after Great West failed to properly perform and meet the requirements of their contract, they were formally terminated for cause. Subsequently, the District made demand upon the Surety, Safeco Insurance Company of America, to complete Great West's scope of work on the Project. The Surety did not respond within the time period provided in the contract for taking over or tendering performance of a replacement contractor. To avoid delays on the Project and potential delay claims, the District has identified a replacement contractor, KAR Construction, Inc., Ontario, CA that was a prior bidder for this Project to perform Great West's scope of work at a cost of \$7,259,220.00.

Facilities Management requests Board of Education approval to award Category No. 4 contract to KAR Construction, Inc., who had also bid for this work, to perform Great West's terminated scope of work. The District's legal counsel believes KAR Construction would be acceptable to the Surety. District legal counsel has advised that a contract to take over work of a contractor terminated for cause may be entered into without the District having to competitively rebid the job. Board approval will also provide delegation of authority to the Chief Business and Financial Officer so that all required paperwork and documentation for the completion of work may be undertaken without further delays to complete the Project.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education makes the following findings which exist:

WHEREAS, the District and Great West Contractors, Inc. entered into a contract for the George Brown Jr. Elementary School Project whereby Great West was required to provide demolition, site clearing, earthwork, concrete, and other work on the Project;

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WHEREAS, due to Great West's failure to properly perform and meet the contract requirements of their contract, the District's legal counsel issued letters dated July 20, 2011 and August 4, 2011 providing Great West and its Surety, Safeco Insurance Company of America, with the required notice of the District's intent to terminate for cause of the Project contract in accordance with terms of the Project contract;

WHEREAS, pursuant to the terms of the termination letter, Great West was required to cure to the issues raised in the District's Notice of Intent to Terminate within three (3) days of receiving the notice and has failed to either address or cure the issues raised in the District's Notice of Intent to Terminate;

WHEREAS, on August 9, 2011, the District formally terminated Great West's contract for cause and made a formal demand on the Surety, Safeco Insurance Company of America, to take over and complete Great West's scope of work;

WHEREAS, Safeco Insurance Company of America has failed to provide notice within five (5) days that they will take over the contract and has failed to tender performance within the seven (7) day timeline set forth under Article 2.5;

WHEREAS, competitive rebidding for the Project would cause unnecessary and further delays and expose the District to additional cost overruns related to those delays;

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage;

WHEREAS, Shore v. Central Contra Costa Sanitary District (1962) 208 Cal.App. 2d 465 and Garvey School District v. Paul (1920) 50 Cal.App. 75 holds that a contract for takeover work may be exempted from competitive bidding upon termination for cause of the original contractor; and

WHEREAS the Board of Education approves, pursuant to Education Code Section 17604 and similar statutes,

1. That the above recitals are true and correct.
2. That the needs of the District require the District to ensure the Project is completed without interruption.
3. That it would not produce any advantage to the District to competitively rebid the Project.
4. That this Resolution shall be effective as of the date of its adoption.

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BE IT ALSO RESOLVED that the Board of Education approves the replacement contractor, KAR Construction, Inc. for Bid No. F08-13, New Construction for the George Brown Jr. Elementary School, Category No. 4 – Multi Trade, originally awarded to Great West Contractors, Inc. The cost, \$7,259,220.00, will be paid from Funds 21, 25, 35, and 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to execute any and all agreements and to complete all necessary documents to complete the Project, or to otherwise carry out the intent of this Resolution.

Requestor: Facilities Management Department  
Approver: Assistant Superintendent, Facilities/Operations Division

8.23 Cafeteria Warrant Register, Ending July 31, 2011  
(Prepared by Facilities/Operations Division)

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Cafeteria Warrant Register, ending July 31, 2011, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, Accounting Services Director; John A. Peukert, Assistant Superintendent, Facilities/Operations; Adriane Robles, Nutrition Services Director; or Larry Lobaugh, Nutrition Services Program Manager, to sign disbursements. Two signatures are required on all cafeteria warrants.

Requester: Director, Nutrition Services Department  
Approved: Assistant Superintendent, Facilities/Operations Division

8.24 Notice of Completion, Bid No. F07-04, Hillside and Hunt Elementary Schools Modernization and Deferred Maintenance Projects  
(Prepared by Facilities/Operations Division)

Bid No. F07-04, Modernization and Deferred Maintenance Projects at Hillside and Hunt Elementary Schools, was previously awarded to a General Contractor. The work assigned to the Contractor listed below has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F07-04, Modernization and Deferred Maintenance Projects at Hillside and Hunt Elementary Schools, for the work awarded to the Contractor listed below:

General Contractor  
Plyco Corporation  
Mira Loma, CA

BE IT FURTHER RESOLVED that Danny Tillman, President, Board of Education, be authorized to execute the Notice of Completion.

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

8.25 Notice of Completion, District Bid No. 09-09, Technology Infrastructure-Nutrition Services PO C 200636  
(Prepared by Facilities/Operations Division)

District Bid No. 09-09, Technology Infrastructure, was previously awarded to Vector Resources. The Café data drop work assigned to this Contractor under Nutrition Services PO C 200636 has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for District Bid No. 09-09, Technology Infrastructure, for the work awarded to Vector Resources under Nutrition Services PO C 200636.

Contractor  
Vector Resources  
Rancho Cucamonga, CA

BE IT FURTHER RESOLVED that Danny Tillman, President, Board of Education, be authorized to execute the Notice of Completion.

Requester: Director, Nutrition Services Department  
Approver: Assistant Superintendent, Facilities/Operations Division

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STUDENT SERVICES DIVISION

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

The Special Education Department wishes to hire Kristine S. Kaufman, Upland, CA, to assist in preparation for and participation in the California Department of Education Special Education Self Review (SESR) August 17, 2011, through June 30, 2012. The fee, not to exceed \$3,750.00, will be paid from the Restricted General Fund—Special Education Central, Account No. 827.

It is recommended that the following resolution be adopted:

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

Kristine S. Kaufman, Upland, CA, to assist in preparation for and participation in the California Department of Education Special Education Self Review (SESR) August 17, 2011, through June 30, 2012. The fee, not to exceed \$3,750.00, will be paid from the Restricted General Fund—Special Education Central, Account No. 827.

Requester: Director, Special Education Department  
Approver: Assistant Superintendent, Student Services

8.27 Agreement with Juvenile Court Schools for the Adult School to Provide GED Testing Services  
(Prepared by Business Services Division)

The Adult School requests Board of Education approval to enter into an agreement with Juvenile Court Schools (JCS), San Bernardino, CA, for the Adult School to provide GED testing services for qualified students from JCS, effective August 17, 2011, through June 30, 2012. The Adult School will provide a certified GED examiner and proctor. All funds received will be deposited into the Restricted General Fund—Adult Education GED, Account No. 137.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Juvenile Court Schools (JCS), San Bernardino, CA, for the Adult School to provide GED testing services for qualified students from JCS, effective August 17, 2011, through June 30, 2012. The Adult School will provide a certified GED examiner and proctor. All funds received will be deposited into the Restricted General Fund—Adult Education GED, Account No. 137.

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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Requester: Principal, Adult School  
Approver: Assistant Superintendent, Student Services

8.28 Agreement with San Bernardino County Head Start and Preschool Program for Special Education Services  
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to enter into an agreement with San Bernardino County Preschool Services, San Bernardino, CA, to provide special education and related services to children ages thirty-six months to non-kindergarten eligible five-year-olds of District residents, effective September 1, 2011, through August 31, 2012. The agreement will meet requirements of the Head Start Performance Standards under Part B, Section 619 in compliance with Federal and California laws. There is no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with San Bernardino County Preschool Services, San Bernardino, CA, to provide special Education and related services to children ages thirty-six months to non-kindergarten eligible five-year-olds of District residents, effective September 1, 2011, through August 31, 2012. The agreement will meet requirements of the Head Start Performance Standards under Part B, Section 619 in compliance with Federal and California laws. There is no cost to the District.

Requester: Director, Special Education Department  
Approver: Assistant Superintendent, Student Services

8.29 Agreement with STRUMPF Associates to Assist in Completing the Development of a Comprehensive Strategic Plan for Adult School  
(Prepared by Business Services Division)

The Adult School requests Board of Education approval to enter into an agreement with STRUMPF Associates, Washington, D.C., to assist in completing the development of a comprehensive strategic plan to sustain growth and provide direction to the Adult School over the next three to four years, effective September 1, 2011, through April 1, 2012. The fee, not to exceed \$13,200.00, will be paid from the Restricted General Fund—Adult Education, Account No. 130.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with STRUMPF Associates, Washington, D.C., to assist in completing the development of a comprehensive strategic plan to sustain growth and provide direction to the Adult School over the next three to four years, effective September 1, 2011, through April 1, 2012. The fee, not to

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exceed \$13,200.00, will be paid from the Restricted General Fund—Adult Education, Account No. 130.

Requester: Principal, Adult School  
Approver: Assistant Superintendent, Student Services

8.30 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:

\*\*10/27/1996    \*\*(S)8/5/1999    \*5/24/1999    \*\*9/3/1993    \*\*7/31/1997

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

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

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

8.31 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.

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Therefore, although they were recommended for suspension, the suspension was reversed or modified.

- 8.32 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:

- 8.33 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:

- 8.34 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.

- 8.35 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

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Unified School District in accordance with the Board rules and regulations and in compliance with the Education Code Section 48900:

2/12/1996	11/5/1997	4/25/1994	4/20/1994	11/29/1994	12/1/1997
2/8/1994	7/19/1995	4/22/1997	6/30/1994	5/11/1994	2/15/1995
4/17/1997	9/6/1994				

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

It is recommended that the following resolution be adopted:

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

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

6/10/1997	2/28/1995	1/5/2000	9/12/1996
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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.

7/6/1994

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

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## **9.0 Action Items**

### **9.1 Personnel Report #4, Dated August 16, 2011 (Prepared by Human Resources Division)**

It is requested that the Board approves the Personnel Report #4, dated August 16, 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 #4, dated August 16, 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 SEVEN - Closed Session**

### **10.0 Closed Session**

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

#### **Student Matters/Discipline**

##### **Conference with Labor Negotiator**

District Negotiator: 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: Three

## **SESSION EIGHT – Open Session**

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

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## **SESSION NINE - Closing**

### ***12.0 Adjournment***

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, September 6, 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.

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 12, 2011