

**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**

DR. BARBARA FLORES
Vice President



JUDI PENMAN
Board Member

MICHAEL J. GALLO
Board Member

DANNY TILLMAN
President

BOBBIE PERONG
Board Member

MARGARET HILL
Board Member

YOLANDA ORTEGA
Interim Superintendent

LYNDA SAVAGE
Board Member

December 6, 2011

Estimated Time

SESSION ONE - Opening

- | | | |
|------------|---|------------------|
| 1.0 | <i>Opening</i> | 5:30 p.m. |
| 1.1 | <u>Call to Order</u> | |
| 1.2 | <u>Pledge of Allegiance to the Flag</u> | |

SESSION TWO – Annual Organizational Meeting

- | | | |
|------------|--|------------------|
| 2.0 | <i>Annual Organizational Meeting</i> | 5:35 p.m. |
| 2.1 | <u>Administration of Oath of Office to Board Members</u> | |
| 2.2 | <u>Election of Officers and Assignment of Other Responsibilities</u> | |
| 2.3 | <u>Annual Consideration of Board Policies</u> | |
| 2.4 | <u>Organizational and Annual Meeting of the San Bernardino Schools Financing Corporation</u> | |

RECESS

SAN BERNARDINO SCHOOLS FINANCING CORPORATION

ANNUAL MEETING
Tuesday, December 6, 2011
Community Room
Board of Education Building
San Bernardino City Unified School District
777 North F Street
San Bernardino, California

AGENDA

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

RECONVENE

SESSION THREE – Student Report/School Showcase

- 3.0 *Student Report/School Showcase* 5:55 p.m.
 - 3.1 San Gorgonio High School

SESSION FOUR - Public Hearings

- 4.0 *Public Hearings* 6:10 p.m.
 - 4.1 Charter Petition for Taft T. Newman Leadership Academy
 - 4.2 Charter Petition for Woodward Leadership Academy
 - 4.3 Public Disclosure of Memorandum of Understanding Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA) – PLAS Rewards and Incentives
 - 4.4 Public Disclosure of Memorandum of Understanding Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA) – PAR (Peer Assistance and Review)

SESSION FIVE - Administrative Presentation

- 5.0 *Administrative Presentation* 6:25 p.m.
 - 5.1 SIG Turnaround Model Schools

SESSION SIX - Administrative Reports

- 6.0 *Administrative Reports* 6:45 p.m.
 - 6.1 QEIA Update

SESSION SEVEN – Other Matters Brought By Citizens

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

SESSION EIGHT - Reports and Comments

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

SESSION NINE - Legislation and Action

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

BOARD OF EDUCATION

- 10.1 Approval of Minutes
10.2 Middle School Sports Program – Fiscal Year 2011-2012

BUSINESS SERVICES DIVISION

- 10.3 Acceptance of Gifts and Donations to the District
10.4 Commercial Warrant Registers for Period from November 1, through November 15, 2011
10.5 First Period Interim Financial Report as of October 31, 2011
10.6 Donation of Used District Salvage Equipment to the Day Reporting Center
10.7 Payment for Course of Study Activities
10.8 Extended Field Trip, Burbank Elementary School, Outdoor Science School, Running Springs, California
10.9 Agreement with Leader’s Services, RFP No. 04-11, LEA Direct Billing Options and Medi-Cal Administrative Activities

EDUCATIONAL SERVICES

Curriculum and Instruction

- 10.10 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
10.11 Existing SB70 Partnership Academy Grant Application to Continue C.O.R.E. Academy Program Under New State Funding SBX11
10.12 Agreement with Get Ahead Writing, LLC, to Provide Staff Development in Direct Instruction of Writing Application Standards, Fullerton, California
10.13 Agreement with Imagine Learning, Inc., to Provide English Language Development Support to District Teachers, Provo, Utah
10.14 Agreement with Solution Tree, Inc., to Provide Transforming School Culture Staff Development, Bloomington, Indiana
10.15 Agreement with Tutorial Services to Provide Supplementary Educational Services to District Students, Saline, Michigan

- 10.16 Renewal of the Agreement with the United States Air Force to Establish an Air Force Junior Reserve Officer Training Corps (AFJROTC), Maxwell Air Force Base, Alabama
- 10.17 Payment for Services Rendered by Non-Classified Experts and Organizations
- 10.18 Agreement for Nonpublic, Nonsectarian School/Agency Services with Provo Canyon School, Inc., Orem, Utah
- 10.19 Agreement to Provide Residential and Mental Health Services to Certain District Special Education Students with Provo Canyon School, Inc., Orem, Utah

Student Services

- 10.20 Expulsion of Student(s)
- 10.21 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
- 10.22 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
- 10.23 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 10.24 Revocation of Suspension of Expulsion
- 10.25 Lift of Expulsion of Student(s)
- 10.26 Failure to Recommend Mandatory Expulsion 48915
- 10.27 Petition to Expunge, Rescind, or Modify Expulsion

EMPLOYEE RELATIONS DIVISION

- 10.28 Authorization to Approve Property-Liability-Insurance, Claims & Litigation Management Documents

FACILITIES/OPERATIONS DIVISION

Facilities Management

- 10.29 Amendment No. 1 to the Agreement with Summerset Landscape Service for Weed Abatement Services
- 10.30 Amendment No. 3 to the Professional Services Agreement with PSWC Group for Architectural and Engineering Services for the Proposed Graciano Gomez Elementary School Project
- 10.31 Amendment No. 4 to the Agreement with ATI Architects and Engineers for Architectural and Engineering Services for the Middle College High School Project
- 10.32 Amendment No. 5 to the Agreement with ATI Architects and Engineers for Architectural and Engineering Services for the Little Mountain Elementary School Project

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- 10.33 Approval of Firms for Professional Consulting Services for the Storm Water Pollution Prevention Plans at Various School Sites
- 10.34 Approval of Professional Services Agreement with Tetra Tech for Consulting Services for Storm Water Pollution Prevention Plan for the George Brown Jr. Elementary School Project
- 10.35 Approval to Reject Bid No. F09-02, New Construction for the Proposed Dr. Mildred Dalton Henry Elementary School Project

Nutrition Services

- 10.36 Amendment No. 3 to the Service Agreements with Temporary Labor Companies to Provide Nutrition Services Personnel
- 10.37 Vehicle Trade-In for Price Request 2012 Cargo Van

HUMAN RESOURCES DIVISION

- 10.38 Payment of Master Teacher – National University
- 10.39 Legal Fees Budget – Fiscal Year 2011-2012
- 10.40 Amendment No. 4 of the Agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP, Scottsdale, Arizona, to Increase the Fees for Legal Services

11.0 Action Items

- 11.1 Superintendent Search
- 11.2 Loma Linda Health Study
- 11.3 Saturday School
- 11.4 Resolution of the Board of Education San Bernardino City Unified School District, San Bernardino County, California Denying Charter School Petition For Josephine D. Lenoir Learning Academy
- 11.5 Personnel Report #11, Dated December 6, 2011
- 11.6 In Recognition of Deceased Employees

SESSION TEN - Closed Session

12.0 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

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Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation
(Government Code Section 54956.9(b)(i))
Number of Cases: One

Conference with Legal Counsel: Anticipated Litigation
(Education Code Section 47614, Title V, California Code of Regulations Section 11969.1-11969.6)
Number of Cases: One

SESSION ELEVEN – Open Session

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

SESSION TWELVE - Closing

14.0 Adjournment **9:05 p.m.**

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, December 20, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: December 2, 2011

**AGENDA FOR THE
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

**Regular Meeting of the Board of Education
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DR. BARBARA FLORES
Vice President

MICHAEL J. GALLO
Board Member

MARGARET HILL
Board Member



DANNY TILLMAN
President

YOLANDA ORTEGA
Interim Superintendent

JUDI PENMAN
Board Member

BOBBIE PERONG
Board Member

LYNDA SAVAGE
Board Member

December 6, 2011

SESSION ONE - Opening

1.0 *Opening*

- 1.1 Call to Order
- 1.2 Pledge of Allegiance to the Flag

SESSION TWO – Annual Organizational Meeting

3.0 *Annual Organizational Meeting*

- 3.1 Administration of Oath of Office to Board Members
(Prepared by Superintendent)

San Bernardino County Superintendent of Schools Dr. Gary Thomas will administer the Oath of Office to Michael Gallo, Margaret Hill, Bobbie Perong, and Lynda Savage who were elected on November 8, 2011.

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

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

Board of Education Meeting
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- Election of a Board President

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

- Election of a Board Vice President

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

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

BE IT ALSO RESOLVED that the Board of Education elects _____ to serve as Board Secretary.

- Election of an Assistant Secretary. It has proven desirable to appoint a Staff person as Assistant Secretary of the Board.

BE IT ALSO RESOLVED that the Board of Education elects _____ to serve as Assistant Secretary.

- Board Certification of Action

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

Following the election of officers, the Board President will make the following appointments.

- Appointment of a Board Member to serve as the Board's designated representative to elect members to the San Bernardino County School Boards Association County Committee on School District Organization. Danny Tillman served as representative last year.
- Appointment of Board Members to serve as the Board's designated representative and alternate to the Center for Individuals with Disabilities. Louise Ayala served as representative and Danny Tillman served as an alternate last year.
- Appointment of CSBA Delegates—Based on the ADA of the District, the Board is entitled to two representatives to CSBA's Delegate Assembly. Currently, the delegates are Teresa Parra Craig and Lynda Savage. The position held by Mrs. Parra Craig will expire in May 2013; the position held by Mrs. Savage will expire in May 2012.

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- Appointment of Board Members to serve as the Board's designated representatives to the Education Bridge Committee. Teresa Parra Craig, Barbara Flores, and Judi Penman served as representatives last year.
- Appointment of a Board Member to serve as the Board's designated representative to the Economic Development Corporation (EDC). EDC Bylaws requires the Board members to reside within the City of San Bernardino.

3.3 Annual Consideration of Board Policies
(Prepared by Superintendent)

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

It is recommended that the following resolution be adopted:

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

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

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

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

RECESS

Board of Education Meeting
December 6, 2011

SAN BERNARDINO SCHOOLS FINANCING CORPORATION

ANNUAL MEETING
Tuesday, December 6, 2011

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

AGENDA

1.0 Call to Order

2.0 Directors Present

3.0 Designation and Election of Officers

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

BE IT ALSO RESOLVED that _____ be elected as the Corporations Vice President.

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

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

4.0 Comments from the Public

5.0 Adjournment

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

RECONVENE

SESSION THREE – Student Report/School Showcase

3.0 Student Report/School Showcase

3.1 San Gorgonio High School

SESSION FOUR - Public Hearings

4.0 Public Hearings

4.1 Charter Petition for Taft T. Newman Leadership Academy
(Prepared by Employee Relations Division)

On November 10, 2011, Dr. Joshua Beckley of the proposed Taft T. Newman Leadership Academy submitted a charter petition to the Employee Relations Division. At this time, a Public Hearing will be held to consider the level of support for the charter petition.

Conduct Public Hearing

4.2 Charter Petition for Woodward Leadership Academy
(Prepared by Employee Relations Division)

On November 15, 2011, Raymond Turner of the proposed Woodward Leadership Academy submitted a charter petition to the Employee Relations Division. At this time, a Public Hearing will be held to consider the level of support for the charter petition.

Conduct Public Hearing

4.3 Public Disclosure of Memorandum of Understanding Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA) – PLAS Rewards and Incentives
(Prepared by Human Resources Division)

On November 16, 2011, SBTA ratified the following Memorandum of Understanding that provides for Rewards and Incentives for certificated employees at School Improvement Grant (SIG)/Persistently Low Achieving School (PLAS) sites.

**MEMORANDUM OF UNDERSTANDING
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
AND SAN BERNARDINO TEACHERS ASSOCIATION
October 28, 2011
PLAS-Rewards and Incentives**

This Memorandum of Understanding is made and entered into this 28th day of October 2011 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter the District) and the SAN BERNARDINO TEACHERS ASSOCIATION, CTA/NEA (hereinafter the Association).

WHEREAS, eleven (11) of the district's schools including Barton, Marshall, Wilson, Hunt, Rio Vista, Davidson, Shandin Hills, Serrano, Pacific, Arroyo Valley, and San Gorgonio were identified as Persistently Low Achieving Schools (PLAS) based on results from standardized testing, and

WHEREAS, the schools are also commonly referred to as School Improvement Grant (SIG) and/or Priority Schools, and

WHEREAS, the School Improvement Grant requires a Rewards and Incentives program be designed to recruit, place and retain staff with the skills necessary to meet the needs of the students, and

WHEREAS, the proposed Rewards and Incentives program is consistent with SIG guidelines;

THEREFORE, the following strategies will be enacted:

- STRATEGY 1 Processes have been established to allow employees wishing to transfer into and/or out of School Improvement Grant (SIG) sites to do so.

- STRATEGY 2 Employees, particularly those involved in Increased Learning Time (ILT), are compensated at higher rates than those typically found in the Collective Bargaining Agreement (i.e. per diem wages).

- STRATEGY 3 All certificated staff members assigned to a School Improvement Grant (SIG) school are required to sign an annual commitment letter to demonstrate their willingness to abide by the established SIG Plan.

- STRATEGY 4 SIG Schools will be eligible for additional SIG Rewards and Incentives if they earn a "3", "4", or "5" on the School Growth and Development (SGD) portion of the negotiated evaluation process.

STRATEGY 5 In addition to those elements listed above, if eligible, 5% of the school's annual SIG award may be attributed to an additional Rewards and Incentives program.

STRATEGY 6 The staff at eligible schools will have discretion as to how to spend the Rewards and Incentive funds in relation to the guidelines established for working environment incentives within the School Improvement Grant. Examples include:

- Specific hardware/software purchases
- Allotments to individual teachers to spend on their classrooms
- Professional workshops and conferences

Excluded are:

- Individual or group monetary compensation (e.g. cash in pocket, merit pay, etc.)
- Incentives for students (which are prohibited by grant requirements).

All proposed expenditures of Rewards and Incentives funding must be contained within the SIG plan and approved by the School Improvement Grant office. The rewards aspect (strategies 4 and 5) of this MOU may not be applicable to the third year (2012-13) of the grant based on the required deadlines for expenditures.

This MOU shall be in effect until June 30, 2013.

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 San Bernardino Teachers Association and the San Bernardino City Unified School District – PLAS Rewards and Incentives.

4.4 Public Disclosure of Memorandum of Understanding Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA) – PAR (Peer Assistance and Review)
(Prepared by Human Resources Division)

On November 16, 2011, SBTA ratified the following Memorandum of Understanding that provides for the renewal of the terms of the current PAR (Peer Assistance and Review) Program.

Board of Education Meeting
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**MEMORANDUM OF UNDERSTANDING
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT AND
SAN BERNARDINO TEACHERS ASSOCIATION
October 28, 2011
MOU—PAR (Peer Assistance and Review) Program**

This Memorandum of Understanding is made and entered into this 28th day of October, 2011, between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter referred to as “District”) and the SAN BERNARDINO TEACHERS ASSOCIATION, CTA/NEA (hereinafter referred to as “Association”).

WHEREAS, the State of California has enacted California Peer Assistance and Review for Teachers (hereinafter referred to as “PAR” or “Program”); and

WHEREAS, the Association and the District have met and negotiated in good faith as required by law; and

WHEREAS, the Association and the District have reached agreement on the implementation of PAR;

IT IS HEREBY AGREED as follows:

SECTION I – PAR JOINT PANEL

- A. PAR shall be administered by a Joint Panel, which shall consist of seven (7) members, three (3) of whom shall be selected by the Superintendent or the Superintendent’s designee, and four (4) of whom shall be selected by a process conducted by the Association. Teacher members shall meet the minimum qualifications of a consulting teacher as set forth in Section II (B) of this Memorandum of Understanding. The Joint Panel shall be chaired in the first year by a classroom teacher and in the following year by a member selected by the District. The chair shall thereafter rotate each school year between teacher and District members. Teacher members of the Joint Panel shall each receive release time to attend Joint Panel meetings, make required classroom observations, and perform other duties required of Joint Panel members. District Joint Panel members and all subsequent teacher members shall serve for three (3) years.
- B. The Joint Panel shall meet at times as they shall determine. When Joint Panel members, selected by a process conducted by the Association, attend meetings scheduled after the completion of their regular workday or work year, they shall be compensated at the appropriate hourly rate of pay set forth in Article XI, Section 7, of the Collective Bargaining Agreement (CBA).

- C. The Joint Panel shall be assisted by an administrator assigned by the District, who will discharge the District's obligations as an employer and provide other support as the Joint Panel may require. The Joint Panel may appoint and assign duties to a lead consulting teacher. The administrator and the lead consulting teacher, if any, shall work collaboratively together to support the Program. The District shall provide clerical support to the Joint Panel, the assigned administrator, and lead consulting teacher, if any. The cost of the Joint Panel, consulting teachers, lead consulting teacher, and that portion of the support staff's time that is directly involved with the Joint Panel and the PAR Program shall be an expense charged against the PAR budget.
- D. The Joint Panel will make all decisions through consensus. Failing consensus, official actions of the Joint Panel will be made by majority vote. Five (5) of the seven (7) Joint Panel members will constitute a quorum for purposes of meetings and conducting business.
- E. The responsibilities of the Joint Panel shall include the following:
 - 1. Establishing operating rules and procedures for the Joint Panel;
 - 2. Selecting consulting teachers;
 - 3. Ensuring that no more than one third of consulting teachers rotate off in any given school year;
 - 4. Meeting with consulting teachers;
 - 5. Reviewing reports prepared by consulting teachers;
 - 6. Making recommendations to the Superintendent for transmittal to the governing board of the District concerning participating teachers, including forwarding the names of participants to the governing board prior to April 15 of each school year, who after sustained assistance are not able to demonstrate satisfactory improvement;
 - 7. Preparing an annual review of the impact of the PAR Program, including recommendations for improvement;
 - 8. Preparing written guidelines for consulting teachers and their activities;
 - 9. Reviewing the performance of consulting teachers;
 - 10. Developing an annual budget proposal for the PAR Program, subject to Board approval;
 - 11. Participating in training needed to discharge obligations of Joint Panel; and
 - 12. Ensuring the orientation of consulting teachers prior to working with participating teachers.

SECTION II – CONSULTING TEACHERS

- A. The Joint Panel shall appoint consulting teachers.
- B. Consulting teachers shall have the following minimum qualifications:

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1. Possess a Clear California Teaching Credential.
 2. A permanent teacher of the District with at least five (5) active years of exemplary teaching experience including three (3) consecutive years in this District.
 3. Demonstrate exemplary teaching ability as indicated by, among other things, effective oral and written communication skills, extensive subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of pupils in different contexts including effective classroom management.
 4. Demonstrate ability to work cooperatively and effectively with others.
 5. Demonstrate leadership ability.
- C. Teachers may apply for a consulting teaching position on a form prepared by Human Resources and approved by the Joint Panel. Notice of an opening based upon the expiration of the term of another consulting teacher, shall be posted as provided for in Article XIX, Section 2, of the Collective Bargaining Agreement.
1. When a vacancy is created due to the need for additional or replacement consulting teachers and the Joint Panel determines that further applications are desired, the notice shall be posted as soon as practical. Applicants shall submit at least three (3) references from individuals with direct knowledge of the applicant's ability in both teaching and working effectively with others. At least one (1) letter shall be from the applicant's immediate supervisor and one (1) from a District teacher and/or Association representative. Applications shall be screened by Human Resources to ensure applicants meet minimum qualifications. The Joint Panel shall select for interview based on a review of the candidate's application, including required letters of reference. Part of the interview process shall include the classroom observation of each candidate at least once by at least two (2) Joint Panel members (one administrator and one classroom teacher).
 2. Subject to the approval of the Joint Panel, current full-time BTSA support providers that meet the minimum qualifications for a consulting teacher may be appointed as consulting teachers.
- D. The term for a consulting teacher shall expire upon the completion of the third school year following the initial appointment by the Joint Panel. Consulting teachers are eligible to apply for a second three (3) year term, not to exceed two terms of service. Based on the needs of the program, the Joint Panel may extend the consulting teachers' term of service beyond two (2) terms.

Consulting teachers shall provide assistance to participating teachers in the area of subject matter knowledge, teaching strategies, teaching methods and classroom management.

This assistance shall be determined by the Joint Panel and the principal or designated evaluator and may include, but is not limited to, the following activities:

1. Meet with the participating teacher's evaluator as needed to determine the nature of assistance to the participating teacher;
 2. Develop a Plan for Improvement for participating teachers;
 3. Provide consultative assistance to improve in the specific areas targeted by the participating teacher's evaluator;
 4. Conduct multiple observations of the participating teacher and give timely instructive feedback;
 5. Conduct model lessons and other staff development activities;
 6. Recommend and/or secure resources for the participating teacher;
 7. Document observations, visitations, and inservice activities as prescribed by the Joint Panel (and maintain required records);
 8. Monitor progress of assigned participating teachers;
 9. Submit reports and other records as prescribed by the Joint Panel;
 10. Meet with and/or give oral reports to the Joint Panel; and
 11. Attend inservice training.
- E. A consulting teacher may request a change in assigned participating teacher(s). The decision of the Joint Panel shall be final.
- F. The Joint Panel may remove a consulting teacher from the position at any time because of the specific needs of the Program, inadequate performance of the consulting teacher, or for cause.

SECTION III – WAGES, HOURS, AND WORKING CONDITIONS FOR CONSULTING TEACHERS

- A. Full-time consulting teachers shall work forty (40) hours per week, exclusive of lunch, as scheduled by the Joint Panel. Full-time consulting teachers shall be placed on Appendix "A" of the CBA plus five percent (5%) as set forth in Article XIV, Section 2 (H) of the

- CBA. Consulting teachers appointed to an hourly assignment shall be paid the hourly rate of pay set forth in Article XI, Section 7 (C) of the Collective Bargaining Agreement.
- B. The work year for full-time consulting teachers shall be equivalent to the number of workdays for classroom teachers, whether traditional or multi-track year round. The annual work schedule shall be approved by the Joint Panel.
- C. Consulting teacher job-share assignments shall be governed by Article XIV, Section 9 of the CBA.
- D. The maximum case load of consulting teachers shall be:
- 18:1 Full-Time Assignment on Multi-Track Year Round
 - 15:1 Full-Time Assignment on Single Track or Standard Year
 - 9:1 Half-Time Assignment on Multi-Track Year Round
 - 7:1 Half-Time Assignment on Single Track or Standard Year
 - 2:1 Hourly Assignment (up to 4:1 with approval of the consulting teacher)
- E. When a consulting teacher's term expires, he/she may be returned to his/her previous school if there is a vacant position for which he/she meets the qualifications.

SECTION IV – PROGRAM REFERRAL AND PARTICIPATION

- A. Teachers are referred to the Program as a result of performance problems identified in their most recent evaluation as follows:
1. Receiving an overall “Unsatisfactory” performance rating based all or in part on “Unsatisfactory” ratings in the California Standards for the Teaching Profession (CSTP) for mandatory participation.
 2. Receiving an overall “Improvement Needed” performance rating based on areas of the CSTP will have the option to self refer. The Joint Panel must approve application to participate.
- B. Other teachers participate in the Program as follows:
1. Teachers seeking assistance in improving their teaching skills may apply to the Joint Panel for inclusion.
 2. Short-Term Staff Permit (STSP) and Provisional Internship Permit (PIP) credentialed teachers shall receive support from a consulting teacher(s) to the extent funds are available.

- C. As soon as practicable after mandatory referral to the Program, the participating teacher shall be assigned a consulting teacher. The consulting teacher shall then arrange a meeting to be attended by the consulting teacher, the evaluator of the participating teacher, and the participating teacher. The employee's performance shall be discussed, as well as strategies for correction of teaching deficiencies in related areas of the CSTP. Based on these discussions, and classroom observations of the participating teacher, the consulting teacher shall prepare a plan to assist the participating teacher in the correction of teaching deficiencies identified by the supervising administrator.
- D. A participating teacher may request a change in assigned consulting teacher. The decision of the Joint Panel shall be final.
- E. The consulting teacher shall then prepare Progress Reports for the Joint Panel in intervals as determined by the Joint Panel. The consulting teacher may appear before the Joint Panel on a regular basis as determined by the Joint Panel to discuss the progress of the participating teacher. The written Progress Reports shall be on forms approved by the Joint Panel and shall, at a minimum, include an assessment as to whether the participating teacher is demonstrating satisfactory improvement and whether continued assistance is necessary. The consulting teacher shall monitor the progress of the participating teacher and make classroom visits as determined by the Joint Panel and provide guidance as needed to improve in identified areas of the CSTP.
- F. For teachers who have been referred to the program in accordance with Section IV, A1, the consulting teacher shall prepare a Final Report by April 1, which shall detail, among other things, whether the participating teacher has demonstrated satisfactory improvement in the areas targeted by the Individual Support Plan. All Progress Reports and the Final Report shall be placed in the personnel file of the participating teacher. The participating teacher shall have the right to reply to all Progress Reports as well as the Final Report, and the written reply shall be appended to the Report. The information obtained through participating in this Program may be used by the District in any personnel decisions or proceedings regarding the participating teacher.
- G. It is anticipated that a participating teacher shall stay in the Program for no more than twelve (12) months. However, participating teachers may, under special circumstances, remain in the Program for a total of twenty-four (24) months upon a majority vote of the Joint Panel.
- H. Teachers, who self refer to the Program, shall not have any documentation issued as a result of their participation placed in their personnel files. The Progress Reports and other documents shall be maintained by the Joint Panel.
- I. Documents generated by consulting teachers and Joint Panel members regarding specific participating teachers as part of the assistance process set forth in this Memorandum of

Understanding, shall be deemed personnel records and shall remain confidential to the extent required by the law.

SECTION V- EFFECT OF AGREEMENT

- A. The provisions of the Program may be revised by the mutual consent of the District and the Association.
- B. This Memorandum of Understanding shall be in compliance with the Education Code requirements governing PAR.
- C. This Program and the District's evaluation functions shall operate independently of each other; however, a cooperative relationship between the principal and the consulting teacher is encouraged with respect to the process of Peer Assistance and Review. Nothing within this agreement or within the Program shall prohibit or limit the District and governing board from exercising its legal or contractual rights regardless of the participation of a teacher within the Program. Such rights include, but are not limited to, the issuance of a notice of unsatisfactory performance, issuance of a notice of intention to dismiss from employment, involuntary transfer, involuntary reassignment, demotion, promotion and evaluation independent of the Program. Decisions and actions within the Program are not binding on the District or the governing board.
- D. The actions of the Joint Panel are not subject to the grievance procedures contained within the Collective Bargaining Agreement between these Parties, nor to any grievance procedure contained within the Board Policies or District Regulations.
- E. It is understood that cooperation and coordination between PAR and BTSA is essential. Designated representatives of the Joint Panel and BTSA shall meet on a regular basis to ensure that the programs are coordinated, including, but not limited to, sharing of staff, funding and other resources; prevention of duplication of services and efforts; and division of program participants. For purposes of coordination, the Joint Panel may make non-binding recommendations to the District's BTSA Program on training and development of new teachers.
- F. Expenditures for the Program shall not exceed funds made available by the state of California for the support of the California Peer Assistance and Review for Teachers. The Program shall be contingent upon continuation of state funding.
- G. This Memorandum of Understanding shall become effective July 1, 2012, and will expire on June 30, 2015.

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 San Bernardino Teachers Association and the San Bernardino City Unified School District – PAR (Peer Assistance and Review) Program.

SESSION FIVE - Administrative Presentation

5.0 *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 Seven - Other Matters Brought by Citizens.*

5.1 SIG Turnaround Model Schools (Prepared by Educational Services)

An update will be provided by the principals of two SIG Turnaround Model Schools – Carmen Beck, Shandin Hills Middle School, and Denise Martinez, Marshall Elementary School.

SESSION SIX - Administrative Reports

6.0 *Administrative Reports*

6.1 QEIA Update (Prepared by Educational Services Division)

On August 31, 2011, the District submitted the annual Quality Education Investment Act (QEIA) monitoring report to San Bernardino County Schools. The county reviewed and verified the information and sent a notification letter to the district on November 1, 2011, reporting the results of their review. The letter stated that five schools did not meet the requirements for 2010-11. The letter further stated that the county would be notifying the State Superintendent of Public Instruction (SSPI) of the schools that did not meet the requirements. Those schools are:

Arrowhead Elementary School – API growth - did not exceed its API growth target for the school averaged over the first three full years of funding

Bradley Elementary School – Highly Qualified Teachers – one (1) teacher was not HQT

Mt. Vernon Elementary School – Highly Qualified Teachers – one (1) teacher was not HQT

Wilson Elementary School – Highly Qualified Teachers – one (1) teacher was not HQT

Curtis Middle School – Class Size Reduction – Rule of 27 – core classes exceeded 27 students

The SSPI will review the report and take action. Should the SSPI concur with the county, the five schools that did not meet the requirements for 2010-11 will have their QEIA funding terminated effective June 30, 2012, and shall receive no further funding for the remaining years of the grant. We expect to hear from the SSPI in January.

Upon notification from SSPI, the District will be prepared, if necessary, to file a waiver with the State Board of Education for the 2010-2011 QEIA requirements that were not met. We have been working with Staff in order to determine additional actions the District may be able to take to mediate any negative impact on the District. Procedures have been put in place to ensure that all QEIA requirements are monitored regularly for program compliance at all QEIA District schools.

The following table reflects the potential impact of the termination of funding for these schools. The QEIA funding is a per pupil amount based on the current CBEDs enrollment for each school. For the purposes of this table actual funding from the 2011-12 school year was used to estimate the potential impact.

	Certificated FTE	2011/12 Funding	2012/13 Funding Impact	2013/14 Funding Impact	2014/15 Funding Impact	Cumulative Impact
Highly Qualified Teachers						
Bradley	6.4	\$ 475,200.00	\$ 475,200.00	\$ 475,200.00	\$ 475,200.00	\$ 1,425,600.00
Mt Vernon	6.55	417,400.00	417,400.00	417,400.00	417,400.00	1,252,200.00
Wilson	6.25	409,300.00	409,300.00	409,300.00	409,300.00	1,227,900.00
Rule of 27						
Curtis	17	893,900.00	893,900.00	893,900.00	893,900.00	2,681,700.00
API Scores						
Arrowhead	3.7	216,100.00	216,100.00	216,100.00	216,100.00	648,300.00
Total	39.9	\$ 2,411,900.00	\$ 2,411,900.00	\$ 2,411,900.00	\$ 2,411,900.00	\$ 7,235,700.00

SESSION SEVEN – Other Matters Brought By Citizens

7.0 *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 EIGHT - Reports and Comments

8.0 *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.

8.1 Legislative Update

9.0 *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 NINE - Legislation and Action

10.0 *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.

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BOARD OF EDUCATION

10.1 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 October 18, October 22, October 25, 2011, be approved as presented.

10.2 Middle School Sports Program – Fiscal Year 2011-2012
(Prepared by Business Services Division)

Board of Education approval is requested to restore \$50,000.00, one-time funding to the Unrestricted General Fund Program 01, Middle School Sports Program Account No. 209. The program was not included in the Fiscal Year 2011-2012 as it was included in the approved budget cuts. Based on the need for middle school sports, an increase of \$50,000.00 in expenditures and a decrease of \$50,000.00 in Unrestricted General Fund balance will result in a revised total of \$50,000.00 in expenditures.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the restoration of \$50,000.00 one-time funding for Middle School Sports Program, which will be funded from Middle School Sports Program Account No. 209.

Requester/Approver: Board of Education

BUSINESS SERVICES DIVISION

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

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

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

SITE	DONOR	DONATION AND PURPOSE	CASH	VALUE
Palm Avenue Elementary School	Jeanine Heaton San Bernardino, CA	(1) Math Computer Program, to be used in the Computer lab		\$500.00
Serrano Middle School	All Management Corp Los Angeles, CA	\$250.00 to support the College and Career Club	\$250.00	

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Martin Luther King Jr. Middle School	Spirit Club San Bernardino, CA	\$135.00 to sponsor the offsite 8 th Grade Dinner Dance at Fiesta Village	\$135.00	
Golden Valley Middle School	All Management Corp. Los Angeles, CA	\$250.00 to support the College and Career Club, for student appreciation, field trips, and supplies	\$250.00	
Cesar Chavez Middle School	All Management Corp. Los Angeles, CA	\$250.00 to support the College and Career Club	\$250.00	
Curtis Middle School	All Management Corp. Los Angeles, CA	\$250.00 to support the Career and College Club	\$250.00	
Ramona Alessandro Elementary School	Target Take Charge of Education Minneapolis, MN	\$252.03 to support the field trips	\$252.03	
Manuel Salinas Elementary School	Gerald Zubak Corona, CA	\$250.00 to sponsor the 5 th Grade Science Camp	\$250.00	
Kendall Elementary School	Edison International Princeton, NJ	\$300.00 to be used for student Incentives and Awards	\$300.00	

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 (1) Math Computer Program with the fair market value of \$500.00, Jeanine Heaton, San Bernardino, CA; \$250.00, All Management Corp., Los Angeles, CA; \$135.00, Spirit Club, San Bernardino, CA; \$250.00, All Management Corp., Los Angeles, CA; \$250.00, All Management Corp., Los Angeles, CA; \$250.00, All Management Corp., Los Angeles, CA; \$252.03, Target Take Charge of Education, Minneapolis, MN; \$250.00, Gerald Zubak, Corona, CA; and \$300.00, Edison International, Princeton, NJ.

Requester: Various

Approver: Chief Business and Financial Officer, Business Services Division

10.4 Commercial Warrant Registers for Period from November 1, through November 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:

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BE IT RESOLVED that the Commercial Warrant Register for period from November 1, through November 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: Director, Accounting Services Department

Approver: Chief Business and Financial Officer, Business Services Division

10.5 First Period Interim Financial Report as of October 31, 2011
(Prepared by Business Services Division)

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

First Period Interim Financial Report

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

The Board of Education approved the Fiscal Year 2011-2012 Adopted Budget on June 7, 2011. In addition, other budget changes have been brought to the Board on the overall financial condition of the District.

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

Projection as of:	For:	CBEDS (Excluding Charter Schools & County)	Increase	Funded ADA * (Excluding Charter Schools & County)	Increase
Budget Adoption-06/2011	11/12	50,663	N/A	47,633	N/A
First Interim-10/2011	11/12	50,910	247	48,025	392
First Interim-10/2012	12/13	50,691	(219)	47,266	(759)
First Interim-10/2013	13/14	50,473	(218)	47,062	(204)

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

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

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

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

The summary Form 01I financial reports have been created projecting the Fiscal Year 2011-2012 as well as 2012-2013 and 2013-2014 using the following assumptions:

Revenues

- Projected revenue limit funding will decrease due to declining Enrollment.
- Reductions of \$260 per ADA for Trigger Cuts have been included in Fiscal Year 2011-2012 for Revenue Limit and restored in Fiscal Year 2012-2013.
- Reductions of 50% of Transportation funding and the corresponding increase in General Fund Encroachment have been included in Fiscal Year 2011-2012 and restored in Fiscal Year 2012-2013.
- COLAs of 2.24% for 2011-2012, projected 3.10% for 2012-2013 and 2.8% for 2013-2014.
- The revenue limit deficit for Fiscal Year 2011-2012 is 19.7540% and subsequent years.
- Reductions to the Revenue Limit for current RDA funds are projected at \$163,167 for Fiscal Year 2011-2012 and same amount for subsequent years.
- State and Federal categorical programs were projected at the Fiscal Year 2011-2012 level with COLA of 3.1% added in Fiscal Year 2012-2013 and 2.8% COLA in Fiscal Year 2013-2014 and decreased by the programs ending in subsequent years.
- Inland Valley Development Agency (IVDA) funding was estimated at \$1,600,000 (one-time) for Fiscal Year 2011-2012 and excluded in subsequent years.
- Prior year carryover is included in the current year budget but not for subsequent years.
- One-time ARRA, SFSF carryover has been included in the Fiscal Year 2011-2012 in the amount of \$2,278,399 and was fully spent by September 30, 2011.
- ARRA Education Jobs Funding of \$7,742,190 is included in Fiscal Year 2011-2012. This funding must be fully spent by September 30, 2012.

- Special Education, one-time ARRA funding has been fully expended as of September 30, 2011. The reduction of this funding in Fiscal Year 2012-2013 will result in additional on-going encroachment of \$1,076,393.
- School Improvement Grant (SIG) Funding of \$20,623,208 has been included in Fiscal Year 2011-2012 and Fiscal Year 2012-2013. This funding ends June 30, 2013 and has been excluded from Fiscal Year 2013-2014.
- Quality Education Investment Act (QEIA) funding has been reduced by \$2.4 million in Fiscal Year 2011-2012 for the five (5) schools that may potentially no longer qualify for the funding.
- Local Revenue has been reduced by one-time funding in Fiscal Year 2011-2012 and maintained at the same level for Fiscal Year 2012-2013.
- Categorical programs Flexibility option (AB X3 4) has been fully exercised for current Fiscal Year and subsequent years.

Expenditures

- The number of positions required to be cut due to declining enrollment and end of program funding:

	<u>FY 2012-2013</u>	<u>FY 2013-2014</u>
Certificated	61 FTE	131 FTE
Classified	0 FTE	18 FTE

Note: The above FTE does not reflect the total number of positions to be cut due to projected budget deficit.

- A 5% salary reduction of \$1.9 million in Classified Salaries has been built in the budget for Fiscal Year 2011-2012 and is still in negotiations.
- A 5% salary reduction of \$1.9 million has been built in the Budget for Classified salaries.
- Fifteen (15) days of furlough for Management (Certificated and Classified) are included for Fiscal Year 2011-2012 and Fiscal Year 2012-2013 and reduced to eleven (11) days of furlough for Fiscal Year 2013-2014.
- Statutory employee benefits have been increased to reflect the increase in salaries
- Health and Welfare benefits are projected to increase by 9% in Fiscal Year 2012-2013 and again in Fiscal Year 2013-2014.
- School Improvement Grant (SIG) funding and expenditures have been included in Fiscal Year 2011-2012 and Fiscal Year 2012-2013. The related expenditures have been excluded from Fiscal Year 2013-2014.
- Quality Education Investment Act (QEIA) expenditures have been reduced by \$2.4 million in Fiscal Year 2011-2012 and maintained at the reduced level in subsequent years.

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- One time ARRA Education Jobs funding includes expenditures for salaries and operating expense of \$7,742,190 in Fiscal Year 2011-2012. These expenditures are not included in Fiscal Year 2012-2013.
- Textbook new adoption requirements have been suspended by CDE through Fiscal Year 2014-2015. No costs of textbook adoption have been included in these projections at this time.
- Routine Repair and Maintenance program has been included in the budget at 2% of General Fund expenditures for current and subsequent Fiscal Years. There will be no carryover provision.
- The IVDA funds have been used to offset the cost of the Routine Repair and Maintenance program in Fiscal Year 2011-2012 (one-time).
- Supplies, equipment and other services for subsequent Fiscal Years have been decreased by the one-time allocation in Fiscal Year 2012-2013.
- Transportation costs were projected to increase by consumer price index estimated at 3% for each of the subsequent Fiscal Years.
- Utility costs are projected to remain at the Fiscal Year 2011-2012 level for subsequent years.
- Estimated Start Up costs of \$250,000 for 2 new schools have been built into the projections for Fiscal Year 2011-2012.
- Estimated operating costs of \$1.7 million for two (2) new schools have been built into projections for Fiscal Years 2012-2013 and 2013-2014.

Reserves

- The required 2% Designated Reserve for Economic Uncertainties is projected at \$9,920,000 for current Fiscal Year and maintained at the same 2% level for subsequent Fiscal Years.
- Other Designated amounts:

Reserve for Revolving Cash	\$211,000
Reserve for Stores	<u>\$500,000</u>
Total other Designations	\$711,000
- Designated Unrestricted General Fund amount is \$5,448,348 to cover the projected deficit for Fiscal Year 2012-2013 and the Restricted General Fund balance is \$20,954,352.

Current sections of the Education Code, which were revised by AB1200 and AB2756, require the governing board of the school districts to certify that the District will meet its financial obligations for the current Fiscal Year and the subsequent two Fiscal Years. Based on the foregoing information and the following summary of financial and attendance reports, the District is required to make **estimated ongoing cuts of \$18.9 million in Fiscal Year 2012-2013 and an additional \$7.5 million ongoing cuts in Fiscal Year 2013-2014 to meet its ongoing obligations for the subsequent two Fiscal Years.** These cuts are required to maintain the fiscal solvency of the district in the subsequent two years. Thus, it is recommended that the Board of

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Education approve a **positive certification** for the First Interim Financial Report for Fiscal Year 2011-2012.

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

BE IT RESOLVED that the Board of Education approves, on the basis of information presented, the First Interim Financial Report as of October 31, 2011.

BE IT ALSO RESOLVED that the President of the Board of Education be authorized to certify on behalf of the Board that the San Bernardino City Unified School District will be able to meet its ongoing financial obligations for the current fiscal year and subsequent two years with the required **estimated ongoing cuts of \$18.9 million in Fiscal Year 2012-2013 and an additional estimated \$7.5 million ongoing cuts for Fiscal Year 2013-2014 to maintain the fiscal solvency of the District in the subsequent two years.**

BE IT FURTHER RESOLVED that the Board of Education approves a **positive certification** for the First Interim Financial Report for Fiscal Year 2011-2012.

10.6 Donation of Used District Salvage Equipment to the Day Reporting Center
(Prepared by Business Services Division)

The Day Reporting Center, San Bernardino, CA has requested the donation of one (1) salvage bike stand. Per Ed. Code 17546(c), if the Board finds that the property is of insufficient value to defray the costs of arranging a sale, the property may be donated to a charitable organization. The non-profit Day Reporting Center operates through the CSUSB University Enterprise Corporation and helps parolees reintegrate into their communities by providing support services such as educational classes, job placement, and behavioral modification courses.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes the donation of one (1) salvage bike stand to the Day Reporting Center, San Bernardino, CA, per Education Code 17546(c).

Requester: Day Reporting Center, CSUSB University Enterprise Corporation

Approver: Chief Business and Financial Officer

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

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

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Rio Vista Elementary School wishes to hire All For Kidz Producers for an assembly titled, “The NED Show” on January 24, 2012. This motivational assembly offers character building themes such as anti-bullying and anti-drug. The assembly will be free of charge.

Hillside Elementary School wishes to hire Wild Lemon Project for a presentation titled, “Signs of San Bernardino Photo Exhibit” on May 7, 2012. The presentation will encourage students to become more familiar with the art of photography and introduce them to photography as both an artistic endeavor and a career. The presentation will be free of charge.

Hillside Elementary School wishes to hire Torrey Mahall for a presentation titled, “The Search for the Golden Mission” on March 13, 2012, an informative presentation that will motivate and inspire students. The cost, not to exceed \$104.32, will be paid from Hillside Elementary School Account No. 501.

Kendall Elementary School wishes to hire Andre Campbell, Creative Science Educator, for nine presentations titled, “The Science Assembly” from December 5, 2011, through June 8, 2012. These assemblies will prepare the 5th grade students for the science portion of the STAR test. The cost, not to exceed \$3,200.00, will be paid from Kendall Elementary School PTA 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:

All For Kidz Producers, for an assembly titled, “The NED Show” on January 24, 2012. The assembly will be free of charge.

Wild Lemon Project, for one presentation titled, “Signs of San Bernardino Photo Exhibit” on May 7, 2012. The presentation will be free of charge.

Torrey Mahall, for a presentation titled, “The Search for the Golden Mission” on March 13, 2012. The cost, not to exceed \$104.32, will be paid from Hillside Elementary School Account No. 501.

Andre Campbell, Creative Science Educator, for nine assemblies from December 5, 2011, through June 8, 2012. The cost, not to exceed \$3,200.00, will be paid from Kendall Elementary School PTA Account.

Requester: Various

Approver: Chief Business Services and Financial Officer, Business Services Division

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10.8 Extended Field Trip, Burbank Elementary School, Outdoor Science School, Running Springs, California
(Prepared by Business Services Division)

Burbank Elementary School requests Board of Education approval of an extended field trip for 40 students and 4 District employees to attend the Outdoor Science School, in Running Springs, California, January 9, through January 13, 2012.

Fifth and sixth grade students will be actively involved in hand-on activities and lessons that teach/reinforce concepts from the grade level standards for life and earth science. The students will learn how water on Earth moves between the oceans and land through the process of evaporation and condensation.

The cost of the trip, not to exceed \$14,000.00, including meals and lodging for 40 Burbank Elementary School students and 4 District employees, is sponsored by The Orange County Department of Education. Transportation provided by Durham Bus Company, not to exceed \$675.00, will be paid from Burbank Elementary School, Instructional Needs Assessment Program (INAP) Account No. 205. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Burbank Elementary School students and 4 District employees to attend the Outdoor Science School, in Running Springs, California, January 9, through January 13, 2012. The cost of the trip, not to exceed \$14,000.00, including meals and lodging for 40 Burbank Elementary School students and 4 District employees, is sponsored by The Orange County Department of Education. Transportation provided by Durham Bus Company, not to exceed \$675.00, will be paid from Burbank Elementary School, Instructional Needs Assessment Program (INAP) Account No. 205. Names of the students are on file in the Business Services office.

Requester: Principal, Burbank Elementary School

Approver: Chief Business and Financial Officer, Business Services Division

10.9 Agreement with Leader's Services, RFP No. 04-11, LEA Direct Billing Options and Medi-Cal Administrative Activities
(Prepared by Business Services Division)

RFP No. 04-11, (LEA) Direct Billing Options/ Medi-Cal Administrative Activities (MAA) services, was advertised on March 24, and March 31, and publicly opened April 7, 2011, at 2:00 p.m. The purpose of the RFP was to solicit proposals from qualified consultants to assist with surveys and completed cost claims, streamline District current processes, and maximize revenue

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generated from the MAA and LEA programs. The fees will be paid from the reimbursements received through the claims. Therefore, there is no cost to the District.

RFP packages were mailed to Axiom Advisors, Inc., Gold River, CA; Maximums, Inc., Reston, CA; Medical Billing Technologies, Inc., Visalia, CA; School Based Reimbursement Partners, Temecula, CA; School Innovations & Advocacy, Pasadena, CA; Six Ten and Associates, San Diego, CA; and the San Bernardino Chamber of Commerce.

Proposals were received as follows:

	FEE	
	MAA	LEA
Accelify Brooklyn, NY	6.5% recovered reimbursements (Less 50% reimbursements on invoice for using flat rate)	5% to 7.5%
Leader's Services Alta Loma, CA	\$125 per participant/\$500 per quarter (Less 50% reimbursement on invoice for using flat rate) (Less District annual LEC cost charged by San Bernardino County Schools)	8.5% - 9%
Medical Billing Technologies, Inc. Visalia, CA	\$90 per participant (Less 50% reimbursement on invoice for using flat rate)	6% - 8%
	\$5,000 Annual Charge - CRCS Report	
Paradigm Healthcare Services, LLC San Francisco, CA	\$125 per participant (Less 50% reimbursement on invoice for using flat rate)	5% to 13%
	\$7,500 Annual Charge - CRCS Report	
School Based Reimbursement Partners Temecula, CA	6% to 8% recovered reimbursements (Less 50% reimbursement on invoice for using flat rate)	7% to 9%

Proposals were shortlisted and the top three firms, Accelify, Leader's Services, and Medical Billing Technologies, Inc., were invited for interviews and presentation to the selection committee. On August 16, 2011, each firm presented qualifications and capabilities to selection committee members comprised of representatives from Business Services Division, Student Services Division, and Curriculum, Instruction & Accountability and Research.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that RFP No. 04-11, (LEA) Direct Billing Options and Medi-Cal Administrative Activities (MAA) services, be awarded to Leader's Services, Alta Loma, CA; highest ranked responsive and responsible bidder meeting District RFP requirements, effective December 7, 2011, through June 30, 2012, with an option to extend for an additional four (4) years.

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BE IT FURTHER RESOLVED that Mohammad Z. Islam be authorized to sign all documents related to the contract award.

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

EDUCATIONAL SERVICES

Curriculum and Instruction

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

Education Code Section 60851(a) provides that “Commencing with the 2003-2004 school year and each school year thereafter, each pupil completing Grade 12 shall successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.” Waiver of the successful passage of the CAHSEE is allowed under Specific Code Section: E.C. 56101: “...the waiver is necessary or beneficial to the content and the implementation of the pupil’s individualized education program...” Waiver of the successful passage of the California High School Exit Exam (CAHSEE) is requested for the specific students with the birthdates listed below:

08/07/1993 08/27/1993 07/25/1994

It is recommended that the following resolution be adopted:

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

Requester: Assistant Director, Research Department
Approver: Chief Academic Officer, Educational Services Division

10.11 Existing SB70 Partnership Academy Grant Application to Continue C.O.R.E. Academy Program Under New State Funding SBX11 (Prepared by Educational Services Division)

Arroyo Valley High School requests Board of Education approval of the SBX11 Clean Technology and Renewable Energy grant application. With the funds provided through SBX11 Arroyo Valley High School’s C.O.R.E. (Cultivating, Organic and Recycling Environmentalists) Academy will be able to continue its Grades 10-12 California Partnership Academy focusing on Sustainable Urban Agriculture and Water Treatment. The academy has been in place for three

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years and has been a successful environment for the 160 students in the program. Test scores, attendance and grades have improved immensely. Some of San Bernardino City Unified School District's partners include Cal Poly Pomona, Riverside Community College, and San Bernardino Valley College. We have recently been provided with a plot of land by the San Bernardino Mayor's office to continue our organic urban agriculture and will be working with the Master Gardeners of San Bernardino.

The monies from the grant will allow Arroyo Valley to add Grade 9 students to the program and will cover the costs for garden materials, teacher training, and field trips to industry partners and universities.

Agriculture has been in the top three highest categories on the students' interest assessment survey using the District KUDER Career Assessment program taken by all students through the Career Development Resource Teacher.

Students who participate in C.O.R.E. Academy have great opportunities to connect to their future career through the academy and to meet and work with outstanding mentors and internships.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the submission of the SBX11 Clean Technology and Renewable Energy Grant Application.

Requester: Principal, Arroyo Valley High School
Approver: Chief Academic Officer, Educational Services

10.12 Agreement with Get Ahead Writing, LLC, to Provide Staff Development in Direct Instruction of Writing Application Standards, Fullerton, California
(Prepared by Business Services Division)

Davidson Elementary School requests Board of Education approval to enter into an agreement with Get Ahead Writing, LLC, Fullerton, California, to provide training on direct instruction of writing application standards to District staff and a Writing Boot Camp for 3rd and 4th Graders, effective December 7, 2011, through June 30, 2012. The fee, not to exceed \$13,000.00, will be paid from the Unrestricted General Fund, School Improvement Grant, New SIG, Account No. 507.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Get Ahead Writing, LLC, Fullerton, California, to provide training on direct instruction of writing application standards to District staff and a Writing Boot Camp for 3rd and 4th Graders, effective

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December 7, 2011, through June 30, 2012. The fee, not to exceed \$13,000.00, will be paid from the Unrestricted General Fund, School Improvement Grant, New SIG, 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: Principal, Davidson Elementary School
Approver: Chief Academic Officer, Educational Services Division

10.13 Agreement with Imagine Learning, Inc., to Provide English Language Development Support to District Teachers, Provo, Utah
(Prepared by Business Services Division)

The Accountability Unit requests Board of Education approval to enter into an agreement with Imagine Learning, Inc., Provo, Utah, to provide English Language Development (ELD) support and enrichment through implementation of services, staff development, software licenses, and headset for students, effective January 1, 2012, through June 29, 2013. The fee, not to exceed \$50,000.00, will be paid from the Restricted General Fund, Economic Impact State Bilingual, Account No. 423.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Imagine Learning, Inc., Provo, Utah, to provide English Language Development (ELD) support and enrichment through implementation of services, staff development, software licenses, and headset for students, effective January 1, 2012, through June 29, 2013. The fee, not to exceed \$50,000.00, will be paid from the Restricted General Fund, Economic Impact State Bilingual, Account No. 423.

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, Accountability Department
Approver: Chief Academic Officer, Educational Services Division

10.14 Agreement with Solution Tree, Inc., to Provide Transforming School Culture Staff Development, Bloomington, Indiana
(Prepared by Business Services Division)

Serrano Middle School requests Board of Education approval to enter into an agreement with Solution Tree, Inc., Bloomington, Indiana, to provide Transforming School Culture staff development, effective December 15, 2011, through December 16, 2012. The fee, not to exceed

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\$16,600.00, will be paid from the Unrestricted General Fund, School Improvement Grant (SIG), Account No. 507.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Solution Tree, Inc., Bloomington, Indiana, to provide Transforming School Culture staff development, effective December 15, 2011, through December 16, 2012. The fee, not to exceed \$16,600.00, will be paid from the Unrestricted General Fund, School Improvement Grant (SIG), 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: Principal, Serrano Middle School

Approver: Chief Business and Financial Officer, Business Services Division

10.15 Agreement with Tutorial Services to Provide Supplementary Educational Services to District Students, Saline, Michigan
(Prepared by Business Services Division)

The Accountability Department requests Board of Education approval to enter into an agreement with Tutorial Services, Saline, Michigan, to provide supplementary educational services for after-school tutoring for eligible District students, effective December 7, 2011, through April 30, 2012. The fee, not to exceed \$12,527.30, at the rate of \$1,252.73 per student, will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, 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 Tutorial Services, Saline, Michigan, to provide supplementary educational services for after-school tutoring for eligible District students, effective December 7, 2011, through April 30, 2012. The fee, not to exceed \$12,527.30, at the rate of \$1,252.73 per student, will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, 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: Director, Accountability Department

Approver: Chief Academic Officer, Educational Services Division

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10.16 Renewal of the Agreement with the United States Air Force to Establish an Air Force Junior Reserve Officer Training Corps (AFJROTC), Maxwell Air Force Base, Alabama
(Prepared by Business Services Division)

San Bernardino High School requests Board of Education approval to renew the agreement with the United States Air Force, Maxwell Air Force Base, Alabama, to establish an Air Force Junior Reserve Officer Training Corps (AFJROTC), effective December 7, 2011, through June 30, 2016. The establishment and maintenance of an AFJROTC unit is subject to the provisions of Public Law, Department of Defense (DoD), Air Force Instructions, and continued approval by the Secretary of the Air Force (SECAF). Each student participating in the AFJROTC activities will be enrolled in the Aerospace Science/Leadership Education courses prescribed by the Air Force. 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 United States Air Force, Maxwell Air Force Base, Alabama, to establish an Air Force Junior Reserve Officer Training Corps (AFJROTC), effective December 7, 2011, through June 30, 2016. The establishment and maintenance of an AFJROTC unit is subject to the provisions of Public Law, Department of Defense (DoD), Air Force Instructions, and continued approval by the Secretary of the Air Force (SECAF). Each student participating in the AFJROTC activities will be enrolled in the Aerospace Science/Leadership Education courses prescribed by the Air Force. 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: Principal, San Bernardino High School
Approver: Chief Academic Officer, Educational Services Division

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

Arroyo Valley High School wishes to hire Larry I. Bell, Woodbridge, VA to provide a one-day staff development on “Closing the Achievement Gap,” on December 14, 2011. Topics will focus on academic obstacles faced by students and how to overcome them, standardized assessment activities, and teaching strategies for at-risk youth. The cost, not to exceed \$10,800.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

Requester: Principal, Arroyo Valley High School
Approver: Chief Academic Officer, Educational Services Division

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The Special Education Department wishes to hire Mary Jean Bergman, Speech Pathologist and Assistive Technologist, Seal Beach, California, to provide an Assistive Technology Applications (AAC) Assessment of a Special Education student, effective December 7, 2011, through June 30, 2012. The fee, not to exceed \$900.00, will be paid from the Restricted General Fund, Special Education, Account No. 827.

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

The Special Education Department wishes to hire Dr. B J Freeman, Clinical Psychologist, Autism Spectrum Disorders, Los Angeles, California, to evaluate a Special Education student, effective December 7, 2011, through June 30, 2012. The evaluation will include diagnostic assessment, cognitive measures, review of records and/or previous assessments, contact with school providers, and a written report. The fee, not to exceed \$6,000.00, will be paid from the Restricted General Fund, Special Education, Account No. 827.

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

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:

Larry I. Bell, Woodbridge, VA to provide a one-day staff development on “Closing the Achievement Gap,” on December 14, 2011. Topics will focus on academic obstacles faced by students and how to overcome them, standardized assessment activities, and teaching strategies for at-risk youth. The cost, not to exceed \$10,800.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

Mary Jean Bergman, Speech Pathologist and Assistive Technologist, Seal Beach, California, to provide an Assistive Technology Applications (AAC) Assessment of a Special Education student, effective December 7, 2011, through June 30, 2012. The fee, not to exceed \$900.00, will be paid from the Restricted General Fund, Special Education, Account No. 827.

Dr. B J Freeman, Clinical Psychologist, Autism Spectrum Disorders, Los Angeles, California, to evaluate a Special Education student, effective December 7, 2011, through June 30, 2012. The evaluation will include diagnostic assessment, cognitive measures, review of records and/or previous assessments, contact with school providers, and a written report. The fee, not to exceed \$6,000.00, will be paid from the Restricted General Fund, Special Education, Account No. 827.

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10.18 Agreement for Nonpublic, Nonsectarian School/Agency Services with Provo Canyon School, Inc., Orem, Utah
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to enter into an agreement with Provo Canyon School, Inc., Orem, Utah, to provide services to identified District special education students, primarily Emotionally Disturbed (ED) students, effective November 1, 2011, through June 30, 2012. Provo Canyon School, Inc., will provide services to ED students who cannot be served otherwise because appropriate classes are enrolled to near capacity, or at the Individualized Education Program (IEP) teams' request. The nonpublic school classes will better meet the students' needs. The services that will be offered are those that are required by the students' IEP. The daily rate not to exceed \$165.00 and other approved related services at agreed-upon rates, will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824. In accordance with the Education Code Section 56836.16 (a) for the 1998-99 fiscal year and each fiscal year thereafter, the superintendent shall apportion to each district and county superintendent providing programs, pursuant to Article 5 (Commencing with Section 56155) of Chapter 2, an amount equal to the difference, if any, between (1) the costs of master contracts with nonpublic, nonsectarian schools, and agencies to provide special education instruction, designated instruction and services, or both, to pupils in licensed children's institutions, foster family homes, residential medical facilities, and other similar facilities funded under this chapter, and (2) the state income received by the district or county superintendent for providing these programs. The sum of the excess cost, plus any state or federal income for these programs, shall not exceed the cost of master contracts with nonpublic, nonsectarian schools, and agencies to provide special education and designated instruction and services for these pupils, as determined by the superintendent.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Provo Canyon School, Inc., Orem, Utah, to provide services to special education students, effective November 1, 2011, through June 30, 2012. The daily rate, not to exceed \$165.00 and other approved related services at agreed-upon rates, will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824.

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, Special Education Department
Approver: Assistant Superintendent, Student Services

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10.19 Agreement to Provide Residential and Mental Health Services to Certain District Special Education Students with Provo Canyon School, Inc., Orem, Utah
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to enter into an agreement with Provo Canyon School, Inc., Orem, Utah, to provide residential and mental health services to identified District Special Education students, effective November 1, 2011, through June 30, 2012. The State of California is no longer providing such services. The daily rate of \$162.00 for room and board, mental health related services rate of \$90.00, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund— Special Education, Mental Health Services, Account No. 808.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves ratifying entering into an agreement Provo Canyon School, Inc., Orem, Utah, to provide residential and mental health services to identified District Special Education students, effective November 1, 2011, through June 30, 2012. The State of California is no longer providing such services. The daily rate of \$162.00 for room and board, mental health related services rate of \$90.00, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund— Special Education, Mental Health Services, Account No. 808.

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, Special Education Department
Approver: Assistant Superintendent, Student Services

Student Services

10.20 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) 3/24/1995	* (S) 9/3/1996	* (S) 9/9/1998	* (S) 11/28/1998	** 12/1992	** 2/24/1997
* (S) 12/30/1994	* (S) 9/21/2001	* (S) 12/31/1996	* (S) 4/26/1995	* (S) 5/11/2000	* (S) 9/24/1993
* (S) 3/21/1995	* (S) 9/16/1996	* (S) 3/29/1999			

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*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.

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

10.21 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.

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

10.22 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:

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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:

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

10.23 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
(Prepared by Youth Services Department)

Education Code Section 48915 (a) states, "Principal or the Superintendent of the schools shall recommend a pupil's expulsion...., unless the principal or superintendent finds and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which should be set out in the report of the incident."

The student(s) identified below were found to have committed a violation of Education Code Section 48900 for which a referral for expulsion is mandated; however, the principal found that due to particular circumstances, expulsion is inappropriate:

1/25/2000

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

10.24 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.

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

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

It is recommended that the following resolution be adopted:

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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:

10/3/1992 8/25/1998 5/26/2002

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

10.26 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:

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

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

4/9/1998 4/23/1998 1/22/1998

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.

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.

Requester: Director, Youth Services
Approver: Assistant Superintendent, Student Services

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EMPLOYEE RELATIONS DIVISION

10.28 Authorization to Approve Property-Liability-Insurance, Claims & Litigation Management Documents
(Prepared by the Employee Relations Division)

The District receives various property, liability, and insurance claims. The District's Associate Superintendent of Administrative Services reviews documents related to property, liability, and insurance claims correspondence for the purpose of rejecting or authorizing payments up to the deductible of \$25,000.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes Mel Albiso, Associate Superintendent of Administrative Services, to approve Property-Liability-Insurance, Claims & Litigation Management documents.

Requester: Employee Relations Division

Approver: Associate Superintendent, Administrative Services

FACILITIES/OPERATIONS DIVISION

Facilities Management

10.29 Amendment No. 1 to the Agreement with Summerset Landscape Service for Weed Abatement Services
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Summerset Landscape Services, Alta Loma, CA, originally approved by the Board on November 17, 2009, to provide weed abatement services for various school sites. This amendment is to exercise the first of three optional one-year extensions; effective January 1, through December 31, 2012. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Summerset Landscape Service to provide weed abatement services for various District sites. This amendment is to exercise the first of three one-year extensions; effective January 1, through December 31, 2012. All other terms and conditions remain the same.

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

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

10.30 Amendment No. 3 to the Professional Services Agreement with PSWC Group for Architectural and Engineering Services for the Proposed Graciano Gomez Elementary School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with PSWC Group, San Bernardino, CA, previously renewed by the Board on September 6, 2011 and effective through June 30, 2014, for architectural and engineering services for the proposed Graciano Gomez Elementary School Project. This amendment is to correct a typographical error. On September 6, 2011, the Board approved Amendment No. 2 in the amount of \$7,239.70. The correct amount should have been \$7,329.70, a difference of \$90.00. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with PSWC Group for architectural and engineering services for the proposed Graciano Gomez Elementary School Project. This amendment is to correct a typographical error. On September 6, 2011, the Board approved Amendment No. 2 in the amount of \$7,239.70. The correct amount should have been \$7,329.70, a difference of \$90.00. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 3.

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

10.31 Amendment No. 4 to the Agreement with ATI Architects and Engineers for Architectural and Engineering Services for the Middle College High School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests the Board of Education approval to amend the agreement with ATI Architects and Engineers, Highland, CA, originally approved by the Board on January 8, 2008. This amendment is for additional services to provide Storm Water Pollution Prevention Plan (SWPPP) services for the Middle College High School project. SWPPP is required by new State storm water permit regulations and revision of the water improvement plans for City approval. The cost, not to exceed \$10,177.00, plus approved reimbursables, will be paid from Funds 21, 25, and 35. 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 approves amending the agreement with ATI Architects and Engineers for architectural and engineering services for the Middle College High School project. This amendment is for additional services to provide Storm Water Pollution Prevention Plan services. The cost, not to exceed \$10,177.00, plus approved reimbursables, will be paid from Funds 21, 25, and 35. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 4.

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

10.32 Amendment No. 5 to the Agreement with ATI Architects and Engineers for Architectural and Engineering Services for the Little Mountain Elementary School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests the Board of Education approval to amend the agreement with ATI Architects and Engineers, Highland, CA, originally approved by the Board on December 18, 2007. This amendment is for additional services to provide Storm Water Pollution Prevention Plan (SWPPP) services for the Little Mountain Elementary School project. SWPPP is required by new State storm water permit regulations and revision of the water improvement plans for City approval. The cost, not to exceed \$10,177.00, plus approved reimbursables, will be paid from Funds 21, 25, and 35. All other terms and conditions will remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with ATI Architects and Engineers for architectural and engineering services for the Little Mountain Elementary School. This amendment is for additional services to provide Storm Water Pollution Prevention Plan services. The cost, not to exceed \$10,177.00, plus approved reimbursables, will be paid from Funds 21, 25, and 35. All other terms and conditions will remain the same.

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

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

10.33 Approval of Firms for Professional Consulting Services for the Storm Water Pollution Prevention Plans at Various School Sites
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into professional services agreements with selected firms to provide Storm Water Pollution Prevention Plans (SWPPP) services for school modernization and new construction projects effective December 7, 2011, through June 30, 2013, with the option of a maximum of three (3) one-year extensions, at the sole discretion of the District. SWPPP is required by new State storm water permit regulations and revision of the water improvement plans for City approval.

On August 8, 2011, a Request for Proposals (RFP) was advertised in *The Sun* newspaper, distributed to service-oriented firms including civil engineering and environmental consulting, San Bernardino Chamber of Commerce, Coalition for Adequate School Housing directory, firms registered in the District's Local Business Outreach Program, and posted to the District and Department websites. Ten (10) proposals were received on September 1, 2011. In an attempt to receive additional proposals, Addendum No. 1 was issued extending the deadline and one (1) additional proposal was received. The Facilities Management Committee reviewed/ranked all proposals and recommended the top-ranked firms to the District Selection Committee, which agreed with the recommendations. Special consideration was given to qualified local firms. Selected firms will be required to set aside 10 percent of any contract amount for local businesses.

The selection of SWPPP firms will be limited to the pre-approved firms, unless unusual circumstances of the specific project require special qualifications. Competitive RFPs will be solicited from all pre-approved firms and the fees will be negotiated with each firm based on the services required for each project. The cost will be paid from Funds 21, 25, 35, 40, and 98.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into professional services agreements with the following firms to provide consulting services for required Storm Water Pollution Prevention Plans (SWPPP) effective December 7, 2011, through June 30, 2013, with the option of a maximum of three (3) one-year extensions, at the sole discretion of the District. Selection of firms for projects will be done by competitive Requests for Proposals limited to these firms, unless unusual circumstances of the specific project require special qualifications. Fees will be negotiated with each firm based on the services required for each project. The cost will be paid from Funds 21, 25, 35, 40, and 98.

- AEI CASC Consulting, Colton, CA
- Fraco Enterprises, Grand Terrace, CA
- Pacifica Services, Inc., Pasadena, CA
- Converse Consultants, Redlands, CA
- KOA Corporation, Ontario, CA
- Tetra Tech, San Bernardino, CA

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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 professional services agreements.

Requestor: Interim Facilities Administrator, Facilities Management Department
Approver: John Peukert, Assistant Superintendent, Facilities/Operations Division

10.34 Approval of Professional Services Agreement with Tetra Tech for Consulting Services for Storm Water Pollution Prevention Plan for the George Brown Jr. Elementary School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into a professional services agreement with Tetra Tech, San Bernardino, CA for Storm Water Pollution Prevention Plan (SWPPP) services for the George Brown Jr. Elementary School Project, effective December 7, 2011, through June 30, 2013. SWPPP is required by new State storm water permit regulations and revision of the water improvement plans for City approval. The cost, not to exceed \$17,780.00, plus approved reimbursables, will be paid from Fund 21, 25, 35, and 40.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a professional services agreement with Tetra Tech, for Storm Water Pollution Prevention Plan (SWPPP) services for the George Brown Jr. Elementary School Project, effective December 7, 2011, through June 30, 2013. The cost, not to exceed \$17,780.00, plus approved reimbursables, will be paid from Fund 21, 25, 35, and 40.

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

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

10.35 Approval to Reject Bid No. F09-02, New Construction for the Proposed Dr. Mildred Dalton Henry Elementary School Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to reject all bids received for new construction for the proposed Dr. Mildred Dalton Henry Elementary School project due to bids exceeding the construction budget and the State allowable construction cost.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that Bid No. F09-02, New Construction Project for the proposed Dr. Mildred Dalton Henry Elementary School site be rejected in its entirety and rebid at a later time.

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

Nutrition Services

10.36 Amendment No. 3 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. This amendment is for an additional \$500,000.00 for continued staffing and to extend the ending date through March 31, 2012, or until the critical vacant positions at Nutrition Services have been filled. The new total cost, not to exceed \$1,500,000.00, 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 and Manpower 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. This amendment is for an additional \$500,000.00 for continued staffing and to extend the ending date through March 31, 2012, or until the critical vacant positions at Nutrition Services have been filled. The new total cost, not to exceed \$1,500,000.00, will 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. 3.

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

10.37 Vehicle Trade-In for Price Request 2012 Cargo Van
(Prepared by Facilities/Operations Division)

The Nutrition Services Department requests Board of Education approval to trade-in a 1994 Ford pickup against the purchase of a replacement vehicle, per Education Code 17548.

On November 7, 2011, price requests for a 2012 cargo van were sent to seven dealerships and five responses were received. Price requests included deductions for the trade-in of their 1994 Ford Pickup, District # 307, which the District Garage deemed as unsafe to drive.

Vendor	Amount
Fairview Ford San Bernardino, CA	\$19,145.51
Redlands Ford Redlands, CA	\$19,416.93
Raceway Ford Riverside, CA	\$19,493.91
Sunland Ford Victorville, CA	\$20,833.72
Sunrise Ford Fontana, CA	\$21,989.35

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the trade-in of one 1994 Ford Pickup, District # 307, be awarded to Fairview Ford, in the amount of \$19,145.51, including the deduction of the trade-in. The cost will be paid from Nutrition Services Account No. 92.

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

Requester: Director, Nutrition Services Department

Approver: Assistant Superintendent, Facilities/Operations Division

HUMAN RESOURCES DIVISION

10.38 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 1254324 from National University in the amount of \$150.00. 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 Fall 2011 as provided for in the Agreement with National University, as follows:

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Perez, Claudia \$150.00

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

10.39 Legal Fees Budget – Fiscal Year 2011-2012
(Prepared by Business Services Division)

The Human Resources Division requests Board of Education approval to increase the Unrestricted General Fund Program 01, Legal Fees Account No. 077. The program was included in the Fiscal Year 2011-2012 approved budget in the amount of \$920,722.00. Based on additional legal fees, an increase of \$60,000.00 in expenditures and a decrease of \$60,000.00 in Unrestricted General Fund balance will result in a revised total of \$980,722.00 in expenditures.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the increase of \$60,000.00, budgeted in Legal Fees Account No. 077, resulting in total budgeted expenditures of \$980,722.00.

Requester: Assistant Superintendent, Human Resources Division
Approver: Chief Business and Financial Officer, Business Services Division

10.40 Amendment No. 4 of the Agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP, Scottsdale, Arizona, to Increase the Fees for Legal Services
(Prepared by Business Services Division)

The Employee Relations Division requests Board of Education approval to amend the agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP, Scottsdale, Arizona, approved by Board on October 18, 2011, Agenda Item 9.96. The amendment is necessary due to additional costs associated with labor law, personnel, and employment issues. The original fee of \$100,000.00 will be increased by \$75,000.00, for an aggregate total not to exceed \$175,000.00. The additional fee will be paid from the Unrestricted General Fund—Legal Fees, Account No. 077. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP, Scottsdale, Arizona, approved by Board on October 18, 2011, Agenda Item 9.96. The amendment is necessary due to additional costs associated with labor law, personnel, and employment issues. The original fee of \$100,000.00 will be increased by \$75,000.00, for an aggregate total not to exceed \$175,000.00. The additional fee will be paid from the Unrestricted General Fund—Legal Fees, Account No. 077. All other terms and conditions remain the same.

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Requester: Assistant Superintendent, Employee Relations Division
Approver: Assistant Superintendent, Human Resources Division

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11.0 Action Items

11.1 Superintendent Search
(Prepared by Superintendent)

Board members may take action to select a firm to conduct the selection process for a Superintendent.

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

BE IT RESOLVED that Ray and Associates be approved as the firm to conduct the selection process for a Superintendent.

Or

BE IT RESOLVED that the San Bernardino County Superintendent of Schools Office be approved as the firm to conduct the selection process for a Superintendent.

Or

BE IT RESOLVED that The COSCA Group be approved as the firm to conduct the selection process for a Superintendent.

Or

BE IT RESOLVED that the San Bernardino City Unified School District be approved to conduct the selection process for a Superintendent.

11.2 Loma Linda Health Study
(Prepared by Superintendent)

The District received a request from Loma Linda University Medical Center to conduct a health study which focuses on students who live near the BNSF rail yard and attend Ramona-Alessandro Elementary School. Parent approval will be required. The Board of Education is being asked to approve or deny the request.

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

BE IT RESOLVED that the Board of Education approves the request from Loma Linda University Medical Center to conduct a health study which focuses on students who live near the BNSF rail yard and attend Ramona-Alessandro Elementary School. Parent approval will be required.

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Or

BE IT RESOLVED that the Board of Education denies the request from Loma Linda University Medical Center to conduct a health study which focuses on students who live near the BNSF rail yard and attend Ramona-Alessandro Elementary School.

11.3 Saturday School
(Prepared by Superintendent)

The Student Services staff has begun preparations to implement an Attendance Recovery Program (Saturday School) pilot program at each of the five comprehensive high schools. This can be done with or without the use of a consultant.

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

BE IT RESOLVED that the Board of Education approves Staff to move forward with plans to implement an Attendance Recovery Program (Saturday School) pilot at each of the five comprehensive high schools with existing District staff.

Or

BE IT RESOLVED that the Board of Education approves Staff to move forward with plans to implement an Attendance Recovery Program (Saturday School) pilot at each of the five comprehensive high schools with existing District Staff and the use of a consultant.

11.4 Resolution of the Board of Education San Bernardino City Unified School District, San Bernardino County, California Denying Charter School Petition For Josephine D. Lenoir Learning Academy
(Prepared by Employee Relations Division)

**RESOLUTION OF THE BOARD OF EDUCATION
SAN BERNARDINO CITY UNIFIED School District,
SAN BERNARDINO COUNTY, CALIFORNIA
DENYING CHARTER SCHOOL PETITION FOR
JOSEPHINE D. LENOIR LEARNING ACADEMY**

December 6, 2011

WHEREAS, pursuant to Education Code section 47605, et seq., the Board of Education of the San Bernardino City Unified School District (“Board” or “District”) is required to review and authorize creation and/or renewal of charter schools.

WHEREAS, Petitioners for the Josephine D. Lenoir Learning Academy (“JDLLA” or “School”) submitted to the District a Charter School Petition (“Petition”), on or about October 24, 2011.

WHEREAS, on November 15, 2011, a public hearing on the provisions of the Petition was conducted in accordance with the provisions of Education Code section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents. At that public hearing, Joe Cowan, lead Petitioner, spoke in support of the Petition. Several other individuals were in attendance at the hearing in support of the Petition.

WHEREAS, in reviewing the Petition, the Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.

WHEREAS, in reviewing the Petition, the District staff from the areas of Student Services, Curriculum & Instruction, Human Resources, and Business, working collaboratively with the Acting Superintendent, Mrs. Yolanda Ortega, and with District legal counsel, have reviewed and analyzed all of the information with respect to the Petition, including information related to the operation and potential effects of the proposed charter school and made a recommendation to the District Board that the Petition be denied based on that review.

WHEREAS, the District Board of Education has fully considered JDLLA’s Petition and the District staff’s recommendation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the District Board of Education finds the above recitals to be true and correct and incorporates them herein by this reference;

BE IT FURTHER RESOLVED AND ORDERED that the District Board of Education, having fully considered and evaluated the Petition for JDLLA, hereby denies the Petition pursuant to Education Code section 47605 as not consistent with sound educational practice based upon the following findings:

- A. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code section 47605(b)(1)];
- B. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code section 47605(b)(5)];
- C. The Petition does not contain the number of signatures required pursuant to Education Code Section 47605(a). [Education Code section 47605(b)(3)]; and

- D. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code section 47605(b)(2).

BE IT FURTHER RESOLVED AND ORDERED that the District Board of Education hereby determines the foregoing findings are supported by the following specific facts:

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

The charter petition is the document which sets forth and commits the school to an educational and business plan and program. Charter schools are generally exempt from most of the laws that govern school districts and are, instead, primarily charged with complying with the terms of their charter and implementing the program set forth therein.

In this instance, the Petitioners have made reference to a number of documents that are integral to the educational program described in the Petition. Yet, none of these documents were provided to the District at the time the Petition was submitted or at any time thereafter. Thus, the proposed Petition is not a clear or well-developed proposal as a whole, thereby making it impossible for the District fully to analyze and interpret the proposal. Where the Petition, which controls the entire educational program of the proposed School, fails to include such integral information, the proposed educational program is inherently unsound.

The District also finds that the Petition fails to provide a reasonably comprehensive educational program for ELL students. The Petitioners are targeting District attendance areas in which there are high numbers of identified English Learners (“ELs”) at the elementary and middle schools. Thus, it is imperative their program for identified English Learners is well-developed and specifically address the needs of English Learners. This program should include effective second language acquisition methodologies, a comprehensive English language development program, research-based instructional strategies, and supplemental services. The following concerns are noted with the EL:

1. The Petition does not clearly articulate specific daily instructional supports provided within the school day for at-risk (Tier I) and intensively at-risk (Tier II) low-achieving students, or research-based curriculum to address diagnostics or interventions.
2. There is little information contained in the Petition regarding how the specific needs of English learners will be addressed. There is no ELD textbook identified, there is little mention on how teachers will increase their capacity to instruct English learners, and the bell schedule does not include a designated time specifically devoted to ELD as required by Education Code.

3. There is no provision for an English Learner Advisory Committee, which is required when 21 or more English learners are enrolled.
4. There is no mention of the two-year monitoring process that follows once a student has been reclassified.

II. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [Education Code Section 47605(b)(2)]

The Petitioners failed to provide any budgetary documents with the Petition at the time that the Petition was submitted to the District. The failure to provide the budget is a violation of Education Code section 47605(g) that provides that in addition to setting forth the sixteen required elements, a petitioner is obligated to provide finance statements that include a proposed first year operation budget, including start-up costs and cash-flow and financial projections for the first three years of operation. The failure to provide these crucial documents results in the District being completely unable to determine the financial viability of the proposed School.

III. THE PETITION DOES NOT CONTAIN THE NUMBER OF SIGNATURES REQUIRED BY EDUCATION CODE SECTION 47605(a). [Education Code Section 47605(b)(3)]

Education Code section 47605(a) requires that a charter petition be signed by either (1) “a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation” or (2) “a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.”

Further, a petition must “include a prominent statement that a signature on a petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school.”

In this case, the Petition makes reference to teacher signatures being included with the Petition, but in fact there were no signatures from either parents or teachers submitted with the Petition.

IV. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE REQUIRED ELEMENTS. [Education Code section 47605(b)(5)]

The Petitioners are required to set forth in the Petition reasonably comprehensive descriptions of sixteen elements as described in Education Code section 47605(b)(5). The District Board of Education finds that there are serious deficiencies/concerns in the several of these required elements as more fully discussed below.

A. The Governance Structure of the Charter School, Including, but Not Limited to, the Process to Ensure Parental Involvement. [Education Code section 47605(b)(5)(D)]

1. The Petition provides that the Charter School shall be operated as a nonprofit organization pursuant to California law. Although the Petition provides that the Articles of Incorporation and Bylaws are included as appendices, these documents were not submitted to the District.
2. The Petition provides that the corporate governing board will consist of 11 members and that five persons have been selected. The Petition indicates that Board's resumes are attached to the Petition, but as with the other crucial documents, these were not included with the Petition.
3. The Charter does not adequately provide for meaningful parental involvement. The Bylaws provide that the School Board will have up to 11 members, only one of which is assured to be a parent. Having only a single parent on the Board, particularly a large board, fails to provide meaningful parental involvement.
4. The Academy is to be constituted as a nonprofit public benefit corporation, but the Petition makes no provision for a District representative to serve on the corporate board as a voting representative as required pursuant to Education Code section 47604(b).

B. The Procedures to be Used by the District and the Charter School for Resolving Disputes Relating to Provisions of the Charter. [Education Code section 47605(b)(5)(N)]

1. The dispute resolution process between the School and the District is unacceptable and the District would not agree to the proposed process. The procedure is overly cumbersome in that it involves both mediation and arbitration and is not designed to lead to an expedient resolution of disputes.

2. There are no timelines related to arbitration, which is the final step for resolution, or any type of outside timeframe for completing the dispute resolution process, which could lead to disputes being unresolved for an inordinate amount of time.
3. Finally, there is no exception from this potentially very time-consuming dispute resolution process for matters that pose health or safety threats to Charter School students.

C. A Description of the Procedures to Be Used If the Charter School Closes. [Ed. Code §47605(b)(5)(P)]

The description of the procedures upon closure of the School is inadequate, incomplete, and inaccurate. Education Code section 47605(b)(5)(P) requires that a petition include a reasonably comprehensive description of the plans for disposing of any net assets of the school. In this case, the Petition merely states the corporation's bylaws will address how assets are to be distributed at the closure of the School. As these documents were not provided to the District for review, it is not possible to determine if the Petitioners have in fact developed appropriate procedures for the distribution of these assets.

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 Petition renewal shall remain in full force and effect. In this regard, the District Board of Education 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.

11.5 Personnel Report #11, Dated December 6, 2011
(Prepared by Human Resources Division)

It is requested that the Board approve the Personnel Report #11, dated December 6, 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 #11, dated December 6, 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.

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

GLORIA JEAN HOLMAN

WHEREAS Gloria Holman was a dedicated member of the classified service for the San Bernardino City Unified School District from 1972 until her retirement in 2001; and

WHEREAS Gloria Holman served the District as a clerk I, clerk II, registrar, and senior clerk; and

WHEREAS Gloria Holman lived the life of a true lady, caring for everyone she met and enjoying traveling, knitting, and the home in North Dakota where she and her husband spent summers; and

WHEREAS on October 17, 2011, Gloria Holman died, bringing deep sorrow to her loving family and friends; and

WHEREAS Gloria Holman is survived by her husband of 51 years, Durward (Whitey); a son, Gary Holman of Louisville, Kentucky; a daughter, Traci Lin of Herriman, Utah; several grandchildren, step-grandchildren, and several great-grandsons; two sisters, Barbara Bland and Wendy Day; and two brothers, Don and Bob Scott;

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

HELEN LAWRENCE

WHEREAS Helen Lawrence was a dedicated member of the certificated service for the San Bernardino City Unified School District from 1947 until her retirement in 1979; and

WHEREAS Helen Lawrence served the District as an elementary and junior high school teacher, working at Marshall, Harding, Del Rosa, Rio Vista, Muscott, Bonnie Oehl, Highland-Pacific, and Shandin Hills, among other schools; and

WHEREAS Helen Lawrence was a member of Alpha Delta Kappa Fidelis, Women's Club, CRTA, Emblem Club, and the Elks Club, and also volunteered as a docent for the Heritage House; and

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WHEREAS on October 4, 2011, Helen Lawrence died, bringing deep sorrow to her loving family and friends; and

WHEREAS Helen Lawrence is survived by her daughter, Linda Lawrence of Dallas, Texas; and her older sister, Iris Jordan of Oklahoma City, Oklahoma;

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

ARMANDO TAMAYO

WHEREAS Armando Tamayo was a dedicated member of the classified and management service for the San Bernardino City Unified School District from 1988 until his untimely passing; and

WHEREAS Armando Tamayo served the District as a painter assistant before being promoted to painter in 1997, and finally painting supervisor in 2004; and

WHEREAS Armando Tamayo was known as a conscientious employee who took pride in the maintenance and upkeep of District sites; and

WHEREAS on November 14, 2011, Armando Tamayo died, bringing deep sorrow to his loving family and friends; and

WHEREAS Armando Tamayo is survived by his wife, Norma; his mother, Irene Garcia; and eight brothers and sisters;

THEREFORE BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Armando Tamayo's long, fine years of service to the District and its students and does extend its deepest sympathy to his family.

SESSION TEN - Closed Session

12.0 Closed Session

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

Student Matters/Discipline

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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

(Government Code Section 54956.9(b)(i))

Number of Cases: One

Conference with Legal Counsel: Anticipated Litigation

(Education Code Section 47614, Title V, California Code of Regulations Section 11969.1-11969.6)

Number of Cases: One

SESSION ELEVEN – Open Session

13.0 Action Reported from Closed Session

SESSION TWELVE - Closing

14.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, December 20, 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

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: December 2, 2011