

San Bernardino City Unified School District

Regular Meeting of the Board of Education

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

AGENDA INDEX

April 5, 2011

Estimated Time

SESSION ONE - Opening

- 1.0 Opening** **5:30 p.m.**
1.1 Call to Order
1.2 Pledge of Allegiance to the Flag

SESSION TWO - Special Presentations

- 2.0 Special Presentations** **5:35 p.m.**
2.1 Recognition of Public Schools Month
2.2 Recognition of National Volunteer Week

SESSION THREE – Student Report/School Showcase

- 3.0 Student Report/School Showcase** **5:45 p.m.**
3.1 Arroyo Valley High School

SESSION FOUR - Administrative Reports

- 4.0 Administrative Reports** **6:00 p.m.**
4.1 Required DELAC Tasks Update
4.2 Peer Assistance and Review (PAR) Report of Participation
4.3 Budget Update
4.4 School Improvement Grant Update
4.5 Amendments to BB 9270 Board Bylaws Conflict of Interest (Second Reading)

SESSION FIVE – Other Matters Brought By Citizens

- 5.0 Other Matters Brought by Citizens** **6:15 p.m.**

SESSION SIX - Reports and Comments

- 6.0 Report by Board Members** **6:30 p.m.**
6.1 Legislative Update

7.0 Report by Superintendent and Staff Members

6:45 p.m.

SESSION SEVEN - Legislation and Action

8.0 Consent Items (When considered as a group, unanimous approval is advised.) 7:00 p.m.

- 8.1 Approval of Minutes
- 8.2 Business and Inservice Meetings
- 8.3 Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability
- 8.4 Acceptance of Gifts and Donations to the District
- 8.5 Business and Inservice Meetings
- 8.6 Commercial Warrant Registers for Period from March 1, through March 15, 2011
- 8.7 Payment for Course of Study Activities
- 8.8 Payment for Services Rendered by Non-Classified Experts and Organizations
- 8.9 Federal/State/Local District Budgets and Revisions
- 8.10 Notification of Interim Mediated Settlement Agreement OAH Case No. 2010050720
- 8.11 Extended Field Trip, Belvedere Elementary School, Outdoor Science Camp, Forest Falls, California
- 8.12 Extended Field Trip, North Verdemont Elementary School, Arrowhead Ranch Outdoor Science School, Twin Peaks, California
- 8.13 Extended Field Trip, North Verdemont Elementary School, Fourth Grade Outdoor Education Program, Newport Dunes Resort, Newport Beach, California
- 8.14 Extended Field Trip, North Verdemont Elementary School, Joshua Tree National Park and The Living Desert and Botanical Garden, Palm Desert, California
- 8.15 Extended Field Trip, California Cadet Corps Program, State Individual Major Awards/Drill Competition 2011, Los Alamitos, California
- 8.16 Amendment to the Board Resolution of January 11, 2011, Agenda Item 8.9, Extended Field Trip, San Geronio High School, 2011 Florida League High School Invitational, Orlando, Florida
- 8.17 Agreement with Cybertech Systems & Software to Provide Computer System Monitoring
- 8.18 Agreement with Gang Reduction Intervention Team (GRIT) to Provide Classroom Workshops and GRIT Sessions to Students
- 8.19 Agreement with Lollipop & Associates to Conduct its Connect 4 Success Parents as Partners Training for Parents of District Students Enrolled at Wilson Elementary School
- 8.20 Agreement with Rocket Learning to Provide Intensive Instruction in English Language Arts to District Students at Rio Vista Elementary School
- 8.21 Agreement with the State of California Department of Toxic Substances Control (DTSC) for the Proposed H. Frank Dominguez Elementary School
- 8.22 Agreement with the State of California Department of Toxic Substances Control (DTSC) for the Proposed Graciano Gomez Elementary School

- 8.23 Amendment No. 5 to the Agreement for Short-Term Lease of Office Space at the Carousel Mall
- 8.24 Amendment No. 6 to the Agreement with URS Corporation Program Management Services to Manage the Facilities Capital Improvement Program
- 8.25 Renewal of the Agreement with Addiction Medicine Consultants, Inc., to Provide Student Athlete Drug Testing
- 8.26 Renewal of the Agreement with Vicenti, Lloyd, Stutzman, LLP, to Perform Specialized Financial and Performance Audits for the General Obligation Bonds under Proposition 39
- 8.27 Piggyback Bid No. N-38 of County of San Bernardino, Gasoline and Diesel Fuel
- 8.28 Notice of Completion, Bid No. F08-04, Category No. 33, Site Electrical for Indian Springs High School - Site Work
- 8.29 Notice of Completion, Bid No. F08-08, Anderson, Del Rosa, Monterey, and Wilson Elementary Schools Modernization Projects
- 8.30 Notice of Completion, Bid No. F09-10, Abatement and Demolition Services at the Proposed Graciano Gomez Elementary School Site
- 8.31 Notice of Completion, Bid No. NSB 2009/10-4, Replacement of Boilers and Pipes at the Nutrition Center
- 8.32 Ratification of Approved Change Orders
- 8.33 Expulsion of Student(s)
- 8.34 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 8.35 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 8.36 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 8.37 Revocation of Suspension of Expulsion
- 8.38 Lift of Expulsion of Student(s)
- 8.39 Failure to Recommend Mandatory Expulsion 48915
- 8.40 Petition to Expunge, Rescind, or Modify Expulsion
- 8.41 Education Code 48213

9.0 Action Items

- 9.1 Right of First Refusal – CID Property
- 9.2 Confirmation of Bond Sale Costs Respecting San Bernardino City Unified School District \$53,080,000 Taxable Certificates of Participation, 2011 Series A (Direct Subsidy Qualified School Construction Bonds)
- 9.3 Confirmation of Bond Sale Costs Respecting San Bernardino City Unified School District \$11,525,419.10 General Obligation Bonds, 2004 Series D And \$5,477,433.60 Taxable General Obligation Bonds, 2004 Series E

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- 9.4 Amendments to BB 9270 Board Bylaws Conflict of Interest (Second Reading)
- 9.5 Personnel Report #19, Dated April 5, 2011
- 9.6 In Recognition of Deceased Employee

SESSION EIGHT - Closed Session

10.0 Closed Session **7:15 p.m.**

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

Student Matters/Discipline

Conference with Labor Negotiator

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

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

District Negotiator: Arturo Delgado
Unrepresented Employees: Assistant Superintendents

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

Education Code Section 47614, Title V, California Code of Regulations Section 11969.1-11969.6
Number of Cases: Three

Conference with Legal Counsel: Anticipated Litigation

(Government Code Section 54956.9(b)(1))
Number of Cases: Two

SESSION NINE – Open Session

11.0 Action Reported from Closed Session **8:15 p.m.**

SESSION TEN - Closing

12.0 Adjournment **8:20 p.m.**

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The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 19, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: April 1, 2011

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San Bernardino City Unified School District

Regular Meeting of the Board of Education

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

AGENDA

April 5, 2011

SESSION ONE - Opening

1.0 *Opening*

1.1 Call to Order

1.2 Pledge of Allegiance to the Flag

SESSION TWO - Special Presentations

2.0 *Special Presentations*

2.1 Recognition of Public Schools Month
(Prepared by the Communications Department)

Public Schools Month has been sponsored and promoted by the Free and Accepted Masons of California since 1920.

WHEREAS the Board of Education of the San Bernardino City Unified School District joins the Free and Accepted Masons of California in declaring April as Public Schools Month and recognizing the value of public education in the lives of our citizens; and

WHEREAS the theme chosen for Public Schools Month for 2011 is “Masons of California Make a Profound Difference in Public Education”; and

WHEREAS concern for the common good and well-being of all citizens is one of the highest virtues of American democracy, and generations ago our ancestors recognized the importance of this virtue by creating the public school system; and

WHEREAS public schools are responsible, not only for sound instructional programs that prepare and equip our youth to have productive lives as adults, but also for instilling in our children a love of freedom and appreciation for the benefits of living in a democratic society; and

WHEREAS with community support throughout California, public schools can bring a variety of educational opportunities into the classrooms to benefit all children;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does declare the month of April to be Public Schools Month and does acknowledge the role of public education in developing students educationally and socially.

2.2 Recognition of National Volunteer Week
(Prepared by the Communications Department)

WHEREAS the Board of Education of the San Bernardino City Unified School District wishes to acknowledge the role played by volunteers in our schools and joins school districts in California and the U.S. in recognition of National Volunteer Week; and

WHEREAS the Board of Education appreciates and gratefully accepts the contributions and conscientious efforts made by volunteers to bring strong and constructive guidance to the learning environment of schools in the District; and

WHEREAS school volunteers have become an integral part of school campuses, handling countless responsibilities from assisting students in classrooms and libraries to mentoring young people who desperately need positive role models; and

WHEREAS school volunteers also form an essential link with the community and help to show our youth that the greater community cares for their welfare and supports them in their efforts to grow and become hard-working, thoughtful, and responsible adults; and

WHEREAS the role of school volunteers and their contributions to students deserves recognition and celebration by students, teachers, and staff members throughout the District;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to join others in the state and nation in declaring April 10-16, 2011, as National Volunteer Week.

SESSION THREE – Student Report/School Showcase

3.0 *Student Report/School Showcase*

3.1 Arroyo Valley High School

SESSION FOUR - Administrative Reports

4.0 *Administrative Reports*

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

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

4.1 Required DELAC Tasks Update (Prepared by Curriculum/Instruction & Accountability Division)

In accordance with Categorical Program Monitoring (CPM) findings prepared by the California Department of Education (CDE) monitoring team, the remaining English Learners component of the 2009-2010 cycle are being presented to the Board of Education as required tasks of Title III.

The DELAC advises the school district governing board on the following tasks:

- (2) Conducting of a District-wide needs assessment on a school-by-school basis. (5 CCR 11308 [c][7])*
- (6) Review and comment on the school district’s reclassification procedures. (5 CCR 11308 [c][7])*
- (7) Review and comment on the written notifications required to be sent to parents and guardians. (5 CCR 11308 [c][7])*

Jim Dilday, Interim Assistant Superintendent, Daniel Arellano, Director of English Learner Programs/Enrollment Center, and DELAC officers will present these required DELAC tasks.

4.2 Peer Assistance and Review (PAR) Report of Participation (Prepared by Employee Relations/Human Resources-Classified)

The Peer Assistance and Review (PAR) program was initiated as one of the Governor’s reform measures in 2000. The Peer Assistance and Review program was successfully implemented in the District during the 2000-2001 school year and has continued with strong success to date. The Memorandum of Understanding between the San Bernardino City Unified School District and the San Bernardino Teachers Association, requires that by April 15, the Joint Panel must review all peer assistance reports and forward the names of participants who, after assistance, are not able to demonstrate satisfactory improvement.

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During the 2010-2011 school year, the Peer Assistance and Review Program has served 92 teachers. The breakdown of service is listed below:

Tenured Teachers (Unsatisfactory):	10 (2 High School / 5 Middle School 3 Elementary School)
Tenured Teachers (Self Referral):	70 (10 High School / 16 Middle School/ 44 Elementary School)
P2 Teachers (Self Referral):	2 (2 Elementary School)
P2 Teachers (Unsatisfactory):	3 (1 Middle School / 2 Elementary School)
P1 Teachers (Self Referral):	6 (3 Middle School/3 Elementary School)
Intern (Self-Referral):	1 (High School)

Of the 92 teachers served, it was the conclusion of the Joint Panel that 84 benefited satisfactorily and that 8 did not.

The Board of Education received specific names of those teachers who participated in the Peer Assistance and Review (PAR) Program during the 2010-2011 school year, as well as those who did not benefit from sustained assistance in Board Correspondence.

4.3 Budget Update
(Prepared by Business Services Division)

Mohammad Z. Islam, Chief Business and Financial Officer, will provide a budget update if any information is available related to the Fiscal Year 2010-11 budget.

4.4 School Improvement Grant Update
(Prepared by Curriculum/Instruction & Accountability Division)

Jim Dilday, Interim Assistant Superintendent, will be available to provide an update on the School Improvement Grant.

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4.5 Amendments to BB 9270 Board Bylaws Conflict of Interest (Second Reading)
(Prepared by Business Services Division)

San Bernardino City USD
Board Bylaw
Conflict Of Interest

BB 9270
Board Bylaws

~~Incompatible Activities~~

~~Board of Education members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)~~

~~Conflict of Interest Code~~

~~The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.~~

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code ~~in even-numbered years~~ **and submit any changes to the code reviewing body**. ~~If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body.~~ (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated **due to** by changed circumstances, such as the creation of new designated positions, **changes to the duties** assigned to existing positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the *Superintendent or designee* shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

- 1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.*

- 2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.
BB 9270(d)***

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

- 3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.***

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

- 4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.***

~~If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)~~

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction.

(Government Code 81008)

Financial Interest

~~Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)~~

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is

barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall ***not*** be considered to be financially interested in a contract if his/her interest is a ***"noninterest" as defined in*** ~~includes, but is not limited to, any of the following:~~ (Government Code 1091.5). ***One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)***

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee

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has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

~~A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.~~

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On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse/***registered domestic partner*** unless the individual is widowed or divorced.

Disqualification for Board Members Who Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. (Government Code 87105)
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)
3. Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. (Government Code 87105)

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR 18702.5)

(cf. 3430 - Investing)

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The Board member may speak on the issue during the time that the general public speaks on the issue. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

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Appendix A Defines Disclosure Categories And Appendix B Identifies Designated Positions In The District:

Appendix A - Disclosure Categories

Category 1. Designated positions must report:

1. Interests in real property that are located in whole or in part (1) within the boundaries of the district, (2) within two miles of the boundaries of the district, or (3) within two miles of any land owned by the district, including leasehold, beneficial or ownership interest or option to acquire such interest in real property.
2. Investments and business positions (i.e., director, officer, partner, trustee, employee, or holds any position of management) in business entities or income from sources which engage in the acquisition or disposal of real property within the district.
3. Investments and business positions (i.e., director, officer, partner, trustee, employee, or holds any position of management) in business entities or income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the district, or (2) which manufacture, sell or provide supplies, materials, books, machinery, services or equipment of the type used by the district.

Category 2. Designated positions must report investments and business positions in business entities and income from sources that manufacture, sell, or provide supplies, materials, books, machinery, services or equipment of the type used by the employee's department or the district. For the purposes of this category a principal's department is his/her entire school.

Appendix B - Designated Positions

The persons holding positions listed in this Appendix are designated employees. It has been determined that the persons occupying the positions listed below make or participate in the making of decisions that may foreseeably have a material effect on financial interests of the district. Designated positions must disclose investments, business positions, and interests in real property held on, and income received during the previous 12 months as defined in Appendix A categories 1-2, and will file the Form 700, Statement of Economic Interests.

POSITION TITLE

CATEGORIES

Member, Board of Education

1, 2

Superintendent

1, 2

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~~Deputy Superintendent~~

~~1, 2~~

Chief Business and Financial Officer

1, 2

Associate Superintendent/Chief Administrative Officer

1, 2

Assistant Superintendent

1, 2

Accounting Services Director

1, 2

~~Accounts Payable Officer~~

~~1, 2~~

Accounts Payable Supervisor

1, 2

Affirmative Action Director

1, 2

Alternative Programs Director

1, 2

Assistant Affirmative Action Officer

1, 2

Assistant Building Services Director

1, 2

Assistant Director

1, 2

Assistant Director Facilities Planning and Development

1, 2

Assistant Director of Management Information Services

1, 2

Assistant Nutrition Services Director

1, 2

Assistant Principal

1, 2

Assistant Purchasing Services Director

1, 2

Budget Officer

1, 2

Building Services Director

1, 2

Communications/Community Relations Director

1, 2

Consultant*

1, 2

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Coordinator

1, 2

Curriculum, Instruction and Assessment Administrator

1, 2

Directors

1, 2

Director of Enrollment

1, 2

Director of Management Information Services

1, 2

Director of Special Projects

1, 2

Environmental Safety Officer

1, 2

Facilities Administrator

1, 2

Facilities Planning and Development Director

1, 2

Facilities Officer

1, 2

Facilities Planning Manager

1, 2

Fiscal Services Director

1, 2

~~Internal Auditor~~

~~1, 2~~

Nutrition Services Business Manager

1, 2

Nutrition Services Director

1, 2

Payroll Officer

1, 2

Principal

1, 2

Program Improvement Administrator

1, 2

Purchasing Services Director

1, 2

Research and Instruction Director

1, 2

School Linked Services Director

1, 2

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School Police and Safety Director

1, 2

Supervisor

1, 2

Youth Services Director

1, 2

Buyer

2

Elementary Instruction and Curriculum Development Director

2

English Learner and Support Program Director

2

Facilities Planning Manager

2

Human Resources Director Certificated

2

Human Resources Director Classified

2

Maintenance Manager

2

Nutrition Services Computer Analyst

2

Nutrition Services Program Manager

2

Operations Manager

2

Personnel Commission Director

2

Personnel Commission Member

2

Principals

2

Recruitment/Employment Director Certificated

2

Secondary Instruction and Curriculum Director

2

Special Education Program Director

2

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code when it is determined that the temporary consultant will have a significant influence on district financial matters. When notified by the Filing Officer, the consultant will have 30 calendar days to provide a completed Form 700, Statement of Economic Interests to the district.

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A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
4. Authorize the district to enter into, modify or renew a contract that requires district approval
5. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
6. Grant district approval to a plan, design, report, study or similar item
7. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

Legal Reference:

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School district employees
- 35230-35240 Corrupt practices
- 35233 Prohibitions applicable to members of governing boards
- 35239 Compensation for board members in districts under 70 ADA

GOVERNMENT CODE

- 1090-1098 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 81000-91015 Political Reform Act of 1974, especially:
 - 82011 Code reviewing body
 - 82019 Definition of designated employee
 - 82028 Definition of gifts
 - 82030 Definition of income
- 87100-87103.6 General prohibitions
- 87200-87210 Disclosure
- 87300-87313 Conflict of interest code

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87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

CONFLICT OF INTEREST E 9270

**RESOLUTION ADOPTING A
CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the San Bernardino Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-

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specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the San Bernardino City Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the San Bernardino City Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

**Conflict of Interest Code of the
San Bernardino City Unified School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the preceding Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

SESSION FIVE – Other Matters Brought By Citizens

5.0 *Other Matters Brought by Citizens*

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

SESSION SIX - Reports and Comments

6.0 *Report by Board Members*

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

6.1 Legislative Update

7.0 *Report by Superintendent and Staff Members*

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

SESSION SEVEN - Legislation and Action

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

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

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

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Minutes of the Board of Education Meeting held on March 1, 2011, be approved as presented.

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

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

It is recommended that the following resolution be adopted:

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

TERESA PARRA CRAIG
(Governing Board Member)

To attend the NALEO National Institute on School Governance: Budgeting Strategies for Student Success, in Austin, Texas, March 4-6, 2011. Airfare and hotel accommodations will be paid by NALEO. Total cost of reimburseables, not to exceed \$150.00, will be paid from Board of Education Account No. 066.

8.3 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 2003-04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.” Waiver of the successful passage of the CAHSEE is allowed under Specific Code Section: E.C. 56101: “...the waiver is necessary or beneficial to the content and the implementation of the pupil’s individualized education program...” Waiver of the successful passage of the California High School Exit Exam (CAHSEE) is requested for the specific students with the birthdates listed below:

08/17/1992 08/25/1992

It is recommended that the following resolution be adopted:

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

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

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

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

SITE	DONOR	DONATION AND PURPOSE	CASH
Manuel A. Salinas Elementary School	Raymond Rice	\$750.00 to sponsor the 5 th Grade Science Camp	\$750.00
Manuel A. Salinas Elementary School	Jennifer Snyder	\$130.00 to sponsor the 5 th Grade Science Camp	\$130.00
Manuel A. Salinas Elementary School	Catherine Sadlier	\$100.00 to sponsor the 5 th Grade Science Camp	\$100.00
Manuel A. Salinas Elementary School	Brian Zubak	\$130.00 to sponsor the 5 th Grade Science Camp	\$130.00
Belvedere Elementary School	Rudolph Sandoval	\$120.00 to sponsor the ASB	\$120.00
Belvedere Elementary School	Rudolph Sandoval	\$120.00 to sponsor the ASB	\$120.00
Inghram Elementary School	Edison International	\$225.00 to sponsor the Literacy Program	\$225.00
Inghram Elementary School	Nancy Jackson	\$225.00 to sponsor the Literacy Program	\$225.00
Kendall Elementary School	Edison International	\$300.00 to be used towards the purchase of student incentives and awards	\$300.00
Kendall Elementary School	Edison International	\$300.00 to be used towards the purchase of student incentives and awards	\$300.00
Warm Springs Elementary School	Alexantha Construction	\$300.00 to sponsor the Jr. Nationals Competition	\$300.00
Manuel A. Salinas Elementary School	Nancy L. Sanchez-Spears	\$267.00 to sponsor the 5 th Grade Science Camp	\$267.00
Manuel A. Salinas Elementary School	Laurie Hassell	\$130.00 to sponsor the 5 th Grade Science Camp	\$130.00
Manuel A. Salinas Elementary School	Joy Van Hook	\$140.00 to sponsor the 5 th Grade Science Camp	\$140.00

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Manuel A. Salinas Elementary School	Mary Prater	\$133.00 to sponsor the 5 th Grade Science Camp	\$133.00
Manuel A. Salinas Elementary School	Mary Duran	\$150.00 to sponsor the 5 th Grade Science Camp	\$150.00
Del Rosa Elementary School	California Missions Foundation	\$1,412.22 to sponsor the California Missions 4 th Grade Field Trip	\$1,412.22

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 \$750.00, Raymond Rice; \$130.00, Jennifer Snyder; \$100.00, Catherine Sadlier; \$130.00, Brian Zubak; \$120.00, Rudolph Sandoval; \$120.00, Rudolph Sandoval; \$225.00, Edison International; \$225.00, Nancy Jackson; \$300.00, Edison International; \$300.00, Edison International; \$300.00, Alexantha Construction; \$267.00, Nancy L. Sanchez-Spears; \$130.00, Laurie Hassell; \$140.00, Joy Van Hook; \$133.00, Mary Prater; \$150.00, Mary Duran; and \$1,412.22, California Missions Foundation.

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

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

It is recommended that the following resolution be adopted:

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

Rosa Chavez
 (Board Representative)

To attend the Best Of Out-Of School Time Conference (BOOST), in Palm Springs, CA, April 28-30, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$800.00, will be paid from Mt. Vernon Elementary School CAPS Account No. 459.

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Arevalo, Elva
Benavides, Natividad
Cordero, Alma
Famutimi, Odunola
Flores, Dora
Garcia, Maria
Garcia, Rosalia
Granados, Esperanza
Leigue, Maria
Martinez, Celina
Martinez, Maria C.
Medrano, Angeles
Moreno, Teresa
Padilla, Maria
Ramirez, Yolanda
Rosa, Gloria
Zarate, Maria D.
(Board Representatives)

To attend the California Association for Bilingual Education (CABE) Conference, Engaging Learning Communities to Strengthen Programs for English Learners, in Riverside, CA, on May 25, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$1,445.00, will be paid from Cajon High School Account No. 423.

Alice Parks
(Board Representative)

To attend the California Association for Bilingual Education (CABE) Conference, in Palm Springs, CA, April 28, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$500.00, will be paid from Vermont Elementary School CAPS Account No. 459.

Chris Barrows
Jim Brennan
(Board Representatives, Aquinas High School)

To attend the 2011 NCEA Convention & Expo, in New Orleans, LA, April 25-29, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$4,000.00, will be paid from Accountability Department Account No. 536.

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

La Tanya Clark
(Board Representative)

To attend the 2011 California Parent Leadership Conference, in Ontario, CA, February 8-9, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$225.00, will be paid from Family Resource Center Account No. 585.

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8.6 Commercial Warrant Registers for Period from March 1, through March 15, 2011
(Prepared by Business Services Division)

It is requested that the Board of Education approve the Commercial Warrant Register and authorize specific individuals to sign disbursements on its behalf.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Commercial Warrant Register for period from March 1, through March 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.

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

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

Lincoln Elementary School wishes to hire John Abrams' Amazing School Assemblies for two presentations titled "Animal Magic Show" on April 19, 2011, and "The Bully Game" on May 17, 2011. The presentations will encourage consistent attendance as well as amaze and amuse through a blend of magic and comedy, and express a valuable lesson about preventing bullying. The cost, not to exceed \$1,100.00, will be paid from Lincoln Elementary School Account No. 142.

Jones Elementary School wishes to hire BMX Bike Show for an assembly on April 8, 2011. The assembly will increase student motivation and encourage students towards a positive outlook. The cost, not to exceed \$600.00, will be paid from Jones Elementary School Account No. 039.

Hunt Elementary School wishes to hire John Abrams' Amazing School Assemblies for a presentation titled "The Bully Game" on April 18, 2011. The presentation will express a valuable lesson about preventing bullying. The cost, not to exceed \$900.00, will be paid from Hunt Elementary School Account No. 420.

Rio Vista Elementary School wishes to hire Tommy The Clown Entertainment for a presentation by Thomas Johnson on April 11, 2011. The presentation will motivate the students prior to testing and raise school attendance. The cost, not to exceed \$1,200.00, will be paid from Rio Vista Elementary School Account No. 436.

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Hunt Elementary School wishes to hire Academic Entertainment for a presentation titled “Totally Courageous Basketball” on March 30, 2011. This inspiring and motivational presentation will communicate a powerful message of excellence through athletic activities and ball-handling skills. The cost, not to exceed \$995.00, will be paid from Hunt Elementary School Account No. 420.

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 2010-11 school year and approves payment to the following:

John Abrams’ Amazing School Assemblies for two presentations titled “Animal Magic Show” on April 19, 2011, and “The Bully Game” on May 17, 2011. The cost, not to exceed \$1,100.00, will be paid from Lincoln Elementary School Account No. 142.

BMX Bike Show for an assembly on April 8, 2011. The cost, not to exceed \$600.00, will be paid from Jones Elementary School Account No. 039.

John Abrams’ Amazing School Assemblies for a presentation titled “The Bully Game” on April 18, 2011. The cost, not to exceed \$900.00, will be paid from Hunt Elementary School Account No. 420.

Tommy The Clown Entertainment for a presentation by Thomas Johnson on April 11, 2011. The cost, not to exceed \$1,200.00, will be paid from Rio Vista Elementary School Account No. 436.

BE IT FURTHER RESOLVED that the Board of Education ratifies payment for the following:

Academic Entertainment for a presentation titled “Totally Courageous Basketball” on March 30, 2011. The cost, not to exceed \$995.00, will be paid from Hunt Elementary School Account No. 420.

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

The Accountability Department wishes to hire Catapult Learning, LLC, Camden, NJ, to conduct a one-day follow-up Professional Development workshop for its Atlas Rubicon International Software, to staff at Our Lady of the Assumption School, April 22, 2011. The fee, not to exceed \$4,365.00, will be paid from the Restricted General Fund—Title II, Part A, Teacher Quality, Account No. 536.

The Advanced Learner Programs and Services Department wishes to hire Sandra L. Simpson, Los Osos, CA, to conduct the GATE certification workshop to provide the foundation for the GATE certificate option, June 20-24, 2011. Teachers learn current definitions of giftedness,

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develop an understanding of the social-emotional development of gifted students, and learn research-based instructional strategies. The fee, not to exceed \$4,500.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

The CAPS Central Department wishes to hire Stand Tall Leadership, Oakland, CA, to present four days of professional development to staff focusing on leadership principles, communication skills, building a supportive and accountable community, and peer coaching, April 6-30, 2011. The fee, not to exceed \$6,820.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

The CAPS Central Department requests that the Board ratify the hiring of Deondre Spencer, Geo Fitness Consultant—Inland Empire, San Bernardino, CA, to conduct a two-day eight-hour workshop, effective March 28-29, 2011. The fee, not to exceed \$480.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

The CAPS Central Department requests that the Board ratify the scheduling of LJR Intellect Academy of the Arts, San Bernardino, CA, to present a workshop, effective March 28-29, 2011. There is no cost to the District.

The Communications Department wishes to hire Consuelo Castillo Kickbusch of Educational Achievement Services, Inc., Las Vegas, NV, to present a keynote address and workshop at the Management Conference, July 14, 2011. The fee, not to exceed \$6,500.00, will be paid from the Restricted General Fund—ARRA Title I Entitlement, Account No. 531.

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:

Catapult Learning, LLC, Camden, NJ, to conduct a one-day follow-up Professional Development workshop for its Atlas Rubicon International Software to staff at Our Lady of the Assumption School, April 22, 2011. The fee, not to exceed \$4,365.00, will be paid from the Restricted General Fund—Title II, Part A, Teacher Quality, Account No. 536.

Sandra L. Simpson, Los Osos, CA, to conduct the GATE certification workshop to provide the foundation for the GATE certificate option, June 20-24, 2011. Teachers learn current definitions of giftedness, develop an understanding of the social-emotional development of gifted students, and learn research-based instructional strategies. The fee, not to exceed \$4,500.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

Stand Tall Leadership, Oakland, CA, to present four days of professional development to staff focusing on leadership principles, communication skills, building a supportive and accountable community and peer coaching, April 6-30, 2011. The fee, not to exceed \$6,820.00 will be paid

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from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

Consuelo Castillo Kickbusch of Educational Achievement Services, Inc., Las Vegas, NV, to present a keynote address and workshop at the Management Conference, July 14, 2011. The fee, not to exceed \$6,500.00, will be paid from the Restricted General Fund—ARRA Title I Entitlement, Account No. 531.

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

Deondre Spencer, Geo Fitness Consultant—Inland Empire, San Bernardino, CA, to conduct a two-day 8-hour workshop, effective March 28-29, 2011. The fee, not to exceed \$480.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

LJR Intellect Academy of the Arts, San Bernardino, CA, to present a workshop, effective March 28-29, 2011. There is no cost to the District.

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

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

The restricted program, Indian Education Formula (505), was included in the Fiscal Year 2010-2011 approved budget in the amount of \$118,582.00. Based on the grant award notification, an increase in the amount of \$9,243.00 will result in a revised total of \$127,825.00 for revenue and expenditures.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$9,243.00 in the budgeting of revenue and expenditures for the restricted program, Indian Education Formula (505).

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8.10 Notification of Interim Mediated Settlement Agreement OAH Case No. 2010050720
(Prepared by Student Services Division)

On January 10, 2011, the Final Settlement Agreement and General Release, (OAH) Case No. 2010050720, was signed and fully executed, with the specific terms as follows:

District will fund compensatory educational therapy services provided by vendor(s) selected by the Adult Student. Services will commence February 26, 2011, and continue through December 31, 2012, in an amount not to exceed \$15,000.00. Payment will be made from the Restricted General Fund—Special Education, Account No. 827. Any services not received by the Adult Student by December 31, 2012, will be forfeited.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies funding of compensatory educational therapy services provided by vendor(s) selected by the Adult Student. Services will commence February 26, 2011, and continue through December 31, 2012, in an amount not to exceed \$15,000.00. Payment will be made from the Restricted General Fund—Special Education, Account No. 827. Any services not received by the Adult Student by December 31, 2012, will be forfeited.

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

Belvedere Elementary School requests Board of Education approval of an extended field trip for 40 students, 2 Outdoor Science Camp staff members, and 3 District employees, to attend the Outdoor Science Camp, in Forest Falls, California, from May 17, through May 20, 2011.

This trip offers students the opportunity to study life science and earth science through investigation and experimentation. Students will be given opportunities to learn the importance of understanding and protecting our wilderness areas. Activities include an archeological dig, plant kingdom identification, and studies of earth science cycles.

The cost of the trip, not to exceed \$11,520.00, including meals and lodging for 40 Belvedere Elementary School students, 2 Outdoor Science Camp staff members, and 3 District employees, will be paid from sponsorship by Orange County Department of Education and Belvedere Elementary School ASB fundraising funds. Transportation provided by Durham School Services, not to exceed \$295.00, will be paid from Belvedere Elementary School Account No. 420. 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 Belvedere Elementary School students, 2 Outdoor Science Camp staff members, and 3 District employees, to attend the Outdoor Science Camp, in Forest Falls, California, May 17, through May 20, 2011. The cost of the trip, not to exceed \$11,520.00, including meals and lodging for 40 Belvedere Elementary School students, 2 Outdoor Science Camp staff members, and 3 District employees, will be paid from sponsorship by Orange County Department of Education and Belvedere Elementary School ASB fundraising funds. Transportation provided by Durham School Services, not to exceed \$295.00, will be paid from Belvedere Elementary School Account No. 420. Names of the students are on file in the Business Services office.

8.12 Extended Field Trip, North Verdemont Elementary School, Arrowhead Ranch Outdoor Science School, Twin Peaks, California
(Prepared by Business Services Division)

North Verdemont Elementary School requests Board of Education approval of an extended field trip for 57 students, 3 Arrowhead Ranch Outdoor Science School staff members, and 3 District employees to attend Arrowhead Ranch Outdoor Science School, in Twin Peaks, California, May 2, through May 6, 2011. Students have the unique opportunity to study the ecosystems, botany, and general environmental studies during this trip.

The cost of the trip, not to exceed \$13,400.00, including meals and lodging for 57 North Verdemont Elementary School students, 3 Arrowhead Ranch Outdoor Science School staff members, and 3 District employees, will be paid from North Verdemont Elementary School Account No. 039 and ASB funds. Transportation provided by Durham School Services, not to exceed \$680.00, will be paid from North Verdemont Elementary School Account No. 039. 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 57 North Verdemont Elementary School students, 3 Arrowhead Ranch Outdoor Science School staff members, and 3 District employees to attend Arrowhead Ranch Outdoor Science School, in Twin Peaks, California, May 2, through May 6, 2011. The cost of the trip, not to exceed \$13,400.00, including meals and lodging for 57 North Verdemont Elementary School students, 3 Arrowhead Ranch Outdoor Science School staff members, and 3 District employees, will be paid from North Verdemont Elementary School Account No. 039 and ASB funds. Transportation provided by Durham School Services, not to exceed \$680.00, will be paid from North Verdemont Elementary School Account No. 039. Names of the students are on file in the Business Services office.

8.13 Extended Field Trip, North Verdemont Elementary School, Fourth Grade Outdoor Education Program, Newport Dunes Resort, Newport Beach, California
(Prepared by Business Services Division)

North Verdemont Elementary School requests Board of Education approval of an extended field trip for 77 students, 6 District employees, and 2 volunteer chaperones to attend the Fourth Grade Outdoor Education Program, Newport Dunes Resort, in Newport Beach, California, May 19, through May 20, 2011.

Activities will meet the California State Science Framework requirements, and lessons will take place on site in ecosystems, botany, and general environmental studies. Students will have pre/post-trip lessons.

The cost of the trip, not to exceed \$3,500.00, including meals and lodging for 77 North Verdemont Elementary School students, 6 District employees, and 2 volunteer chaperones, will be paid from North Verdemont Elementary School ASB funds. Transportation provided by Durham School Services, not to exceed \$1,500.00, will be paid from North Verdemont Elementary School Account No. 039. 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 77 North Verdemont Elementary School students, 6 District employees, and 2 volunteer chaperones to attend the Fourth Grade Outdoor Education Program, Newport Dunes Resort, in Newport Beach, California, May 19, through May 20, 2011. The cost of the trip, not to exceed \$3,500.00, including meals and lodging for 77 North Verdemont Elementary School students, 6 District employees, and 2 volunteer chaperones, will be paid from North Verdemont Elementary School ASB funds. Transportation provided by Durham School Services, not to exceed \$1,500.00, will be paid from North Verdemont Elementary School Account No. 039. Names of the students are on file in the Business Services office.

8.14 Extended Field Trip, North Verdemont Elementary School, Joshua Tree National Park and The Living Desert and Botanical Garden, Palm Desert, California
(Prepared by Business Services Division)

North Verdemont Elementary School requests Board of Education approval of an extended field trip for 79 students, 1 volunteer chaperone, and 7 District employees, to attend the Joshua Tree National Park and The Living Desert and Botanical Garden, in Palm Desert, California, May 12, through May 13, 2011.

Students will have the opportunity to engage in activities that meet the California State Science Framework requirements. They will study the general environment, ecosystem, and botany.

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The cost of the trip, not to exceed \$3,500.00, including meals and lodging for 79 North Verdemont Elementary School students, 1 volunteer chaperone, and 7 District employees, will be paid from North Verdemont Elementary School ASB Account. Transportation provided by Durham School Services, not to exceed \$1,500.00, will be paid from North Verdemont Elementary School Account No. 039. 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 79 North Verdemont Elementary School students, 1 volunteer chaperone, and 7 District employees, to attend the Joshua Tree National Park and The Living Desert and Botanical Garden, in Palm Desert, California, May 12, through May 13, 2011. The cost of the trip, not to exceed \$3,500.00, including meals and lodging for 79 North Verdemont Elementary School students, 1 volunteer chaperone and 7 District employees, will be paid from North Verdemont Elementary School ASB Account. Transportation provided by Durham School Services, not to exceed \$1,500.00, will be paid from North Verdemont Elementary School Account No. 039. Names of the students are on file in the Business Services office.

8.15 Extended Field Trip, California Cadet Corps Program, State Individual Major Awards/Drill Competition 2011, Los Alamitos, California
(Prepared by Business Services Division)

The California Cadet Corps Program Department requests Board of Education approval of an extended field trip for 250 students and 25 District employees to attend State Individual Major Awards/Drill Competition 2011, in Los Alamitos, California, April 8, through April 9, 2011.

The trip provides participating cadets the opportunity to apply, in a field setting, the land navigation knowledge and skills they have learned in the classroom. It also provides a “leadership laboratory” for senior cadet leaders as well as the opportunity for all cadets to learn camping skills, personal responsibility, and self-discipline.

The cost of the trip, not to exceed \$13,100.00, including meals and lodging for 250 California Cadet Corps Program students and 25 District employees, will be paid from sponsorship by The State of California Military Department and California Cadet Corps Program Account No. 030. Transportation provided by Durham School Services, not to exceed \$3,700.00, will be paid from Curtis Middle School Account No. 501; Chavez Middle School Account No. 419; Shandin Hills Middle School Account No. 501; Cajon High School Account No. 203; San Gorgonio High School Account No. 501; Del Vallejo Middle School Account No. 501; Serrano Middle School Account No. 501; and Pacific High School Account No. 511. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves the extended field trip for 250 California Cadet Corps Program students and 25 District employees to attend State Individual Major Awards/Drill Competition 2011, in Los Alamitos, California, April 8, through April 9, 2011. The cost of the trip, not to exceed \$13,100.00, including meals and lodging for 250 California Cadet Corps Program students and 25 District employees, will be paid from sponsorship by The State of California Military Department and California Cadet Corps Program Account No. 030. Transportation provided by Durham School Services, not to exceed \$3,700.00, will be paid from Curtis Middle School Account No. 501; Chavez Middle School Account No. 419; Shandin Hills Middle School Account No. 501; Cajon High School Account No. 203; San Gorgonio High School Account No. 501; Del Vallejo Middle School Account No. 501; Serrano Middle School Account No. 501; and Pacific High School Account No. 511. Names of the students are on file in the Business Services office.

- 8.16 Amendment to the Board Resolution of January 11, 2011, Agenda Item 8.9, Extended Field Trip, San Gorgonio High School, 2011 Florida League High School Invitational, Orlando, Florida
(Prepared by Business Services Division)

San Gorgonio High School requests Board of Education approval to amend the Board resolution of January 11, 2011, Agenda Item 8.9, Extended Field Trip for 15 students and 3 District employees to attend the 2011 Florida League High School Invitational in Orlando, Florida, March 28, through April 1, 2011. This amendment is to change the number of District employee chaperones from 3 to a total of 5 District employee chaperones. 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 Board resolution of January 11, 2011, Agenda Item 8.9, Extended Field Trip for 15 students and 3 District employees to attend the 2011 Florida League High School Invitational in Orlando, Florida March 28, through April 1, 2011. This amendment is to change the number of District employee chaperones from 3 to a total of 5 District employee chaperones. All other terms and conditions remain the same.

- 8.17 Agreement with Cybertech Systems & Software to Provide Computer System Monitoring
(Prepared by Business Services Division)

The Information Technology Department requests Board of Education approval to enter into an agreement with Cybertech Systems & Software, Oakbrook Terrace, IL, effective April 6, through June 30, 2011, for on-line monitoring of the District's servers, and to evaluate and make recommendations for the hardware and Information Technology procedures. The fee, not to exceed \$6,000.00, will be paid from Unrestricted General Fund–Business Operations Support System, Account No. 286.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Cybertech Systems & Software, Oakbrook Terrace, IL, effective April 6, through June 30, 2011, for on-line monitoring of the District's servers, and to evaluate and make recommendations for the hardware and Information Technology procedures. The fee, not to exceed \$6,000.00, will be paid from Unrestricted General Fund—Business Operations Support System, Account No. 286.

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

8.18 Agreement with Gang Reduction Intervention Team (GRIT) to Provide Classroom Workshops and GRIT Sessions to Students
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval to enter into an agreement with Gang Reduction Intervention Team (GRIT), Redlands, CA, to provide classroom workshops and GRIT sessions for students effective April 6, through June 30, 2011. The cost, not to exceed \$24,372.00, will be paid from the Restricted General Fund—ESEA Title I, Account No. 501.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Gang Reduction Intervention Team (GRIT), Redlands, CA, to provide classroom workshops and GRIT sessions for students effective April 6, through June 30, 2011. The cost, not to exceed \$24,372.00, will be paid from the Restricted General Fund—ESEA Title I, Account No. 501.

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

8.19 Agreement with Lollipop & Associates to Conduct its Connect 4 Success Parents as Partners Training for Parents of District Students Enrolled at Wilson Elementary School
(Prepared by Business Services Division)

Wilson Elementary School requests Board of Education approval to enter into an agreement with Lollipop & Associates, Highland, CA, to provide training for parents of District students enrolled at Wilson Elementary School, effective April 7, through June 23, 2011. Lollipop & Associates will conduct its Connect 4 Success Parents as Partners program that focuses on specific skills and strategies that parents can utilize at home to assist their children. The cost, not to exceed \$5,100.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Lollipop & Associates, Highland, CA, to provide training for parents of District students enrolled at Wilson Elementary School, effective April 7, through June 23, 2011. Lollipop & Associates will conduct its Connect 4 Success Parents as Partners program that focuses on specific skills and strategies that parents can utilize at home to assist their children. The cost, not to exceed \$5,100.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, 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.

8.20 Agreement with Rocket Learning to Provide Intensive Instruction in English Language Arts to District Students at Rio Vista Elementary School
(Prepared by Business Services Division)

Rio Vista Elementary School requests Board of Education approval to enter into an agreement with Rocket Learning, Ontario, CA, to provide intensive instruction in English Language Arts to District students at Rio Vista Elementary School, effective April 6, through June 30, 2011. The fee, not to exceed \$49,500.00, will be paid from the Restricted General Fund—ARRA: School Improvement Grant, 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 Rocket Learning, Ontario, CA, to provide intensive instruction in English Language Arts to District students at Rio Vista Elementary School, effective April 6, through June 30, 2011. The fee, not to exceed \$49,500.00, will be paid from the Restricted General Fund—ARRA: School Improvement Grant, Account No. 507.

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

8.21 Agreement with the State of California Department of Toxic Substances Control (DTSC) for the Proposed H. Frank Dominguez Elementary School
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into a School Cleanup Agreement (SCA) with the State of California Department of Toxic Substances Control (DTSC) for the proposed H. Frank Dominguez Elementary School.

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The SCA will amend the Environmental Oversight Agreement already in place with DTSC, as the next step after the Preliminary Endangerment Assessment. The SCA requires the District to prepare and implement a Removal Action Work Plan (RAW) and other associated activities under the oversight of DTSC and to receive site certification from DTSC. The agreement will also enable the District to integrate and expedite implementation of RAW, site cleanup, and project finance and construction processes by seeking and obtaining all CDE and OPSC final approvals and SAB School Facility Program apportionment for this project prior to completion of the required review and approvals. The estimated total cost, not to exceed \$23,934.00, will be paid from Funds 21, 25, 35, and 40, with an advanced payment of \$11,967.00 within 10 days of executed agreement.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a School Cleanup Agreement with the Department of Toxic Substances Control for the proposed H. Frank Dominguez Elementary School. The estimated total cost, not to exceed \$23,934.00, will be paid from Funds 21, 25, 35, and 40, with an advanced payment of \$11,967.00 within 10 days of executed agreement.

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

8.22 Agreement with the State of California Department of Toxic Substances Control (DTSC) for the Proposed Graciano Gomez Elementary School
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to enter into a School Cleanup Agreement (SCA) with the State of California Department of Toxic Substances Control (DTSC) for the proposed Graciano Gomez Elementary School.

The SCA will amend the Environmental Oversight Agreement already in place with DTSC, as the next step after the Preliminary Endangerment Assessment. The SCA requires the District to prepare and implement a Removal Action Work Plan (RAW) and other associated activities under the oversight of DTSC and to receive site certification from DTSC. The agreement will also enable the District to integrate and expedite implementation of RAW, site cleanup, and project finance and construction processes by seeking and obtaining all CDE and OPSC final approvals and SAB School Facility Program apportionment for this project prior to completion of the required review and approvals. The estimated total cost, not to exceed \$25,446.00, will be paid from Funds 21, 25, 35, and 40, with an advanced payment of \$12,723.00 within 10 days of executed agreement.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves entering into a School Cleanup Agreement with the Department of Toxic Substances Control for the proposed Graciano Gomez Elementary School. The estimated total cost, not to exceed \$25,446.00, will be paid from Funds 21, 25, 35, and 40, with an advanced payment of \$12,723.00 within 10 days of executed agreement.

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

8.23 Amendment No. 5 to the Agreement for Short-Term Lease of Office Space at the Carousel Mall
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to amend the agreement for short-term lease of office space at the Carousel Mall. This amendment changes the name of the owner/landlord from Placo San Bernardino, LLC to Redevelopment Agency of the City of San Bernardino. 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 for short-term lease of office space at the Carousel Mall. This amendment changes the name of the owner/landlord from Placo San Bernardino, LLC to Redevelopment Agency of the City of San Bernardino. 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 all related documents.

8.24 Amendment No. 6 to the Agreement with URS Corporation Program Management Services to Manage the Facilities Capital Improvement Program
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend and exercise the one-year renewal option with URS Corporation, Rancho Cucamonga, CA, previously approved by the Board on May 5, 2010. URS Corporation is the Program Manager for the program management services under the Facilities Capital Improvement Program (FCIP). This amendment will be effective July 1, 2011, through June 30, 2012, with an estimated total cost of \$1,765,000.00, plus reimbursables. All other terms and conditions remain the same.

Because of the District's ongoing construction and pre-construction, as well as the Facilities Management's continuing vacant positions, URS Corporation's services are still required to assist in areas of pre-construction and construction management and with our community and business outreach program. District staff again successfully negotiated with URS for reduced rates and reduced scope of work.

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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 URS Corporation, Rancho Cucamonga, CA, for the one-year renewal option effective July 1, 2011, through June 30, 2012. The estimated total cost is \$1,765,000.00, plus reimbursables. 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. 6.

8.25 Renewal of the Agreement with Addiction Medicine Consultants, Inc., to Provide Student Athlete Drug Testing
(Prepared by Business Services Division)

The Youth Services Department requests Board of Education approval to renew the agreement with Addiction Medicine Consultants, Inc., Redlands, CA, to provide drug testing services for student athletes, effective July 1, 2011, through June 30, 2012. Board Policy No. 5131.6, Alcohol and Other Drugs, requires drug testing of all students who participate in school sponsored athletic programs. The cost, not to exceed \$16,000.00, will be paid from Restricted General Fund—Drugfree Schools, Account No. 555.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Addiction Medicine Consultants, Inc., Redlands, CA, to provide drug testing services for student athletes, effective July 1, 2011, through June 30, 2012. Board Policy No. 5131.6, Alcohol and Other Drugs, requires drug testing of all students who participate in school sponsored athletic programs. The cost, not to exceed \$16,000.00, will be paid from Restricted General Fund—Drugfree Schools, Account No. 555.

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

8.26 Renewal of the Agreement with Vicenti, Lloyd, Stutzman, LLP, to Perform Specialized Financial and Performance Audits for the General Obligation Bonds under Proposition 39
(Prepared by Business Services Division)

The Accounting Services Department requests Board of Education approval to renew the agreement with Vicenti, Lloyd, Stutzman, LLP (VLS), Glendora, CA, exercising the third and final contract renewal option, as originally approved by the Board on June 17, 2008, for the performance of specialized financial and performance audits for the 2004 General Obligation Bonds under Proposition 39. VLS will conduct an independent performance audit to ensure that the funds have been expended only on the specific projects listed and an annual independent

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financial audit of the bond proceeds, effective July 1, 2011, through June 30, 2012. The cost for services is \$17,200.00, and will be paid from Restricted Building Fund – 2004 General Obligation Bonds.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves renewing the agreement with Vicenti, Lloyd, Stutzman, LLP (VLS), Glendora, CA, exercising the third and final contract renewal option, as originally approved by the Board on June 17, 2008, for the performance of specialized financial and performance audits for the 2004 General Obligation Bonds under Proposition 39. VLS will conduct an independent performance audit to ensure that the funds have been expended only on the specific projects listed and an annual independent financial audit of the bond proceeds, effective July 1, 2011, through June 30, 2012. The cost for services is \$17,200.00, and will be paid from Restricted Building Fund – 2004 General Obligation Bonds.

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

8.27 Piggyback Bid No. N-38 of County of San Bernardino, Gasoline and Diesel Fuel
(Prepared by Business Services Division)

The Purchasing Department requests Board of Education approval to use the County of San Bernardino RFP No. N-38, Gasoline and Diesel Fuel awarded to Poma Distributing Company, Inc., Bloomington, CA, to purchase fuel for use in District fleet. The County of San Bernardino underwent an extensive competitive RFP process pooling fuel requirements for all San Bernardino County, resulting in successful negotiation and contract award, effective March 7, 2011, ending February 28, 2014, and any extensions.

As a local governmental body, the District has the option of piggybacking off this contract. Prices are more advantageous than what could be achieved if the District were to issue its own RFP, resulting from economy of scales achieved through the County's RFP process.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the use of the County of San Bernardino RFP No. N-38, Gasoline and Diesel Fuel, awarded to Poma Distributing Company, Inc., Bloomington, CA, for the purchase of fuel to be used in District fleet, effective March 7, 2011, ending February 28, 2014, and any extensions.

BE IT ALSO RESOLVED that as a local governmental body, the District has the option of piggybacking off the County of San Bernardino RFP No. N-38, whose prices are more advantageous than what could have been achieved if the District were to issue its own RFP, resulting from economy of scales achieved through the County's RFP process.

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

8.28 Notice of Completion, Bid No. F08-04, Category No. 33, Site Electrical for Indian Springs High School - Site Work
(Prepared by Facilities/Operations Division)

Bid No. F08-04, Indian Springs High School (HS #8) - Site Work, was previously awarded to multiple Prime Contractors. The work assigned to the Contractor listed below has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F08-04, Indian Springs High School, for the work awarded to the Prime Contractor listed below:

Category No. 33 - Site Electrical
R.I.S. Electrical Contractors, Inc.
Riverside, CA

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

8.29 Notice of Completion, Bid No. F08-08, Anderson, Del Rosa, Monterey, and Wilson Elementary Schools Modernization Projects
(Prepared by Facilities/Operations Division)

Bid No. F08-08, Anderson, Del Rosa, Monterey, and Wilson Elementary Schools Modernization Projects was previously awarded to this Contractor. The work assigned to the General Contractor has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F08-08, Anderson, Del Rosa, Monterey, and Wilson Elementary Schools Modernization Projects, for the work awarded to the General Contractor listed below:

General Contractor
United Contractors Company, Inc.
Anaheim, CA

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

8.30 Notice of Completion, Bid No. F09-10, Abatement and Demolition Services at the Proposed Graciano Gomez Elementary School Site
(Prepared by Facilities/Operations Division)

Bid No. F09-10, Abatement and Demolition Services at the proposed Graciano Gomez Elementary School site, was previously awarded to this Contractor. The work assigned to the General Contractor has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F09-10, Abatement and Demolition Services at the proposed Graciano Gomez Elementary School site, for the work awarded to the General Contractor listed below:

General Contractor
Flores Sierra Contractors, Inc.
Chula Vista, CA

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

8.31 Notice of Completion, Bid No. NSB 2009/10-4, Replacement of Boilers and Pipes at the Nutrition Center
(Prepared by Facilities/Operations Division)

Bid No. NSB 2009/10-4, Replacement of Boilers and Pipes at the Nutrition Center, was previously awarded to this General Contractor. The work assigned to the General Contractor has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. NSB 2009/10-4, Replacement of Boilers and Pipes at the Nutrition Center, for the work awarded to the General Contractor listed below:

General Contractor
Martin Mechanical, Inc.
Anaheim, CA

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

8.32 Ratification of Approved Change Orders
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education to ratify the approval of change orders not exceeding 10 percent of the original contract amount for all District construction projects during the 2010-2011 fiscal year. Upon recommendation by County Counsel to establish a practice for ratification of these changes orders by the Board, the Facilities Management Department seeks a ratification of District approved change orders from July 1, through December 31, 2010. The change orders include the change orders approved by the District and waiting for DSA approval; and the explanation for the changes for the following projects:

Group 1 - Modernization

Lincoln ES
Riley ES
Salinas ES

Group 3 - Modernization & Interim Housing

San Geronio HS

Group 5 - Modernization

Hillside ES
Hunt ES

Group 6 - Modernization

Anderson ES
Del Rosa ES
Monterey ES

Group 9 - Modernization

Inghram ES
Lytle Creek ES
Richardson PREP
Serrano MS
Urbita ES

New Sites

Indian Springs HS/Curtis Modernization
Middle College HS - Demolition
George Brown ES - Demolition

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Other Projects

Bing Wong & Curtis MS - Retention Basin & 3 SDC Sites

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies the District approved change orders from July 1, through December 31, 2010, for the following projects:

Group 1 - Modernization

Lincoln ES
Riley ES
Salinas ES

Group 3 - Modernization & Interim Housing

San Geronio HS

Group 5 - Modernization

Hillside ES
Hunt ES

Group 6 - Modernization

Anderson ES
Del Rosa ES
Monterey ES

Group 9 - Modernization

Inghram ES
Lytle Creek ES
Richardson PREP
Serrano MS
Urbita ES

New Sites

Indian Springs HS/Curtis Modernization
Middle College HS - Demolition
George Brown ES - Demolition

Other Projects

Bing Wong & Curtis MS - Retention Basin & 3 SDC Sites

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8.33 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:

12/20/1994	*(S)8/12/1995	*(S)10/28/1995	*(S)4/1/1993	*(S)10/3/1992	*(S)4/27/1996
***(S)2/24/1996	*(S)10/10/1995	*(S)10/8/1996	*(S)4/21/1995	***(S)11/14/1996	***(S)6/10/1997
*(S)7/28/1993	*(S)8/1/1994	*(S)12/10/1997	*(S)8/25/1998	*(S)1/21/1998	*(S)1/5/2000
**8/10/1995	*(S)4/24/1996	*(S)12/12/1995			

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

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

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

8.34 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.

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10/23/1996 8/15/2001 9/16/1998 7/28/1994

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

It is recommended that the following resolution be adopted:

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

10/15/1993 1/14/2002 3/31/1997 6/26/1997 3/27/1997

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

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

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

- 8.37 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:

2/18/1999 11/23/1997

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

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

It is recommended that the following resolution be adopted:

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

11/4/1999	12/3/1996	11/3/1995	10/11/1996	1/15/1993	6/29/1993
11/26/1993	1/3/1994	5/14/1995			

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

It is recommended that the following resolution be adopted:

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

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

12/30/1994

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

8.41 Education Code 48213
(Prepared by Youth Services Department)

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

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9.0 Action Items

9.1 Right of First Refusal – CID Property
(Prepared by Facilities/Operations Division)

On October 16, 1978, the County of San Bernardino and the City of San Bernardino entered into a 40-year joint powers agreement to create the Authority for the Handicapped of San Bernardino County. The Authority for the Handicapped, in cooperation with the San Bernardino City Unified School District, made possible the construction and operation of the Center for Individuals with Disabilities (CID). The County, City, and District comprised the Joint Powers Authority (JPA).

On February 15, 2011, the County officially withdrew from the JPA, resulting in the dissolution of the Authority for the Handicapped of San Bernardino County.

The District now has the “right of first refusal” for the purchase of the CID property, estimated between \$1.7 to \$2 million.

It is recommended that the Board of Education accept one of the following options:

Option A: The Board of Education agrees to purchase the CID property for an estimated amount of \$1.7 to \$2 million;

OR

Option B: The Board of Education exercises its “right to first refusal” and agrees to let the CID property revert to the County of San Bernardino.

9.2 Confirmation of Bond Sale Costs Respecting San Bernardino City Unified School District \$53,080,000 Taxable Certificates of Participation, 2011 Series A (Direct Subsidy Qualified School Construction Bonds)
(Prepared by Business Services Division)

The District’s Taxable Certificates of Participation, 2011 Series A (Direct Subsidy Qualified School Construction Bonds) in the aggregate principal amount of \$53,080,000.00 (the “Certificates”) were sold to Cabrera Capital Markets, LLC, as representative of itself and Siebert Brandford Shank & Co., LLC on March 3, 2011. The actual cost of sale of the Certificates, including bond insurance premium, the surety bond, title insurance and Underwriters’ discount was \$1,315,670.32.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education accepts the confirmation of sale costs respecting San Bernardino City Unified School District \$53,080,000.00 taxable Certificates of Participation, 2011 Series A (Direct Subsidy Qualified School Construction Bonds). The certificates were sold to Cabrera Capital Markets, LLC, as representative of itself and Siebert Brandford Shank & Co., LLC on March 3, 2011. The actual cost of sale of the Certificates, including bond insurance premium, the surety bond, title insurance and Underwriters' discount was \$1,315,670.32.

9.3 Confirmation of Bond Sale Costs Respecting San Bernardino City Unified School District \$11,525,419.10 General Obligation Bonds, 2004 Series D And \$5,477,433.60 Taxable General Obligation Bonds, 2004 Series E
(Prepared by Business Services Division)

The District's General Obligation Bonds, 2004 Series D (the "Tax-Exempt Bonds") in the aggregate principal amount of \$11,525,419.10 and Taxable General Obligation Bonds, 2004 Series E (the "Taxable Bonds," and together with the Tax-Exempt Bonds, the "Bonds") in the aggregate principal amount of \$5,477,433.60 were sold to Cabrera Capital Markets, LLC, as representative of itself and Siebert Brandford Shank & Co., LLC on March 3, 2011. Section 53509.5 of the Government Code of the State of California (the "Government Code") requires that actual cost information of general obligations bonds sold by or on behalf of a school district be presented to the governing board and disclosed to the public at a meeting of such governing board following the sale of such Bonds. In compliance with Section 53509.5 of the Government Code, the actual cost of sale of the Bonds, including bond insurance premium and Underwriters' discount was \$735,189.44.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the confirmation of bond sale costs respecting San Bernardino City Unified School District \$11,525,419.10 General Obligation Bonds, 2004 Series D and \$5,477,433.60 Taxable General Obligation Bonds, 2004 Series E which were sold to Cabrera Capital Markets, LLC, as representative of itself and Siebert Brandford Shank & Co., LLC on March 3, 2011. In compliance with Section 53509.5 of the Government Code, the actual cost of the sale of the Bonds, including bond insurance premium and Underwriters' discount was \$735,189.44.

9.4 Amendments to BB 9270 Board Bylaws Conflict of Interest (Second Reading)
(Prepared by Business Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the amendments to BB 9270 Board Bylaws Conflict of Interest as presented.

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9.5 Personnel Report #19, Dated April 5, 2011
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #19, dated April 5, 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 #19, dated April 5, 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.

9.6 In Recognition of Deceased Employee
(Prepared by the Communications Office)

PAMELA CRUMP

WHEREAS Pamela Crump was a dedicated member of the classified service for the San Bernardino City Unified School District from 1987, until her retirement in 2003; and

WHEREAS Pamela Crump served the District as a cafeteria worker and serving kitchen operator, taking great pride in serving nutritious meals to hundreds of student at Hillside Elementary School and San Bernardino High School; and

WHEREAS on February 24, 2011, Pamela Crump died, bringing deep sorrow to her loving family and friends; and

WHEREAS Pamela Crump is survived by a son, Clifton; her mother, Elizabeth; her grandmother, Ruth; five grandchildren, and a host of family and friends;

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 Pamela Crump's many fine years of service to the District and its students and does extend its deepest sympathy to her family.

DORA ELLEN HODGE

WHEREAS Dora Hodge was a dedicated member of the certificated service for the San Bernardino City Unified School District from 1964, until 1976; and

WHEREAS throughout her productive career with the District, Dora Hodge served as a teacher, working at Urbita and Lincoln Elementary Schools; and

WHEREAS Dora Hodge enjoyed music, hiking, and skiing, and learned to read Greek and attended Bible study groups; and

WHEREAS on March 3, 2009, Dora Hodge died, bringing deep sorrow to her loving family and friends; and

WHEREAS Dora Hodge is survived by two sons, Bryan Hodge of Carson City, Nevada, and Barry Hodge of Powhatan, Virginia; a daughter, Julie Watson of Shelton, Washington; a sister, Shirley A. Kellogg of Torrance; and several grandchildren, nieces, and nephews;

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 Dora Hodge's many fine years of service to the District and its students and does extend its deepest sympathy to her family.

MARTHA L. LEMOS

WHEREAS Martha Lemos was a dedicated member of the certificated service for the San Bernardino City Unified School District from 2000, until 2008; and

WHEREAS Martha Lemos served the District as a permit teacher, working at the Allred Center, and also worked as a substitute teacher; and

WHEREAS Martha Lemos was a lifetime resident of San Bernardino and devoted 40 years to working with young children; and

WHEREAS on February 2, 2011, Martha Lemos died, bringing deep sorrow to her loving family and friends; and

WHEREAS Martha Lemos is survived by her mother, Leonila (Lila) Flores; a sister, Teresa Flores-Lopez; and several nieces and nephews;

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 Martha Lemos'

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many fine years of service to the District and its students and does extend its deepest sympathy to her family.

SESSION EIGHT - Closed Session

10.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator: Yolanda Ortega

Employee Organization: San Bernardino School Police Officers Association

District Negotiator: Harold Vollkommer

Employee Organization: California School Employees Association
Communications Workers of America
San Bernardino Teachers Association

District Negotiator: Arturo Delgado

Unrepresented Employees: Assistant Superintendents

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

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

Number of Cases: Three

Conference with Legal Counsel: Anticipated Litigation

(Government Code Section 54956.9(b)(1))

Number of Cases: Two

SESSION NINE – Open Session

11.0 Action Reported from Closed Session

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SESSION TEN - Closing

12.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 19, 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.

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: April 1, 2011