

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

**Special Meeting of the Board of Education
Community Room
Board of Education Building
777 North F Street
San Bernardino, California**

MICHAEL J. GALLO
Vice President

DR. MARGARET HILL
Board Member

JUDI PENMAN
Board Member



DR. BARBARA FLORES
President

YOLANDA ORTEGA
Interim Superintendent

BOBBIE PERONG
Board Member

LYNDA K. SAVAGE
Board Member

DANNY TILLMAN
Board Member

January 10, 2012

Estimated Time

SESSION ONE – Board Budget Workshop

- 1.0 Board Budget Workshop 4:00 p.m.**
1.1 Board Budget Workshop

SESSION TWO - Opening

- 2.0 Opening 5:30 p.m.**
2.1 Call to Order
2.2 Pledge of Allegiance to the Flag

SESSION THREE – Closed Session

- 3.0 Closed Session 5:35 p.m.**

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

Superintendent's Position

SESSION FOUR - Special Presentations

- 4.0 Special Presentations 6:00 p.m.**
4.1 In Recognition of Martin Luther King Jr.
4.2 Recognition of Yellow Ribbon Week

SESSION FIVE - Administrative Presentation

- 5.0** *Administrative Presentation* **6:10 p.m.**
5.1 Indian Springs High School

SESSION SIX - Administrative Reports

- 6.0** *Administrative Reports* **6:40 p.m.**
6.1 Annual Audited Financial Report for Fiscal Year 2010-2011
6.2 Budget Update

SESSION SEVEN – Other Matters Brought By Citizens

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

SESSION EIGHT - Reports and Comments

- 8.0** *Report by Board Members* **7:15 p.m.**
8.1 Legislative Update

- 9.0** *Report by Superintendent and Staff Members* **7:30 p.m.**

SESSION NINE - Legislation and Action

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

BOARD OF EDUCATION

- 10.1 Approval of Minutes
10.2 Agreement with Cambridge Strategies, Plano, Texas
10.3 Amendment to the Agreement with Leal & Trejo, LLP, Los Angeles, California to Provide Legal Services to the Board of Education
10.4 Two-Year Extension of Health Benefits to Employees as a Supplemental Early Retirement Plan (SERP)

BUSINESS SERVICES DIVISION

- 10.5 Acceptance of Gifts and Donations to the District
10.6 Annual Audited Financial Report for Fiscal Year 2010-2011
10.7 Commercial Warrant Registers for Period from December 1, through December 15, 2011
10.8 Commercial Warrant Registers for Period from December 16, through December 31, 2011
10.9 Emergency Replacement of Heating Boiler at Pacific High School
10.10 Federal/State/Local District Budgets and Revisions

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- 10.11 Payment for Course of Study Activities
- 10.12 Payment for Course of Study Activities - Amendment

EDUCATIONAL SERVICES

Curriculum and Instruction

- 10.13 Approval of Year One Program Improvement Plans
- 10.14 Approval of Single Plans for Student Achievement, 2011-2012
- 10.15 Agreement with the San Diego County Superintendent of Schools to Provide Staff Development, San Diego, California
- 10.16 Amendment No. 2 of the Agreement with Get Ahead Writing, Fullerton, California, to Provide Training in Direct Instruction of Writing Application Standards
- 10.17 Facilities Use Agreement with the Pali Institute, Running Springs, California
- 10.18 Rescission of the Renewal of the Agreement with The Reading Company, Alta Loma, California, to Provide Supplementary Educational Services to District Students

Student Services

- 10.19 Agreement with Jonathan Mooney, Santa Monica, California, to Speak at the Inland Empire Transition Partnership Program Project WorkAbility's 8th Annual Cross-Training
- 10.20 Agreement with the Athletes for Life Foundation (AFL) Rancho Cucamonga, California, to Provide the Recreation On Campus for Kids Success (ROCKS) Program for After-School Programs
- 10.21 Payment for Services Rendered by Non-Classified Experts and Organizations
- 10.22 Expulsion of Student(s)
- 10.23 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 10.24 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 10.25 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 10.26 Revocation of Suspension of Expulsion
- 10.27 Lift of Expulsion of Student(s)
- 10.28 Failure to Recommend Mandatory Expulsion 48915
- 10.29 Petition to Expunge, Rescind, or Modify Expulsion

FACILITIES/OPERATIONS DIVISION

Facilities Management

- 10.30 Amendment No. 1 to the Agreement with Oakview Constructors, Inc., General Contractor for the Inghram, Lytle Creek, and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools Modernization and Deferred Maintenance Projects
- 10.31 Approval of Agreement with the Replacement Contractor, Harik Construction, Inc. for the Mt. Vernon, Rio Vista and Roosevelt Elementary Schools Modernization Project, Bid No. F08-06
- 10.32 Resolution Approving the Annual and Five-Year Report for Fiscal Year 2010-2011 in Compliance with Government Code Sections 66006 and 66001

HUMAN RESOURCES DIVISION

- 10.33 Payment of Master Teachers – California State University San Bernardino
- 10.34 Payment of Master Teachers - University of La Verne
- 10.35 Payment of Master Teachers – University of Redlands
- 10.36 Affiliated Site Agreement with Chapman University, Speech Language Pathology (SLP) Education Program, Orange, California, for a Clinical Education Program for a Speech Language Pathologist
- 10.37 Agreement with the Parent Institute for Quality Education, Covina, California, to Provide Training for Parents of District Students

PERSONNEL COMMISSION

- 10.38 Agreement with Steven Williams, Ph.D., San Diego, California, to Provide Consulting Services to the Personnel Commission Department

11.0 Action Items

- 11.1 Superintendent Search
- 11.2 Resolution Denying the Charter Petition for the Taft T. Newman Leadership Academy
- 11.3 Resolution Denying the Charter Petition for the Woodward Leadership Academy
- 11.4 Committee Appointments
- 11.5 Personnel Report #13, Dated January 10, 2012

SESSION TEN - Closed Session

12.0 Closed Session

8:00 p.m.

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

Student Matters/Discipline

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Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

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

Number of Cases: One

Superintendent's Position

SESSION ELEVEN – Open Session

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

SESSION TWELVE - Closing

14.0 Adjournment 9:05 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, January 17, 2012, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: January 6, 2012

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January 10, 2012

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

**Special Meeting of the Board of Education
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Interim Superintendent

DANNY TILLMAN
Board Member

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SESSION ONE – Board Budget Workshop

1.0 Board Budget Workshop

- 1.1 Board Budget Workshop
(Prepared by Business Services Division)

John Gray, Executive Vice President with School Services of California, Inc, will provide an overview of an economic forecast and Governor's Proposed Budget Plan for Fiscal Year 2012-13.

SESSION TWO - Opening

2.0 Opening

- 2.1 Call to Order
- 2.2 Pledge of Allegiance to the Flag

SESSION THREE – Closed Session

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

Superintendent's Position

SESSION FOUR - Special Presentations

4.0 *Special Presentations*

4.1 In Recognition of Martin Luther King Jr.
(Prepared by the Communications Office)

WHEREAS The Reverend Martin Luther King, Jr. was born January 15, 1929, and dedicated his life to the pursuit of equality for all regardless of race, creed, or national origin; and

WHEREAS Dr. Martin Luther King, Jr. traveled to communities all across our nation and around the world to deliver his lectures and teach his belief of non-violent resolution; his words provided inspiration and sustenance to those in American society struggling against racism, poverty, and war; and

WHEREAS Dr. Martin Luther King, Jr. delivered the most famous of his speeches, which is known as “I Have A Dream,” during the greatest civil rights demonstration in the history of our nation, which was held on the steps of the Lincoln Memorial in Washington, D.C. on August 28, 1963; and

WHEREAS Dr. Martin Luther King, Jr. paid the ultimate sacrifice for his beliefs when he was assassinated on April 4, 1968, and to remember the life, work, and dream of Dr. Martin Luther King, Jr. a national holiday was first observed on January 20, 1986, and continues to be observed annually in his honor on the third Monday in January.

NOW THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for Dr. Martin Luther King Jr. and to honor his legacy as a man of determination, dignity, and strength.

4.2 Recognition of Yellow Ribbon Week
(Prepared by the Communications Office)

WHEREAS the Board of Education of the San Bernardino City Unified School District has a longstanding record of demonstrating its commitment to safe schools; and

WHEREAS the Board welcomes the opportunity to join with others in our community and state in proclaiming that the present and future well-being of our students requires safe schools; and

WHEREAS the District continues to support ongoing efforts to prevent campus crime and violence, develop conflict-resolution skills, suppress gang activities, and eliminate weapons on campus; and

WHEREAS the District encourages employees, parents, students, and members of the community to wear yellow ribbons to demonstrate a commitment to safe schools;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby declares January 16-20, 2012, as Yellow Ribbon Week and encourages all our employees and students to help rid our schools of violence.

SESSION FIVE - Administrative Presentation

5.0 Administrative Presentation

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

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

5.1 Indian Springs High School (Prepared by Educational Services Division)

Dr. Eliseo Dávalos, Chief Academic Officer, will provide a presentation on the progress of Indian Springs High School.

SESSION SIX - Administrative Reports

6.0 Administrative Reports

6.1 Annual Audited Financial Report for Fiscal Year 2010-2011 (Prepared by Business Services Division)

The Annual Audited Financial Report for Fiscal Year 2010-2011, including the Compliance Audit of Federal and State Funded Programs, was completed on December 15, 2011, the final day of the auditors' fieldwork. The report has been submitted to the State, Federal Clearinghouse and the County Superintendent of Schools to meet the required filing deadline of December 15, 2011. Copies of the audit report were also distributed to Board members for review.

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Mohammad Z. Islam, Chief Business and Financial Officer, and a representative from the accounting firm Vavrinek, Trine, Day & Co. LLP, will be available to answer questions during the Board meeting.

A resolution is contained in the Consent Item section of the agenda regarding the acceptance of the 2010-2011 Fiscal Year Audit Report.

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

6.2 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 2012-13.

SESSION SEVEN – Other Matters Brought By Citizens

7.0 *Other Matters Brought by Citizens*

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

SESSION EIGHT - Reports and Comments

8.0 *Report by Board Members*

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

8.1 Legislative Update

9.0 *Report by Superintendent and Staff Members*

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

SESSION NINE - Legislation and Action

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

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

BOARD OF EDUCATION

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on November 1, November 15, and December 6, 2011, be approved as presented.

10.2 Agreement with Cambridge Strategics, Plano, Texas
(Prepared by Business Services Division)

Agenda Item 9.5, approved on December 20, 2011, authorizes staff to enter into an agreement with Cambridge Strategics, Plano, Texas, as recommended by the Board of Education to develop and implement a visionary, results-based strategic plan. The objective of the planning project is to 1) Help unite the board, staff, and community in support of the District's educational mission; 2) Create a long-term strategic plan by rejuvenating the District's planning processes; and 3) Ensure implementation through complete organizational alignment and systemization of plans and actions. Total project implementation will take approximately 8 to 12 months and will be divided into three phases: Phase I – Strategic Think; Phase II – Strategic Planning; and Stage III – Strategic Action. The total cost of \$109,500 includes a fee, not-to-exceed \$97,500.00, plus travel and expense costs not to exceed \$12,000.00, which will be paid from Unrestricted General Fund—Board of Education, Account No. 066.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes staff to enter into an agreement with Cambridge Strategics, Plano, Texas, as recommended by the Board of Education to develop and implement a visionary, results-based strategic plan. The objective of the planning project is to 1) Help unite the board, staff and community in support of the District's educational mission; 2) Create a long-term strategic plan by rejuvenating the District's planning processes; and 3) Ensure implementation through complete organizational alignment and systemization of plans and actions. Total project implementation will take approximately 8 to 12 months and will be divided into three phases: Phase I – Strategic Think; Phase II – Strategic Planning; and Stage III

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– Strategic Action. The total cost of \$109,500 includes a fee, not to exceed \$97,500.00, plus travel and expense costs not to exceed \$12,000.00, which will be paid from Unrestricted General Fund—Board of Education, Account No. 066.

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

Requestor/Approver: Board of Education

10.3 Amendment to the Agreement with Leal & Trejo, LLP, Los Angeles, California to Provide Legal Services to the Board of Education
(Prepared by Business Services Division)

Board of Education approval is requested to amend the agreement with Leal & Trejo, LLP, Los Angeles, California, to provide legal services to the Board of Education for the period of September 6, 2011, through June 30, 2013, approved by the Board on September 20, 2011, Agenda Item 9.1. The amendment is necessary to add \$135,000.00, to the original fee of \$50,000.00, for an aggregate estimated total of \$185,000.00, for services through June 29, 2012. The additional fees will be paid from the Unrestricted General Fund—Board of Education, Account No. 066. All other terms and conditions will remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Leal & Trejo, LLP, Los Angeles, California, to provide legal services to the Board of Education for the period of September 6, 2011, through June 30, 2013, approved by the Board on September 20, 2011, Agenda Item 9.1. The amendment is necessary to add \$135,000.00, to the original fee of \$50,000.00, for an aggregate estimated total of \$185,000.00, for services through June 29, 2012. The additional fees will be paid from the Unrestricted General Fund—Board of Education, Account No. 066. All other terms and conditions will remain the same.

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

Requester/Approver: Board of Education

10.4 Two-Year Extension of Health Benefits to Employees as a Supplemental Early Retirement Plan (SERP)
(Prepared by Business Services Division)

On November 15, 2011, Board of Education approved to conduct a survey to offer a two-year extension of Health Benefits to eligible employees as a Supplemental Early Retirement Plan (SERP), to build a bridge to the Medicare program.

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The interest survey was sent to eligible employees. The survey results are as follows:

Total Eligible	Yes	No	Non-responsive
82	4	4	74

Based on the survey results and lack of interest, it is our recommendation not to proceed to implement this plan.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education does not approve this plan at this time.

Requester/Approver: Board of Education

BUSINESS SERVICES DIVISION

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

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

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

SITE	DONOR	DONATION AND PURPOSE	CASH	VALUE
Del Vallejo Middle School	All Management Corporation Los Angeles, California	\$250.00 to support the Career and College Club	\$250.00	
Bonnie Oehl Elementary School	Wal-Mart Highland, California	A variety of harvest decorations to be used as needed for the school's harvest fest.		\$700.00
Parkside Elementary School	Coca Cola Company Brandon, Florida	\$144.70 to be used for student Incentives	\$144.70	
Ramona Alessandro Elementary School	Coca Cola Company Brandon, Florida	\$144.70 to sponsor the ASB	\$144.70	
Parkside Elementary School	North End Neighborhood Assn. San Bernardino, California	\$3,316.42 to be used towards the purchase of classroom printers	\$3,316.42	
Elementary Instruction	Rotary Club San Bernardino, California	5,460 student dictionaries to encourage students to become better readers		\$9,500.00

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Ramona Alessandro Elementary School	Nestle Superior (JWT) New York, New York	\$1,000.00 to sponsor the ASB	\$1,000.00	
Cesar Chavez Middle School	California Retired Teachers Association San Bernardino, California	\$300.00 to support the Choir Club	\$300.00	
Dr. Martin Luther King Jr. Middle School	James Slattery San Bernardino, California	\$240.00 to sponsor the cheerleaders team	\$240.00	

The acceptance of these donations meets all requirements of Board Policy 3290, Gifts, Donations, Grants, and Bequests.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education acknowledges receipt of \$250.00, All Management Corporation, Los Angeles, California; a variety of harvest decorations with the total value of \$700.00, Wal-Mart, Highland, California; \$144.70, Coca Cola Company, Brandon, Florida; \$144.70, Coca Cola Company, Brandon, Florida; \$3,316.42, North End Neighborhood Association, San Bernardino, California; 5,460 student dictionaries with the total value of \$9,500.00, Rotary Club, San Bernardino, California; \$1,000.00, Nestle Superior, New York, New York; \$300.00, California Retired Teachers Association, San Bernardino, California; and \$240.00, James Slattery, San Bernardino, California.

Requester: Various

Approver: Chief Business and Financial Officer, Business Services Division

10.6 Annual Audited Financial Report for Fiscal Year 2010-2011
(Prepared by Business Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Annual Audited Financial Report for Fiscal Year 2010-2011, including the Compliance Audit of Federal and Stated Funded Programs, as prepared by Vavrinek, Trine, Day & Co. LLP, Certified Public Accountants, be accepted as submitted.

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

10.7 Commercial Warrant Registers for Period from December 1, through December 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.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Commercial Warrant Register for period from December 1, through December 15, 2011, be approved.

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

Requester: Director, Accounting Services

Approver: Chief Business and Financial Officer, Business Services Division

10.8 Commercial Warrant Registers for Period from December 16, through December 31, 2011
(Prepared by Business Services Division)

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Commercial Warrant Register for period from December 16, through December 31, 2011, be approved.

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

Requester: Director, Accounting Services

Approver: Chief Business and Financial Officer, Business Services Division

10.9 Emergency Replacement of Heating Boiler at Pacific High School
(Prepared by Business Services Division)

The District has received a Notice of Violation from South Coast Air Quality Management District (SCAQMD) for a boiler being out of compliance at Pacific High School Auditorium. Since receiving the violation the District's Maintenance and Operations Department has worked with the SCAQMD attempting to resolve all issues. On December 2, 2011, the SCAQMD required the District to shut down the boiler or incur fines for operating an out of compliance unit. The boiler shut down has left the students at Pacific High School without heat in the auditorium during winter months. To prevent further disruption to the education program at

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Pacific High School, Board of Education approval is requested for an emergency contract award without bids in order to repair the boiler.

Public Contract Code 20113 relieves the Governing Boards of school districts from bidding requirements when emergency repairs, alterations, work, or improvements are necessary to permit the continuance of existing school classes or to avoid danger to life or property. Board of Education unanimous approval is required for an emergency request to the County Superintendent of Schools asking for the approval to enter into any necessary contract(s) in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for this purpose without advertising for or inviting bids.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education unanimously approves an emergency request to the County Superintendent of Schools asking for the approval to enter into any necessary contract(s) in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for this purpose without advertising for or inviting bids.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all documents deemed necessary for the replacement of the heating system boiler at Pacific High School.

Requestor: Director, Maintenance & Operations Department
Approver: Chief Business and Financial Officer, Business Services Division

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

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

The unrestricted program, Student Services Operations Budget (069), was included in the Fiscal Year 2011-2012 approved budget in the amount of \$828,793.82. Based on the additional funding needed for bus passes for the Advanced Path Program, an increase in the amount of \$30,000.00 for expenditures and a decrease of \$30,000.00 in the unrestricted general fund balance will result in a revised total of \$858,793.82.

The restricted program, Governor's Challenge (148), was included in the Fiscal Year 2011-2012 approved budget in the amount of \$949.62 in expenditures. Based on the contract received from

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San Bernardino County Board of Supervisors on December 21, 2011, an increase in the amount of \$7,000.00 will result in a revised total of \$7,949.62.

The restricted program, Title III, English Language Acquisition, Language Enhancement, and Academic Achievement for Immigrant Students (543), was included in the Fiscal Year 2011-2012 approved budget in the amount of \$22,457.78. Based on the Schedule of the First Apportionment received on December 19, 2011, an increase in the amount of \$95,800.00 will result in a revised total of \$118,257.78.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$30,000.00 in the budgeting of expenditures for the unrestricted program, Student Services Operations Budget (069).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$7,000.00 in the budgeting of revenues and expenditures for the restricted program, Governor's Challenge (148).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$95,800.00 in the budgeting of revenues and expenditures for the restricted program, Title III English Language Acquisition, Language Enhancement, and Academic Achievement for Immigrant Students (543).

Requester: Director, Fiscal Services

Approver: Chief Business and Financial Officer, Business Services Division

10.11 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.

Hillside Elementary School wishes to hire All For KIDZ Inc. Producers for a presentation titled "The NED Show" on January 24, 2012. This motivational assembly offers character-building themes such as anti-bullying and anti-drug. The assembly will be free of charge.

Thompson Elementary School wishes to hire Segerstrom Center for the Arts Education Department for three assemblies titled "Music, Stories, and Amazingly More" on February 1, 2012. These assemblies will teach students about Africa's culture, language, geography, geology, and will provide additional celebration opportunities for Black History. The cost, not to exceed \$1,065.00, will be paid from Thompson Elementary School Account No. 039.

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Kimbark Elementary School wishes to hire Franklin Haynes Marionettes for two presentations titled "Marionette Magic" on January 18, 2012. The presentations are entertaining, inspirational, and a learning experience for children of all ages. The cost, not to exceed \$500.00, will be paid from Kimbark Elementary School ADA Incentive Budget No. 039.

Shandin Hills Middle School wishes to hire Community Matters for two presentations titled, "Expansion Combo Training and Support for the Safe Ambassadors Program" on January 17, and January 18, 2012. The presentations are motivational and will address anti-bullying. The cost, not to exceed \$1,000.00, will be paid from Shandin Hills Middle School Budget 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 2011-12 school year and approves payment to the following:

All For KIDZ Inc. Producers for a presentation titled, "The NED Show" on January 24, 2012. The assembly will be free of charge.

Seegerstrom Center for the Arts Education Department for three assemblies titled, "Music, Stories, and Amazingly More" on February 1, 2012. The cost, not to exceed \$1,065.00, will be paid from Thompson Elementary School Account No. 039.

Franklin Haynes Marionettes for two presentations titled "Marionette Magic" on January 18, 2012. The cost, not to exceed \$500.00, will be paid from Kimbark Elementary School ADA Incentive Budget No. 039.

Community Matters for two presentations titled "Expansion Combo Training and Support for the Safe School Ambassadors Program" on January 17, and January 18, 2012. The cost, not to exceed \$1,000.00, will be paid from Shandin Hills Middle School Budget No. 420

Requester: Various

Approver: Chief Business and Financial Officer, Business Services Division

10.12 Payment for Course of Study Activities - Amendment
(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.

BE IT RESOLVED that the Board of Education approves amending the resolution of November 1, 2011, Agenda Item 8.5, Course of Study activities to read:

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Curtis Middle School wishes to hire Discovery Science of Orange County for a presentation titled "Reaction Lab" on January 27, 2012. The presentation will uncover the mysteries of chemical reactions as students participate in some amazing demonstrations that are sure to keep them on the edge of their seats. The cost, not to exceed \$295.00, will be paid from Curtis Middle School Account No. 422.

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

Discovery Science of Orange County for a presentation titled "Reaction Lab" on January 27, 2012. The cost, not to exceed \$295.00, will be paid from Curtis Middle School Account No. 422.

Requester: Principal, Curtis Middle School

Approver: Chief Business and Financial Officer, Business Services Division

EDUCATIONAL SERVICES

Curriculum and Instruction

10.13 Approval of Year One Program Improvement Plans (Prepared by Educational Services Division)

Under the Elementary and Secondary Education Act, the process of school improvement begins with the school developing a required two-year plan that addresses the academic issues that caused it to be identified for school improvement. The school may develop a new plan or revise an existing one. The purpose of the school improvement plan is to improve the quality of teaching and learning in the school, so that greater numbers of students achieve proficiency in the core academic subjects of reading and mathematics. The school improvement plan provides a framework for analyzing problems, identifying underlying causes, and addressing instructional issues in a school that has not made sufficient progress in student achievement.

The following schools developed new plans or revised existing ones no later than three months after they were identified for Program Improvement. Peer reviewers considered the proposed plans for school improvement within 45 days of submission and evaluated them for quality and the likelihood of successful implementation.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the two-year Program Improvement Plans for the following schools:

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Bonnie Oehl Elementary
North Verdemont Elementary
Roosevelt Elementary

Cajon High School
Sierra High School

Requester: Director, Categorical Programs
Approver: Chief Academic Officer, Educational Services

10.14 Approval of Single Plans for Student Achievement, 2011-2012
(Prepared by Educational Services Division)

The State Education Code requires that all school plans that operate with categorical funds be approved by the local school board. When funded by Title I, schools may operate as Targeted Assistance Schools where specific Title I students are identified to receive Title I services, or they may operate as Schoolwide Programs where funds are focused on a program that ensures academic achievement for all students. All plans are reviewed for quality and legal compliance and are recommended for approval as submitted.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the Single Plans for Student Achievement as Schoolwide Programs for the following schools:

Schoolwide Programs: Elementary Schools

Ramona-Alessandro	Hunt	Bonnie Oehl
Anton	Inghram	Palm Avenue
Arrowhead	Jones	Parkside
Barton	Kendall	Riley
Belvedere	Kimbark	Rio Vista
Bradley	Lankershim	E. Neal Roberts
Burbank	Lincoln	Roosevelt
Cole	Lytle Creek	Salinas
Cypress	Marshall	Thompson
Davidson	Monterey	Urbita
Del Rosa	Mt. Vernon	Vermont
Emmerton	Muscoy	Warm Springs
Fairfax	Newmark	Wilson
Highland Pacific	North Park	Wong
Hillside	North Verdemont	STAR Anderson

Schoolwide Programs: Middle Schools

Arrowview	Golden Valley	Rodriguez
Chavez	King	Serrano
Curtis	Richardson	Shandin Hills
Del Vallejo		

Schoolwide Programs: High Schools

Arroyo Valley	Pacific	San Gorgonio
Cajon	San Andreas	Sierra
Middle College	San Bernardino	

Targeted Assistance Programs

Alternative Learning Center

Requester: Director, Categorical Programs

Approved: Chief Academic Officer, Educational Services

10.15 Agreement with the San Diego County Superintendent of Schools to Provide Staff Development, San Diego, California
(Prepared by Business Services Division)

The English Learner Programs Department requests Board of Education approval to enter into an agreement with the San Diego County Superintendent of Schools, San Diego, California, to provide a one-day training on professional learning communities and the cycle of inquiry facilitation relating to differentiation of English Language Development (ELD) by levels of language acquisition using the *California Language Arts Content Standards: Side by Side* document for teachers and principals, effective February 3, 2012. The training will focus on cognitively planning differentiation of standards-based concepts and skills by levels of language proficiency, attaining a working understanding of the relationship between cognitive tasks and language objectives, developing instructional sequential and systematic instructional sequences embedding gradual release of responsibility and formative assessments, and recognizing and applying *Side by Side* for a more focused and effective implementation of ELD standards. The cost, not to exceed \$5,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account No. 544.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the San Diego County Superintendent of Schools, San Diego, California, to provide a one-day training on professional learning communities and the cycle of inquiry facilitation relating to

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differentiation of English Language Development (ELD) by levels of language acquisition using the *California Language Arts Content Standards: Side by Side* document for teachers and principals, effective February 3, 2012. The training will focus on cognitively planning differentiation of standards-based concepts and skills by levels of language proficiency, attaining a working understanding of the relationship between cognitive tasks and language objectives, developing instructional sequential and systematic instructional sequences embedding gradual release of responsibility and formative assessments, and recognizing and applying *Side by Side* for a more focused and effective implementation of ELD standards. The cost, not to exceed \$5,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account No. 544.

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

Requester: Director, English Learner Programs Department
Approver: Chief Academic Officer, Educational Services Division

10.16 Amendment No. 2 of the Agreement with Get Ahead Writing, Fullerton, California, to Provide Training in Direct Instruction of Writing Application Standards
(Prepared by Business Services Division)

Wilson Elementary School requests Board of Education approval to amend the agreement with Get Ahead Writing, Fullerton, California, approved by Board on October 18, 2011, Agenda Item 9.78. The amendment is necessary to add \$9,100.00 to the original fee of \$39,000.00 for an aggregate total not to exceed \$48,100.00. Get Ahead Writing will provide seven additional days of formal training, instructional demonstrations, and coaching to target 2nd grade. The additional fee will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Get Ahead Writing, Fullerton, California, approved by Board on October 18, 2011, Agenda Item 9.78. The amendment is necessary to add \$9,100.00 to the original fee of \$39,000.00 for an aggregate total not to exceed \$48,100.00. Get Ahead Writing will provide seven additional days of formal training, instructional demonstrations, and coaching to target 2nd grade. The additional fee will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507. All other terms and conditions remain the same.

Requester: Principal, Wilson Elementary School
Approver: Chief Academic Officer, Educational Services Division

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10.17 Facilities Use Agreement with the Pali Institute, Running Springs, California
(Prepared by Business Services Division)

Hunt Elementary School requests Board of Education approval to enter into a facilities use agreement with the Pali Institute, Running Springs, California, for the Outdoor Education Science Camp, effective February 6, through February 8, 2012. The Pali Institute will provide full day class instruction and evening activities, meals for students and staff, and supervision of students at a 15 to 1 ratio. The cost, not to exceed \$24,500.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the Pali Institute, Running Springs, California, for the Outdoor Education Science Camp, effective February 6, through February 8, 2012. The Pali Institute will provide full day class instruction and evening activities, meals for students and staff, and supervision of students at a 15 to 1 ratio. The cost, not to exceed \$24,500.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

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

Requester: Principal, Hunt Elementary School

Approver: Chief Academic Officer, Educational Services Division

10.18 Rescission of the Renewal of the Agreement with The Reading Company, Alta Loma, California, to Provide Supplementary Educational Services to District Students
(Prepared by Business Services Division)

The Accountability Department requests Board of Education approval to rescind the renewal of the agreement with The Reading Company, Alta Loma, California, as approved by Board on October 18, 2011, Agenda Item 9.75. The provider was not selected to provide supplementary educational services for after-school tutoring to eligible District students. There is no cost to the District for rescinding this approval.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education rescinds its approval to renew the agreement with The Reading Company, Alta Loma, California, as approved by Board on October 18, 2011, Agenda Item 9.75. The provider was not selected to provide supplementary educational services for after-school tutoring to eligible District students. There is no cost to the District for rescinding this approval.

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

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

Student Services

- 10.19 Agreement with Jonathan Mooney, Santa Monica, California, to Speak at the Inland Empire Transition Partnership Program Project WorkAbility's 8th Annual Cross-Training
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to enter into a speaking engagement agreement with Jonathan Mooney, Santa Monica, California, to speak at the Inland Empire Transition Partnership Program Project WorkAbility's 8th Annual Cross-Training in Rancho Cucamonga, effective February 29, 2012. Jonathan Mooney is a dyslexic writer who has established himself as one of the foremost leaders in Learning Disabilities and ADHD and alternative education. The focus of his 90-minute presentation will be the rights and opportunities for students with special needs to gain and maintain employment. The target audience will be families of young adults with special needs, local special educators, and partners in social services. The cost, not to exceed \$2,500.00, will be paid from the Restricted General Fund—Department Rehab, Account No. 568.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a speaking engagement agreement with Jonathan Mooney, Santa Monica, California, to speak at the Inland Empire Transition Partnership Program Project WorkAbility's 8th Annual Cross-Training in Rancho Cucamonga, effective February 29, 2012. Jonathan Mooney is a dyslexic writer who has established himself as one of the foremost leaders in Learning Disabilities and ADHD and alternative education. The focus of his 90-minute presentation will be the rights and opportunities for students with special needs to gain and maintain employment. The target audience will be families of young adults with special needs, local special educators, and partners in social services. The cost, not to exceed \$2,500.00, will be paid from the Restricted General Fund—Department Rehab, Account No. 568.

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

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

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10.20 Agreement with the Athletes for Life Foundation (AFL) Rancho Cucamonga, California, to Provide the Recreation On Campus for Kids Success (ROCKS) Program for After-School Programs
(Prepared by Business Services Division)

The Creative Before- and After-School Programs for Success (CAPS) Department requests Board of Education approval to enter into an agreement with the Athletes for Life Foundation, Rancho Cucamonga, California, to provide Recreation On Campus for Kids Success (ROCKS) Program, effective January 30, through May 31, 2012. The ROCKS Program is a recreation-based after-school program to serve students in the 6th through 8th grade. Athletes for Life Foundation will oversee the creation of a citywide flag football program and coordinate training activities of the District's CAPS football program. The cost, not to exceed \$48,600.00, will be paid from the Unrestricted General Fund—Intermediate Sports Program, Account No. 209.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Athletes for Life Foundation, Rancho Cucamonga, California, to provide Recreation On Campus for Kids Success (ROCKS) Program, effective January 30, through May 31, 2012. The ROCKS Program is a recreation-based after-school program to serve students in the 6th through 8th grade. Athletes for Life Foundation will oversee the creation of a citywide flag football program and coordinate training activities of the District's CAPS football program. The cost, not to exceed \$48,600.00, will be paid from the Unrestricted General Fund—Intermediate Sports Program, Account No. 209.

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

Requester: Director, Creative Before- and After-School Programs for Success (CAPS) Department
Approver: Assistant Superintendent, Student Services

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

The Secondary Education Department wishes to hire Kaplan K12 Learning Services, New York, New York, to conduct a two-day on-site professional development for three District employees, effective January 11, through January 31, 2012. The staff development will focus on effective pedagogical practices found to improve student achievement, structure and format of the Kaplan program, and strategies to implement the Kaplan program in the classroom. The cost, not to exceed \$5,800.00, will be paid from the Restricted General Fund—Title I PI School Support, Account No. 524.

Requester: Administrative Director, Secondary Education
Approver: Chief Academic Officer, Educational Services Division

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The Special Education Department wishes to amend the hiring of Kristine S. Kaufman, Upland, California, approved by Board on August 16, 2011, Agenda Item 8.26, to assist in preparation for and participation in the California Department of Education Special Education Self Review (SESR). The amendment is necessary to add \$10,000.00 to the original fee of \$3,750.00 for an aggregate total not to exceed \$13,750.00. The additional fee will be paid from the Restricted General Fund—Special Education Central, Account No. 827. All other terms and conditions remain the same.

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

It is recommended that the following resolution be adopted:

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

Kaplan K12 Learning Services, New York, New York, to conduct a two-day on-site professional development for three District employees, effective January 11, through January 31, 2012. The staff development will focus on effective pedagogical practices found to improve student achievement, structure and format of the Kaplan program, and strategies to implement the Kaplan program in the classroom. The cost, not to exceed \$5,800.00, will be paid from the Restricted General Fund—Title I PI School Support, Account No. 524.

Kristine S. Kaufman, Upland, California, approved by Board on August 16, 2011, Agenda Item 8.26, to assist in preparation for and participation in the California Department of Education Special Education Self Review (SESR). The amendment is necessary to add \$10,000.00 to the original fee of \$3,750.00 for an aggregate total not to exceed \$13,750.00. The additional fee will be paid from the Restricted General Fund—Special Education Central, Account No. 827. All other terms and conditions remain the same.

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

It is recommended that the following resolution be adopted:

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

**~~(S)~~3/28/1996 *~~(S)~~3/5/1998 *~~(S)~~6/6/1996 *~~(S)~~3/8/1996 *~~(S)~~7/27/1996
**~~(S)~~5/27/1998

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

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

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

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

10.23 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.

7/25/1995

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

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

It is recommended that the following resolution be adopted:

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

6/23/1993

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

10.25 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:

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

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

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

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

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

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

It is recommended that the following resolution be adopted:

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

1/11/1998 1/11/1998 7/7/1995 6/29/1994

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

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

It is recommended that the following resolution be adopted:

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

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

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

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

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

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

FACILITIES/OPERATIONS DIVISION

Facilities Management

- 10.30 Amendment No. 1 to the Agreement with Oakview Constructors, Inc., General Contractor for the Inghram, Lytle Creek, and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools Modernization and Deferred Maintenance Projects
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with Oakview Constructors, Inc., Calimesa, CA, for modernization and deferred maintenance projects at Inghram, Lytle Creek, and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools, originally approved by the Board on May 11, 2010. This amendment is for unforeseen conditions encountered during construction activities such as, extensive termite damage, poor existing insulation, and hazardous materials. County Counsel has reviewed and agreed these additional services constitute unforeseen conditions. This amendment is for an additional \$240,189.00 for a revised amount, not to exceed total cost of \$5,394,189.00 and will be paid from Funds 14, 21, 35, or 40. All other terms and conditions will remain the same.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Oakview Constructors, Inc., for modernization and deferred maintenance projects at Inghram, Lytle Creek, and Urbita Elementary Schools, Serrano and Richardson Prep High Middle Schools, due to unforeseen conditions encountered during construction activities such as, extensive termite damage, poor existing insulation, and hazardous materials. County Counsel has reviewed and agreed these additional services constitute unforeseen conditions. This amendment is for an additional \$240,189.00 for a revised amount, not to exceed total cost of \$5,394,189.00 and will be paid from Funds 14, 21, 35, or 40. All other terms and conditions will remain the same.

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

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

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10.31 Approval of Agreement with the Replacement Contractor, Harik Construction, Inc. for the Mt. Vernon, Rio Vista and Roosevelt Elementary Schools Modernization Project, Bid No. F08-06
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to award a contract to the replacement contract, Harik Construction, Inc., Covina, CA for the Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools Modernization Project, Bid No. F08-06. On April 6, 2010, the District awarded the contract to Great West Contractors, Inc. On September 7, 2011, the District terminated their contract for cause when they failed to properly manage the construction work and perform the work in a manner which would ensure the timely completion of the project. Consequently, the District made a demand under the terms of the performance bond for the Surety, Safeco Insurance Company of America (Safeco), to complete Great West's scope of work. The Surety, Safeco, agreed to tender a replacement contractor, Harik Construction, Inc., and pay the difference between Great West's contract price and the replacement contractor's price, in the amount of \$961,830.28, and pay liquidated damages for the delays caused by Great West's termination.

It is recommended that the following resolution be adopted:

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

WHEREAS, the District and Great West Contractors, Inc. entered into a contract for the Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools Modernization Project, Bid No. F08-06;

WHEREAS, due to Great West's failure to properly manage the construction work and perform the work in a manner which would ensure the timely completion of the Project, on September 7, 2011, the District terminated their contract for cause and made a formal demand on the Surety, Safeco Insurance Company of America (Safeco), to take over and complete Great West's scope of work on the Project;

WHEREAS, in lieu of taking over Great West Contractors, Inc., the Surety, Safeco, has tendered a replacement contractor, Harik Construction, Inc., and agreed to pay the difference in price between Great West's contract and the replacement contractor's price in the amount of \$961,830.28, plus liquidated damages;

WHEREAS, Harik Construction, Inc. has provided Safeco a proposal in the amount of \$4,865,326.00 to complete Great West's scope of work on the project;

WHEREAS, the original contract awarded to Great West Constructors, Inc. for \$4,895,000.00 has a current balance of \$3,903,495.72 and Safeco will provide supplemental funds for the difference between Harik Construction's contract and the remaining balance of Great West's contract plus liquidated damages.

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

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

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

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

BE IT FURTHER RESOLVED that the Board of Education approves the replacement contractor, Harik Construction, Inc. for Bid No. F08-06, Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools Modernization Project, originally awarded to Great West Contractors, Inc. The difference in price between their contract and the replacement contractor's price in the amount of \$961,830.28, will be paid from Funds 21, 35, and 40. The Surety, Safeco Insurance Company of America, will reimburse the District.

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

Requester: Interim Facilities Administrator, Facilities Management Department

Approver: Assistant Superintendent, Facilities/Operations Division

10.32 Resolution Approving the Annual and Five-Year Report for Fiscal Year 2010-2011 in Compliance with Government Code Sections 66006 and 66001

(Prepared by Facilities/Operations Division)

Government Code Section 66006(b)(1) states that for each separate account established for statutory and alternative school facilities fees ("Reportable Fees") received for additional school facilities ("School Facilities") for students from new development, the San Bernardino City Unified School District ("District") shall, within one hundred eighty (180) days after the last day of the fiscal year, make available to the public the following information for fiscal year 2010-2011:

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- (A) A brief description of the type of Reportable Fees in the account.
- (B) The amount of the Reportable Fees.
- (C) The beginning and ending balance of the account.
- (D) The amount of the Reportable Fees collected and the interest earned.
- (E) An identification of each project ("Project") of the District on which Reportable Fees were expended and the amount of the expenditures on each Project, including the total percentage of the cost of the Project that was funded with Reportable Fees.
- (F) An identification of an approximate date by which the construction of a Project will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete Project, as identified in Section 66001(a)(2), and the Project remains incomplete.
- (G) A description of each interfund transfer or loan made from the account, including the Project on which the transferred or loaned Reportable Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account will receive on the loan.
- (H) The amount of refunds made pursuant to Section 66001(e) and any allocations pursuant to Section 66001(f); and

Government Code Section 66001(d) also requires that the District make the following findings with respect to that portion of the account remaining unexpended, whether committed or uncommitted, at the time it makes the foregoing information available to the public:

- (1) Identification of the purpose to which the Reportable Fees are to be put.
- (2) Demonstration of a reasonable relationship between the Reportable Fees and the purpose for which they are charged.
- (3) Identification of all sources and amounts of funding anticipated to complete financing of the Projects of the District.
- (4) Designation of the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account.

Pursuant to the statutory requirements, the District published Notice of the public meeting, and made the Report available to the public not less than fifteen (15) days prior to the District's Board meeting.

It is recommended that the following Resolution be adopted:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT RELATING TO INFORMATION MADE AVAILABLE TO THE PUBLIC IN THE FORM OF A STATUTORY SCHOOL FACILITY FEES INCLUDING ALTERNATIVE SCHOOL FACILITY FEES ("REPORTABLE FEES") REPORT FOR FISCAL YEAR 2010-2011 ("REPORTABLE FEES REPORT"), AND FINDINGS THEREON, IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 66006 AND 66001

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WHEREAS, the San Bernardino City Unified School District (“District”) has received and expended statutory and/or alternative school facilities fees (“Reportable Fees”) in connection with school facilities (“School Facilities”) of the District for new development, and these funds have been deposited in a separate capital facilities account as provided by Government Code Section 66006(a); and

WHEREAS, in accordance with Government Code Section 66006(a), the District has established and maintained a separate capital facilities account and maintained such separate capital facilities accounts in a manner to avoid any commingling of the Reportable Fees with other revenues and funds of the District, except for temporary investments, and has expended those Reportable Fees collected for the sole purpose for which they were collected; and

WHEREAS, Government Code Section 66006(b)(1) provides that the District shall make available to the public within one hundred eighty (180) days after the last day of each fiscal year a written report; and

WHEREAS, Government Code Section 66001(d) provides that for the fifth fiscal year following the first deposit into the account, and every five (5) years thereafter, the District shall make findings with respect to the capital facilities account fund that remain unexpended; and

WHEREAS, when findings are required by Government Code Section 66001(d), they shall be made in connection with the information required by Government Code Section 66006; and

WHEREAS, Government Code Section 66006(b)(2) requires that the governing body of the District review the information made available to the public at a regularly scheduled public meeting and any other relevant information including, but not limited to, that certain Reportable Fees Report prepared by the District entitled, “The San Bernardino City Unified School District Annual and Five-Year Reportable Fees Report for Fiscal Year 2010-2011, in Compliance with Government Code Sections 66006 and 66001” not less than fifteen (15) days after this Reportable Fees Report is made available to the public; and

WHEREAS, the District has complied with all of the foregoing provisions.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board does hereby find and determine that the foregoing recitals and determinations are true and correct.

Section 2. That pursuant to Government Code Sections 66001(d) and 66006(b)(1) and (2), the District has made available to the public the requisite information and proposed findings concerning the collection and expenditure of Reportable Fees related to School Facilities for new development within the District.

Section 3. That the Board of the District at a public meeting has reviewed the following information pursuant to Government Code Section 66006(b)(1), as is required by Government Code Section 66006(b)(2), including:

- (A) A brief description of the type of Reportable Fees in the account;
- (B) The amount of the Reportable Fees;
- (C) The beginning and ending balance of the account;
- (D) The amount of Reportable Fees collected and the interest earned;
- (E) An identification of each Project on which Reportable Fees were expended and the amount of the expenditures on each Project, including the total percentage of the cost of the Project that was funded with Reportable Fees;
- (F) An identification of an approximate date by which the construction of the Project will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete Project, as identified in Section 66001(a)(2), and the Project remains incomplete;
- (G) A description of each interfund transfer or loan made from the account, including the Project on which the transferred or loaned Reportable Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account will receive on the loan; and
- (H) The amount of refunds made pursuant to Section 66001(e) and any allocations pursuant to Section 66001(f).

Section 4. That the Board of the District at a public meeting has reviewed the proposed findings, as required by Government Code Section 66001(d), including:

- (1) Identification of the purpose to which the Reportable Fees are to be put;
- (2) Demonstration of a reasonable relationship between the Reportable Fees and the purpose for which they are charged;
- (3) Identification of all sources and amounts of funding anticipated to complete financing of Projects of the District; and
- (4) Designation of the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account.

Section 5. That the Board of the District hereby determines that all Reportable Fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the Government Code and all other applicable laws for the fiscal year 2010-2011.

Section 6. That the Board of the District hereby determines that no refunds and allocations of Reportable Fees, as required by Government Code Section 66001, are deemed payable at this time.

Section 7. That the Board of the District hereby determines that the District is in compliance with Government Code Section 66000, *et seq.*, relative to receipt, deposit, investment,

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expenditure or refund of Reportable Fees received and expended relative to School Facilities for new development for the fiscal year 2010-2011.

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

HUMAN RESOURCES DIVISION

10.33 Payment of Master Teachers – California State University San Bernardino
(Prepared by Certificated Human Resources Division)

The District has an agreement with California State University San Bernardino to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 292734 from California State University San Bernardino in the amount of \$3,167.30. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approve payment for services as master teachers during the Fall Session 2011, as provided for in the Agreement with California State University San Bernardino, as follows:

ABILEZ GRANDE, MARY	\$166.70	LARA, MONICA	\$166.70
CUNNINGHAM, BARBARA	\$166.70	LUNA, KAREN	\$166.70
DEL RINCON, NAOMI	\$166.70	MILLER, ELIZABETH	\$166.70
DICOSOLA, PAULA	\$166.70	ORDAZ, MARIA	\$166.70
DIRKS, STEPHANIE	\$166.70	RUSSO, IRIS	\$166.70
DISMANG, KRISTINE	\$166.70	STANFIELD, SHERRI	\$166.70
GONZALEZ, ANGELICA	\$166.70	STARR, CLARENCE	\$166.70
HARRISON, LISA	\$166.70	TODD, DENISE	\$166.70
IRIBE, ADRIANA	\$166.70	VELAZQUEZ, LETICIA	\$166.70
KIRBY, ROBERT	\$166.70		

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

10.34 Payment of Master Teachers - University of La Verne
(Prepared by Human Resources Division)

The District has an agreement with the University of La Verne to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check number 505798 from the University of

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La Verne in the amount of \$200.00. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as master teacher during Summer Session 2011, as provided for in the Agreement with University of La Verne, as follows:

MC NEAL, DEBORAH	\$100.00	MITCHELL, VALERIE	\$100.00
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Requester: Human Resources, Certificated
Approver: Assistant Superintendent, Human Resources

10.35 Payment of Master Teachers – University of Redlands
(Prepared by Human Resources Division)

The District has an agreement with the University of Redlands to allow university students to do Educational Field Work in the District, under assigned master teachers, for which the District is paid an honorarium. The District is in receipt of check #064367 from the University of Redlands in the amount of \$1,200.00. The District wishes to pay this honorarium to the master teachers.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Fall 2011 as provided for in the Agreement with the University of Redlands, as follows:

ARII, JEANETTE	\$200.00	LOPEZ, DIANE	\$100.00
DIEFENDORF, ELLEN	\$200.00	RAMIREZ, LEANDRA	\$200.00
FISH, AMY	\$100.00	YORK, BREANNA	\$200.00
GESKE, ALICE	\$200.00		

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

10.36 Affiliated Site Agreement with Chapman University, Speech Language Pathology (SLP) Education Program, Orange, California, for a Clinical Education Program for a Speech Language Pathologist
(Prepared by Business Services Division)

The Human Resources Division requests Board of Education approval to enter into an affiliated site agreement with Chapman University, Speech Language Pathology (SLP) Education

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Program, Orange, California, for a Clinical Education Program for a Speech Language Pathologist, effective January 11, 2012, through October 31, 2015. The University will provide Speech Language Pathology (SLP) candidates for whom the District will provide assistance in the development, implementation and evaluation of a student's clinical experience and professional preparation. There will be no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an affiliated site agreement with Chapman University, Speech Language Pathology (SLP) Education Program, Orange, California, for a Clinical Education Program for a Speech Language Pathologist, effective January 11, 2012, through October 31, 2015. The University will provide Speech Language Pathology (SLP) candidates for whom the District will provide assistance in the development, implementation and evaluation of a student's clinical experience and professional preparation. There will be no cost to the District.

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

Requester: Director, Human Resources Division

Approver: Assistant Superintendent, Human Resources Division

10.37 Agreement with the Parent Institute for Quality Education, Covina, California, to Provide Training for Parents of District Students
(Prepared by Business Services Division)

Mt. Vernon Elementary School requests Board of Education approval to enter into an agreement with the Parent Institute for Quality Education, Covina, California, to provide training for approximately 60 parents of District students, effective January 17, through March 13, 2012. The Parent Institute will recruit parents by phone, provide a needs assessment session, and provide a series of weekly training sessions for parents. The training sessions will culminate in a graduation with certificates given to parents who attend four sessions or more. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$5,700.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act 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 the Parent Institute for Quality Education, Covina, California, to provide training for approximately 60 parents of District students, effective January 17, through March 13, 2012. The Parent Institute will recruit parents by phone, provide a needs assessment session, and provide a series of weekly training sessions for parents. The training sessions will culminate in a graduation with

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certificates given to parents who attend four sessions or more. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$5,700.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act 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 said all related documents.

Requester: Principal, Mt. Vernon Elementary School
Approver: Assistant Superintendent, Human Resources Division

PERSONNEL COMMISSION

10.38 Agreement with Steven Williams, Ph.D., San Diego, California, to Provide Consulting Services to the Personnel Commission Department
(Prepared by Business Services Division)

The Personnel Commission requests Board of Education approval to enter into an agreement with Steven Williams, Ph.D., San Diego, California, to provide consulting services, effective November 29, 2011, through January 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$17,280.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Steven Williams, Ph.D., San Diego, California, to provide consulting services, effective November 29, 2011, through January 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$17,280.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

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

Requester: Director, Personnel Commission
Approver: Chief Business and Financial Officer, Business Services Division

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11.0 Action Items

11.1 Superintendent Search
(Prepared by Superintendent)

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

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

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

Or

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

Or

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

Or

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

11.2 Resolution Denying the Charter Petition for the Taft T. Newman Leadership Academy
(Prepared by the Educational Services Division)

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

WHEREAS, Petitioners for the Taft T. Newman Leadership Academy (“Newman” or “School”) submitted to the District a Charter School Petition (“Petition”), on or about November 10, 2011.

WHEREAS, on December 6, 2011, public hearing on the provisions of the Petition was conducted in accordance with the provisions of Education Code section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by

the District, other employees of the District and parents. At that public hearing, Pastor Joshua Beckley, lead Petitioner, spoke in support of the Petition. Several other individuals were in attendance at the hearing in support of the Petition.

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

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

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

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

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

- A. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code section 47605(b)(1)];
- B. The Petition does not contain all of the required affirmations. [Education Code section 47605(b)(4)];
- C. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code section 47605(b)(5)];

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

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

As discussed more fully in Section II below, the proposed school is entangled with religion, and specifically connected to the Ecclesia Christian Church, in a manner that appears to

violate both the United States and California Constitutions, and, as such, proposes an inherently unsound *public school* education.

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

In this instance, the Petitioners have made reference to a number of documents that are integral to the educational and fiscal program described in the Petition. Yet, many of these documents, such as the bylaws of the corporation that will govern the School, were not provided to the District at the time the Petition was submitted or at anytime thereafter. Thus, the proposed Petition is not a clear or well-developed proposal as a whole, thereby making it impossible for the District fully to analyze and interpret the proposal. Where the Petition, which controls the entire educational program of the proposed School, fails to include such integral information, the proposed educational program is inherently unsound.

A. The Petition Does Not Meet the Needs of Students with Exceptional Needs as it Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Improvement Act (“IDEIA”).

The California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H) and the California Education Code require the Petition to specify the charter school’s “special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under the law for special education pupils, and how the school intends to meet those responsibilities.”

Education Code section 47641 provides in pertinent part:

“(a) A charter school that includes in its petition for establishment or renewal, or that otherwise provides, verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education shall be deemed a local educational agency for the purposes of compliance with federal law (Individuals with Disabilities Education Pursuant to the provisions of Education Code section 47641, a charter school, in order to act as its own LEA for purposes of the provision Act; 20 U.S.C. Sec. 1400, et seq.) and for eligibility for federal and state special education funds. A charter school that is deemed a local educational agency for the purposes of special education pursuant to this article shall be permitted to participate in an approved

special education local plan that is consistent with subdivision (a), (b), or (c) of Section 56195.1.

(b) A charter school that was granted a charter by a local educational agency that does not comply with subdivision (a) may not be deemed a local educational agency pursuant to this article, but shall be deemed a public school of the local educational agency that granted the charter.”

Thus, in accordance with the provisions of this Education Code section, a charter school can either operate as a “school of the District” by which the District provides all special education services to the students of the school or the charter school can act as its own LEA for purposes of providing special education services if the Petition contains verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education.

Pages 37 to 44 of the Petition set forth a discussion regarding the manner in which the School intends to provide these services. The statements contained in this section of the Petition are confusing and inconsistent.

Initially, the Petition provides Newman will retain all special education funding and be fully responsible for provision of all special education services to its students, thus implying that Newman will act as its own local educational agency (“LEA”) and be able to join a SELPA. Yet, neither the Petition nor the supporting documents provide any information regarding their staff’s ability to provide these services and/or verifiable written assurances that the School will participate as a LEA in a special education plan (“SELPA”) approved by the State Board of Education. If Newman is unable to join a SELPA as an LEA, it simply cannot provide the services in the manner described in the Petition.

Inexplicably, the aforementioned discussion is followed by statements that Newman will be deemed to be a school of the District for purposes of the provision of special education services and makes reference to paying an encroachment fee to the District. These statements are inherently inconsistent and demonstrate a fundamental lack of understanding regarding the School’s obligations to provide/pay for these services. Therefore, the Petition fails to meet the minimum requirements for providing a reasonably comprehensive description of the educational program for special needs students. The following specific concerns are also noted in the Petition:

1. The Petition does not include specific language and clear strategies to meet the needs of all students, including special education students.
2. “Implementation” indicates “if the evaluation confirms the student is eligible for special education services, an IEP team will be formed and an IEP will be created...” Newman does not clearly define what interventions it will implement prior and does not define who will be conducting the assessment.

3. The Petition states: “In the event that NLA is unable to provide an appropriate placement or services...NLA will contact the District to discuss placement and service alternatives...NLA IEP teams will ensure participation of a District Special Education representative at an IEP team meeting whenever it is anticipated that Special Education programs outside of NLA, including but not limited to, placement at a District school or at a non-public or private school, will be considered.” This statement is not in keeping with a least restrictive environment for students. The Petitioners need to clearly define its SST intervention and special education program procedures.

4. The Petition states: “To allow for a smooth transition to NLA, the District shall continue to fund services for those Special Education students enrolling in NLA who have been receiving non-public agency (NPA) services from the District for 30 days after enrollment. This will allow NLA time to conduct an IEP team meeting and to execute contracts as necessary to facilitate the students’ transition to NLA.” The District does not fund NPA/NPS sites once the student has left the District. Also, it is unclear why the Petitioners expect the District to provide these services but do not appear to have a similar expectation from other districts from which they might enroll students. Additionally, this statement evidences a lack of understanding that interim IEP’s can be held anytime from the date of enrollment up to 30 days.

II. THE PETITION DOES NOT CONTAIN ALL OF THE REQUIRED AFFIRMATIONS. [Education Code section 47605(b)(4)]

While the Petition includes the statement that Newman will be non-sectarian in its programs, admission policies, employment practices, and all other operations, the facts in this case cause the District to find that Newman may not be nonsectarian in practice and that Newman is connected with religion, and specifically associated with the Ecclesia Christian Fellowship (“Church”), in a manner that would violate the United States and California Constitutions. Facts supporting this finding are:

- Pastor Joshua Beckley, one of the founding members of the proposed School, is the pastor of the Ecclesia Christian Fellowship. (The District notes that it specifically is not finding that his being a pastor causes an inappropriate connection to religion.)
- The School will be housed at the church of which Pastor Beckley is the pastor.
- The Church has entered into a lease with the School.
- The Ecclesia Economic and Community Development Collaboration, Inc. (“EECDC”) created this School and will have ultimate responsibility for the oversight and governance of the School as the School is to be governed by a

nonprofit corporation. Although the Petition provides Newman will have its own Board, and that EECDK will be “hands off,” it is EECDK and not the Newman Board that has the final decision making authority over the School.

- Given the clear connection between Pastor Beckley, the Newman Academy, EECDK and the Ecclesia Christian Fellowship, the District finds a clear connection between Newman and the Ecclesia Christian Fellowship.

Based on all of the facts and circumstances available to the District, the District finds that there are connections between the proposed Newman and the Ecclesia Christian Fellowship of a type and nature that would violate California and federal law. Further, the District finds that some or all of these connections are intentional and that at this point cannot be severed or eliminated.

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

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

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

The manner in which the School is to be governed is confusing and ambiguous. The governance structure of the School is discussed on pages 55 to 57. The Petition provides that the School will be governed by a nonprofit corporation. Although the Petition does not specify the name of the corporation that will govern the School’s operations, it is presumed that EECDK will govern the School as it is noted in Appendix F that EECDK has created this School. Specifically, Appendix F provides:

“Newman Leadership Academy is developed under the Ecclesia's Economic and Community Development Collaboration, Inc., which is a nonprofit public and charitable corporation. The corporation is not organized for the private gain of any person. It is organized under the California Nonprofit Public Benefit Corporation Law for educational and public purposes. The use of Ecclesia's nonprofit organization to develop the charter school is justified by the nonprofit organization's goals, which include community outreach and educational efforts. The Articles of Incorporation are included.

Newman Leadership Academy will operate with its own governing Board. Ecclesia's nonprofit organization will be "hands-off" in the governing of the charter school. The Newman Leadership Academy Governing Board will use the nonprofit organization's bylaws as a guide as the school's bylaws are developed to more closely reflect the school mission and vision."

The Petitioners did not provide the EECDC bylaws with the Petition. Thus, it is impossible for the District to know how EECDC will govern and oversee the operations of the School. Additionally, the above statement indicates that the bylaws for the Newman Board have not yet been developed. The failure to include the bylaws of EECDC for review by the District makes it impossible for the District to determine if the School will be in operated in a manner consistent with the law and the terms of the Petition.

Additionally, there are concerns that neither the EECDC Board nor the Newman Board will apply with the conflict of interest policies applicable to charter school. As an initial matter, the Petition is completely silent on EECDC's obligation to comply with any conflict of interest policy. Instead it appears that the policy referenced in the Petition in Appendix G is only applicable to the Newman Board.

The conflict of interest policy provides that interested individuals can be on the governing board. Additionally, the conflict of interest policy provides:

"A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate Board or committee decides that a conflict of interest exists. Financial interest shall not include an interest in a publicly trade company."

While such arrangements may be permissible pursuant to the rules governing nonprofit public benefit corporations, charter schools are public entities and part of the public school system. As there has been no statute or regulation excusing charter schools from compliance to date, as such, they are controlled by more stringent conflict of interest laws, including Government Code § 1090, *et seq.*, the Political Reform Act of 1974, and common law rules against conflicts, and should also comply with public policy and good practices aimed at preventing public officials from having any potential conflict of interests in their conduct of their official duties.

B. Admission Requirements, If Applicable. [Ed. Code §47605(b)(5)(H)]

The admission preferences are unacceptable and violate the Charter Schools Act of 1992. The Act specifies that if the number of students desiring to attend the school exceeds capacity, preference "shall" be extended to pupils currently attending the school and residents of the school district. The hierarchy of preferences set forth in the Petition puts current students of the

District behind both children of founders, members of the Governing Board of the School and employees of the School, in violation of the Education Code.

C. A Description of the Rights of Any Employee of the School District Upon Leaving the Employment of the School District to Work in a Charter School, and of Any Rights of Return to the School District After Employment at a Charter School. [Ed. Code §47605(b)(5)(M)]

The Petition merely states that any return rights will be pursuant to District policies, procedures, and collective bargaining agreements, but there are no such policies, procedures, and collective bargaining agreement terms in place at the District and this section of the Charter must affirmatively explain these rights. Further, this section of the Charter purports to affirmatively obligate the District to acts to which the District has not agreed. More specifically, the Petition provides that certificated employees of the District may be eligible for leave to one year and that classified employees may be eligible for a leave may be extended up to the length of the charter term. The District does not have any policies or procedures that allow a leave for up to five years and the inclusion of this statement in the Petition may create unnecessary confusion amongst District staff who might consider employment at the School.

D. The Procedures that the Charter School Will Follow to Ensure the Health and Safety of Pupils and Staff. [Ed. Code §47605(b)(5)(F)]

The Charter does not include a reasonably comprehensive description of the procedures that Newman will follow to ensure the health and safety of pupils and staff. The statement that Newman will adopt and implement procedures at some unspecified time in the future, along with a non-comprehensive list of some of the subjects that will be covered by such procedures, and examples of some procedures is inadequate. This portion of the Charter is required to include a “reasonably comprehensive description” of the actual health and safety procedures to protect students and staff and a promise to create such procedures in the future does not meet that requirement.

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

5. The dispute resolution process between the School and the District is unacceptable and the District would not agree to the proposed process. The procedure is cumbersome, vague and ambiguous and is not designed to lead to an expedient resolution of disputes.

6. There are no timelines related to the mediation, which could lead to disputes being unresolved for an inordinate amount of time.

7. There is no exception from this potentially very time-consuming dispute resolution process for matters that pose health or safety threats to Charter School students.

8. The format and process for mediation are confusing. The Petition provides: “If no resolution is reached, the matter shall be submitted to a mediator (San Bernardino County Schools Office of Superintendent [“SBCSS”]) experienced in conflict resolution and educational issues. The first opportunity for striking the choice of mediator shall be determined by lot. The parties shall alternately strike until one name remains. Within ten (10) calendar days of appointment or otherwise mutually agreed, the parties shall meet to attempt to resolve the dispute. Any agreements reached shall be written and preserved as set out in paragraph (d) above.” The reference to the SBCSS office is confusing. There is no explanation provided about why that agency would become involved in the mediation of a dispute between the District and the School.

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

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

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

The foregoing resolution was considered, passed, and adopted by this Board at its special meeting of January 10, 2012.

**DENYING THE CHARTER SCHOOL PETITION FOR
TAFT T. NEWMAN LEADERSHIP ACADEMY**

Board of Education Meeting
January 10, 2012

By: _____
President of the Board of Education of the San
Bernardino City Unified School District
STATE OF CALIFORNIA)
)ss.
COUNTY OF SAN BERNARDINO)

I, _____, Clerk of the Board of Education of the San Bernardino City Unified School District, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Board of Education of the San Bernardino City Unified School District at a special meeting of said Board held on _____.

Clerk of the Board of Education of the
San Bernardino City Unified School District,
State of California

APPROVED BY: Yolanda Ortega, Interim Superintendent

11.3 Resolution Denying the Charter Petition for the Woodward Leadership Academy
(Prepared by the Educational Services Division)

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

WHEREAS, Petitioners for the Woodward Leadership Academy (“Woodward” or “School”) submitted to the District a Charter School Petition (“Petition”), on or about November 15, 2011.

WHEREAS, on December 6, 2011, a public hearing on the provisions of the Petition was conducted in accordance with the provisions of Education Code section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents. At that public hearing, Pastor Raymond Turner, lead Petitioner, spoke in support of the Petition. Several other individuals were in attendance at the hearing in support of the Petition.

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

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

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

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

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

- A. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code section 47605(b)(1)];
- B. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code section 47605(b)(5)]; and
- C. The Petition does not contain all of the required affirmations. [Education Code section 47605(b)(4)]

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

I. The Petition Presents an Unsound Educational Program for the Pupils to be Enrolled in the Charter School [Education Code section 47605(b)(1)]

As discussed more fully in Section II below, the proposed school is entangled with religion, and specifically connected to the Temple Missionary Baptist Church, in a manner that appears to violate both the United States and California Constitutions, and, as such, proposes an inherently unsound public school education.

A charter petition is a document which sets forth and commits the school to an educational and business plan and program. Charter schools are generally exempt from most of

the laws that govern school districts and are, instead, primarily charged with complying with the terms of their charter and implementing the program set forth therein.

In this instance, the Petitioners have made reference to a number of documents that are integral to the educational program described in the Petition. Yet, many of these documents, such as the bylaws of the parent corporation that will govern the School were not provided to the District at the time the Petition was submitted or at any time thereafter. Thus, the proposed Petition is not a clear or well-developed proposal as a whole, thereby making it impossible for the District fully to analyze and interpret the proposal. Where the Petition, which controls the entire educational program of the proposed School, fails to include such integral information, the proposed educational program is inherently unsound.

A. The Petition Does Not Meet the Needs of Students with Exceptional Needs As It Does Not Adequately Address the Provision of Services Pursuant to the Individuals with Disabilities Education Improvement Act (“IDEIA”).

The California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H) and the California Education Code require the Petition to specify the charter school’s “special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under the law for special education pupils, and how the school intends to meet those responsibilities.”

Education Code section 47641 provides in pertinent part:

“(a) A charter school that includes in its petition for establishment or renewal, or that otherwise provides, verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education shall be deemed a local educational agency for the purposes of compliance with federal law (Individuals with Disabilities Education Pursuant to the provisions of Education Code section 47641, a charter school, in order to act as its own LEA for purposes of the provision Act; 20 U.S.C. Sec. 1400, et seq.) and for eligibility for federal and state special education funds. A charter school that is deemed a local educational agency for the purposes of special education pursuant to this article shall be permitted to participate in an approved special education local plan that is consistent with subdivision (a), (b), or (c) of Section 56195.1.

(b) A charter school that was granted a charter by a local educational agency that does not comply with subdivision (a) may not be deemed a local educational agency pursuant to this article, but shall be deemed a public school of the local educational agency that granted the charter.”

Thus, in accordance with the provisions of this Education Code section, a charter school can either operate as a “school of the District” by which the district provides all special education services to the students of the school or the charter school can act as its own local education agency (“LEA”) for purposes of providing special education services if the Petition contains verifiable, written assurances that the charter school will participate as a LEA in a special education plan (“SELPA”) approved by the State Board of Education.

Initially, the Petition provides Woodward will retain all special education funding and be fully responsible for provision of all special education services to its students, thus implying that Woodward will act as its own LEA and be able to join a SELPA. Yet, neither the Petition nor the supporting documents provide any information regarding the staff’s ability to provide these services and/or any communications with a SELPA to establish that the School would be eligible to enroll in a SELPA as its own LEA. If it is unable to join a SELPA as an LEA, it simply cannot provide these services in the manner described in the Petition.

Inexplicably, this discussion is followed by statements that Woodward will be deemed to be a school of the District for purposes of the provision of special education services and makes reference to paying an encroachment fee to the District. These statements are inherently inconsistent. Therefore, the Petition fails to meet the minimum requirements for providing a reasonably comprehensive description of the educational program for special needs students. The following specific concerns were also noted in the Petition:

1. The Petition states that it will adhere to all San Bernardino County SELPA procedures not San Bernardino City Unified School District procedures.
2. Despite stating they will have a special education budget allotment, the Petition provides the School “may” request related services such as speech, OT, and Adapted services from San Bernardino City Unified School District.
3. In regards to transition to Woodward the Petition states “the District shall continue to fund services for Special Education students enrolling at Woodward who have been receiving non-public agency (NPA) services from the district for thirty (30) days after enrollment.” The District does not fund NPA/NPS sites once the student has left the District. Also, it is unclear why the Petitioners expect the District to provide these services, but do not appear to have a similar expectation from other districts from which they might enroll students. Additionally, this statement evidences a lack of understanding that interim IEP’s can be held anytime from the date of enrollment up to 30 days.
4. Woodward does not outline specific procedures during enrollment to identify students that require special education services. Additionally, they do not have a procedure to deal with students who enroll or apply who have disabilities beyond what their program has to offer.
5. Under instructional strategies they state that “if needed, alternate assignments and modes of communication will be used...” It is unclear if this includes ASL for Deaf and Hard of Hearing?

6. The Petition includes incorrect data in relation to the mandated time frame for assessment. The special education law is 60 calendar days from a signed assessment plan and the Petition refers to 50 days.

B. The Plan for English Language Learners (“ELL”) is Inadequate and Incomplete and Raises Numerous Concerns.

The District finds that the Petition fails to provide a reasonably comprehensive educational program for ELL students for the following reasons:

1. The Petitioners are targeting District attendance areas in which there are high numbers of identified English Learners (“ELs”) at the elementary and middle schools. Thus, it is imperative their program for identified English Learners is well-developed and specifically address the needs of English Learners.

2. This program should include effective second language acquisition methodologies, a comprehensive English language development program, research based instructional strategies, and supplemental services. All classroom teachers should have state EL authorizations to ensure EL students continue to achieve academically.

3. The Petition lacks specificity in the description of the instructional support described for EL students. There is mention of “alternate teaching strategies” but no mention of what those strategies are or what they would entail.

4. Grade Reporting of ELs “...grades based on cooperation, effort and participation.” This describes social promotion and does not reflect standards-based instruction.

5. The Petition’s description regarding instruction is general and states that supplementary ESL may be included when in fact public schools are expected to provide every English learner student with English Language Development (“ELD”) until reclassified.

6. There is no mention regarding a designated time block for ELD. The use of SDAIE strategies/techniques is noted; however the techniques are not sufficient to fully address required English Language Development. Furthermore, the Petition lacks description of the course of study to be followed or the materials/resources utilized.

7. The Petition identifies the required four elements to be considered when reclassifying an English learner. The requirement of a two-year monitoring period once reclassified is not present in the petition.

8. The Petition fails to provide that when there are 21 or more English learner students, a functioning English Learner Advisory Committee (“ELAC”) is to be in place. Furthermore, the Petition should state that when 15 percent or more of the families of students enrolled primarily communicate in a single language other than English, correspondence will also be provided in that language.

II. THE PETITION DOES NOT CONTAIN ALL OF THE REQUIRED AFFIRMATIONS. [Education Code section 47605(b)(4)]

While the Petition includes the statement that Woodward will be nonsectarian in its programs, admission policies, employment practices, and all other operations, the facts in this case cause the District to find that Woodward may not be nonsectarian in practice and that Woodward is connected with religion, and specifically associated with the Temple Missionary Baptist Church (“Church”), in a manner that would violate the United States and California Constitutions. Facts supporting this finding are:

- Pastor Raymond Turner, lead Petitioner and one of the founding members of the proposed School, is the pastor of the Temple Missionary Baptist Church. (The District notes that it specifically is not finding that his being a pastor causes an inappropriate connection to religion.)
- The School will be housed at the Temple Outreach Center (“Outreach Center”), which as noted on the Outreach Center’s website, is supported by the members and visitors of the Temple Missionary Baptist Church of which Pastor Turner is the pastor.
- The Outreach Center and/or the Church have entered into a lease with the School, the terms of which have not been made known to the District.
- Thus, the District finds there is a clear connection between Pastor Turner, the School and the Church.

Based on all of the facts and circumstances available to the District, the District finds that there are connections between the proposed School and the Church of a type and nature that would violate California and federal law. Further, the District finds that some or all of these connections are intentional and that at this point cannot be severed or eliminated.

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

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

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

The governance structure of the School is discussed on pages 51 to 59. The Petition provides that the School will be governed **by** a nonprofit corporation. The Petition does not specify the name of the corporation that will govern the School's operations and/or provide the bylaws of the parent corporation. Indeed, Appendix F of the Petition provides:

“Woodward Leadership Academy has not incorporated its organization, as yet. However, there will be discussion and a decision made to incorporate WLA among the Founders of WLA with the WLA Founding Board during the 2011-2012 academic year.”

Thus, it is impossible for the District to know if the operations of the School will be governed and overseen in a manner consistent with the Charter and law.

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

1. The dispute resolution process between the School and the District is unacceptable and the District would not agree to the proposed process. The procedure is cumbersome, vague and ambiguous and is not designed to lead to an expedient resolution of disputes.

2. There are no timelines related to the mediation, which could lead to disputes being unresolved for an inordinate amount of time.

3. There is no exception from this potentially very time-consuming dispute resolution process for matters that pose health or safety threats to Charter School students.

4. The format and process for mediation are confusing. The Petition provides: “If no resolution is reached, the matter shall be submitted to a mediator (San Bernardino County Schools Office of Superintendent [“SBCSS”]) experienced in conflict resolution and educational issues. The first opportunity for striking the choice of mediator shall be determined by lot. The parties shall alternately strike until one name remains. Within ten (10) calendar days of appointment or otherwise mutually agreed, the parties shall meet to attempt to resolve the dispute. Any agreements reached shall be written and preserved as set out in paragraph (d) above.”

The reference to the SBCSS office is confusing. There is no explanation provided about why that agency would become involved in the mediation of a dispute between the District and the School.

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

The description of the procedures upon closure of the School is inadequate, incomplete, and inaccurate. Education Code section 47605(b)(5)(P) requires that a petition include a

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reasonably comprehensive description of the plans for disposing of any net assets of the school. In this case, the Petition merely states the corporation's articles of incorporation will address how assets are to be distributed at the closure of the School. As these documents were not provided to the District for review, it is not possible to determine if the Petitioners have in fact developed appropriate procedures for the distribution of these assets.

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

The foregoing resolution was considered, passed, and adopted by this Board at its special meeting of January 10, 2012.

**DENYING THE CHARTER SCHOOL PETITION FOR
WOODWARD LEADERSHIP ACADEMY**

By: _____
President of the Board of Education of the San Bernardino
City Unified School District

STATE OF CALIFORNIA)
)ss.
COUNTY OF SAN BERNARDINO)

I, _____, Clerk of the Board of Education of the San Bernardino City Unified School District, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the Board of Education of the San Bernardino City Unified School District at a special meeting of said Board held on _____.

Clerk of the Board of Education of the
San Bernardino City Unified School District, State of
California

APPROVED BY: Yolanda Ortega, Interim Superintendent

Board of Education Meeting
January 10, 2012

11.4 Committee Appointments
(Prepared by Interim Superintendent)

Board President Barbara Flores will make the following appointments.

- Appointment of a Board Member to serve on the Budget Committee
- Appointment of a Board Member to serve on the Policy Committee
- Appointment of a Board Member to serve on the Curriculum Instruction Committee
- Appointment of a Board Member to serve on the IT/Communications Committee

11.5 Personnel Report #13, Dated January 10, 2012
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #13, dated January 10, 2012, 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 #13, dated January 10, 2012, be approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

SESSION TEN - Closed Session

12.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

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San Bernardino School Police Officers Association
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

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

Number of Cases: One

Superintendent's Position

SESSION ELEVEN – Open Session

13.0 Action Reported from Closed Session

SESSION TWELVE - Closing

14.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, January 17, 2012, 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: January 6, 2012