

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

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

MICHAEL J. GALLO
Vice President



BOBBIE PERONG
Board Member

MARGARET HILL, D.Ed.
Board Member

DR. BARBARA FLORES
President

LYNDA K. SAVAGE
Board Member

JUDI PENMAN
Board Member

DALE MARSDEN, Ed.D.
Superintendent

DANNY TILLMAN
Board Member

July 17, 2012

Estimated Time

SESSION ONE - Opening

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

SESSION TWO - Special Presentations

- | | | |
|------------|---|------------------|
| 2.0 | <i>Special Presentations</i> | 5:35 p.m. |
| 2.1 | <u>Outstanding Student Awards and Outstanding Parent Awards</u> | |

SESSION THREE – Administrative Presentation

- | | | |
|------------|---|------------------|
| 3.0 | <i>Administrative Presentation</i> | 5:50 p.m. |
| 3.1 | <u>Annual Measurable Achievement Objective Growth (AMAO) for English Learners</u> | |

SESSION FOUR - Administrative Reports

- | | | |
|------------|--|------------------|
| 4.0 | <i>Administrative Reports</i> | 6:30 p.m. |
| 4.1 | <u>Amendments to Board Bylaw 9270 Conflict of Interest (First Reading)</u> | |
| 4.2 | <u>Quarterly Uniform Complaint Report Summary</u> | |

SESSION FIVE – Other Matters Brought By Citizens

- | | | |
|------------|---|------------------|
| 5.0 | <i>Other Matters Brought by Citizens</i> | 6:45 p.m. |
|------------|---|------------------|

SESSION SIX - Reports and Comments

- 6.0** *Report by Board Members* **7:00 p.m.**
6.1 Legislative Update
6.2 Community and School Alliance Foundation
- 7.0** *Report by Superintendent and Staff Members* **7:15 p.m.**
7.1 Tracking and Response Mechanism to Follow Up on Requests and Questions from Board and Community Members, as of July 11, 2012

SESSION SEVEN - Legislation and Action

- 8.0** *Consent Items (When considered as a group, unanimous approval is advised.)* **7:30 p.m.**

BOARD OF EDUCATION

- 8.1 Payment of San Bernardino County School Boards Association Membership Dues for 2012-13

BUSINESS SERVICES DIVISION

- 8.2 Commercial Warrant Registers for Period from June 1 through June 30, 2012
8.3 Emergency Resolution to Award Contract, SMART Building Uninterrupted Power Supply
8.4 Establishment of School Facility Sub Funds
8.5 Federal/State/Local District Budgets and Revisions
8.6 Professional Services Agreement with Brink's Inc., to Provide Bank Deposit Processing Services to Secondary School Sites for Associated Student Body (ASB) Funds
8.7 RFP No. 13-12, Agreement with Stradling, Yocca, Carlson & Rauth to Act as Bond Counsel for the District's Proposed 2012 General Obligation (G.O.) Bond
8.8 RFP No. 14-12, Agreement with De La Rosa & Co., to Provide Underwriter Services for the District's Proposed 2012 General Obligation (G.O.) Bond
8.9 RFP No. 15-12, Agreement with KNN Public Finance, to Provide Financial Advisor Services for the District's Proposed 2012 General Obligation (G.O.) Bond

EDUCATIONAL SERVICES

Curriculum and Instruction

- 8.10 Agreement with Learn It Systems & Performance Facts, Inc., Baltimore, Maryland, to Provide Current State of Student Learning and Effectiveness of Teaching, Leadership and Organizational Practices
8.11 Crown Ridge Academy Notice of Violation

STUDENT SERVICES

- 8.12 Transitional Kindergarten Reading/Language Arts Textbook Adoption

Youth Services

- 8.13 Expulsion of Student(s)
8.14 Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
8.15 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
8.16 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
8.17 Revocation of Suspension of Expulsion
8.18 Lift of Expulsion of Student(s)
8.19 Failure to Recommend Mandatory Expulsion 48915
8.20 Petition to Expunge, Rescind, or Modify Expulsion

FACILITIES/OPERATIONS DIVISION

Facilities Management

- 8.21 Amendment No. 1 to the Master Agreements for Lease and/or Purchase of DSA Approved 36' x 40' Relocatable Buildings with Restrooms for Various FCIP Projects
8.22 Amendment No. 2 to the Master Services Agreements for Soils and Materials Testing Services for Facilities Management Projects of New, Existing, or Potential Schools and Administrative Sites Throughout the District
8.23 Measure T Bond Citizens' Oversight Committee Membership
8.24 Notice of Completion, Bid No. F10-06, Lunch Shelters at Hillside and Roosevelt Elementary Schools and Electrical Upgrades at Hillside, Rio Vista, and Roosevelt Elementary Schools

Nutrition Services

- 8.25 Cafeteria Warrant Register, June 1, 2012, through June 30, 2012

9.0 Action Items

- 9.1 San Bernardino Waterman Gardens Memorandum of Understanding (MOU) between San Bernardino City Unified School District and Hope Through Housing Foundation
9.2 Amendment to Board Bylaw 9270 Conflict of Interest (First Reading)
9.3 Quarterly Uniform Complaint Report Summary
9.4 Personnel Report #2, Dated July 17, 2012

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SESSION EIGHT - Closed Session

10.0 Closed Session

8:00 p.m.

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

Student Matters/Discipline

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Anticipated Litigation

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

Number of Cases: Two

Public Employee Appointment

Title: Coordinator, English Language Arts/Social Studies
High School Vice Principal
Director of Alternative Programs
Elementary School Vice Principal

Public Employee Performance Evaluation

Title: Superintendent

SESSION NINE – Open Session

11.0 Action Reported from Closed Session

9:00 p.m.

SESSION TEN - Closing

12.0 Adjournment

9:05 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 7, 2012, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: July 13, 2012

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July 17, 2012

SESSION ONE - Opening

1.0 Opening

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

SESSION TWO - Special Presentations

2.0 Special Presentations

- 2.1 Outstanding Student Awards and Outstanding Parent Awards
(Prepared by the Communications Department)

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

The Board of Education Outstanding Parent Award will be presented to three parents representing Lankershim, Lytle Creek, and Monterey Elementary Schools.

SESSION THREE – Administrative Presentation

3.0 *Administrative Presentation*

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

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

- 3.1 Annual Measurable Achievement Objective Growth (AMAO) for English Learners
(Prepared by Educational Services Division)

Dr. Eliseo Dávalos, Chief Academic Officer, Educational Services, and Barbara Richardson, Assistant Director, Assessment and Accountability, will provide an update on the progress of AMAO 1 (Annual Growth Expectations) and AMAO 2 (Attaining English Proficiency) for English learners.

SESSION FOUR - Administrative Reports

4.0 *Administrative Reports*

- 4.1 Amendments to Board Bylaw 9270 Conflict of Interest (First Reading)
(Prepared by Business Services Division)

San Bernardino City USD Board Bylaw Conflict Of Interest

BB 9270 Board Bylaws

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

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

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body. (Government Code 87306.5)

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

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

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

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

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

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

Additional Requirements for Boards that Manage Public Investments

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

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

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

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

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

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

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

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

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

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

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

Common Law Doctrine Against Conflict of Interest

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

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

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

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

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

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

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

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

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

Disqualification for Board Members Who Manage Public Investments

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

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

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

(cf. 3430 - Investing)

The Board member may speak on the issue during the time that the general public speaks on the issue. The Board member shall recuse himself/herself from voting on the matter and leave the

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dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

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

Gifts

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

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

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

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

Honoraria

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

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

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

APPENDIX A DEFINES DISCLOSURE CATEGORIES AND APPENDIX B IDENTIFIES DESIGNATED POSITIONS IN THE DISTRICT:

Appendix A - Disclosure Categories

Category 1. Designated positions must report:

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

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

Appendix B - Designated Positions

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

Position Title Categories

Member, Board of Education 1, 2

Superintendent 1, 2

Chief Business and Financial Officer 1, 2

~~Associate Superintendent/Chief Administrative Officer 1, 2~~

Assistant Superintendent 1, 2

Accounting Services Director 1, 2

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Accounts Payable Supervisor 1, 2
Affirmative Action Director 1, 2
Alternative Programs Director 1, 2
Assistant Affirmative Action Officer 1, 2
Assistant Building Services Director 1, 2
Assistant Director 1, 2
Assistant Director Facilities Planning and Development 1, 2
Assistant Director of Management Information Services 1, 2
Assistant Nutrition Services Director 1, 2
Assistant Principal 1, 2
~~Assistant Purchasing Services Director 1, 2~~
Budget Officer 1, 2
Building Services Director 1, 2
Communications/Community Relations Director 1, 2
Consultant* 1, 2
Coordinator 1, 2
~~Curriculum, Instruction and Assessment Administrator 1, 2~~
Directors 1, 2
~~Director of Enrollment 1, 2~~
Director of Management Information Services 1, 2
~~Director of Special Projects 1, 2~~
Environmental Safety Officer 1, 2
Facilities Administrator 1, 2
Facilities Planning and Development Director 1, 2
Facilities Officer 1, 2
Facilities Planning Manager 1, 2
Fiscal Services Director 1, 2
Nutrition Services Business Manager 1, 2
Nutrition Services Director 1, 2
~~Payroll Officer 1, 2~~
Principal 1, 2
~~Program Improvement Administrator 1, 2~~
Purchasing Services Director 1, 2
~~Research and Instruction Director 1, 2~~
School Linked Services Director 1, 2
School Police and Safety Director 1, 2
Supervisor 1, 2
Youth Services Director 1, 2
Buyer 2
~~Elementary Instruction and Curriculum Development Director 2~~
English Learner and Support Program Director 2
Facilities Planning Manager 2
Human Resources Director Certificated 2

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Human Resources Director Classified 2
Maintenance Manager 2
Nutrition Services Computer Analyst 2
Nutrition Services Program Manager 2
Operations Manager 2
Personnel Commission Director 2
Personnel Commission Member 2
Recruitment/Employment Director Certificated 2
~~Secondary Instruction and Curriculum Director 2~~
Special Education Program Director 2

Administrative Director, Elementary 1, 2
Administrative Director, Secondary 1, 2
Assistant Director, Special Education 1, 2
Chief Academic Officer 1, 2
Director, Charter Schools Operations 1, 2
Payroll Supervisor 1, 2

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

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

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

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

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

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

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

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

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

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

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

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

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

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

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

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80 Ops.Cal.Atty.Gen. 320 (1997)
69 Ops.Cal.Atty.Gen. 255 (1986)
68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

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

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: April 5, 2011

4.2 Quarterly Uniform Complaint Report Summary
(Prepared by Employee Relations)

Pursuant to legislation passed as a result of the Williams Case and Valenzuela Settlement Agreements, districts must report summarized data on the nature and resolution of all complaints on a quarterly basis to the governing board, at a regularly scheduled board meeting. The following is the quarterly report for the period from April to June 2012, pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of Regulations.

Williams and Valenzuela Settlement Legislation

Quarterly Report Summary

Quarterly Uniform Complaint Report Summary

For submission to school district governing board and county office of education

District Name: San Bernardino City Unified School District

Quarter covered by this report: April – June 2012

UCP Areas	Number of Complaints Received in Quarter	Number of Complaints Resolved	Number of Complaints Unresolved (Quarter)	Number of Complaints Unresolved (Historic)
Instructional Materials	0	0	0	0
Facilities	1	1	0	0
Teacher Vacancy and Misassignment	0	0	0	0
CAHSEE Intensive Instructions for High School Exit Exam	0	0	0	0
Totals	1	1	0	0

Submitted by: Marie Arakaki
 Title: Affirmative Action Director

SESSION FIVE – Other Matters Brought By Citizens

5.0 Other Matters Brought by Citizens

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

SESSION SIX - Reports and Comments

6.0 Report by Board Members

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

6.1 Legislative Update

6.2 Community and School Alliance Foundation
(Prepared by Superintendent)

The Community and School Alliance Foundation (CaSA) was established in 1986, as a 501(c)(3), dedicated to improving the quality of education in the District. With the goal of encouraging the support of innovative classroom programs that will enrich the education of students in Grade K-12, CaSA has provided over \$421,000 in mini grants to District teachers.

This evening, Board members will discuss reconstituting the CaSA Board and future direction for the Foundation.

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

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

7.1 Tracking and Response Mechanism to Follow Up on Requests and Questions from Board and Community Members, as of July 11, 2012
(Prepared by the Superintendent)

		Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
PARENT/PUBLIC REQUESTS							
	1	6/5/12	Invite Aiko Howe to schools to share her Japanese internment story.	Margaret Paul Margaret Hill	Eliseo Davalos 6/6/12	August 7, 2012	
	2	6/19/12	Notify schools about President Obama's change to immigration laws.	Gil Navarro	Eliseo Davalos Kennon Mitchell 6/20/12	September 18, 2012	
	3	7/10/12	The DELAC Committee is opposed to changes to the EL Master Plan.	Teresa Alba Dolores Ochoa	Dale Marsden Eliseo Davalos		
	4	7/10/12	Are nurses and psychologists doing their job?	Gil Navarro	Kennon Mitchell		Response was provided in Confidential Board Correspondence

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	5	7/10/12	What support will be provided to her sister, a San Geronio High School student?	Marina Mejia	Eliseo Davalos		
	6	7/10/12	Can Dr. Marsden meet with a group of substitute teachers on August 14?	Ron Fletcher	Dale Marsden		Scheduled for August 14, 2012
BUSINESS SERVICES DIVISION – MOHAMMAD ISLAM							
*	1	6/5/12	What is the potential savings from the SERP?	Danny Tillman	Mohammad Islam 6/6/12		Scheduled for the September 18, 2012 Workshop
	2	6/19/12	Provide a budget report.	Ron Fletcher	Mohammad Islam 6/20/12		Mr. Fletcher was given a copy on June 19.
EDUCATIONAL SERVICES – DR. ELISEO DAVALOS							
	1	6/5/12	Invite Bob Harper to give his Frederick Douglass presentation.	Margaret Hill	Eliseo Davalos 6/6/12	August 7, 2012	
	2	6/19/12	Consider offering Common Core Standards training to teachers and administrators during the same timeframe.	Nancy Sanchez-Spears	Eliseo Davalos 6/20/12	August 17, 2012	
	3	7/10/12	Look at what is leading to Santa Ana students' success with A-G requirements.	Danny Tillman	Eliseo Davalos		
STUDENT SERVICES/EMPLOYEE RELATIONS – DR. KENNON MITCHELL							
	1	4/17/12	Consider using Share Point to prioritize the follow up requests.	Michael Gallo	Kennon Mitchell 4/18/12		Staff does not recommend the use of Share Point due to cost and difficulty in implementing the platform.
FACILITIES/OPERATIONS – JOHN PEUKERT							
	1	7/10/12	Impose strict controls on the bond to be brought back to the Board to endorse.	Michael Gallo	John Peukert		

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SUPERINTENDENT - DR. DALE MARSDEN							
	1	6/19/12	Provide a presentation on all of the agencies we contract with.	Danny Tillman	Dale Marsden 6/20/12	September 18, 2012	

*Board Member priorities

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SESSION SEVEN - Legislation and Action

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

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

BOARD OF EDUCATION

8.1 Payment of San Bernardino County School Boards Association Membership Dues for 2012-13
(Prepared by Superintendent)

In accordance with the bylaws of the San Bernardino County School Boards Association, Article IV, Section 2, each school district that elects to participate shall pay annual dues for membership in the Association. Dues shall be payable July 31, of each year. In addition, Section 35172 of the Education Code provides for the payment of membership dues from district funds.

A remittance in the amount of \$250.00 is requested from our district.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves payment of \$250.00 to the San Bernardino County School Boards Association for 2012-13 membership dues.

Requester/Approver: Superintendent

BUSINESS SERVICES DIVISION

8.2 Commercial Warrant Registers for Period from June 1 through June 30, 2012
(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 June 1, 2012, through June 30, 2012, be approved.

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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

8.3 Emergency Resolution to Award Contract, SMART Building Uninterrupted Power Supply
(Prepared by Business Services Division)

After 27 years of services, the Uninterruptible Power Supply (UPS) system located in the District's Information Technology "SMART" Building crashed. The SMART building houses the District Storage Area Network (SAN), Email and Data Archiving System, Student Information System, Business Support Systems, phone and network switches. A vendor has supplied the District with an emergency loaner UPS until such time as the District is able to purchase and replace the broken unit. A spike or an outage in the street power as supplied by Edison could be potentially or seriously damaging. There is an urgent need to replace the unit as the SMART building houses critical technology equipment required for the day-to-day operation of all administrative sites and for continuation of school sites. Public Contract Code 20113 relieves the Governing Board of school districts from bidding requirements when emergency repairs, alternation, work or improvements are necessary 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 a contract for the performance of labor and furnishing of equipment, materials, and supplies for this purpose without advertising for or inviting bids. All costs will be paid from the Restricted General Fund, Information Technology E-Rate, Account No. 172.

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 of Superintendent of Schools for approval to enter into a contract for the performance of labor and furnishing of equipment, materials and supplies for this purpose without advertising for or inviting bids. All costs will be paid from the Restricted General Fund, Information Technology E-Rate, Account No. 172.

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, Information Technology

Approver: Chief Business & Financial Officer, Business Services Division

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8.4 Establishment of School Facility Sub Funds
(Prepared by Business Services Division)

Lincoln Elementary New Construction Project
(Application number 50/67876-00-083)

On March 11, 2009, the State Allocation Board processed the Application for School Facility Project (SAB 50/67876-00-0083) at Lincoln Elementary School in the amount of \$1,116,891.00 and placed the project on the unfunded list. On March 28, 2012, the project was funded at \$1,159,506.00 by the State Allocation Board. San Bernardino County Superintendent of Schools requests the District to establish a Sub Fund within Fund 35 School Facilities Project to properly account for this funding. Facilities department has provided an expenditure plan for the project that includes \$1,159,506.00 in revenue and \$1,159,506.00 in expenditures.

Lincoln Elementary Overcrowding Relief Grant
(Application number 56/67876-00-005)

On March 11, 2009, the State Allocation Board processed the Application for the Overcrowding Relief Grant School Facility Project (SAB 56/67876-00-005) at Lincoln Elementary School in the amount of \$3,132,776.00 and placed the project on the unfunded list. On March 28, 2012, the project was funded at \$3,251,125.00. San Bernardino County Superintendent of Schools requests the District to establish a Sub Fund within Fund 35 School Facilities Project to properly account for this funding. The Facilities Department has provided an expenditure plan for the project that includes \$3,251,125.00 in revenue and \$3,251,125.00 in expenditures.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the establishment of the Sub Fund in the School Facilities Project Fund 35 for the Lincoln Elementary New Construction Facilities Application Number 50/67876-00-0083.

BE IT FURTHER RESOLVED that the Board of Education approves the establishment of the Sub Fund in the School Facilities Project Fund 35 for the Lincoln Elementary Overcrowding Relief Grant Application Number 56/67876-00-005.

Requester: Director, Fiscal Services

Approver: Chief Business and Financial Officer, Business Services Division

8.5 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

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programs. The following programs requested by the Board of Education affect the restricted and unrestricted portions in the budgets of the District funds. In order to adjust the program budgets, it is necessary to have Board of Education approval.

The restricted program, California Partnership Academies Program: Clean Technology and Renewable Energy (495), was not included in the Fiscal Year 2012-2013 approved budget. Based on the Grant Award Notification received on June 14, 2012, an increase in the amount of \$135,831.00 will result in a revised total of \$135,831.00.

The restricted program, Fund 12-State Preschool Program-CSPP-2421 (102,103,251,252), was included in the Fiscal Year 2012-2013 approved budget in the amount of \$5,960,622.00. Based on the grant award notification letter received on June 27, 2012, a decrease in the amount of \$424,786.00 will result in a revised total of \$5,535,836.00.

The restricted program, Fund 12-Child Development Program-CCTR-2219 (250), was included in the Fiscal Year 2012-2013 approved budget in the amount of \$1,762,714.00. Based on the grant award notification letter received on June 11, 2012, a decrease in the amount of \$246,900.00 will result in a revised total of \$1,515,814.00.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$135,831.00 in the budgeting of revenues and expenditures for the restricted program, California Partnership Academies Program: Clean Technology and Renewable Energy (495).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$424,786.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-State Preschool Program-CSPP-2421 (102,103,251,252).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of \$246,900.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-Child Development Program-CCTR-2219 (250).

Requester: Director, Fiscal Services

Approver: Chief Business and Financial Officer, Business Services Division

8.6 Professional Services Agreement with Brink's Inc., to Provide Bank Deposit Processing Services to Secondary School Sites for Associated Student Body (ASB) Funds
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to enter into a professional services agreement with Brink's, Inc., San Bernardino, California to provide bank deposit processing services to sixteen (16) secondary school sites for Associated Student Body (ASB)

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Funds, effective August 1, 2012, through June 30, 2013. The courier service is necessary to ensure timely deposits of ASB Funds for secondary school sites. Brink's Inc., is the only local service. The total cost, not to exceed \$11,000.00, will be paid from Unrestricted General Fund.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a professional services agreement with Brink's Inc. to provide bank deposit processing services to sixteen (16) secondary school sites for the Associated Student Body Funds, effective August 1, 2012, through June 30, 2013. The courier service is necessary to ensure timely deposits of ASB Funds for secondary school sites. The total cost, not to exceed \$11,000.00, will be paid from Unrestricted General Fund.

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

Requester: Director, Accounting Services

Approver: Chief Business and Financial Officer, Business Services Division

8.7 RFP No. 13-12, Agreement with Stradling, Yocca, Carlson & Rauth to Act as Bond Counsel for the District's Proposed 2012 General Obligation (G.O.) Bond
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to enter into an agreement with Stradling, Yocca, Carlson & Rauth to act as Bond Counsel for the District's proposed 2012 General Obligation (G.O.) Bond, RFP No. 13-12, effective July 18, 2012, through the issuance of bonds.

Request-for-Proposals (RFPs) were sent to the following six bond counsel firms: Bowie, Arneson, Wiles, Giannone, Newport Beach, California; Fulbright & Jaworski, LLP, Los Angeles, California; Lewis Bisbois Bisgard & Smith, LLP, San Bernardino, California; Orrick, Herrington & Sutcliffe, Irvine, California; Stradling, Yocca, Carlson & Rauth, San Francisco, California; GCR Legal, LLP, San Diego, California; and the San Bernardino Chamber of Commerce. Proposals were received from five firms, Bowie, Arneson, Wiles, Giannone; Fulbright & Jaworski, LLP, Orrick, Herrington & Sutcliffe; Stradling, Yocca, Carlson & Rauth; and GCR Legal, LLP.

On July 12, 2012, the Selection Committee met, ranked, and selected a Bond Counsel firm best meeting the needs of the District based on experience, expertise, and competitiveness of proposed fees.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves entering into an agreement with Stradling, Yocca, Carlson & Rauth, San Francisco, California to act as Bond Counsel for the District's proposed 2012 General Obligation Bond, RFP No. 13-12, effective July 18, 2012, through the issuance of bonds. Payment of fees, including reasonable reimbursable expenses, are contingent upon the successful election and issuance of bonds, and will be paid from the proceeds from the sale of the G.O. Bonds based on a percentage scale for each series of bonds actually issued in accordance with the proposed fee. 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 all related documents.

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

8.8 RFP No. 14-12, Agreement with De La Rosa & Co., to Provide Underwriter Services for the District's Proposed 2012 General Obligation (G.O.) Bond
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to enter into an agreement with De La Rosa & Co., Los Angeles, California to provide Underwriter Services for the District's proposed 2012 General Obligation (G.O.) Bond, RFP No. 14-12, effective July 18, 2012, through the issuance of bonds.

Request-for-Proposals (RFPs) were sent to five underwriter firms: De La Rosa & Company, Los Angeles, California; Piper Jaffray & Company, San Francisco, California; Siebert, Brandford, Shank & Co., LLC, Los Angeles, California; Stone & Youngberg, Los Angeles, California; Cabrera Capital Markets, LLC, Los Angeles, California; and the San Bernardino Chamber of Commerce. Proposals were received from three firms, De La Rosa & Company, Cabrera Capital Markets, and Siebert, Brandford, Shank & Co., LLC.

On July 12, 2012, the Selection Committee met, ranked, and selected an Underwriter firm best meeting the needs of the District based on experience, expertise, and competitiveness of proposed fees.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with De La Rosa & Co, Los Angeles, California to provide underwriter services for the District's proposed 2012 General Obligation Bond, RFP No. 14-12, effective July 18, 2012, through the issuance of bonds. Payment of fees in the amount of \$160,000.00 per each \$60,000,000.00 series issue, including reasonable reimbursable expenses, are contingent upon the successful election and issuance of bonds, and will be paid from the proceeds from the sale of the G.O. Bonds. There will be no cost to the District.

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

- 8.9 RFP No. 15-12, Agreement with KNN Public Finance, to Provide Financial Advisor Services for the District's Proposed 2012 General Obligation (G.O.) Bond
(Prepared by Business Services Division)

The Business Services Division requests Board of Education approval to enter into an agreement with KNN Public Finance, Oakland, California to provide Financial Advisor Services for the District's proposed 2012 General Obligation (G.O.) Bond, RFP No. 14-12, effective July 18, 2012, through the issuance of bonds.

Request-for-Proposals (RFPs) were sent to five underwriter firms: CM d Crinis & Co., Inc., Sherman Oaks, California; Fieldman, Rolapp & Associates, Irvine, California; KNN Public Finance, Oakland, California; Dolinka Group, Irvine, California; Keygent, LLC, El Segundo, California; and the San Bernardino Chamber of Commerce. Proposals were received from four firms: CM d Crinis & Co., Inc., Fieldman, Rolapp & Associates, KNN Public Finance, and Dolinka Group.

On July 12, 2012, the Selection Committee met, ranked, and selected a Financial Advisor firm best meeting the needs of the District based on experience, expertise, and competitiveness of proposed fees.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with KNN Public Finance, Oakland, California to provide financial advisor services for the District's proposed 2012 General Obligation Bond, RFP No. 15-12, effective July 18, 2012, through the issuance of bonds. Payment of fees in the amount of \$60,000.00 per issue, plus reasonable reimbursable expenses, are contingent upon the successful election and issuance of bonds, and will be paid from the proceeds from the sale of the G.O. Bonds. There will be no cost to the District.

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

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

EDUCATIONAL SERVICES

Curriculum and Instruction

- 8.10 Agreement with Learn It Systems & Performance Facts, Inc., Baltimore, Maryland, to Provide Current State of Student Learning and Effectiveness of Teaching, Leadership and Organizational Practices
(Prepared by Business Services Division)

The Categorical Programs Department requests Board of Education approval to enter into an agreement with Learn It Systems & Performance Facts, Inc., Baltimore, Maryland, to provide the SIG Turnaround Office technical assistance in building both capacity and long-term sustainability of systems and processes leading to student achievement beyond the June 30, 2013, funding window of the School Improvement Grant. Consultant will provide an analysis of the current state of student learning and effectiveness of teaching, leadership and organizational practices to Barton, Davidson, Hunt, Marshall, Wilson, and Rio Vista Elementary Schools; Serrano and Shandon Hills Middle Schools; and Arroyo Valley, San Gorgonio, and Pacific High Schools, effective August 3, 2012, through December 31, 2012. Services will include clarification of instruction focus for each school, alignment of core subjects to state standards, identification of professional/leadership development and collaboration priorities, and development of detailed action steps for the 2012-2013 school year. Monitoring and evaluation will be two-dimensional consisting of 1) Assessment of student learning based on vital signs defined in the schools' instructional focus; and 2) Assessment of teaching practices and organizational practices relative to the priorities in the schools' instructional focus and professional development plan. The cost per site, \$44,850.00, for a total aggregate contract amount not to exceed \$493,350.00, will be paid from Restricted General Fund—School Improvement Grant—New SIG, Account No. 507.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Learn It Systems & Performance Facts, Inc., Baltimore, Maryland, to provide an analysis of the current state of student learning and effectiveness of teaching, leadership and organizational practices to Barton, Davidson, Hunt, Marshall, Wilson, and Rio Vista Elementary Schools; Serrano and Shandon Hills Middle Schools; and Arroyo Valley, San Gorgonio, and Pacific High Schools, effective August 3, 2012 through December 31, 2012. The cost, \$44,850.00 per site, for a total aggregate contract amount not to exceed \$493,350.00, will be paid from Restricted General Fund—School Improvement Grant—New SIG, Account No. 507.

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

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

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8.11 Crown Ridge Academy Notice of Violation
(Prepared by Educational Services Division)

The Educational Services Division requests the Governing Board to consider making findings of material violations by the Crown Ridge Charter Academy and delegate authority to the Superintendent or Superintendent's designee to prepare and send a formal written Notice of Violations including all of the requirements for such notices, including, but not limited to, specification of the violations and a reasonable opportunity for Crown Ridge Charter Academy to correct the violations, and to take all further steps as necessary to effectuate the Notice of Violations.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Governing Board considers making findings of material violations by the Crown Ridge Charter Academy and delegates authority to the Superintendent or Superintendent's designee to prepare and send a formal written Notice of Violations including all of the requirements for such notices, including, but not limited to, specification of the violations and a reasonable opportunity for Crown Ridge Charter Academy to correct the violations, and to take all further steps as necessary to effectuate the Notice of Violations.

Requestor: Director of Charter School Operations

Approver: Chief Academic Officer, Educational Services

STUDENT SERVICES

8.12 Transitional Kindergarten Reading/Language Arts Textbook Adoption
(Prepared by Student Services)

The adoption of a designated textbook for use in each course Districtwide is an essential part of an articulated, sequential and standardized curriculum in each subject area as the District works to improve student achievement. Current state legislation mandates the creation of a new level of kindergarten for four-year-old students beginning with the 2012-13 school year. This new program will be called Transitional Kindergarten.

A committee of certificated teachers and representatives from SBTA and administrators was formed to review reading/language arts and mathematics materials for the Transitional Kindergarten Program. The program is a comprehensive, reading/language arts and mathematics program designed specifically for students who are in a transitional kindergarten program. Programs were evaluated based on the criteria established to meet State requirements for a transitional kindergarten program. Because the California Department of Education is not adopting a particular program for the transitional kindergarten, it is up to the District to make a local adoption based on meeting the requirements outlined by the California Department of Education.

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The Student Services Division recommends that the following resolution be adopted as a local board adoption.

BE IT RESOLVED that the Board of Education approves the adoption of the following transitional kindergarten materials:

Reading/Language Arts/Math: **Little Treasures / A Comprehensive Pre-K Curriculum**
Publisher: **Macmillan/McGraw-Hill**
Name of program: **Little Treasures (2012)**

ABE and Dual Immersion Classrooms:

Reading/Language Arts/Math: **DLM Express**
Publisher: **Wright Group/McGraw-Hill**
Name of program: **DLM Express (2011)**

Requester: Director, School Linked Services
Approver: Assistant Superintendent, Student Services

Youth Services

8.13 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)5/18/2002

*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.

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(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

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the following student(s) were recommended for suspension, but suspension is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with Education Code Section 48900. Therefore, although they were recommended for suspension, the suspension was reversed or modified.

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

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

It is recommended that the following resolution be adopted:

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

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

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8.16 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

8.17 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

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

It is recommended that the following resolution be adopted:

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

5/31/1995 11/9/1995

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

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8.19 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

8.20 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

8.21 Amendment No. 1 to the Master Agreements for Lease and/or Purchase of DSA Approved 36' x 40' Relocatable Buildings with Restrooms for Various FCIP Projects
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the master services agreements for the lease and/or purchase of DSA approved 36' x 40' relocatable buildings with restrooms, originally approved by the Board on May 19, 2009. This amendment will extend the ending date through June 30, 2014, to enable the District to provide housing and

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accommodations to students during the construction activities of the Overcrowding Relief Grant (ORG) projects. 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 master services agreements for the lease and/or purchase of DSA approved 36' x 40' relocatable buildings with restrooms. This amendment will extend the ending date, effective July 1, 2012, through June 30, 2014, to enable the District to provide housing and accommodations to students during the construction activities of the Overcrowding Relief Grant (ORG) projects. All other terms and conditions remain the same.

- 1) Mobile Modular Management Corp., Mira Loma, California
- 2) Silver Creek Industries, San Diego, California

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

8.22 Amendment No. 2 to the Master Services Agreements for Soils and Materials Testing Services for Facilities Management Projects of New, Existing, or Potential Schools and Administrative Sites Throughout the District
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the master services agreements for soils and materials testing services originally approved by the Board on April 3, 2007. This amendment will extend the ending date through June 30, 2013, for continuity of service and DSA certification until the completion of the current project. 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 master services agreements for soils and materials testing services originally approved by the Board on April 3, 2007. This amendment will extend the ending date, effective July 1, 2012, through June 30, 2013, for continuity of service and DSA certification until the completion of the current project. All other terms and conditions remain the same.

- Converse Consultants, Redlands, California
- Heider Engineering, Ontario, California

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

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

8.23 Measure T Bond Citizens' Oversight Committee Membership
(Prepared by Facilities/Operations)

On May 4, 2004, the Board of Education approved establishing a Citizens' Bond Oversight Committee as required under Proposition 39 for the Measure "T" Local Bond. The Committee is legally charged, under the Education Code and the California Constitution, with direct taxpayer review of the Bond measure to ensure that spending conforms to the Bond language approved by the voters.

Facilities Management conducted a recruitment to fill the vacant positions from March 1, 2012, through April 30, 2012. Five of the six vacant positions were approved by the Board on June 19, 2012. One position remained unfilled:

- Troy Nelson - At Large

A qualifying application was received at the June 13, 2012, Citizens' Oversight Committee meeting:

- Trini Nelson - At Large

The application was provided to Board Members through Board Correspondence.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the appointment of Trini Nelson (At Large), for an initial two-year term from September 1, 2012, through August 31, 2014.

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

8.24 Notice of Completion, Bid No. F10-06, Lunch Shelters at Hillside and Roosevelt Elementary Schools and Electrical Upgrades at Hillside, Rio Vista, and Roosevelt Elementary Schools
(Prepared by Facilities/Operations Division)

Bid No. F10-06, Lunch Shelters at Hillside and Roosevelt Elementary Schools and Electrical Upgrades at Hillside, Rio Vista, and Roosevelt Elementary Schools, was previously awarded to a

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General Contractor. The work assigned to the Contractor has now been completed. It is requested that the Board of Education formally accept the completed work of this Contractor.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F10-06, Lunch Shelters at Hillside and Roosevelt Elementary Schools and Electrical Upgrades at Hillside, Rio Vista, and Roosevelt Elementary Schools, for the work awarded to the Contractor listed below:

General Contractor
Avi-Con Inc. dba CA Construction
Riverside, California

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

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

Nutrition Services

8.25 Cafeteria Warrant Register, June 1, 2012, through June 30, 2012
(Prepared by Facilities/Operations Division)

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

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Cafeteria Warrant Register, June 1, 2012, through June 30, 2012, be approved.

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

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

9.0 Action Items

- 9.1 San Bernardino Waterman Gardens Memorandum of Understanding (MOU) between San Bernardino City Unified School District and Hope Through Housing Foundation
(Prepared by Superintendent)

**San Bernardino Waterman Gardens
Memorandum of Understanding (MOU) between San Bernardino City Unified School
District and Hope Through Housing Foundation**

This Memorandum of Understanding (MOU) is hereby entered into for the purpose of implementing a Promise Neighborhoods planning grant in the 38-acre Waterman Gardens housing development located in the City of San Bernardino. With over 252 family units, Waterman Gardens is home to a large population of children 0-18 years and is in the heart of a high risk, high poverty neighborhood that experiences high crime, poor academic achievement, high unemployment, and numerous health and child development risk factors. The purpose of this Promise Neighborhood initiative is for a range of public and nonprofit partners, including San Bernardino City Unified School District (SBCUSD), to conduct a year-long planning process to address these risk factors and provide children and youth with a continuum of care that supports school readiness and a successful transition into college or career. This process will build on existing work being conducted by SBCUSD to strengthen academic outcomes for children and youth. Hope Through Housing Foundation will serve as the fiscal agent for the grant and will co-lead the project in partnership with Housing Authority of San Bernardino County.

Purpose of the Promise Neighborhood Planning Grant

The goal of the year-long planning project is to identify supports that improve child, youth, and family outcomes for residents of Waterman Gardens. To accomplish this, partners agree to participate in a facilitated, year-long planning process that results in an integrated plan for implementing a continuum of solutions that provide academic, community and family supports. Likely services that will be explored and addressed in this plan include: prenatal and early childhood education (including preschool); after school programs for at-risk youth; mentoring and programs that encourage family involvement; school transformation programs; resource and referral services that strengthen families and address specific neighborhood challenges; parenting education and parent involvement programs; and job skills development and college preparation offerings. Residents of Waterman Gardens will participate in these efforts, offering feedback, guidance, and reflection to the planning committee. After the year of planning, the collaboration will pursue a 3-5 year implementation grant, during which the recommendations from the collaboration will be implemented in the Waterman Gardens community.

Hope Through Housing Foundation

Hope Through Housing Foundation is a 501c3 nonprofit whose mission is to create community change by providing research-validated services proven to have long-term benefits in neighborhoods threatened by poverty, violence, and blight. Hope Through Housing Foundation (Hope) is a division of National Community Renaissance (National CORE), a nonprofit that plans, builds, and manages low income apartment housing. Together, Hope and National CORE serve over 16,000 low income children, families, and seniors in 75 housing developments in California, Texas, Arkansas, and Florida.

Currently, Hope Through Housing Foundation offers 32 after school programs through its Youth Development Initiative; 5 State or Head Start preschool programs through its Child Development Initiative; and case management and resource services at 12 Senior housing developments through its Connections to Care Initiative. Under development are a workforce financial literacy and job skills initiative for families receiving public assistance and an all-inclusive senior health care initiative.

San Bernardino City Unified School District

The mission of San Bernardino City Unified School District (SBCUSD) is to provide academic instruction to each enrolled student sufficient to develop the skills, knowledge, and understanding required to promote personal development to the fullest extent of the individual's potential. SBCUSD is the eighth largest school district in California and serves 54,000 students in 44 elementary schools, 10 middle schools, 7 high schools, 3 special education schools, and 1 adult school.

SBCUSD offers numerous programs that promote academic enrichment and student life success, including CAPS (Creative Afterschool Program for Success) after school programming; school-linked services that include a family resource center; Cal Safe for pregnant and parenting teens; alternative education programs; dual Spanish-English immersion programs; vocational education; and numerous academic intervention programs. This MOU establishes SBCUSD's commitments to the San Bernardino Waterman Gardens Promise Neighborhood project.

Commitments

San Bernardino City Unified School District agrees to the following commitments in planning and implementing the San Bernardino Waterman Gardens Promise Neighborhood:

1. Designate a minimum of one representative within each partner's organization to attend all Advisory Board meetings and assist with and support the Planning Grant Activities as defined in this MOU during the year-long Planning Grant period.

2. Designate one or more staff to lend expertise and consultation on the development of the continuum of solutions for at least 60 hours over the year-long planning grant period. All partners will bring their experience, best thinking, and recommendations to this process in the areas of their expertise. This includes sharing best practices, lessons learned, and/or school data from the District databases as privacy laws permit.
3. Participate in planning efforts to bring wraparound community services for students and families at schools that serve Waterman Gardens. Likewise, SBCUSD will participate in planning community services at Waterman Gardens that can benefit student achievement and academic success.

Effective Date and Signature

This MOU shall be effective upon the signature of each partner’s authorized officials. It shall be in force for the duration of the Planning Grant Year contingent upon award selection. We anticipate the planning year will commence October 1, 2012 and extend through October 31, 2013.

_____ Signature	_____ Date	_____ Signature	_____ Date
<i>George Searcy</i>		<i>Dale Marsden, Ed.D.</i>	
Executive Director		Superintendent	
Hope Through Housing Foundation		San Bernardino City Unified School District	

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the San Bernardino Waterman Gardens Memorandum of Understanding (MOU) between San Bernardino City Unified School District and Hope Through Housing Foundation.

9.2 Amendment to Board Bylaw 9270 Conflict of Interest (First Reading)
(Prepared by Business Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education receives the amendments to Board Bylaw 9270 as a first reading.

9.3 Quarterly Uniform Complaint Report Summary
(Prepared by Employee Relations)

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves the findings of the Quarterly Uniform Complaint Report Summary for the period of April to June 2012.

9.4 Personnel Report #2, Dated July 17, 2012
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #2, dated July 17, 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 #2, dated July 17, 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.

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SESSION EIGHT - Closed Session

10.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator: 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

Anticipated Litigation

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

Number of Cases: Two

Public Employee Appointment

Title: Coordinator, English Language Arts/Social Studies
High School Vice Principal
Director of Alternative Programs
Elementary School Vice Principal

Public Employee Performance Evaluation

Title: Superintendent

SESSION NINE – Open Session

11.0 Action Reported from Closed Session

SESSION TEN - Closing

12.0 Adjournment

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 7, 2012, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

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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: July 13, 2012