

**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**

BOBBIE PERONG
Vice President



ABIGAIL MEDINA
Board Member

DR. BARBARA FLORES
Board Member

LYNDA K. SAVAGE
Board Member

MARGARET HILL, D.Ed.
Board Member

MICHAEL J. GALLO
President

DANNY TILLMAN
Board Member

DALE MARSDEN, Ed.D.
Superintendent

March 4, 2014

Estimated Time

SESSION ONE – Board Workshop

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

SESSION TWO - Opening

2.0 Opening **5:30 p.m.**
2.1 Call to Order
2.2 Pledge of Allegiance to the Flag
2.3 Adoption of Agenda
2.4 Inspirational Reading

SESSION THREE - Special Presentations

3.0 Special Presentations **5:45 p.m.**
3.1 Student Report/School Showcase—Cajon High School
3.2 Recognition of Adult Education Week
3.3 In Recognition of César E. Chávez

*All indicated times are approximate. The actual time for any item is dependent upon the amount of time required for prior items.

SESSION FOUR – Closed Session

4.0 Closed Session **6:00 p.m.**

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

Conference with Legal Counsel

Anticipated Litigation

Number of Cases: One

Public Employee Discipline/Dismissal/Release/Demotion/Reassignment Pursuant to Government Code Section 54957

Non-Reelection of Probationary Employees

SESSION FIVE – Student Achievement

5.0 Student Achievement **6:30 p.m.**

5.1 Smarter Balanced Assessment Consortium (SBAC) Update

SESSION SIX - Public Hearing

6.0 Public Hearing **7:00 p.m.**

6.1 Resolution to Adopt the Reports “Residential Development School Fee Justification Study for the SBCUSD” and “Commercial/Industrial Development School Fee Justification Study for the SBCUSD” and Approval of an Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995

6.2 Acknowledge Receipt of Initial Contract Proposal from San Bernardino Teachers Association (SBTA)

SESSION SEVEN - Reports and Comments

7.0 Reports and Comments **7:10 p.m.**

7.1 Report by San Bernardino Teachers Association

7.2 Report by California School Employees Association

7.3 Report by Communications Workers of America

7.4 Report by San Bernardino School Police Officers Association

7.5 Report by San Bernardino School Managers

7.6 Comments by Board Members

7.7 Comments by Superintendent and Staff Members

- 7.8 Book Study-*The Speed of Trust*, Behavior #3: Create Transparency

SESSION EIGHT – Public Comment

- 8.0 *Public Comment*** **7:50 p.m.**

SESSION NINE - Administrative Reports

- 9.0 *Administrative Reports*** **8:05 p.m.**

- 9.1 Second Period Interim Financial Report as of January 31, 2014
- 9.2 Amendments to BP 0410 Nondiscrimination in District Programs and Activities (First Reading)
- 9.3 Amendments to BP 1312.3 Uniform Complaint Procedures (First Reading)
- 9.4 Amendments to BP 4030 Nondiscrimination in Employment (First Reading)
- 9.5 Amendments to BP 4119.11 Sexual Harassment (First Reading)
- 9.6 Amendments to BP 4219.11 Sexual Harassment (First Reading)
- 9.7 Amendments to BP 4319.11 Sexual Harassment (First Reading)
- 9.8 Amendments to BP 5145.3 Nondiscrimination/Harassment (First Reading)
- 9.9 Follow Up on Requests and Questions from Board and Community Members, as of February 26, 2014

SESSION TEN – Consent Calendar

- 10.0 *Consent Calendar*** **8:30 p.m.**

BUSINESS SERVICES DIVISION

- 10.1 Acceptance of Gifts and Donations to the District
- 10.2 Business and Inservice Meetings
- 10.3 Commercial Warrant Registers for Period from February 1, through February 15, 2014
- 10.4 Extended Field Trip, Arroyo Valley High School, 12th Annual JROTC Spring Camp, Idyllwild, California
- 10.5 Extended Field Trip, Cajon High School, California State Thespian Festival 2014, Upland, California
- 10.6 Extended Field Trip, Cajon High School, Girls Varsity Basketball Tournament, San Diego, California
- 10.7 Extended Field Trip, Middle College High School, AVID 2014 College Tour, Multiple Northern California Locations
- 10.8 Extended Field Trip, Pacific High School, 2014 USA Spirit Nationals, Anaheim, California
- 10.9 Federal/State/Local District Budgets and Revisions
- 10.10 Payment for Course of Study Activities
- 10.11 Payment for Services Rendered by Non-Classified Experts and Organizations

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- 10.12 Agreement with AssetWORKs, Los Angeles, California, RFP No. 22-13, Fixed Assets Inventory Report

EDUCATIONAL SERVICES

- 10.13 Regional Occupational Program Teacher Salary Increase Effective January 1, 2014

STUDENT SERVICES

Alternative Programs

- 10.14 Agreement with the Asian-American Resource Center, San Bernardino, California, to Implement a Prevention and Early Intervention (PEI) Pilot Program for Asian Pacific Islander Community in the District

Information Technology

- 10.15 Request to Enter into an Agreement with Data Impressions, Utilizing the State of California Multiple Award Schedule (CMAS) Contract Number 3-11-70-0697F, Purchase Information Technology Goods and Services

School-Linked Services

- 10.16 Facility Use Agreement with Arrowhead Event Center, San Bernardino, California, as a Venue for Preschool Mass Enrollment Activities for the Upcoming School Year

Special Education

- 10.17 Agreement with Marisa Gaines, Highland, California, to Perform Services as a Career Services Coordinator and Other Related Services under the CaPROMISE Grant
- 10.18 Amendment No. 1 to the Agreement with Behavioral and Educational Support Team Services, Inc., (B.E.S.T.) El Cajon, California, to Provide Applied Behavior Analysis (ABA) Services to District Special Education Students

Youth Services

- 10.19 Expulsion of Student(s)
- 10.20 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
- 10.21 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
- 10.22 Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)
- 10.23 Petition to Expunge, Rescind, or Modify Expulsion

FACILITIES/OPERATIONS DIVISION

Facilities Management

- 10.24 Amendment No. 1 to the Agreement with HP Construction & Management, Inc. for the Group 11 - Barton, Burbank, Emmerton and Lankershim Elementary Schools Modernization Project
- 10.25 Amendment No. 4 to the Professional Services Agreement for Architectural and Engineering Services for Additional DSA Pre-Checked Two Story Classroom Buildings
- 10.26 Approval to Establish and Exceed the Change Order Limitation for Rancho Pacific Electric, Inc. for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project
- 10.27 Emergency Replacement of Five Heating, Ventilation, and Air Conditioning (HVAC) Units at Bing Wong Elementary School
- 10.28 Professional Services Agreement with HMC Architects to Provide Architectural and Engineering Services for Indian Springs High School Aquatics Facility and Stadium Improvements

HUMAN RESOURCES DIVISION

- 10.29 Agreement with the California State Office of Administrative Hearings, Sacramento, California, to Provide Administrative Law Judges as Hearing Officers for Administrative Appeals of District Classified Employees
- 10.30 Amendment No. 1 to the Agreement with Lollipop & Associates, Highland, California, to Provide Training and Support to Parents of Students at Wilson Elementary School
- 10.31 Memorandum of Understanding with San Bernardino County Department of Public Health Preparedness and Response Program (PRP), San Bernardino, California, to Use District Schools and Staff as Medical Point of Distribution in Public Emergencies
- 10.32 Payment of Master Teachers – California State University San Bernardino

SESSION ELEVEN - Action

11.0 Action Items

8:35 p.m.

- 11.1 2014 California School Boards Association Delegate Assembly Election
- 11.2 Second Period Interim Financial Report as of January 31, 2014
- 11.3 Amendments to BP 0410 Nondiscrimination in District Programs and Activities (First Reading)
- 11.4 Amendments to BP 1312.3 Uniform Complaint Procedures (First Reading)
- 11.5 Amendments to BP 4030 Nondiscrimination in Employment (First Reading)
- 11.6 Amendments to BP 4119.11 Sexual Harassment (First Reading)
- 11.7 Amendments to BP 4219.11 Sexual Harassment (First Reading)
- 11.8 Amendments to BP 4319.11 Sexual Harassment (First Reading)
- 11.9 Amendments to BP 5145.3 Nondiscrimination/Harassment (First Reading)

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11.10 Personnel Report #17, Dated March 4, 2014

SESSION TWELVE - Closed Session

12.0 Closed Session

8:50 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/Demotion/Reassignment Pursuant to Government Code Section 54957

Public Employee Appointment

Title: Alternative High School Principal

Non-Reelection of Probationary Employees

Anticipated Litigation

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

Number of Cases: Seven

Superintendent's Contract

SESSION THIRTEEN – Open Session

13.0 Action Reported from Closed Session

9:50 p.m.

SESSION FOURTEEN - Closing

14.0 Adjournment

10:00 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 18, 2014, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Posted: February 28, 2014

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Superintendent

DANNY TILLMAN
Board Member

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SESSION ONE – Board Workshop

1.0 Board Workshop

- 1.2 Board Workshop
(Prepared by Business Services Division)

Janet King, Director, Fiscal Services Department, will provide an update related to the Second Interim Financial Report.

SESSION TWO - Opening

2.0 Opening

- 2.1 Call to Order
- 2.2 Pledge of Allegiance to the Flag
- 2.3 Adoption of Agenda
- 2.4 Inspirational Reading

*All indicated times are approximate. The actual time for any item is dependent upon the amount of time required for prior items.

SESSION THREE - Special Presentations

3.0 *Special Presentations*

3.1 Student Report/School Showcase—Cajon High School

3.2 Recognition of Adult Education Week
(Prepared by the Communications Office)

WHEREAS the Board of Education of the San Bernardino City Unified School District wishes to acknowledge the contributions and vital role the San Bernardino Adult School plays in the development of a well-educated and skilled workforce for the San Bernardino and Highland community; and

WHEREAS the Board of Education of the San Bernardino City Unified School District joins others in California and around the country in recognizing March 10 through March 14, 2014, as National Adult Education Week; and

WHEREAS San Bernardino Adult School provides educational support to community members who are completing their high school equivalency requirements and individuals seeking career changes or skill development through vocational and job training; and

WHEREAS San Bernardino Adult School provides programs especially for our older adults and disabled population, as well as those in our community who need English-as-a-second-language and citizenship courses, adult literacy classes, and parent education; and

WHEREAS the Board of Education acknowledges that our San Bernardino Adult School serves the changing economic and cultural needs of a vigorous, expanding community;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to join others in the state and nation in declaring March 10 through March 14, 2014, National Adult Education Week.

3.3 In Recognition of César E. Chávez
(Prepared by the Communications Office)

WHEREAS César E. Chávez, a Mexican-American labor leader in California, was a heroic figure of the 20th century who led a movement dedicated to improving the lives of farm laborers; and

WHEREAS César E. Chávez is a recognized national leader in the fight for civil rights and meaningful social change by peaceful means for Mexican Americans, Latinos, all racial minorities, and women; and under his leadership, many Latinos were mobilized to register to vote; and

WHEREAS the Board of Education of the San Bernardino City Unified School District recognizes the contributions made by César E. Chávez and designated a middle school to be named Cesar E. Chavez Middle School in honor of this great man;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby recognizes the many contributions and accomplishments of César E. Chávez and encourages all District schools to conduct appropriate activities in observance of his birthday on March 31; and

BE IT FURTHER RESOLVED that the Board of Education encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for César E. Chávez and to honor his legacy as a man of dignity and strength.

SESSION FOUR – Closed Session

4.0 *Closed Session*

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

Conference with Legal Counsel

Anticipated Litigation

Number of Cases: One

Public Employee Discipline/Dismissal/Release/Demotion/Reassignment Pursuant to Government Code Section 54957

Non-Reelection of Probationary Employees

SESSION FIVE – Student Achievement

5.0 *Student Achievement*

5.1 Smarter Balanced Assessment Consortium (SBAC) Update

SESSION SIX - Public Hearing

6.0 Public Hearing

- 6.1 Resolution to Adopt the Reports “Residential Development School Fee Justification Study for the SBCUSD” and “Commercial/Industrial Development School Fee Justification Study for the SBCUSD” and Approval of an Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995
(Prepared by Facilities/Operations Division)

San Bernardino City Unified School District (District) staff believes that the facts set forth in the fee justification studies entitled, “Residential Development School Fee Justification Study for San Bernardino City Unified School District” and “Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District”(Studies), prepared by Dolinka Group, LLC as of February 2014, are reflective of the average student generation rates, amount of future development and costs of school facilities to accommodate the students generated from such development. Based on the facility cost impacts to the District for the average new home and for commercial/industrial construction as set forth in the Studies, it appears that the District may collect the maximum Statutory School Fees in the amounts of Three and 36/100 Dollars (\$3.36) per square foot for residential construction within the District and Fifty-Four Cents (\$0.54) per square foot for commercial/industrial construction within the District.

It is appropriate at this time to conduct a Public Hearing.

Conduct Public Hearing

It is recommended that the following resolution be adopted:

RESOLUTION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING AN INCREASE IN STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO EDUCATION CODE SECTION 17620 AND GOVERNMENT CODE SECTION 65995

WHEREAS, the Board of Education (Board) of the San Bernardino City Unified School District (District) provides for the educational needs for grades K-12 students within the Cities of San Bernardino, Highland, and Colton (City or Cities) and the unincorporated areas of San Bernardino County (County); and

WHEREAS, the Board has previously adopted and imposed statutory school fees pursuant to Education Code Section 17620 and Government Code Section 65995 in the amounts of Three

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and 10/100 Dollars (\$3.10) per square foot of assessable space of new residential construction in the District (Residential Statutory School Fees), and Fifty-One Cents (\$0.51) per square foot of chargeable covered and enclosed space for all categories of new commercial/industrial construction in the District (Commercial/Industrial Fees) (collectively, "Statutory School Fees"); and

WHEREAS, the Board has previously adopted by Resolution alternative school fees pursuant to Government Code Sections 65995.5, (ASF/Level 2 Fees) and 65995.7 (ASF/Level 3 Fees) (collectively, Alternative School Fees); and

WHEREAS, on January 22, 2014, the State Allocation Board authorized an adjustment in the Statutory School Fee amounts pursuant to Government Code Section 65995(b)(3) to Three and 36/100 Dollars (\$3.36) per square foot for assessable space of new residential construction and Fifty-Four Cents (\$0.54) per square foot of chargeable covered and enclosed space for the categories of new commercial/industrial construction, as long as such increases are properly justified by the District pursuant to law; and

WHEREAS, new residential and commercial/industrial construction continues to generate additional students for the District's schools and the District is required to provide school facilities (School Facilities) to accommodate those students; and

WHEREAS, overcrowded schools within the District have an impact on the District's ability to provide an adequate quality education and negatively impact the educational opportunities for the District's students; and

WHEREAS, the District does not have sufficient funds available for the construction or reconstruction of the School Facilities, including the acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from new residential and commercial/industrial construction; and

WHEREAS, the Board has received and considered the reports entitled, "Residential Development School Fee Justification Study for San Bernardino City Unified School District" and "Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District," (Studies) which include information, documentation, and analysis of the School Facilities needs of the District, including: (a) the purpose of the Statutory School Fees; (b) the use to which the Statutory School Fees are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential and commercial/industrial construction and (1) the use for Statutory School Fees, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Statutory School Fees from new residential and commercial/industrial construction; (d) a determination of the impact of the increased number of employees anticipated to result from the commercial/industrial construction (by category) upon the cost of providing School Facilities within the District; (e) an evaluation and projection of the number of students that will be generated by new residential construction; (f) the new School

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Facilities that will be required to serve such students; and (g) the cost of such School Facilities; and

WHEREAS, the Studies pertaining to the Statutory School Fees and to the capital facilities needs of the District has been available to the public for at least ten (10) days before the Board considered at a regularly scheduled public meeting the increase in the Statutory School Fees; and

WHEREAS, all notices of the proposed increase in the Statutory School Fees have been given in accordance with applicable law; and

WHEREAS, a public hearing was duly held at a regularly scheduled meeting of the Board relating to the proposed increase in the Statutory School Fees on March 4, 2014; and

WHEREAS, as to the Statutory School Fees, Education Code Section 17621 provides that the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to Education Code Section 17620 shall not be subject to the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

It is recommended that the following resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED THAT THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board accepts and adopts the Studies.

Section 2. That the Board finds that the purpose of the Statutory School Fees imposed upon new residential construction are to fund the additional School required to serve the students generated by the new residential construction upon which the Statutory School Fees are imposed.

Section 3. That the Board finds that the Statutory School Fees imposed on new residential construction will be used only to finance those School described in the Studies and related documents, and that these School are required to serve the students generated by the new residential construction within the District; and that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School to add additional classrooms, and technology, and acquiring and installing additional portable classrooms and related School Facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new residential construction, as well as any required central administrative and support facilities, within the District.

Section 4. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and the new residential construction within the

District because the Statutory School Fees imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction.

Section 5. That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new residential construction within the District and the District does not have student capacity in the existing School Facilities to accommodate all students projected through buildout.

Section 6. That the Board finds that the amount of the Statutory School Fees imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

Section 7. That the Board finds that the purpose of the Statutory School Fees imposed on new commercial/industrial construction is to fund the additional School Facilities required to serve the students generated by the new commercial/industrial construction upon which the Commercial/Industrial Fees are imposed.

Section 8. That the Board finds that the Statutory School Fees imposed on new commercial/industrial construction (by category) will be used only to finance those School Facilities described in the Studies and related documents and that these School Facilities are required to serve the students generated by such new commercial/industrial construction; and that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms and technology, and acquiring and installing additional portable classrooms and related facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new commercial/ industrial construction, as well as any required central administrative and support facilities within the District.

Section 9. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and new commercial/industrial construction by category within the District because the Statutory School Fees imposed on commercial/industrial construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new commercial/industrial construction.

Section 10. That the Board finds that there is a roughly proportional, reasonable relationship between the new commercial/industrial construction by category, upon which the Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new commercial/industrial construction within the District and the District does not have student capacity in the existing School Facilities to accommodate

these students projected through buildout.

Section 11. That the Board finds that the amount of the Statutory School Fees imposed on new commercial/industrial construction by category as set forth in this Resolution is roughly proportional and reasonably related to and does not exceed the cost of providing the School Facilities required to serve the students generated by such new commercial/industrial construction within the District.

Section 12. That the Board finds that a separate fund (Fund) of the District has been created or is authorized to be established for all monies received by the District for the deposit of Residential Statutory School Fees, ASF/Level 2 Fees and ASF/Level 3 Fees (if applicable) imposed on residential construction within the District, as well as Commercial/Industrial Fees and mitigation payments (Mitigation Payments) collected by the District and that said Fund and said monies received at all times have been separately maintained, except for temporary investments, from other funds of the District as authorized by applicable law.

Section 13. That the Board finds that the monies of the separate Fund or the separate Sub-Funds described in Section 12, consisting of the proceeds of Statutory School Fees, ASF/Level 2 Fees, ASF/Level 3 Fees and Mitigation Payments have been imposed for the purposes of constructing and reconstructing those School Facilities necessitated by new residential and/or commercial/industrial construction, and thus, these monies may be expended for all those purposes permitted by applicable law. The Statutory School Fees may also be expended by the District for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of Section 66001 of the Government Code. In addition, the District may also retain, as appropriate, an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees.

Section 14. That the Board hereby increases the Statutory School Fees as a condition of approval of new residential development projects and imposes the Statutory School Fees on such development projects in the following amounts:

a. Three and 36/100 Dollars (\$3.36) per square foot of assessable space for new residential construction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code Section 17625, and including residential construction or reconstruction other than new construction where such construction or reconstruction results in an increase of assessable space, as defined in Government Code Section 65995, in excess of five hundred (500) square feet.

b. Fifty-Four Cents (\$0.54) per square foot of assessable space, for new residential construction used exclusively for the housing of senior citizens, as described in Section 51.3 of the Civil Code or as described in subdivision (k) of Section 1569 of the Health

and Safety Code or paragraph 9 of subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobile home park, subdivision, cooperative or condominium for mobile homes limited to older persons as defined by the Federal Fair Housing Amendments of 1988.

Section 15. That this Board hereby increases the Statutory School Fees as a condition of approval of new commercial/industrial construction projects and levies the Statutory School Fees on such development projects in the following amounts per square foot of chargeable covered and enclosed space for all categories of commercial/industrial construction to Fifty-Four Cents (\$0.54).

Section 16. That the proceeds of the Statutory School Fees increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the Statutory School Fees are to be collected, including, as to Statutory School Fees, accomplishing any study, findings or determinations required by subdivisions (a), (b) and (d) of Section 66001 of the Government Code, or retaining an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees or in financing the described Studies or in defending the imposition of Statutory School Fees.

Section 17. That the District's Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the Cities, the County, as well as to the Office of Statewide Health Planning and Development (OSHDP), along with a copy of all the supporting documentation referenced herein and a map of the District clearly indicating the boundaries thereof, advising the Cities, the County, and the OSHDP that new residential and commercial/industrial construction is subject to the Statutory School Fees increased pursuant to this Resolution and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential development project, mobile home or manufactured home subject to the Statutory School Fees absent a certification of compliance (Certificate of Compliance) from the District demonstrating compliance of such project with the requirements of the Statutory School Fees, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable Statutory School Fees.

Section 18. That the Board hereby establishes a process that permits the party against whom the Commercial/Industrial Fees are imposed, the opportunity for a hearing to appeal that imposition of Commercial/Industrial Fees for commercial/industrial construction as required by Education Code Section 17621(e)(2). The appeal process is as follows:

a. Within ten (10) calendar days of being notified, in writing, (by personal delivery or deposit in the U.S. Mail) of the Commercial/Industrial Fees to be imposed or paying the

Commercial/Industrial Fees, pursuant to Education Code Section 17620, a party shall file a written request for a hearing regarding the imposition of Commercial/Industrial Fees. The party shall state in the written request the grounds for opposing the imposition of Commercial/Industrial Fees and said written request shall be served by personal delivery or certified or registered mail to the Superintendent.

b. The possible grounds for that appeal include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the Commercial/Industrial Fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.

c. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of Commercial/Industrial Fees, the Superintendent, or designee, shall give notice in writing of the date, place and time of the hearing to the party appealing the imposition of Commercial/Industrial Fees. The Superintendent, or designee, shall schedule and conduct said hearing within thirty (30) calendar days of receipt of the written request. The Superintendent, or designee, shall render a written decision within ten (10) days following the hearing on the party's appeal and serve it by certified or registered mail to the last known address of the party.

d. The party against whom the Commercial/Industrial Fees are imposed may appeal the Superintendent or designee's decision to the Board.

e. The party appealing the Superintendent's or designee's decision shall state in the written appeal the grounds for opposing the imposition of the Commercial/Industrial Fees and said written appeal shall be served by personal delivery or certified or registered mail to the Superintendent.

f. The possible grounds for that appeal to the Board include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the Commercial/Industrial Fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.

g. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of Commercial/Industrial Fees, the Superintendent, or designee, shall give notice in writing of the date, place and time of the hearing to the party appealing the imposition of Commercial/Industrial Fees. The Board shall schedule and conduct said hearing at the next regular meeting of the Board, provided that the party is given notice at least five (5) working days prior to the regular meeting of the Board. The Board shall render a written decision within ten (10) days following the hearing on the party's appeal and serve the decision by certified or registered mail to the last known address of the party.

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h. The party appealing the imposition of the Commercial/Industrial Fees shall bear the burden of establishing that the Commercial/Industrial Fees are improper.

Section 19. That the Superintendent, or designee, is authorized to cause a Certificate of Compliance to be issued for each development project, mobile home and manufactured home for which there is compliance with the requirement for payment of the Statutory School Fees in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of Statutory School Fees for a development project, mobile home or manufactured home and it is later determined that the statement or other representation made by an authorized party concerning the development project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate Cities, County, or the OSHPD shall be so notified.

Section 20. That no statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

Section 21. That if any portion or provision hereof is held invalid, the remainder hereof is intended to be and shall remain valid.

Section 22. That the District's Statutory School Fees will become effective sixty (60) days from the date of this Resolution, unless a separate resolution adopting the fees immediately on an urgency basis is adopted by the Board.

Requester: Director, Facilities Planning and Development

Approver: Assistant Superintendent, Facilities/Operations

APPROVED, PASSED AND ADOPTED this 4th day of March, 2014.

BOARD OF EDUCATION OF THE SAN
BERNARDINO CITY UNIFIED SCHOOL DISTRICT

Michael J. Gallo, President

Signed this ____ day of March, 2014

Secretary, Board of Education

Signed this ____ day of March, 2014

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6.2 Acknowledge Receipt of Initial Contract Proposal from San Bernardino Teachers Association (SBTA)
(Prepared by Human Resources)

Section 3547 of the Government Code requires that all initial proposals of exclusive representatives must be presented at a public meeting of the public school employer. At that meeting, any interested parties shall have the opportunity to comment on the proposal.

Article XXVIII, Section 2, of the Collective Bargaining Agreement between the District and the San Bernardino Teachers Association (SBTA), states, in part, “No sooner than March 1, and no later than April 1, preceding expiration of this Agreement, the Association shall present its initial proposals. No later than April 15, the Parties shall commence meeting and negotiating for a successor agreement.”

On February 25, 2014, the Human Resources Division received the initial proposal from SBTA.

The San Bernardino Teachers Association (SBTA) would like to begin negotiations on the following Articles and Sections of the contract between SBTA and the San Bernardino City Unified School District.

ARTICLE XI – WAGES
ARTICLE XV – CLASS SIZE

In addition, the District wishes to open the following articles.

ARTICLE XII – HEALTH AND WELFARE BENEFITS
ARTICLE XVI – EVALUATION PROCEDURE

It is recommended that the Board of Education receives the initial contract proposal from the San Bernardino Teachers Association.

Conduct Public Hearing

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education receives the initial contract proposal from the San Bernardino Teachers Association (SBTA) as well as the district’s proposal.

SESSION SEVEN - Reports and Comments

7.0 *Reports and Comments*

- 7.1 Report by San Bernardino Teachers Association
- 7.2 Report by California School Employees Association
- 7.3 Report by Communications Workers of America
- 7.4 Report by San Bernardino School Police Officers Association
- 7.5 Report by San Bernardino School Managers
- 7.6 Comments 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.

7.7 Comments 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.

7.8 Book Study-*The Speed of Trust*, Behavior #3: Create Transparency

SESSION EIGHT – Public Comment

8.0 *Public Comment*

This is the time during the agenda when the Board of Education is prepared to receive comments of members of the public on any matter within its subject matter jurisdiction. If you wish to address the Board, please complete a “Request to Address the Board of Education” form giving a brief description of the matter you wish to address. If you wish to speak to an agenda item and prefer to wait to address the Board at the time the item is under Board consideration, indicate so on your form. Please place your completed form in the inbox located at the agenda table.

The Board may not have complete information available to answer questions and may refer specific concerns to the Superintendent for attention. The Board requests that any person wishing to make complaints against District employees file the appropriate complaint form prior to this meeting. Speakers are cautioned that under California law, no person is immune from

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liability for making intentionally false or defamatory comments regarding any person simply because these comments are made at a public meeting.

This is the only time on the agenda that the public will have an opportunity to address the Board on non-agendized matters. When recognized by the President of the Board, please step to the microphone at the podium, give your name and address, and limit your comments to five minutes. The Board limits total time for public comment on any topic to 30 minutes.

SESSION NINE - Administrative Reports

9.0 *Administrative Reports*

9.1 Second Period Interim Financial Report as of January 31, 2014 (Prepared by Business Services Division)

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

A resolution is contained in the Action item section of the agenda regarding the certification by the Board of Education as to the District's ability to meet its financial obligations for the current Fiscal Year and the subsequent two years.

Second Period Interim Financial Report

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

The Board of Education approved the 2013-2014 Adopted Budget on June 18, 2013. In addition, other budget changes have been brought to the Board on the overall financial condition of the District.

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

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Projection as of:	For:	Enrollment (Excluding Charter Schools & County)	Increase	Funded ADA* (Excluding Charter Schools & County)	Increase
Budget Adoption- 06/2013	13/14	48,886	N/A	46,810	N/A
Second Interim- 01/2014	13/14	48,886	-0-	47,155	345
Second Interim- 01/2015	14/15	50,003	1,117	48,067	912
Second Interim- 01/2016	15/16	50,003	-0-	48,067	-0-

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

In Fiscal Year 2013-14, the District experienced a net shift of ADA back to the District from Charter Schools. Fiscal Year 2014-15 is projected to have an increase in enrollment. Given the factors impacting enrollment are uncertain, this report reflects no additional increases in enrollment for 2015-16.

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

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

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

The summary Form 01I financial reports have been created projecting the current 2013-2014 Fiscal Year as well as the 2014-2015 and 2015-2016 using the following assumptions:

Revenues:

- Revenue has been revised to include full funding under the Local Control Funding Formula in the current and subsequent years. The growth in revenue for Fiscal Year 2013-2014 is \$23.4 million. Projected funding increases including full growth include \$52.3 million in Fiscal Year 2014-15 and \$49.7 million in Fiscal Year 2015-16.
- The growth factors and COLA applied to reaching the Local Control Funding Formula target funding are as follows:

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Fiscal Year	2013-2014	2014-2015	2015-2016
Growth	11.78%	28.05%	18.69%
COLA	1.565%	0.86%	2.12%

- Projected Local Control Funding has been adjusted for projected changes in enrollment
- Reductions to the Local Control Funding Formula for Redevelopment Agency (RDA) funds are included at \$1,360,584 for current and subsequent Fiscal Years. By law, these dollars can be used for land acquisition, facility reconstruction, remodeling, deferred maintenance and routine maintenance.
- State and Federal categorical programs were projected with a 0.86% COLA in Fiscal Year 2014-15 and 2.12% COLA in Fiscal Year 2015-16 where applicable.
- The School Improvement Grant Program (SIG) has been extended through September 30, 2014. Current budget of \$12,241,980 is included in Fiscal Year 2013-14 and has been excluded in subsequent year projections.
- Quality Education Investment Act (QEIA) funding of \$12,445,700 has been included in 2013-14 through 2014-15. Fiscal Year 2015-16 revenue has been reduced by this amount.
- Under the Local Control Funding Formula, the Tier III flexibility programs, K-3 Class Size Reduction, Transportation and Economic Impact Aid have all been folded into the State funding calculation. Transportation and Economic Impact Aid are no longer considered restricted programs.
- One time Common Core Standards funding is included in Fiscal Year 2013-14 at \$10,045,922. These funds are anticipated to be fully spent this year and are excluded from subsequent years.
- Lottery Revenue is included in Fiscal Year 2013-14 at \$157/ADA in the current and subsequent Fiscal Years.

Expenditures:

- The net impact to the number of positions required due to enrollment changes, decreases in class size, new schools and end of program funding:

	<u>FY 2014-2015</u>	<u>FY 2015-2016</u>
Certificated	65 FTE	26 FTE
Classified	54 FTE	6 FTE

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- Restoration of five (5) furlough days (\$4.5 million) for Certificated salaries has been included in Fiscal Year 2013-14 and subsequent years.
- Restoration of eleven (11) furlough days (\$1.3 million) for management (Certificated and Classified) has been included in Fiscal Year 2013-14 and subsequent years.
- Statutory employee benefits have been adjusted for changes in salaries for all bargaining units and salary schedules.
- Health and Welfare Medical costs are projected to increase by the 12% contractual cap for Fiscal Year 2014-15 and again by 9% for Fiscal Year 2015-16.
- Salary increases of 3% as of January 1, 2014, have been included for certificated and management. Classified bargaining unit has not settled, and no increases for that unit have been included in these projections.
- Other Post-Employment Benefits (OPEB) included at a rate of 1.044% have been applied to gross salary and an additional rate of 1.207% applied to fund post-retirement benefits (\$6,165,539).
- Under the Local Control Funding Formula, Districts are required to make progress each year to reducing class size to 24 to 1. The reduction must come in proportion to the growth in the Local Control Funding Formula each year. The projections include decreasing class size to 28 to 1 in Fiscal Year 2014-15 and 26 to 1 in Fiscal Year 2015-16.
- Supplemental Employment Retirement Plan (SERP) costs included as follows:

Fiscal Year	Cost
2013-14	\$7,126,459
2014-15	\$6,225,241
2015-16	\$3,464,201

- School Improvement Grant (SIG) expenditures have been included in Fiscal Year 2013-14 at \$12,241,980. These expenditures have been excluded from subsequent years.
- Quality Education Investment Act (QEIA) expenditures have been included in Fiscal Year 2013-14 at \$16,013,620. Fiscal Year 2014-15 is included at the projected funding level of \$12,456,700 as the last year of the program. Fiscal Year 2015-16 excludes these expenditures.

- Common Core State Standards expenditures of \$10,045,922 have been included in Fiscal Year 2013-14 from the related restricted funding. Ongoing projected expenditures required after the exhaustion of these funds of \$5.75 million have been included in the unrestricted general fund for subsequent Fiscal Years.
- Routine Repair and Maintenance program has been included in the budget at 2% of General Fund expenditures for Fiscal Years 2013-14 and 2014-15. Under the Local Control Funding Formula, the District is required to return the level of funding to 3%, an estimated \$5 million, from the Unrestricted General Fund. No carryover provision is included.
- The Deferred Maintenance program has been folded into the Local Control Funding Formula and no State funding included in these projections. The Deferred Maintenance match is no longer required under the Local Control Funding Formula.
- Subsequent years transportation costs were not projected to increase as the opening of new schools would serve to reduce the need for busing.
- Utility costs are projected to include any savings from energy conservation for the current and subsequent Fiscal Years.
- Estimated Start Up costs for one (1) new school have been built into the projections for Fiscal Year 2013-14 and one (1) new school in Fiscal Year 2014-15.
- Estimated operating cost of \$2.6 million for four (4) new schools have been included in projections for Fiscal Years 2013-14, \$0.6 million for one (1) new school in Fiscal Year 2014-15 and \$0.6 million for one (1) new school in 2015-16.

Components of Ending Fund Balance:

Required Reserve Amounts:

Revolving Cash	\$ 211,000
Stores	500,000
Reserve for Economic Uncertainties (2%)	10,050,000
Reserve for E-Rate match	1,300,000
Designated for Restricted Programs	<u>13,501,608</u>
Total Required Reserves	\$25,562,608
Total Available	\$16,880,385

Current sections of the Education Code, which were revised by AB1200 and AB2756, require the governing board of the school districts to certify that the District will meet its financial obligations for the current Fiscal Year and the subsequent two Fiscal Years. Based on the

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current information for revenues and expenditures for the subsequent two years, the district is able to meet its obligations for Fiscal Year 2013-14 and subsequent Fiscal Years.

School districts self-certify their fiscal condition. With a positive certification, the district asserts that it can meet its obligations in the current and succeeding two years. A qualified certification indicates a budget problem in one or more of the two subsequent Fiscal Years. Finally, a negative certification indicates an impending cash problem for either the current or one subsequent year.

Based on the definition above, the Board of Education may approve this Second Interim Report with a positive certification.

Thus, it is recommended that the Board of Education approve a **positive certification** for the Second Interim Report for Fiscal Year 2013-14 as of January 31, 2014, with the accompanying resolution which is required by San Bernardino County Office of Education.

Requester/Approver: Director, Fiscal Services Department

- 9.2 Amendments to BP 0410 Nondiscrimination in District Programs and Activities
(First Reading)
(Prepared by Human Resources Division)

San Bernardino City USD
Board Policy
Nondiscrimination In District Programs And Activities

BP 0410
Philosophy, Goals, Objectives and Comprehensive Plans

The Board of Education is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination, ***harassment, intimidation, and bullying*** based on gender (***including*** identity or expression), age, actual or perceived sex, race ***or ethnicity***, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, medical condition, family care, and medical leave entitlement, veteran's status, or sexual orientation or the perception of one or more of such characteristics and a person's association with a person or group with one or more of these actual or perceived characteristics. ***Discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics as specified above are prohibited. This nondiscrimination policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of San Bernardino City Unified School District. School personnel who witness acts of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics, as specified in this policy, are required to***

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take immediate steps to intervene when safe to do so. This nondiscrimination policy *also* covers admission, participation, and accessibility to any program or activity of the district and selection, advancement, discharge and other terms, conditions, and privileges of employment.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification of Individuals for Special Education)
(cf. 6164.6 - Identification and Education under Section 504)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

(cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school or district-sponsored function, program or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)

Inquiries regarding nondiscrimination, equal program accessibility and the filing of complaint procedures alleging discrimination, *harassment, intimidation, or bullying* may be directed to the school principal/site administrator or to the district's Affirmative Action Office which coordinates Title VI, VII, IX and ADA 504 programs.

(cf. 1312.3 - Uniform Complaint Procedures)

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(cf. 4031 - Complaints Concerning Discrimination in Employment)

In compliance with law, the district's nondiscrimination policy shall be published in the individual's primary language to the extent practicable. The lack of English language skills will not be a barrier to admission and participation in any of the district's programs and activities. ***The Uniform Complaint Procedure is the process for receiving and investigating complaints of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics as specified in this policy. This complaint procedure is further detailed in the Board Policy and Administrative Regulation for the Uniform Complaint Procedures.***

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination ***and bullying***

48985 Notices to parents in language other than English

GOVERNMENT CODE

11000 Definitions

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

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CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

WEB SITES

CDE: <http://www.cde.ca.gov>

Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Pacific Disability and Business Technical Assistance Center: <http://www.pacdbtac.org>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 17, 2007 San Bernardino, California

revised: June 17, 2008

revised:

9.3 Amendments to BP 1312.3 Uniform Complaint Procedures (First Reading)

(Prepared by Human Resources Division)

San Bernardino City USD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The purpose of this policy is to establish a uniform system of complaint processing that will effectively and expediently address state and federal laws and regulations governing the programs, services, and activities of the district as a public entity and address concerns and issues presented by employees of San Bernardino City Unified School District and its students, parents/guardians and the community regarding the operation and delivery of programs, services and activities.

The Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. (5 CCR 4620) The district shall investigate complaints alleging failure to comply with applicable state and federal laws and

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regulations and/or alleging discrimination, **harassment, intimidation or bullying and non-compliance with laws related to pupil fees** and seek to resolve those complaints in accordance with the procedures set out in 5 CCR 4600-4687 and in accordance with the **uniform complaint** policies and procedures of the **SBCUSD** Board.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, **harassment, intimidation or bullying in district programs and activities** against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived **characteristics such as** sex, sexual orientation, gender ~~(identity, or expression)~~, **gender identity, gender expression**, ethnic group identification, race **or ethnicity**, ancestry, **nationality**, national origin, religion, color, mental or physical disability, marital status or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity **which is funded directly by, or** that receives or benefits from **any state and/or federal** financial assistance. (5 CCR 4610, 34 CFR 300.510, 300.511; Education Code 200-262.4; Government Code 11135, 11138; Penal Code 422.6; 5 CCR 4600-4687). **The uniform complaint procedures will be used when addressing complaints alleging noncompliance with laws relating to pupil fees, such as requiring students to pay fees, deposits or other charges for participation in educational activities, and failure to comply with the requirements for the development and adoption of a school safety plan.**

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Federal Consolidated Categorical Aid Programs, State Consolidated Categorical Aid Programs, Special Education **Programs** and ~~unlawful discrimination~~. Federal programs include No Child Left Behind Act of 2001: Title I (Basic Programs), Title II (Teacher Quality and Technology), Title III (Limited English Proficient), Title IV (Safe and Drug Free Schools), Title V (Innovative Strategies); Adult Education, Career/Technical Education **and Technical and Training Programs**, Child **Care and** Development, Consolidated Categorical Aid, Indian Education, Nutrition Services, and Special Education. State Consolidated Categorical Aid Programs include Economic Impact Aid (State Compensatory Education), Economic Impact Aid (California Economic Impact Aid-Limited English Proficient), Miller-Unruh Special Reading Program, Peer Assistance and Review, School Improvement Program, School Safety and Violence Prevention, Tenth Grade Counseling, and Tobacco Use Prevention Education. ~~Unlawful discrimination includes the following civil rights protections: actual or perceived sex, age, ancestry, color, ethnic group identification, gender, mental and/or physical disability, national origin, race, religion, sexual orientation, and a person's association with a person or group with one or more of these actual or perceived characteristics.~~

Complaints covered by the collective bargaining agreement shall not be covered by the Uniform Complaint Procedures. (5 CCR 4610)

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

Moreover, in order to expedite and reconcile the various legal obligations in operating a school district, complaints relative to Title VI and VII of the Civil Rights Act of 1964 as amended, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, Fair Employment and Housing Act, Family and Medical Leave Act, California Family Rights Act, Title IX, Section 504 of the Rehabilitation Act of 1974, Genetic Information Nondiscrimination Act of 2008 and other applicable statutes will be referred to the District's Affirmative Action Office.

Williams Settlement complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students, and teacher vacancy or misassignment, and Valenzuela Settlement complaints regarding pupils, including English Learners, who have not passed one or both parts of the high school exit examination by the end of the 12th grade and were not provided the opportunities to receive intensive instruction and services for up to 2 consecutive academic years after the completion of grade 12 will be processed in accordance with the Williams Uniform Complaint Procedures, AR 1312.4.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. Complainants are encouraged to exhaust all attempts to resolve his/her concerns informally at the lowest level possible (i.e., with the employee in question, site administrator, program administrator, etc.). The complaint, under the jurisdiction of the Uniform Complaint Procedures, must be filed in writing in a timely manner and no later than six months from the date when the alleged **unlawful** discriminatory **action, harassment, intimidation or bullying** act or conduct that gave rise to the complaint occurred or **six months from the date** when the complainant first obtained knowledge of the facts of the alleged discrimination, **harassment, intimidation or bullying** or disputed issue and in a reasonable time for other non-discriminatory issues relative to educational programs of the district.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or

bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The Board acknowledges and respects every individual's right to privacy. Discrimination, ***harassment, intimidation or bullying*** complaints ***based on actual or perceived characteristics, as specified, in this policy and set forth in Section 422.55 of the Penal Code and Section 220,*** shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

If the district's public school finds merit in a pupil fees complaint, the district's public school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the district's public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

The Board prohibits any form of retaliation against any person in the complaint process, including but not limited to the filing of a complaint, the reporting of incidents of discrimination, ***harassment, intimidation or bullying***, or participation in the complaint procedures.

The Affirmative Action office is responsible for receiving complaints, investigating complaints and ensuring the district's compliance, and shall be knowledgeable about the laws/programs assigned to investigate. ***The Affirmative Action Director or designee is the responsible local educational agency officer for ensuring San Bernardino City Unified School District's compliance with the requirements of Chapter 5.3 (commencing with Section 4900 of Division 1 of Title 5 of the California Code of Regulations) and Chapter 2 (commencing with Section 200). Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.***

The complaint will be investigated and a written report issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. The complainant and/or representatives will be provided an opportunity to present evidence or information. The refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by the respondent, against whom the allegations are made, to

provide the investigator with access to records and/or other information related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The report will contain the following elements: the findings of facts based on the evidence gathered; the conclusion of law; the disposition of the complaint; the rationale for such a disposition; corrective actions, if any are warranted; notice of the complainant's right to appeal the district's decision to California Department of Education; and procedures to be followed for initiating an appeal to CDE.

The district will have the Uniform Complaint Procedures and the rights and responsibilities of the complainant and the responsibilities of the district, including the notification requirements, detailed in the administrative regulation, AR 1312.3, ensuring annual dissemination of a written notice of the district's complaint procedures to employees, students, parents and/or guardians, advisory committees, shall be in English, and when necessary, in the primary language, pursuant to Section 38985 of the Education Code. The Annual Notice shall include the following information: the district is primarily responsible for compliance with federal and state laws and regulations; a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity; the Affirmative Action Office is designated to receive complaints; the complainant has a right to appeal the district's decision to the California Department of Education by filing a written appeal within 15 days of receiving the district's decision; civil law remedies that may be available to the complainant under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and the appeal pursuant to Education Code Section 262.3; and a statement that copies of the district's complaint procedures shall be available free of charge.

The district will have the Uniform Complaint Procedures and the rights and responsibilities of the complainant *and the responsibilities of San Bernardino City Unified School District, including the notification requirements*, detailed in the administrative regulation, AR 1312.3 *ensuring annual dissemination of a written notice of the district's complaint procedures to students, employees parents, or guardians of its complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. The Affirmative Action Office will maintain documentation of complaints and their resolution for a minimum of four years.*

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination *and bullying*

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

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32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
41500-41513 Categorical education block grants
48985 Notices in language other than English
49060-49079 Student records
49010-49013 Pupil Fees
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52490 Career-technical education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
PENAL CODE
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
6301-6577 Title I basic programs
6601-6777 Title II preparing and recruiting high quality teachers and principals
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: October 21, 2008

Board of Education Meeting
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revised: June 15, 2010

revised:

9.4 Amendments to BP 4030 Nondiscrimination in Employment (First Reading)
(Prepared by Human Resources Division)

San Bernardino City USD
Board Policy
Nondiscrimination In Employment

BP 4030
Personnel

Purpose

To prevent discriminatory harassment in the work place and educational environment.

Policy Statement

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination, **harassment, intimidation, and bullying** in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non-employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment, discrimination, **harassment, intimidation, and bullying** or harassment based on age over forty, race **or ethnicity**, ethnic group identification, color, actual or perceived sex, religion, national origin, ancestry, medical condition (cancer and genetic characteristics)*, marital status, physical or mental disability, sexual orientation, gender**, personal or family genetic information, or family care and medical leave entitlement in accordance with applicable state and federal laws. It is also prohibited to discriminate on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of race *or ethnicity*, ethnic group identification religion, color, national origin, ancestry, physical disability, mental disability, medical condition (cancer or genetic characteristics)*, marital status, age (40 and above), sex, sexual orientation, gender**, personal or family genetic information, on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics or family care and medical leave entitlement, is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, *harassment, intimidation, or bullying* thereof on district property or district/school related activities. ***This includes discrimination, harassment, intimidation, or bullying based on the actual or perceived characteristics as specified above. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.*** Students and employees will not be excluded on the basis of actual or perceived sex, sexual orientation, gender, age, ethnic group identification, race *or ethnicity*, ancestry, national origin, religion, color, mental or physical disability, personal or family genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination, *harassment, intimidation, or bullying* in such programs or employment.

* Medical Condition is defined, in accordance with the California Fair Employment and Housing Act, as any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer or genetic characteristics.

** Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated or stereo typically with that person's assigned sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property,***
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.***
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.***

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

An “electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

A “reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status or progress;
2. Submission to, or rejection of, such conduct by an individual is used as the basis of employment or educational decisions affecting the individual;
3. Such conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment; or
4. Submission to, or rejection of the conduct by the individual regarding benefits and services, honors, programs, or activities available at or through the district or its sites.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race ***or ethnicity***, color, national origin,

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religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status

- Â• Leering or staring at someone
- Â• Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Â• Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Â• Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Â• Unwelcome use of sexually degrading language or innuendoes
- Â• Obscene gestures
- Â• Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher of superior is sexually involved and where such favoritism adversely affects other students and/or employees

- Â• Unwanted neck or shoulder massage
- Â• Spreading rumors about a person's sexuality
- Â• Graffiti about a person's sexuality
- Â• Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Â• Stalking a person
- Â• Attempted or actual sexual assault
- Â• Making or threatening reprisals after a negative response to sexual advances
- Â• Impeding or blocking of one's movement

- Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or student shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the district's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
- Unfair assignment
- Public or private ridicule
- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. Complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging

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discrimination, **harassment, intimidation, or bullying** will be processed in accordance with the district's Uniform Complaint Policy and Procedure and in accordance with the procedures set out in section 4600-4687 of the Title 5 Regulations. Copies of the district's complaint procedures shall be available free of charge. The district's Affirmative Action Office shall have available information on the rules and procedures for reporting charges of sexual harassment and pursuing available remedies.

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action **and shall remain confidential, as appropriate.**

School personnel who witness acts of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics, as specified in this policy, are required to take immediate steps to intervene when safe to do so.

Notifications

Pursuant to Educational Code 231.5, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site or campus. A prominent location is a location or those locations in the main administrative building or other areas where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted **including offices, staff lounge and pupil government meeting rooms.**

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired. A copy of the district's written policy on sexual harassment shall appear in any publication of the district that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the district.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. **Also any bullying incident report covered under this policy shall be reported to the Affirmative Action Office to maintain a record of complaints and their resolution.**

Training

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive

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training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment discrimination, *harassment, intimidation, or bullying* and retaliation. (Government Code 12950.1)

The district's Affirmative Action Director or designee is responsible for ensuring school district compliance with the requirement of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and Chapter 2 (commencing with Section 200).

Legal Reference:

EDUCATION CODE

234-234.1 Safe Place to Learn Act

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

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CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: July 1, 2008

revised:

9.5 Amendments to BP 4119.11 Sexual Harassment (First Reading)

(Prepared by Human Resources Division)

San Bernardino City USD

Board Policy

Sexual Harassment

BP 4119.11

Personnel

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non employees who have contact with the district's employees or students during working or

educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment or sexual discrimination. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of sex, sexual orientation, or gender orientation is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, or gender from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs. ***This policy also prohibits bullying based on actual or perceived gender and all such acts related to school activity or school attendance of students occurring within a school under the jurisdiction of the Superintendent of the school district.***

Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person's sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions

- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race *or ethnicity*, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Unwelcome use of sexually degrading language or innuendoes
- Obscene gestures
- Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher ~~of~~ *or* superior is sexually involved and where such favoritism adversely affects other students and/or employees.

- Unwanted neck or shoulder massage
- Spreading rumors about a person's sexuality
- Graffiti about a person's sexuality
- Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Stalking a person

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- Â• Attempted or actual sexual assault
- Â• Making or threatening reprisals after a negative response to sexual advances
- Â• Impeding or blocking of one's movement
- Â• Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior ***or bullying because of one's gender*** is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Â• Unfair grading
- Â• Unfair evaluation
- Â• Unfair assignment
- Â• Public or private ridicule
- Â• Oral or written threats
- Â• Intimidation
- Â• Destruction of property

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• Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. The complaint will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***School personnel who witness such bullying acts are required to take immediate steps to intervene when safe to do so.***

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and will remain confidential, as appropriate.***

Notifications

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. ***Also any report or complaint of bullying based on actual or perceived gender with their resolution will be submitted to the Affirmative Action Office.***

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex ***and bullying***

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

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LABOR CODE

1101 Political activities of employees
1102.1 Discrimination: sexual orientation
CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation
7288.0 Sexual harassment training and education
CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34
106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised:

9.6 Amendments to BP 4219.11 Sexual Harassment (First Reading)
(Prepared by Educational Services Division)

San Bernardino City USD
Board Policy
Sexual Harassment

BP 4219.11
Personnel

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment or sexual discrimination. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of sex, sexual orientation, or gender orientation is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, or gender from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs. ***This policy also prohibits bullying based on actual or perceived gender and all such acts related to school activity or school attendance of students occurring within a school under the jurisdiction of the Superintendent of the school district.***

Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person's sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race *or ethnicity*, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Unwelcome use of sexually degrading language or innuendoes
- Obscene gestures
- Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher ~~or~~ *or* superior is sexually involved and where such favoritism adversely affects other students and/or employees.

- Unwanted neck or shoulder massage
- Spreading rumors about a person's sexuality
- Graffiti about a person's sexuality
- Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Stalking a person
- Attempted or actual sexual assault
- Making or threatening reprisals after a negative response to sexual advances
- Impeding or blocking of one's movement
- Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior *or bullying because of one's gender* is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
- Unfair assignment
- Public or private ridicule
- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. The complaint will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***School personnel who witness such bullying acts are required to take immediate steps to intervene when safe to do so.***

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and will remain confidential, as appropriate.***

Notifications

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

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Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. ***Also any report or complaint of bullying based on actual or perceived gender with their resolution will be submitted to the Affirmative Action Office.***

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex ***and bullying***

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS

GENERAL

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March 4, 2014

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised:

- 9.7 Amendments to BP 4319.11 Sexual Harassment (First Reading)
(Prepared by Human Resources Division)

San Bernardino City USD

Board Policy

Sexual Harassment

BP 4319.11

Personnel

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment or sexual discrimination. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of sex, sexual orientation, or gender orientation is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, or gender from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of

participation, or subjected to harassment or other forms of discrimination in such programs. ***This policy also prohibits bullying based on actual or perceived gender and all such acts related to school activity or school attendance of students occurring with a school under the jurisdiction of the Superintendent of the school district.***

Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person's sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race ***or ethnicity***, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises

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- Â• Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Â• Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Â• Unwelcome use of sexually degrading language or innuendoes
- Â• Obscene gestures
- Â• Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher ~~of~~ *or* superior is sexually involved and where such favoritism adversely affects other students and/or employees.

- Â• Unwanted neck or shoulder massage
- Â• Spreading rumors about a person's sexuality
- Â• Graffiti about a person's sexuality
- Â• Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Â• Stalking a person
- Â• Attempted or actual sexual assault
- Â• Making or threatening reprisals after a negative response to sexual advances
- Â• Impeding or blocking of one's movement
- Â• Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior ***or bullying because of one's gender*** is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
- Unfair assignment
- Public or private ridicule
- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. The complaint will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***School personnel who witness such bullying acts are required to take immediate steps to intervene when safe to do so.***

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

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The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and will remain confidential, as appropriate.***

Notifications

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. ***Also any report or complaint of bullying based on actual or perceived gender with their resolution will be submitted to the Affirmative Action Office.***

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex ***and bullying***

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

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COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised:

- 9.8 Amendments to BP 5145.3 Nondiscrimination/Harassment (First Reading)
(Prepared by Human Resources Division)

San Bernardino City USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

Statement of Policy

The San Bernardino City Unified School District is committed to providing all students a learning environment that is free of discrimination, *harassment, intimidation, and bullying* in accordance with applicable state and federal laws. This nondiscriminatory learning environment is for the benefit of all district students and all students are expected to fully comply with this policy. Additionally, non-district students who have contact with any of the district's students are expected to conduct themselves in accordance with this policy in any district school or district school-sponsored activity. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory learning environment, the district maintains a strict policy prohibiting sexual harassment, discrimination, **harassment, intimidation, or bullying** or harassment based on race **or ethnicity**, ethnic group identification, color, actual or perceived sex, sexual orientation, gender, **gender identity, gender expression**, religion, national origin, ancestry, physical, or mental disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in accordance with applicable state and federal laws. This policy prohibits all forms of discriminatory harassment through any means including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes, or taunts), physical (including gestures, touching, obstructing, or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which any student because of actual or perceived sex, age, race **or ethnicity**, ethnic group identification, religion, color, national origin, ancestry, physical disability, mental disability, actual or perceived sex, sexual orientation, gender, **gender identity, gender expression** or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics is subject to unwelcome, hostile, offensive, intimidating, oppressive or otherwise interfering harassment in an educational setting. ***This includes unlawful discrimination, harassment, intimidation, or bullying based on the actual or perceived characteristics as specified above.*** Moreover, students will not be excluded on the basis of the aforementioned protected bases from participation in or access to any educational program, guidance and counseling programs, testing procedures, curricular or extracurricular, including all sports and other activities; denied the benefits of participation, or subjected to harassment or other forms of discrimination, **harassment, intimidation, or bullying** in such programs. ***This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.***

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil’s or those pupils’ person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

“Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Gender means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereo typically associated with the person's assigned sex at birth.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education under Section 504)

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges. ***School personnel who witness such acts of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics delineated in this policy are required to take immediate steps to intervene when safe to do so.***

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

Sexual Harassment

All of the foregoing applies to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where such conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or creating an intimidating, hostile, or offensive educational environment; where submission to such conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress; where submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual; where submission to, or rejection of, such conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the district and its school sites.

Examples of Prohibited Behavior

• Exposing genitals

• Shouting obscenities

• Mooning

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- Â• Streaking
- Â• Leaving obscene messages on school computers
- Â• Whistling at other students and/or school employees
- Â• Threatening rape
- Â• Intentionally pressing or rubbing oneself sexually around another person
- Â• Teasing other students and/or school employees about their sexual activity or body
- Â• Unwanted deliberate hugging, kissing, touching, patting, pinching, grabbing, leaning over, or cornering a student or school employee
- Â• Flipping up skirts
- Â• Pulling down someone's pants, shorts or skirt
- Â• Bra, pants, shorts or skirt snapping
- Â• Continual staring at a person's body
- Â• Sexual or dirty jokes
- Â• Actual or attempted rape or sexual assault
- Â• Unwanted pressure for sexual favors or dates
- Â• Making sexual gestures with hands or through body movements
- Â• Unwanted letters or materials of a sexual nature
- Â• Kissing sounds, howling, and smacking lips
- Â• Looking a person up and down
- Â• Sexual rumors
- Â• Comments about the body
- Â• Violating personal space

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- Â• Pornographic pictures, posters, drawings or stories
- Â• Offensive displays of sex-related objects
- Â• Offensive graffiti of a sexual nature, racial nature or of any discriminatory basis
- Â• Holding a person against his or her will

Enforcement

Disciplinary action up to and including expulsion will be promptly taken against any student if it becomes known to the district and proven by school officials that such student has engaged in conduct prohibited by this policy.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

No Retaliation

No student, employee, or other individuals will be retaliated against, in any manner, for reporting conduct which he or she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the district's Uniform Complaint Procedure. ***The identity of the complainant alleging discrimination, harassment, intimidation, or bullying will remain confidential, as appropriate.***

Complaints

Students who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their principal or designee or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. ***The Affirmative Action Director or designee is the responsible local educational agency officer for ensuring the district's compliance with the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and Chapter 2 (commencing with Section 200).*** The complaint ***filed with the district's Affirmative Action Office*** will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***Students, parents, guardians, employees, or third parties may report any incidents covered by this policy to the school site administrator of the child's school who will investigate the allegations in a timely manner.*** It is encouraged and recommended that students use the

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district's Uniform Complaint Procedure; however, they may seek recourse by pursuing available remedies outside the district. The district's Affirmative Action Office will have available the specific rule and procedures for reporting charges of sexual harassment and for pursuing available remedies.

Notifications

Pursuant to Educational Code 231.5, a copy of this policy will be displayed in a prominent location in the main administrative building at each school site of the district or other areas where notices regarding the district's rules, regulations, procedures and standards of conduct are posted. Also, this policy will be a part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable. At the beginning of each school year, the district's sexual harassment policy will be included in the notifications that are sent to parents/guardians and will be disseminated to each staff member annually, at the beginning of the first quarter or semester of the school year, or at the time a new employee is hired. This policy will also appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct.

This policy and the policy on bullying prevention shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms.

Any teacher, counselor, or district employee who receives a sexual harassment ***or bullying*** incident report from any student or adult in the educational setting and/or if the alleged incident occurred on district property or school site, or at a district or school-related or sponsored activity, must report this information to the site administrator. Site administrators are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints ***for sexual harassment and bullying***.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially; ***includes bullying***

221.5 Prohibited sex discrimination

221.7 School-sponsored athletic programs; prohibited sex discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

49020-49023 Athletic programs

51006-51007 Equitable access to technological education programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

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CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January, 1999

Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 FR 47, March, 1994

WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

California Department of Education: <http://www.cde.ca.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 17, 2007 San Bernardino, California

revised: June 17, 2008

revised:

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9.9 Follow Up on Requests and Questions from Board and Community Members, as of February 26, 2014

	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
COMMUNITY PARTNERSHIP – MR. MURRIETA					
1	2/18/14	ICUC took Bradley parents to CSUSB. How can they continue this at other schools?	Mrs. Medina	3/18/14	In Progress
2	12/17/13	Survey schools to see which are supported by nonprofits and then recognize them.	Mr. Tillman	3/18/14	In Progress
3	12/17/13	How can we expand the Exceeding Expectations program here?	Mrs. Medina	3/18/14	In Progress
EDUCATIONAL SERVICES – DR. ZAMORA					
1	2/18/14	What is the pre-K data for African American students?	Mrs. Medina	3/18/14	In Progress
2	2/18/14	She would like to present how classified positions are tied to LCAP priorities at a parent meeting.	Lisa Towery	3/18/14	In Progress
3	2/18/14	Challenge the high school principals to make the Academic Decathlon important.	Mrs. Savage	3/18/14	In Progress
4	2/4/14	Conduct a longitudinal study of student voice at the middle school level.	Dr. Flores	3/18/14	In Progress
5	2/4/14	Consider offering AVID type services (study skills) at all grade levels.	Mrs. Medina	3/18/14	In Progress
6	2/4/14	Consider offering a tech summer camp to provide STEM opportunities. What is the cost?	Mrs. Perong	3/18/14	Examples of opportunities provided in Board Correspondence. Completed.
7	1/21/14	Provide the cost of textbook adoptions.	Mr. Tillman	3/18/14	In Progress
8	1/21/14	Inform parents of 11 th grade students of the upcoming EAP test and why it will be important for	Mr. Tillman Mrs. Perong Mrs. Hill	3/18/14	In Progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
		the students. Have the students who don't show readiness on EAP been continuously enrolled in our district? Were the students who showed readiness on EAP once AVID students?			
9	1/21/14	Do we offer foreign language classes at the middle school level?	Mr. Tillman	3/18/14	Spanish is offered at Chavez and Dual Immersion is offered at Arrowview. Completed.
10	1/14/14	Include representatives from GATE parents, Community Advisory Committee, and demand industries in LCAP meetings.	Mrs. Medina Mr. Gallo	3/18/14	Representatives have been invited. Completed.
11	1/14/14	Get more information about the District participating in the CORE waiver.	Dr. Flores	3/18/14	In Progress
12	1/14/14	Agendize a presentation on benchmark testing tools.	Mr. Gallo	3/18/14	In Progress
13	12/3/13	What is the cost for offering drivers ed and work experience courses?	Mrs. Hill Mr. Tillman	3/18/14	In Progress
STUDENT SERVICES – DR. MITCHELL					
1	2/18/14	Include the number of credits required on the report card dashboard.	Mr. Tillman	3/18/14	In Progress
2	2/18/14	Invite Board Members to attend Instructional Rounds on March 6, 8-11:30 a.m. at Middle College High School.	Board Consensus	3/18/14	Invitation included in Board Correspondence. Completed
3	2/4/14	CWA would like a resident OCS officer at each school.	Stephen Gianni	3/18/14	In Progress
4	2/4/14	Provide less expensive options for cap and gown rentals.	Dr. Flores	3/18/14	A few students were overcharged and

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
					money was refunded.
5	2/4/14	Consider establishing a program similar to Elaine's Hope Closet.	Mrs. Perong	4/1/14	Homeless liaison will research. In Progress
6	12/7/13	Investigate Glen Singleton's work on cultural proficiency.	Dr. Flores	4/1/14	In Progress
7	11/19/13	Consider using the GRIP program in the District.	Mrs. Hill	3/18/14	In Progress
8	11/19/13	Explore having some type of on-campus suspension at all or feeder schools.	Board Consensus	3/18/14	In Progress
9	10/15/13	Consider reinstating the case management program.	Mrs. Hill	3/18/14	In Progress
BUSINESS SERVICES – MRS. KING					
1	2/18/14	Consider providing transportation funds for extracurricular activities during the budget development.	Mr. Tillman	3/18/14	In Progress
2	2/18/14	Acknowledge grant writers on the gift of donations form.	Mrs. Perong	3/18/14	In Progress
3	2/18/14	Is it legal to charge parents for extracurricular activities fees/equipment?	Mr. Tillman	3/18/14	In Progress
FACILITIES/OPERATIONS – MR. PEUKERT					
1	2/18/14	Agendize solar projects.	Mr. Tillman	3/18/14	In Progress
HUMAN RESOURCES – DR. WISEMAN					
1	2/18/14	Give teachers training on how to address sensitive topics during parent/teacher conferences.	Mrs. Medina	3/18/14	In Progress
2	1/21/14 2/4/14	Find a resolution to certificated subs working in classified positions.	Nancy Sanchez-Spears Stephen Gianni	3/18/14	In Progress
3	1/21/14	Reinstate the secret shopper program to ensure schools are welcoming parents.	Mrs. Medina	3/18/14	In Progress
4	1/21/14	Contract with a company to do a staffing analysis.	Mr. Tillman	3/18/14	In Progress
5	1/21/14	What are the number of employees in the comparative districts that are	Mr. Gallo Mrs. Medina	3/18/14	In Progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
		providing similar services in offices other than Human Resources?			
6	1/14/14	Their children aren't learning in combo classes at Arrowhead Elementary School.	Julieta Contreras	3/18/14	In Progress
7	1/14/14	There is not enough outside seating for lunchtime.	Reyna Serrato	3/18/14	In Progress
8	9/17/13	Hold a job fair to advertise available positions for local residents.	Mr. Tillman	To be determined	
DEPUTY SUPERINTENDENT – DR. VOLLKOMMER					
1	2/18/14	Consider expanding the Del Vallejo Middle School Youth Community Outreach committee to other schools.	Carissa Kutkowski Anabel Diaz Meghann Doane Victoria Garcia Deanna Flores	3/18/14	In Progress
2	2/18/14	Have Art Gallardo share his anti-bullying presentation at a Management Team meeting.	Mrs. Hill	3/18/14	In Progress
3	1/21/14	Where are we with parent engagement?	Mrs. Perong	3/18/14	In Progress
4	1/14/14	How far are we with the program evaluation process?	Mrs. Perong	3/18/14	In Progress
5	11/19/13	Get a legal opinion on what the School Board's role will be with the revised CaSA.	Mr. Gallo	3/18/14	In Progress
6	9/10/13	Develop a plan so students' schedules aren't changed after three weeks.	Elsa Valdez	3/18/14	In Progress
7	8/20/13 11/19/13 1/21/14	Revisit having an Enrollment Center. Establish a Parent Engagement Center, possibly in combination with the Enrollment Center	Dr. Flores Mrs. Hill Mrs. Medina	3/18/14	In Progress
8	2/5/13 7/2/13	Consider installing video cameras in all classrooms.	Richelle Capozio Stephen Gianni	3/18/14	Staff will work with SBTA to examine possibilities.

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
SUPERINTENDENT – DR. MARSDEN					
1	2/18/14	Recognize Academic Decathlon students and coaches.	Mrs. Perong	4/1/14	In Progress
2	2/18/14	Acknowledge the work of the first place winners in the Science Fair.	Mrs. Perong	4/1/14	In Progress
3	2/18/14	Acknowledge the Black History Bee winners. Thank the sorority for their work.	Mrs. Perong	4/1/14	In Progress
4	12/3/13	Consider reading “Other People’s Children” or “Multiplication is for White People” for the next book study.	Dr. Flores	4/1/14	In Progress
5	8/20/13	Why aren’t foreign language classes offered at Richardson and Rodriguez?	Brenda Daniels	4/1/14	In Progress
STRATEGIC PLANNING					
1	2/18/14	Create something similar to Richardson at other schools?	Mrs. Medina	4/1/14	In Progress
2	1/21/14	Consider offering bus tickets to allow students to get to and from school safely.	Mrs. Hill	4/1/14	Added to Board SWOT Lot and Operational Strategic Planning.
3	11/5/13	Look at a later starting time for secondary students.	Mr. Gallo Mrs. Hill	4/14	To be discussed at the Cabinet Quarterly Strategic Planning meeting.
4	12/17/13	Consider teachers presenting challenging classes in a language other than English.	Ms. Sanchez-Spears	4/14	In Progress

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SESSION TEN – Consent Calendar

10.0 Consent Calendar (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.

BUSINESS SERVICES DIVISION

10.1 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	AMOUNT	VALUE
Roosevelt Elementary School	Box Tops for Education Highland Park, Minnesota	\$488.60 To be used towards student incentives	\$488.60	
Indian Springs High School	Darryl Williams Rancho Cucamonga, California	\$200.00 To sponsor the ASB towards the Boys Basketball Program	\$200.00	
Indian Springs High School	Darryl Williams Rancho Cucamonga, California	\$250.00 To sponsor the ASB towards the Boys Basketball Program	\$250.00	
Richardson PREP HI	Guitar Center San Bernardino, California	(2) M-Audio AV40 Monitor Speakers SN DKDGN33300742f and DKDGN33301646F To be used for PowerPoint presentations for parent meetings		\$436.00
Roosevelt Elementary School	F.O.R. Parks Foundation San Bernardino, California	\$500.00 To sponsor the ASB towards Student Incentives	\$500.00	
Wilson Elementary School	Exxon Mobil Educational Alliance Program Princeton, New Jersey	\$500.00 To support the Math and Science Program	\$500.00	

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Indian Springs High School	Isaiah Mitchell San Bernardino, California	\$100.00 To sponsor the ASB towards the Spirit Pack Program	\$100.00	
Indian Springs High School	Alejandro Hernandez San Bernardino, California	\$200.00 To sponsor the ASB towards the Spirit Pack Program	\$200.00	
Richardson PREP HI	D'Addario Foundation Farmingdale, New York	\$1,500.00 Grant To be used for individual music lessons for students	\$1,500.00	
Indian Springs High School	Redlands Fitness Training Redlands, California	(1) \$1,200.00 CYBEX Arm Curl Machine (1) \$1,200.00 CYBEX Arm Extension (1) \$1,500.00 CYBEX Dual Axis Overhead Press (1) \$1,100.00 CYBEX Seated Leg Curl To be used in weight room at Indian Springs School		\$5,000.00
Kimbark Elementary School	Alice Hall Devore, California	\$100.00 To sponsor the ASB towards the 6 th Grade Catalina field trip	\$100.00	
George Brown Jr. Elementary School	First Financial Credit Union, West Covina, California	\$500.00 Towards student instructional materials	\$500.00	
Indian Springs High School	Alejandro Hernandez San Bernardino, California	\$100.00 To sponsor the ASB towards the Spirit Pack Program	\$100.00	
Inghram Elementary School	Lifetouch National School Studios, Corona, California	\$117.50 To sponsor the ASB	\$117.50	

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 \$488.60, Box Tops for Education, Highland Park, Minnesota; \$200.00, Darryl Williams, Rancho Cucamonga, California; \$250.00, Darryl Williams, Rancho Cucamonga, California; (2) M-Audio AV40 Monitor Speakers SN DKDGN33300742f and DKDGN33301646F with the total value of \$436.00, Guitar Center, San Bernardino, California; \$500.00, F.O.R. Parks Foundation, San Bernardino, California; \$500.00, Exxon Mobil Educational Alliance Program, Princeton, New Jersey; \$100.00, Isaiah Mitchell, San Bernardino, California; \$200.00, Alejandro Hernandez, San Bernardino, California; \$1,500.00, D'Addario Foundation, Farmingdale, New York; (1) 1,200.00 CYBEX Arm Curl Machine (1) \$1,200.00 CYBEX Arm Extension (1) \$1,500.00 CYBEX Dual Axis Overhead Press (1) \$1,100.00 CYBEX Seated Leg Curl with the total value of \$5,000.00,

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Redlands Fitness Training, Redlands, California; \$100.00, Alice Hall, Devore, California; \$500.00, First Financial Credit Union, West Covina, California; \$100.00, Alejandro Hernandez, San Bernardino, California; \$117.50, Lifetouch National School Studios, Corona, California.

Requester: Various
Approver: Director, Fiscal Services Department

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

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

It is recommended that the following resolution be adopted:

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

- | | |
|---|---|
| Jennifer Fishburn
Jay Husfloen
(Board Representatives, St. Adelaide School) | To attend the Teaching the English Language Arts (ELA) Common Core State Standards (CCSS) in Grades 3-5 Conference, on May 14, 2014 in Riverside, California. Total cost, including meals and mileage per District guidelines, not to exceed \$200.00, will be paid from Categorical Programs Department Account No. 536. |
| Andrea Leon
Barbara Malouf
Dawn Marquez
(Board Representatives, St. Adelaide School) | To attend the Annual CUE 2014 Conference, from March 20 through March 22, 2014, in Palm Springs, California. Total cost, including meals and mileage per District guidelines, not to exceed \$3,000.00, will be paid from Categorical Programs Department Account No. 536. |
| Chris Barrows
Jim Brennan
(Board Representatives, Aquinas High School) | To attend the NCEA 2014 Convention and Expo Conference, from April 21 through April 24, 2014 in Pittsburgh, Pennsylvania. Total cost, including meals and mileage per District guidelines, not to exceed \$3,300.00, will be |

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paid from Categorical Programs Department
Account No. 536.

Patricia Godsy
Pieter Nystrom
(Board Representatives, Our Lady of the
Assumption)

To attend the Annual CUE 2014 Conference,
from March 20 through March 22, 2014, in
Palm Springs, California. Total cost, including
meals and mileage per District guidelines, not
to exceed \$1,800.00, will be paid from
Categorical Programs Department Account No.
536.

Rosalia Garcia
Gloria Rosa
Ana Cervantes
Blanca Sanchez
Maria Leigue
Maria De La Luz Garcia
Lissette Montellano Galindo
Esperanza Escobar
Griselda Ramos
Catalina Salinas
(Board Representatives, Cajon High School)

To attend the 2014 CABE Annual Conference,
on May 22, 2014, in Riverside, California.
Total cost, including meals and mileage per
District guidelines, not to exceed \$1,600.00,
will be paid from Cajon High School English
Learners Account No. 423.

Requester: Director, Categorical Programs Department; Principal, Cajon High School
Approver: Assistant Superintendent, Educational Services Division; Assistant Superintendent,
Human Resources Division

10.3 Commercial Warrant Registers for Period from February 1, through February 15,
2014
(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 February 1, through
February 15, 2014, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham,
Director, Accounting Services, or David Moyes, Supervisor, Accounts Payable, to sign
disbursements.

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Requester: Director, Accounting Services Department
Approver: Director, Fiscal Services Department

10.4 Extended Field Trip, Arroyo Valley High School, 12th Annual JROTC Spring Camp, Idyllwild, California
(Prepared by Business Services Division)

Arroyo Valley High School requests Board of Education approval of an extended field trip for 40 Arroyo High School students and 5 District employees to attend the 12th Annual JROTC Spring Camp, in Idyllwild, California from April 4, through April 6, 2014.

The students will improve communication skills and learn a variety of tasks, such as leadership training, hiking, first aid, map reading, leadership reaction course, orienteering, rifle marksmanship safety, physical fitness, and teamwork in an outdoor environment.

The cost of the trip, not to exceed \$2,575.00, including meals and lodging for 40 Arroyo Valley High School students and five District employees, will be paid from Arroyo Valley High School JROTC funds. Transportation provided by Durham School Services, not to exceed \$1,000.00, will be paid from Arroyo Valley High School Account No. 202. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Arroyo Valley High School students and five District employees to attend the 12th Annual JROTC Spring Camp, in Idyllwild, California from April 4, through April 6, 2014. The cost of the trip, not to exceed \$2,575.00, including meals and lodging for 40 Arroyo Valley High School students and five District employees, will be paid from Arroyo Valley High School JROTC funds. Transportation provided by Durham School Services, not to exceed \$1,000.00, will be paid from Arroyo Valley High School Account No. 202. Names of the students are on file in the Business Services office.

Requester: Principal, Arroyo Valley High School
Approver: Assistant Superintendent, Educational Services Division

10.5 Extended Field Trip, Cajon High School, California State Thespians Festival 2014, Upland, California
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval of an extended field trip for 16 Cajon High School students and two District employees to attend the California State Thespians Festival 2014, in Upland, California, from March 28, through March 30, 2014.

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Students have the opportunity to view individual performances and tech events and participate in a variety of workshops led by theatre professionals. Also, they will have the opportunity to audition for scholarships and talk to college representatives.

The cost of the trip, not to exceed \$2,515.00, including meals and lodging for 16 Cajon High School students and two District employees, will be paid from Cajon High School Drama Club funds. Transportation will be provided by private vehicles driven by District employees and students' parents at no cost to the District. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 16 Cajon High School students and two District employees to attend the California State Thespian Festival 2014, in Upland, California, from March 28, through March 30, 2014. The cost of the trip, not to exceed \$2,515.00, including meals and lodging for 16 Cajon High School students and two District employees, will be paid from Cajon High School Drama Club funds. Transportation will be provided by private vehicles driven by District employees and students' parents at no cost to the District. Names of the students are on file in the Business Services office.

Requester: Principal, Cajon High School

Approver: Assistant Superintendent, Human Resources Division

10.6 Extended Field Trip, Cajon High School, Girls Varsity Basketball Tournament, San Diego, California
(Prepared by Business Services Division)

Cajon High School requests Board of Education approval of an extended field trip for eight Cajon High School students and two District employees to attend the San Diego Basketball Tournament in San Diego, California, from July 17, through July 20, 2014.

This trip offers the student athletes an opportunity to receive honor as they participate in the tournament. The caliber of competition helps to further the student athletes' opportunities and exposes them to the type of competition that they will face as they continue their athletic careers at the college level.

The cost of the trip, not to exceed \$1,900.00, including meals and lodging for eight Cajon High School students and two District employees, will be paid from Cajon High School Girls Basketball ASB funds. Transportation provided by Express Van Rental, not to exceed \$500.00, will be paid from Cajon High School Girls Basketball ASB funds. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves the extended field trip for eight Cajon High School students and two District employees to attend the San Diego Basketball Tournament in San Diego, California, from July 17, through July 20, 2014. The cost of the trip, not to exceed \$1,900.00, including meals and lodging for eight Cajon High School students and two District employees, will be paid from Cajon High School Girls Basketball ASB funds. Transportation provided by Express Van Rental, not to exceed \$500.00, will be paid from Cajon High School Girls Basketball ASB funds. Names of the students are on file in the Business Services office.

Requester: Principal, Cajon High School
Approver: Assistant Superintendent, Human Resources Division

10.7 Extended Field Trip, Middle College High School, AVID 2014 College Tour, Multiple Northern California Locations
(Prepared by Business Services Division)

Middle College High School requests Board of Education approval of an extended field trip for 40 Middle College High School students and four District employees to attend the AVID 2014 College Tour, in multiple Northern California locations, from March 17, through March 20, 2014.

This trip is educationally advantageous to students and ties into the curriculum by addressing the AVID mission of increasing enrollment in four-year colleges. Students will gain an increased awareness of specific universities, as well as various campus types and sizes in order to aid their college selection process. They will feel the cultural atmosphere and compare educational programs offered at each college, which will assist them in making a more thoughtful decision about their own future.

The cost of the trip, not to exceed \$7,840.87, including meals and lodging for 40 Middle College High School students and four District employees, will be paid from Middle College High School ASB AVID Club funds. Transportation provided by Charter Coach, not to exceed \$2,900.00, will be paid from Middle College High School Account No. 203. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Middle College High School students and four District employees to attend the AVID 2014 College Tour, in multiple Northern California locations, from March 17, through March 20, 2014. The cost of the trip, not to exceed \$7,840.87, including meals and lodging for 40 Middle College High School students and four District employees, will be paid from Middle College High School ASB AVID Club funds. Transportation provided by Charter Coach, not to exceed

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\$2,900.00, will be paid from Middle College High School Account No. 203. Names of the students are on file in the Business Services office.

Requester: Principal, Middle College High School
Approver: Assistant Superintendent, Student Services

10.8 Extended Field Trip, Pacific High School, 2014 USA Spirit Nationals, Anaheim, California
(Prepared by Business Services Division)

Pacific High School requests Board of Education approval of an extended field trip for 23 Pacific High School students and two District employees to attend the 2014 USA Spirit Nationals, in Anaheim, California, from March 27, through March 30, 2014.

Students have the opportunity to represent the San Bernardino City Unified School District and Pacific High School at a national level. Students have maintained good grades and good citizenship throughout the years in order to meet the qualifications for participation. Students are performing skills outlined in the California State Standards for both Dance and Physical Education which require flexibility, coordination, strength, and discipline.

The cost of the trip, not to exceed \$5,800.00, including meals and lodging for 23 Pacific High School students and two District employees, will be paid from Pacific High School Pep Squad ASB funds. Transportation provided by Durham School Services, not to exceed \$850.00, will be paid from Pacific High School Account No. 203. No student will be denied participation due to financial constraints.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the extended field trip for 23 Pacific High School students and two District employees to attend the 2014 USA Spirit Nationals, in Anaheim, California, from March 27, through March 30, 2014. The cost of the trip, not to exceed \$5,800.00, including meals and lodging for 23 Pacific High School students and two District employees, will be paid from Pacific High School Pep Squad ASB funds. Transportation provided by Durham School Services, not to exceed \$850.00, will be paid from Pacific High School Account No. 203. Names of the students are on file in the Business Services office.

Requester: Principal, Pacific High School
Approver: Assistant Superintendent, Student Services

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

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

The unrestricted program, Fund 11-Cal Works Adult Education Program (132) was included in the Fiscal Year 2013-2014 approved budget in the amount of \$223,236.10. Based on the apportionment bulletin received on February 6, 2014, an increase in the amount of \$294,436.00 will result in a revised total of \$517,672.10.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the addition of \$294,436.00 in the budgeting of revenues and expenditures for the unrestricted program, Fund 11-Cal Works Adult Education Program (132).

Requester/Approver: Director, Fiscal Services Department

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

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

Lincoln Elementary School wishes to hire John Abrams, Amazing School Assemblies, for a presentation titled "Animal Magic Show" on March 14, 2014. The presentation will encourage consistent attendance as well as amaze and amuse through a wild adventure that will make students laugh and scream with John's wacky blend of magic, comedy, music, and live exotic pets. The cost, not to exceed \$900.00, will be paid from Lincoln Elementary School Account No. 423 and Account No. 459.

Lincoln Elementary School wishes to hire John Lacques, Drum Time, for two presentations titled "Drumtime Program" on April 17, and April 18, 2014. These assemblies are designed and structured to address issues of diversity, conflict resolution and community building. The cost, not to exceed \$2,500.00, will be paid from Lincoln Elementary School Account No. 423 and Account No. 459.

Highland Pacific Elementary School wishes to hire Pacific Animal Productions for a presentation titled "Learning Safari" on May 22, 2014. The presentation allows the students a safe

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environment to see, touch and learn about various small animals. The cost, not to exceed \$185.00, will be paid from Highland Pacific Elementary School Account No. 501.

Monterey Elementary School wishes to hire Buford Johnson for a presentation titled “The Tuskegee Airmen” on February 26, 2014. Mr. Johnson will share historical events, accomplishments, challenges, and personal experiences in regards to his duties as an Airman during World War II. The cost, not to exceed \$100.00, will be paid from Monterey Elementary School ASB Account.

It is recommended that the following resolution be adopted:

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

John Abrams, Amazing School Assemblies, for a presentation titled “Animal Magic Show” on March 14, 2014. The cost, not to exceed \$900.00, will be paid from Lincoln Elementary School Account No. 423 and Account No. 459.

John Lacques, Drum Time, for two presentations titled “Drumtime Program” on April 17, and April 18, 2014. The cost, not to exceed \$2,500.00, will be paid from Lincoln Elementary School Account No. 423 and Account No. 459.

Pacific Animal Productions for a presentation titled “Learning Safari” on May 22, 2014. The cost, not to exceed \$185.00, will be paid from Highland Pacific Elementary School Account No. 501.

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

Buford Johnson for a presentation titled “The Tuskegee Airmen” on February 26, 2014. The cost, not to exceed \$100.00, will be paid from Monterey Elementary School ASB Account.

Requester: Various

Approver: Assistant Superintendent, Human Resources Division; Assistant Superintendent, Educational Services Division; Assistant Superintendent, Student Services Division

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

The Special Education Department and the Transition Department wish to hire Jonathan Mooney, Santa Monica, California, to present at the Career Information Day at the Colton-Redlands-Yucaipa ROP in Redlands, effective March 7, 2014. The audience will include members from the Transition Partnership Program, local special education educators, young adults and partners in social services. The fee, not to exceed \$1,250.00, will be paid from the Restricted General Fund-Dept Rehab, Account No. 568.

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Wilson Elementary School wishes to hire The Teaching Doctors, Stanford, California, to conduct a one-day workshop for teachers on reading comprehension skills and strategies, effective February 28, 2014. The fee, not to exceed \$3,000.00, will be paid from the 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 payment to the following non-classified experts:

Jonathan Mooney, Santa Monica, California, to present at the Career Information Day at the Colton-Redlands-Yucaipa ROP in Redlands, effective March 7, 2014. The audience will include members from the Transition Partnership Program, local special education educators, young adults and partners in social services. The fee, not to exceed \$1,250.00, will be paid from the Restricted General Fund-Dept Rehab, Account No. 568.

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

The Teaching Doctors, Stanford, California, to conduct a one-day workshop for teachers on reading comprehension skills and strategies, effective February 28, 2014. The fee, not to exceed \$3,000.00, will be paid from the Restricted General Fund-School Improvement Grant-New SIG, Account No. 507.

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

10.12 Agreement with AssetWORKs, Los Angeles, California, RFP No. 22-13, Fixed Assets Inventory Report
(Prepared by Business Services Division)

RFP No. 22-13, Fixed Assets Inventory Report was advertised on December 5, and December 12, 2013, with the proposal due date on January 9, 2014, at 4:00 p.m. The purpose of the RFP was to solicit proposals from qualified firms who can develop a comprehensive inventory report of the District's moveable equipment assets in accordance with Governmental Accounting Standards Board (GASB) Statement No. 34. The fees will be paid from the Unrestricted General Fund, Accounting Services, Account No. 068.

RFP packages were mailed to Asset Inventory Service, Rialto, California; Valley Inventory Service, Inc., Fairfield, California; PICS Inventory Specialists, Grand Terrace, California; WIS International, Moreno Valley, California; Automotive Dealers Service, Corona, California; RGIS Inventory Specialists, Riverside, California; Jay Cobb, Ontario, California; PCSS Inventory

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Service, Chino, California; American Appraisal, Los Angeles, California; and the San Bernardino Chamber of Commerce.

Proposals were received as follows:

Name of Proposers	Fees
RGIS, LLC Auburn Hills, MI	\$84,500.00 NTE
Record Consultants, Inc. San Antonio, TX	\$93,350.00 plus optional services
AssetWORKs Los Angeles, CA	\$98,500.00 NTE
CBIZ Valuation Group Jackson, WI	\$130,000.00 NTE
American Appraisal Los Angeles, CA	\$140,000.00 plus expenses
Enterprise Asset Services, Inc. (dba Asset Services) Merriam, KS	\$158,250.00 NTE
ProBar Lanham, MD	\$335,937.50 NTE

On February 11, 2014, proposals were evaluated by the Selection Committee which consisted of the Accounting Director, Categorical Programs Director, Warehouse Manager and Purchasing department.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that RFP No. 22-13, Fixed Assets Inventory Report be awarded to AssetWORKs, Los Angeles, California, the highest ranked responsive and responsible proposer meeting District RFP requirements, effective March 5, 2014, through June 30, 2015, with the option to extend annually, for a maximum of five (5) years at the sole discretion of the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said agreements.

Requester: Director, Accounting Services, Business Services Division

Approver: Director, Fiscal Services, Business Services Division

EDUCATIONAL SERVICES

- 10.13 Regional Occupational Program Teacher Salary Increase Effective January 1, 2014
(Submitted by Educational Services)

The College and Career Readiness Department requests the Board of Education approval for the Regional Occupational Program teachers to receive a 3 percent salary increase retroactive to January 1, 2014. This is to align with the salary increase negotiated and approved by the Board of Education for the San Bernardino City Unified School District’s certificated teachers. The total cost will be paid from the Restricted General Fund, Regional Occupational Program, Resource 9650.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the 3 percent salary increase retroactive to January 1, 2014, for the District’s Regional Occupational Program teachers. The total cost will be paid from the Restricted General Fund, Regional Occupational Program, Resource 9650.

Requester: Coordinator, College and Career Readiness
Approver: Assistant Superintendent, Educational Services

STUDENT SERVICES

Alternative Programs

- 10.14 Agreement with the Asian-American Resource Center, San Bernardino, California, to Implement a Prevention and Early Intervention (PEI) Pilot Program for Asian Pacific Islander Community in the District
(Prepared by Business Services Division)

The Alternative Programs Department requests Board of Education approval to enter into an agreement with the Asian-American Resource Center, San Bernardino, California, to implement a prevention and early intervention (PEI) pilot program to target the Asian Pacific Islander (API) communities within the District, effective March 5, 2014, through February 28, 2015. The County of San Bernardino, Department of Behavioral Health – Office of Cultural Competence and Ethnic Services (OCCES) has awarded the Asian-American Resource Center funds to implement a PEI pilot program to target the API community within the County and District. The target population for the program is the transitional-age youth (ages 16 – 25) with the focus on designing programs to prevent or address the early onset of behavioral health problems or risk factors for developing behavioral health problems. There is no cost to the District.

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It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Asian-American Resource Center, San Bernardino, California, to implement a prevention and early intervention (PEI) pilot program to target the Asian Pacific Islander (API) communities within the District, effective March 5, 2014, through February 28, 2015. The County of San Bernardino, Department of Behavioral Health – Office of Cultural Competence and Ethnic Services (OCCES) has awarded the Asian-American Resource Center funds to implement a PEI pilot program to target the API community within the County and District. The target population for the program is the transitional-age youth (ages 16 – 25) with the focus on designing programs to prevent or address the early onset of behavioral health problems or risk factors for developing behavioral health problems. There is no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Director, Alternative Programs Department

Approver: Assistant Superintendent, Student Services

Information Technology

- 10.15 Request to Enter into an Agreement with Data Impressions, Utilizing the State of California Multiple Award Schedule (CMAS) Contract Number 3-11-70-0697F, Purchase Information Technology Goods and Services
(Prepared by Business Services Division)

The Purchasing Department requests Board of Education approval to enter into an agreement with Data Impressions, utilize California Multiple Award Schedule (CMAS), Contract Number 3-11-70-0697F, to purchase information technology goods and services. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid. The cost of equipment, software, and services being purchased will be paid by requesting site.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Data Impressions, for the utilization of California Multiple Award Schedule (CMAS), Contract Number 3-11-70-0697F, to purchase information technology goods and services. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid.

BE IT ALSO RESOLVED the District reserves the right to purchase on an as-needed basis throughout term of the contract, and any extension thereafter not to exceed (5) years total.

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BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director Purchasing Services, to sign agreements associated with this contract.

Requester/Approver: Director, Purchasing Department

School-Linked Services

- 10.16 Facility Use Agreement with Arrowhead Event Center, San Bernardino, California, as a Venue for Preschool Mass Enrollment Activities for the Upcoming School Year
(Prepared by Business Services Division)

The Preschool Central Department requests Board of Education approval to enter into a facility use agreement with Arrowhead Event Center, San Bernardino, California, to be used as a venue for the preschool mass enrollment activities for the 2014-2015 school year, effective April 1, through June 6, 2014. The facility is required to accommodate the large number of parents and staff as families from throughout the city of San Bernardino will be invited to enroll their preschool children. There is no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a facility use agreement with Arrowhead Event Center, San Bernardino, California, to be used as a venue for the preschool mass enrollment activities for the 2014-2015 school year, effective April 1, through June 6, 2014. The facility is required to accommodate the large number of parents and staff as families from throughout the city of San Bernardino will be invited to enroll their preschool children. There is no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Director, School-Linked Services Department

Approver: Assistant Superintendent, Student Services

Special Education

- 10.17 Agreement with Marisa Gaines, Highland, California, to Perform Services as a Career Services Coordinator and Other Related Services under the CaPROMISE Grant
(Prepared by Business Services Division)

The Special Education Department – Transition Services requests Board of Education approval to enter into an agreement with Marisa Gaines, Highland, California, to provide services as a

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career services coordinator to student participants and their families participating in the CaPROMISE grant, effective March 5, through June 30, 2014. The services include case management services, benefits counseling, financial capability, career and work-based learning experiences. Ms. Gaines will provide information and parent training to the student's family on how to support and advocate for their children's education and employment goals. The cost for providing the services, not to exceed \$42,000.00, will be paid from the Restricted General Fund – CaPromise Grant, Account No. 514.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Marisa Gaines, Highland, California, to provide services as a career services coordinator to student participants and their families participating in the CaPROMISE grant, effective March 5, through June 30, 2014. The services include case management services, benefits counseling, financial capability, career and work-based learning experiences. Ms. Gaines will provide information and parent training to the student's family on how to support and advocate for their children's education and employment goals. The cost for providing the services, not to exceed \$42,000.00, will be paid from the Restricted General Fund – CaPromise Grant, Account No. 514.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Assistant Director, Special Education Department

Approver: Assistant Superintendent, Student Services

10.18 Amendment No. 1 to the Agreement with Behavioral and Educational Support Team Services, Inc., (B.E.S.T.) El Cajon, California, to Provide Applied Behavior Analysis (ABA) Services to District Special Education Students
(Prepared by Business Services Division)

The Special Education Department requests Board of Education approval to amend the agreement with Behavioral and Educational Support Team Services, Inc., (B.E.S.T.) El Cajon, California, approved by Board on June 4, 2013, Agenda Item No. 7.55. The amendment is necessary for continued applied behavior analysis (ABA) services to a special need student with a disability of autism, and to increase the contract amount by \$30,000.00 for a new aggregate contract not-to-exceed amount of \$48,000.00, which will be paid from Restricted General Fund – Special Education – Central, Account No. 827. 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 Behavioral and Educational Support Team Services, Inc., (B.E.S.T.) El Cajon, California, approved by Board on June 4, 2013, Agenda Item No. 7.55. The amendment is necessary for

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continued applied behavior analysis (ABA) services to a special need student with a disability of autism, and to increase the contract amount by \$30,000.00 for a new aggregate contract not-to-exceed amount of \$48,000.00, which will be paid from Restricted General Fund – Special Education – Central, Account No. 827. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Assistant Director, Special Education Department

Approver: Assistant Superintendent, Student Services

Youth Services

10.19 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)5/25/1999 *(S)11/17/1997 *(S)6/24/2000 *(S)4/23/1996 *(S)12/16/1998 ***(S)5/15/2000
*(S)4/14/2000 *(S)10/7/1996 *(S)2/17/2001 *(S)3/14/2000

*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

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Approver: Assistant Superintendent, Student Services

10.20 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.

5/2/2000

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

10.21 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:

1/10/1998 12/12/1997

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

10.22 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

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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:

3/28/2003 1/29/2006

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

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

9/15/1999

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

10.24 Amendment No. 1 to the Agreement with HP Construction & Management, Inc. for the Group 11 - Barton, Burbank, Emmerton and Lankershim Elementary Schools Modernization Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the agreement with HP Construction & Management, Inc., Riverside, California, for the Group 11 - Barton, Burbank, Emmerton and Lankershim Elementary Schools modernization projects. This amendment is for unforeseen conditions encountered during the Burbank Elementary School

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modernization project in which the existing walkway canopy was discovered to have deficient structural conditions and required replacement. County Counsel has reviewed and agreed this additional service constitutes unforeseen conditions. This amendment is for an additional \$14,381.73, for a new not-to-exceed aggregate total cost of \$136,074.78 and will be paid from Funds 21, 35, and 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 HP Construction & Management, Inc., for the Group 11 - Barton, Burbank, Emmerton and Lankershim Elementary Schools modernization projects, due to unforeseen conditions encountered during the Burbank Elementary School modernization project in which the existing walkway canopy was discovered to have deficient structural conditions and required replacement. County Counsel has reviewed and agreed this additional service constitutes unforeseen conditions. This amendment is for an additional \$14,381.73, for a new, not-to-exceed, aggregate total cost of \$136,074.78 and will be paid from Funds 21, 35, and 40. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education Debra Love, Director, Purchasing Department, to sign said Amendment No. 1.

Requester: Director, Facilities Planning and Development Department
Approver: Assistant Superintendent, Facilities/Operations Division

10.25 Amendment No. 4 to the Professional Services Agreement for Architectural and Engineering Services for Additional DSA Pre-Checked Two Story Classroom Buildings
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to amend the professional services agreement with PSWC Group Architects, San Bernardino, California, originally approved by the Board on August 18, 2009, and effective through June 30, 2015, for architectural and engineering services for additional DSA pre-checked two story classroom buildings at one or more District school sites to replace existing portable buildings as part of the Overcrowding Relief Grant (ORG) Program. This amendment is needed for additional design services for the fire alarm sprinklers at the Lankershim Elementary School Overcrowding Relief Grant Project. The cost, not to exceed \$5,950.00, plus approved reimbursables, will be paid from Funds 21, 25, 35, and 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 professional services agreement with PSWC Group Architects, effective through June 30, 2015, for architectural and

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engineering services for additional DSA pre-checked two story classroom buildings as part of the Overcrowding Relief Grant (ORG) Program. This amendment is needed for additional design services for the fire alarm sprinklers at the Lankershim Elementary School Overcrowding Relief Grant Project. The cost, not to exceed \$5,950.00, plus approved reimbursables, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 4.

Requester: Director, Facilities Planning and Development Department
Approver: Assistant Superintendent, Facilities/Operations Division

10.26 Approval to Establish and Exceed the Change Order Limitation for Rancho Pacific Electric, Inc. for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to establish and exceed the 10% change order limitation of Public Contract Code Section 20118.4 for completed change order work. Bid No. F08-29, Category No. 19, Electrical, Indian Springs High School New Construction/Old Curtis Middle School Modernization project was originally approved by the Board on September 1, 2009, and awarded to Rancho Pacific Electric, Inc. The cost, not to exceed \$20,045.00, will be paid from Funds 14, 21, 35, and 40. All other terms and conditions remain the same.

The payment of these change orders is necessary because the District did not discover until after the notice of completion that the contract was not paid in full for work completed by Rancho Pacific Electric due to an oversight by the project's construction management firm.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves establishing and exceeding the 10% change order limitation of Public Contract Code Section 20118.4 for work done by Rancho Pacific Electrical, Inc., Bid No. F08-29, Category No. 19, Electrical, Indian Springs High School New Construction/Old Curtis Middle School Modernization project. The cost, not to exceed \$20,045.00, will be paid from Funds 14, 21, 35, and 40. All other terms and conditions remain the same.

Requester: Director, Facilities Planning and Development Department
Approver: Assistant Superintendent, Facilities/Operations Division

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10.27 Emergency Replacement of Five Heating, Ventilation, and Air Conditioning (HVAC) Units at Bing Wong Elementary School
(Prepared by Business Services Division)

On February 10, 2014, it was discovered that vandals had entered onto the premises of Bing Wong Elementary School and completely destroyed the five heating, ventilation, and air conditioning (HVAC) units that provide heating and cooling to classrooms D-105, D-106, D-107, D-108, and D-109.

In order to prevent a disruption to the learning environment for approximately 153 students at Bing Wong Elementary School, the San Bernardino City Unified School District has declared an emergency and is requesting that a District authorized agent be given emergency authorization to sign any agreements or documents necessary to make all required repairs. The total cost for these repairs is estimated not to exceed \$75,000.00 and will be paid through the Joint Powers Agreement (JPA).

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 and supplies for this purpose without advertising for or inviting bids. Board Policy 2122b allows the Superintendent to take emergency actions to ensure the safety of students.

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 approval to enter into any necessary contract(s) in writing or otherwise on behalf of the District for the replacement of the five HVAC units that provide heating, ventilation, and cooling to classrooms D-105, D-106, D-107, D-108, and D-109 at Bing Wong Elementary School without advertising for or inviting bids. The total cost for these repairs is estimated not to exceed \$75,000.00 and will be paid through the Joint Powers Agreement (JPA).

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Director, to sign all documents deemed necessary for the replacement and installation of this equipment.

Requester: Director, Maintenance and Operations Department
Approver: Assistant Superintendent, Facilities/Operations Division

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10.28 Professional Services Agreement with HMC Architects to Provide Architectural and Engineering Services for Indian Springs High School Aquatics Facility and Stadium Improvements
(Prepared by Facilities/Operations Division)

The Facilities Management Department requests Board of Education approval to convert a current amendment into a professional services agreement with HMC Architects, Ontario, California to provide architectural and engineering services for Indian Springs High School's new aquatic facility and improvements to their existing stadium.

A proposal to design a new 25-meter swimming pool and improvements to the existing stadium was received from HMC and the scope of work was approved by the Board on July 2, 2013, as Amendment No. 16 to the already existing professional services agreement for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project. Because the new aquatics facility and stadium improvements are not funded through State hardship funding, a separate agreement is necessary for this project. The cost, not to exceed \$229,800.00, plus approved reimbursables, remains the same as the original amendment and will be paid from Fund 21, 25, and 40.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves converting Amendment No. 16 with HMC Architects to a professional services agreement with HMC Architects to provide architectural and engineering services for Indian Springs High School's new aquatic facility, and improvements to their existing stadium. The cost, not to exceed \$229,800.00, plus approved reimbursables, will be paid from Fund 21, 25, and 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said agreement.

Requester: Director, Facilities Planning and Development Department

Approver: Assistant Superintendent, Facilities/Operations Division

HUMAN RESOURCES DIVISION

10.29 Agreement with the California State Office of Administrative Hearings, Sacramento, California, to Provide Administrative Law Judges as Hearing Officers for Administrative Appeals of District Classified Employees
(Prepared by Business Services Division)

The Personnel Commission requests Board of Education approval to enter into an agreement with the California State Office of Administrative Hearings, Sacramento, California, to provide administrative law judges to serve as hearing officers for administrative appeals of classified

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employees as approved by the Personnel Commission in individual appeals, effective March 5, 2014, through February 28, 2019. The Administrative Law Judges (ALJ) services include conducting hearings pursuant to Government Code Section 27727, obtaining a reporter to transcribe the hearings, and hearing various pre-hearing motions. The services will be required on a case-by-case basis and at the discretion of the District Personnel Commission. The cost for services, not to exceed \$5,000.00, will be paid from 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 approves entering into an agreement with the California State Office of Administrative Hearings, Sacramento, California, to provide administrative law judges to serve as hearing officers for administrative appeals of classified employees as approved by the Personnel Commission in individual appeals, effective March 5, 2014 through February 28, 2019. The Administrative Law Judges (ALJ) services include conducting hearings pursuant to Government Code Section 27727, obtaining a reporter to transcribe the hearings, and hearing various pre-hearing motions. The services will be required on a case-by-case basis and at the discretion of the District Personnel Commission. The cost for services, not to exceed \$5,000.00, will be paid from Unrestricted General Fund – Personnel Commission, Account No. 071.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Interim Director, Personnel Commission

Approver: Assistant Superintendent, Human Resources Division

10.30 Amendment No. 1 to the Agreement with Lollipop & Associates, Highland, California, to Provide Training and Support to Parents of Students at Wilson Elementary School
(Prepared by Business Services Division)

Wilson Elementary School requests Board of Education approval to amend the agreement with Lollipop & Associates, Highland, California, approved by Board on September 17, 2013, Agenda Item No. 9.24. This amendment is necessary to extend the contract ending period from December 31, 2013, to a new ending date of May 22, 2014, and to increase the contract amount by an additional \$8,000.00 for a new total contract amount of \$16,000.00, which will be paid from Restricted General Fund – School Improvement Grant (New SIG), Account No. 507. All other terms and conditions remain the same.

It is recommended that the following resolution be adopted:

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BE IT RESOLVED that the Board of Education approves amending the agreement with Lollipop & Associates, Highland, California, approved by Board on September 17, 2013, Agenda Item No. 9.24. This amendment is necessary to extend the contract ending period from December 31, 2013, to a new ending date of May 22, 2014, and to increase the contract amount by an additional \$8,000.00 for a new total contract amount of \$16,000.00, which will be paid from Restricted General Fund – School Improvement Grant (New SIG), Account No. 507. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Principal, Wilson Elementary School
Approver: Assistant Superintendent, Human Resources Division

- 10.31 Memorandum of Understanding with San Bernardino County Department of Public Health Preparedness and Response Program (PRP), San Bernardino, California, to Use District Schools and Staff as Medical Point of Distribution in Public Emergencies
(Prepared by Business Services Division)

The Safety/Emergency Management Department requests Board of Education approval to enter into a Memorandum of Understanding (MOU) with San Bernardino County Department of Public Health Preparedness and Response Program (PRP) to use District facilities and staff as medical point of distribution following an incident of pandemic, bioterrorism and/or other public health emergencies, effective March 5, 2014. The District facilities are Chavez Middle School, Arroyo Valley, Indian Springs and San Gorgonio High Schools, and staff assistance from the Board of Education building. The facilities will be used to receive, store, stage and distribute medications and other resources e.g. antibiotics, antidotes, medical supplies, certain controlled substances, equipment, specialized cargo containers and portable refrigeration units. This is in the event that the Strategic National Stockpile or the Cities Readiness Initiative pharmaceutical caches are requested to address possible large-scale bioterrorism events or other public health emergencies. Reimbursement is as determined through the emergency proclamation. There is no cost to the District.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves entering into a Memorandum of Understanding (MOU) with San Bernardino County Department of Public Health Preparedness and Response Program (PRP) to use District facilities and staff as medical point of distribution following an incident of pandemic, bioterrorism and/or other public health emergencies, effective March 5, 2014. The District facilities are Chavez Middle School, Arroyo Valley, Indian Springs and San Gorgonio High Schools, and staff assistance from the Board of Education building. The facilities will be used to receive, store, stage and distribute medications

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and other resources e.g. antibiotics, antidotes, medical supplies, certain controlled substances, equipment, specialized cargo containers and portable refrigeration units. This is in the event that the Strategic National Stockpile or the Cities Readiness Initiative pharmaceutical caches are requested to address possible large-scale bioterrorism events or other public health emergencies. Reimbursement is as determined through the emergency proclamation. There is no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

Requester: Safety Officer, Safety/Emergency Management Department
Approver: Assistant Superintendent, Human Resources Division

10.32 Payment of Master Teachers – California State University San Bernardino
(Prepared by 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 358108 from California State University San Bernardino in the amount of \$2,833.90. 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 teachers during Fall 2013, as provided for in the Agreement with California State University San Bernardino, as follows:

APACIBLE-WAHE, FRANCINE	\$166.70	AVILA, LEYLA	\$166.70
BALLESTER, MILAGROS	\$166.70	BARTA, DEBORAH	\$166.70
BOTELLO, GIANCARLO	\$166.70	CLARK, LYNSEY	\$166.70
CORONADO, VIRGINIA	\$166.70	DEAN, CASSANDRA	\$166.70
DIEFENDORF, ELLEN	\$166.70	GANDY, KATHLEEN	\$166.70
LOPEZ, YVETTE	\$166.70	LUCE, BONNIE	\$166.70
MOYA, SMIRNA	\$166.70	PAZ, ELVA	\$166.70
RYAN, PAULA	\$166.70	SUTTON, BRANDY	\$166.70
WISDOM, CARMEN	\$166.70		

Requester: Director, Employment & Recruitment
Approver: Assistant Superintendent, Human Resources

SESSION ELEVEN - Action

11.0 Action Items

11.1 2014 California School Boards Association Delegate Assembly Election
(Prepared by the Superintendent)

The official ballot for the election of representatives to CSBA's Delegate Assembly has been received and must be returned on or before March 17, 2014. Because of our large student enrollment, the San Bernardino City Unified School Board appoints two representatives. Currently, Bobbie Perong and Lynda Savage are serving two-year terms.

In addition to these two appointments, the Board may vote for no more than seven representatives. There are seven vacancies in San Bernardino County Subregion 16-B. The following individuals are candidates for these vacancies:

Barbara J. Dew (Victor Valley Union HSD)*
Cathline Fort (Etiwanda ESD)*
Karen S. Morgan (Victor ESD)*
Caryn Payzant (Alta Loma ESD)*
Barbara Schneider (Helenedale SD)
Jane Dundas Smith (Yucaipa-Calimesa Jt. USD)*
Donna West (Redlands USD)*
James Lee Willingham (Mountain View SD)

*Denotes incumbent

The following resolution is recommended:

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District casts its vote for the following candidates:

11.2 Second Period Interim Financial Report as of January 31, 2014
(Prepared by Business Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves, on the basis of information presented, the Second Interim Financial Report as of January 31, 2014.

BE IT FURTHER RESOLVED that the President of the Board of Education certifies on behalf of the Board that the San Bernardino City Unified School District will be able to meet its ongoing financial obligations for the current Fiscal Year and subsequent two years.

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11.3 Amendments to BP 0410 Nondiscrimination in District Programs and Activities (First Reading)
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 0410 Nondiscrimination in District Programs and Activities as a first reading.

11.4 Amendments to BP 1312.3 Uniform Complaint Procedures (First Reading)
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 1312.3 Uniform Complaint Procedures as a first reading.

11.5 Amendments to BP 4030 Nondiscrimination in Employment (First Reading)
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 4030 Nondiscrimination in Employment as a first reading.

11.6 Amendments to BP 4119.11 Sexual Harassment (First Reading)
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 4119.11 Sexual Harassment as a first reading.

11.7 Amendments to BP 4219.11 Sexual Harassment (First Reading)
(Prepared by Educational Services Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 4219.11 Sexual Harassment as a first reading.

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11.8 Amendments to BP 4319.11 Sexual Harassment (First Reading)
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 4319.11 Sexual Harassment as a first reading.

11.9 Amendments to BP 5145.3 Nondiscrimination/Harassment (First Reading)
(Prepared by Human Resources Division)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education accepts the amendments to BP 5145.3 Nondiscrimination/Harassment as a first reading.

11.10 Personnel Report #17, Dated March 4, 2014
(Prepared by Human Resources Division)

It is requested that the Board approves the Personnel Report #17, dated March 4, 2014, 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 #17, dated March 4, 2014, 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 TWELVE - 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
San Bernardino School Police Officers Association
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release/Demotion/Reassignment Pursuant to Government Code Section 54957

Public Employee Appointment

Title: Alternative High School Principal

Non-Reelection of Probationary Employees

Anticipated Litigation

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

Number of Cases: Seven

Superintendent's Contract

SESSION THIRTEEN – Open Session

13.0 Action Reported from Closed Session

SESSION FOURTEEN - 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, March 18, 2014, 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

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March 4, 2014

accommodations, please contact:

Affirmative Action Office
777 North F Street
San Bernardino, CA 92410
(909) 381-1122
(909) 381-1121 fax

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: February 28, 2014