

AGENDA 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

ABIGAIL MEDINA
Vice President

DR. BARBARA FLORES
Board Member

MICHAEL J. GALLO
Board Member

KRISTIAN BACARRO
Student Board Member



DR. MARGARET HILL
President

DALE MARSDEN, Ed.D.
Superintendent

ISABEL CHOLBI
Student Board Member

GWENDOLYN RODGERS
Board Member

DANNY TILLMAN
Board Member

SCOTT WYATT, Ed.D.
Board Member

DANIELLE QUEZADO
Student Board Member

April 18, 2017

Estimated Times

SESSION ONE

- | | | |
|------------|---|----------------|
| 1.0 | <i>Opening</i> | 5:30 pm |
| 1.1 | <u>Call to Order</u> | |
| 1.2 | <u>Pledge of Allegiance to the Flag</u> | |
| 1.3 | <u>Adoption of Agenda</u> | |
| 1.4 | <u>Inspirational Reading - Gwen Rodgers</u> | |
| 1.5 | <u>North Park Elementary School Update</u> | |

SESSION TWO

- | | | |
|------------|---|----------------|
| 2.0 | <i>Special Presentation(s)</i> | 5:40 pm |
| 2.1 | <u>School Showcase – San Andreas High School</u> | |
| 2.2 | <u>Special Recognition – Cajon High School CIF State Wrestling Championship</u> | |
| 2.3 | <u>Special Recognition – San Gorgonio High School Odyssey of the Mind</u> | |
| 2.4 | <u>Special Recognition – San Gorgonio High School Academic Decathlon</u> | |
| 2.5 | <u>Outstanding Student Awards</u> | |
| 2.6 | <u>Recognition of Asian/Pacific-American Heritage Month</u> | |
| 2.7 | <u>Recognition of Cinco de Mayo</u> | |
| 2.8 | <u>Recognition of Day of the Teacher</u> | |
| 2.9 | <u>Recognition of May as Labor History Month</u> | |
| 2.10 | <u>Recognition of National School Nurse Day</u> | |
| 2.11 | <u>Special Report – Input to the Enrollment Center/Family Engagement Center</u> | |

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

SESSION EIGHT

8.0 Consent Calendar

9:30 pm

DEPUTY SUPERINTENDENT

- 8.1 Business and Inservice Meetings - Deputy Superintendent's Office
- 8.2 Ratification of Amendment No. 1 to the Payment for Services Rendered by Non-Classified Experts and Organizations – Superintendent's Office

BUSINESS SERVICES

- 8.3 Acceptance of Gifts and Donations to the District
- 8.4 Agreement with Nova Mobile Systems, Inc., Carlsbad, CA, to Perform a Consultative Assessment of the District's Maintenance & Operations Department's Mobile Workflow Process and Institute Digital Transformation
- 8.5 Amendment No. 2 to the Local Agreement for Child Development Services with the California Department of Education, Sacramento, CA, State Preschool Program, Contract No. CSPP-6406
- 8.6 Cafeteria Warrant Register, March 1 – 31, 2017
- 8.7 Commercial Warrant Register for Period March 16 – 31, 2017
- 8.8 Delegation of Purchasing and Signature Authority – Nutrition Services
- 8.9 Delegation of Signature Authority
- 8.10 Food Service Agreements with City of San Bernardino and San Bernardino County Superintendent of Schools, San Bernardino, CA
- 8.11 Food Service Agreement with United Nations of Consciousness, Fontana, CA
- 8.12 Ratification of Amendment No. 2 to RFP No. 04-10-R1, Refuse & Waste Hauling and Recycling Services Agreement with Arakelian Enterprises, Inc., dba Athens Services, City of Industry, CA
- 8.13 Single Source Award to OmniPro LLC for the Purchase of 2,000 HP Chromebook 11 G4
- 8.14 Ratification of Amendment No. 2 to the Agreement with California School Risk Management (CSRM), San Bernardino, CA to Provide Consulting Services Relating to Workers' Compensation Claims
- 8.15 Ratification of Amendment No. 4 to the Agreement with Ventiv Technology, San Ramon, CA, to Provide License, Maintenance and Support for iVOS® Hosting Services
- 8.16 Request to Enter into a Software License Agreement with Peachjar, San Diego, CA, to Provide Access and use of Peachjar's Flyer Management System
- 8.17 Signature Authorization – Chief Business Officer
- 8.18 Bid No. F17-03, Athletic Complex Upgrades at Pacific and San Bernardino HS
- 8.19 Notice of Completion, Bid No. F16-07, Athletic Complex Upgrades at Arroyo Valley High School
- 8.20 Request to Piggyback, Bid No. 14/15-3, Provide and Install DSA-Approved Portable Buildings, Awarded to Silver Creek Industries, Inc. by Chula Vista Elementary School District

EDUCATIONAL SERVICES

- 8.21 Extended Field Trip, Pacific High School, Every 15 Minutes Program, San Bernardino, CA and Highland, CA
- 8.22 Payment for Joint Sponsorship and Facility Use with National Black Grads, Inc., San Bernardino, CA, for Sponsorship of the 7th Annual Inland Empire High School Black Graduate Recognition Ceremony Honoring African American High School Graduates at the Ontario Convention Center
- 8.23 Payment for Services Rendered by Non-Classified Experts and Organizations – Educational Services

HUMAN RESOURCES

- 8.24 Payment of Master Teachers – California State University San Bernardino
- 8.25 Payment for Course of Study Activities – Human Resources
- 8.26 Payment for Services Rendered by Non-Classified Experts and Organizations – Human Resources
- 8.27 Ratification of the Agreement with Kids That Code, Inc., San Bernardino, CA, to Provide an Afterschool Program for Students on the Introduction to Game Design and Computer Programming at Bonnie Oehl Elementary School
- 8.28 Quarterly Uniform Complaint Report Summary

STUDENT SERVICES

- 8.29 Affiliation Agreement with California Institute of Cardiovascular Health, Rancho Cucamonga, CA, to Provide a Clinical Site for Students Enrolled in the Inland Career Education Center’s Medical Assistant Program
- 8.30 Agreement with Manuel Baltierra, Grand Terrace, CA, to Provide the Parent Project – Condensed Seven-Week Program
- 8.31 Business and Inservice Meetings - Student Services
- 8.32 Physical Education Exemptions
- 8.33 Expulsion of Student(s)
- 8.34 Student(s) Recommended for Suspension, but Remanded Back to School Sites or had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 8.35 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 8.36 Lift of Expulsion of Student(s)

SESSION NINE

9.0 Action Items

9:40 pm

- 9.1 Personnel Report #19, Dated April 18, 2017
- 9.2 Resolution of District Emergency – North Park Elementary School
- 9.3 Amendments to Board Policy 5141.33 Students (Second Reading)
- 9.4 Amendments to Board Policy 6173 Instruction (Second Reading)
- 9.5 Amendments to Board Policy 6173.1 Instruction (Second Reading)
- 9.6 Top 10
- 9.7 Future Agenda Items
- 9.8 Follow Up

SESSION TEN

10.0 Closed Session

9:50 pm

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

Anticipated Litigation

Conference with legal counsel pursuant to paragraph (2) or (3) of Subdivision (d) of Government Code 54956.9
Number of Cases: Three

Existing Litigation

Conference with legal counsel, pursuant to paragraph (1) of subdivision (d) of Government Code 54956.9
Number of Cases:

Conference with Labor Negotiator

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

Conference with Labor Negotiator

District Negotiator: Dr. Dale Marsden, Superintendent
Unrepresented Employees:
Title Deputy Superintendent
Title: Assistant Superintendent, Human Resources
Title: Assistant Superintendent, Educational Services
Title: Assistant Superintendent, Student Services
Title: Chief Business Officer

Public Employee Appointment

Title: Assistant Director, English Learners Programs

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Public Employee Discipline/Dismissal/Release

Student Matters/Discipline

SESSION ELEVEN

11.0 *Action Reported from Closed Session* **10:25 pm**

11.1 Resolution Conditionally Approving the Renewal of the Charter School Petition for Casa Ramona Academy

11.2 Resolution Denying the Charter Petition for STEAM and Swing Charter School

SESSION TWELVE

12.0 *Adjournment* **10:30 pm**

At the May 17, 2016 Board Meeting, the 2016-17 Board of Education Meeting Calendar was adopted. The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, May 2, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The District is committed to provide equal access to individuals with a disability to open and public meetings. For information on the availability of disability-related aids or services to enable any person with a disability to participate in a public meeting and/or to request reasonable accommodations, please contact:

Affirmative Action Office
777 North F Street
San Bernardino, CA 92410
(909) 381-1122
(909) 381-1121 fax
Office Hours: Monday - Friday, 8 a.m.-4:30 p.m.

Requests for reasonable accommodations must be received by the Affirmative Action Office no later than five working days before the public meeting so that an interactive process can be effectuated to determine an effective accommodation that would best serve the needs of the individual with a disability.

Posted: April 14, 2017

Board of Education Meeting
April 18, 2017

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Student Board Member

April 18, 2017

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SESSION ONE

- 1.0** *Opening* **5:30 pm**
- 1.1 Call to Order
- 1.2 Pledge of Allegiance to the Flag
- 1.3 Adoption of Agenda
- 1.4 Inspirational Reading - Gwen Rodgers
- 1.5 North Park Elementary School Update

SESSION TWO

- 2.0** *Special Presentation(s)* **5:40 pm**
- 2.1 School Showcase – San Andreas High School
(Prepared by Student Services)

San Andreas Continuation High School staff and students will highlight their *Intro to Physics* class and hands-on STEAM learning in the classroom. A San Andreas student will also present the Student Report.

2.2 Special Recognition – Cajon High School CIF State Wrestling Championship
(Prepared by Communications/Community Relations)

The Board will recognize Cajon High wrestler Josh Loomer, who placed third at the CIF State Wrestling Championships in Bakersfield in March. Josh also competed in the 27th Annual NHSCA National Wrestling Championships in Virginia, earning eighth place. Josh is one of the top-ranked wrestlers in California.

2.3 Special Recognition – San Gorgonio High School Odyssey of the Mind
(Prepared by Communications/Community Relations)

The Board will recognize the San Gorgonio High School students and coaches who won second place at the state Odyssey of the Mind competition and are headed to the World Tournament in May at Michigan State University.

2.4 Special Recognition – San Gorgonio High School Academic Decathlon
(Prepared by Communications/Community Relations)

The Board of Education wishes to recognize the coaches and student members of the San Gorgonio High School Academic Decathlon team, which finished in the top 10 in the San Bernardino County competition.

2.5 Outstanding Student Awards
(Prepared by Communications/Community Relations)

The Board of Education is pleased to honor students, parents, volunteers, and staff from Indian Springs, Middle College, San Bernardino, and San Gorgonio High Schools. The Board wishes to recognize these individuals for their outstanding accomplishments.

2.6 Recognition of Asian/Pacific-American Heritage Month
(Prepared by Communications/Community Relations)

WHEREAS during the month of May 2017, the San Bernardino City Unified School District joins others in California and the nation in celebrating the contributions of Asian/Pacific Americans; and

WHEREAS this observance allows us to consider the valuable contributions of Asian/Pacific Americans to the growth and development of our great state and nation; and

WHEREAS the San Bernardino City Unified School District has a responsibility in promoting the knowledge and understanding that can be gained by all, regardless of race, through appropriate ceremonies and activities celebrating Asian/Pacific-American heritage;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District declares May 2017 Asian/Pacific-American Heritage Month.

2.7 Recognition of Cinco de Mayo
(Prepared by Communications/Community Relations)

WHEREAS the date May 5, 1862, marks a vital and significant time in the battle for Mexican independence; and

WHEREAS promoting knowledge of the importance and meaning of this date, *Cinco de Mayo*, is necessary so that our students know about the bravery and courage displayed by the Mexican people in their struggle for independence; and

WHEREAS all students in our community need to be aware of Mexican history and how it affects the Mexican people north of the United States/Mexico border, as well as south of the border;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District declares that schools in the District acknowledge the historical importance and heroism commemorated in the celebration of *Cinco de Mayo* and further that schools recognize the impact of Mexican culture and tradition on the history and friendship between Mexico and the United States.

2.8 Recognition of Day of the Teacher
(Prepared by Communications/Community Relations)

WHEREAS the Board of Education of the San Bernardino City Unified School District is honored each year to participate with other school districts in California in declaring a day to celebrate teachers; and

WHEREAS May 10, 2017, has been designated The Day of the Teacher in California, honoring the thousands of women and men who have chosen the education profession and who are building exemplary careers in this field; and

WHEREAS additionally, May 12, 2017, has been chosen as the day to honor teachers in the San Bernardino City Unified School District, who are second-to-none in their chosen profession;

THEREFORE, BE IT RESOLVED that the members of the Board of Education of the San Bernardino City Unified School District take this opportunity to express their gratitude and appreciation to the teachers of the District for their service, dedication, and professional excellence in providing quality education to every student in this school system; and

BE IT FURTHER RESOLVED that May 12, 2017, be declared a day to honor and express appreciation to all members of the teaching staff of the District schools.

2.9 Recognition of May as Labor History Month
(Prepared by Communications/Community Relations)

WHEREAS May is the month in which California and the United States celebrate the rich labor history that has shaped our nation's history; and

WHEREAS the San Bernardino City Unified School District, through its Community Engagement Plan and Linked Learning efforts, hopes to strengthen the region's labor force and the economic vitality of the San Bernardino and Highland community by ensuring that its students graduate from high school prepared to enter college or careers; and

WHEREAS as we honor our workers this month, we especially recognize the hard work and dedication of those who hold our children's futures in their hands, our educators, both certificated and classified;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District commemorates May 2017 as Labor History Month and encourages all the schools in the District to participate in activities that acknowledge the key role that the labor movement has played in shaping our country.

2.10 Recognition of National School Nurse Day
(Prepared by Communications/Community Relations)

WHEREAS the Board of Education of the San Bernardino City Unified School District wishes to acknowledge the important role played by school nurses in providing quality care to students and joins school districts in California and across the U.S. in recognizing May 10, 2017, as National School Nurse Day; and

WHEREAS the District is fortunate to have 22 school nurses who work as a team to provide mandated vision and hearing screenings, as well as dental and scoliosis screenings for students; conduct more than 1,000 health assessments annually; and provide hundreds of medical treatments for children with special medical needs; and

WHEREAS students' attendance and academic achievement benefit significantly from having a school nurse, and schools and communities benefit greatly from the expertise and guidance of school nurses on issues such as infectious disease prevention and control;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino

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City Unified School District does take this opportunity to celebrate and acknowledge the accomplishments of school nurses and recognize May 10, 2017, as National School Nurse Day.

2.11 Special Report – Input to the Enrollment Center/Family Engagement Center

Representatives from District parent groups will provide feedback and input regarding desired elements of an Enrollment Center/Family Engagement Center.

SESSION THREE

3.0 *Student Board Members’ Comments* **6:50 pm**

SESSION FOUR

4.0 *Public Hearing(s)* **6:55 pm**

4.1 Public Disclosure of Initial Contract Proposal (Re-Openers) from Communications Workers of America (CWA)
(Prepared by the Human Resources)

In the Agreement between the San Bernardino City Unified School District and the Communications Workers of America signed on February 11, 2016, ARTICLE XV – TERM OF AGREEMENT, Section 2 – Re-openers can be found the following language: “During the 2016-2017 and 2017-2018 school years, the parties may mutually agree in writing to re-open wages and one other article selected by each party. The Union may elect to meet and confer regarding health and welfare benefits.”

In accordance with this Agreement, CWA has requested to re-open:

Article XI – Wages and other wages

It is recommended that the Board of Education receive the initial contract proposal (Re-Openers) from the Communications Workers of America (CWA).

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 (re-openers) from the Communications Workers of America (CWA).

SESSION FIVE

5.0 *Public Comments*

7:00 pm

This is the time during the agenda when the Board of Education is prepared to receive comments from 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.

When recognized, please step to the podium, give your name, and limit your comments to five minutes or less. The time limit for public comment on any one topic is 30 minutes.

Any person wishing to make complaints against District employees is asked to file the appropriate complaint form prior to this meeting. Speakers are cautioned that under California law, no person is immune from liability for making intentionally false or defamatory comments regarding any person simply because these comments are made at a public meeting.

SESSION SIX

6.0 *Student Achievement*

8:00 pm

**6.1 Key Performance Indicator Update 2016 Cohort Graduation Data
(Prepared by Educational Services)**

Kennon Mitchell, Assistant Superintendent, Educational Services, and staff will present Key Performance Indicator Update 2016 Cohort Graduation Data.

SESSION SEVEN

7.0 *Reports and Comments*

8:45 pm

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 Board Committee Reports

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7.8 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.

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SESSION EIGHT

8.0 Consent Calendar

9:30 pm

(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.

It is recommended that the following resolutions be adopted:

DEPUTY SUPERINTENDENT

8.1 Business and Inservice Meetings - Deputy Superintendent's Office
(Prepared by Business Services)

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

To attend the Adolescent Sleep, Health, and School Start Times National Conference, April 26 - 28, 2017, in Washington, D.C. The total cost, including meals and mileage per District guidelines, not to exceed \$1,700.00, will be paid from Superintendent's Office Account No. 041.

Isabel Cholbi, (Student Board Member, Superintendent's Office)
Michael Cholbi, (Parent, Superintendent's Office)

Requester/Approver: Deputy Superintendent

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

To attend the California Association of School Business Officials (CASBO) 2017 Annual Conference, April 13 - 14, 2017 in Long Beach, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$970.35, will be paid from the Human Resources Division Office Account No. 096.

Peg Tracey (SBTA Representative)

Requester/Approver: Deputy Superintendent

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8.2 Ratification of Amendment No. 1 to the Payment for Services Rendered by Non-Classified Experts and Organizations – Superintendent’s Office
(Prepared by Business Services)

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

The Cambrian Group, Montgomery, AL, approved on August 16, 2016, Agenda Item No. 8.2. The amendment is necessary to increase the fee by \$15,000.00 increasing the total fee amount from \$5,700.00 to \$20,700.00 for presentations at the Strategic Planning meetings held on January 11, 2017 and January 25, 2017. The additional fee, will be paid from the Unrestricted General Fund – Community Engagement Plan, Account No. 094.

Requester: Director, Communications/Community Relations
Approver: Deputy Superintendent

BUSINESS SERVICES

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

BE IT RESOLVED that the Board of Education acknowledges receipt of the following gifts or donations:

SITE	DONOR	DONATION AND PURPOSE	AMOUNT
Bradley Elementary School	Ron Fletcher San Bernardino, CA	To support the school library	\$295.00

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

Requester: Principal, Bradley Elementary School
Approver: Chief Business Officer, Business Services

8.4 Agreement with Nova Mobile Systems, Inc., Carlsbad, CA, to Perform a Consultative Assessment of the District’s Maintenance & Operations Department’s Mobile Workflow Process and Institute Digital Transformation
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into an agreement with Nova Mobile Systems, Inc., Carlsbad, CA, to perform a consultative assessment of the District’s Maintenance & Operations Department’s mobile workflow process and make recommendation for digital transformation, effective April 19 – May 19, 2017. The total cost, not to exceed \$10,345.00, will be paid from the Restricted General Fund –

Maintenance of Facilities, Account No. 076.

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

Requester: Director, Maintenance & Operations
Approver: Chief Business Officer, Business Services

- 8.5 Amendment No. 2 to the Local Agreement for Child Development Services with the California Department of Education, Sacramento, CA, State Preschool Program, Contract No. CSPP-6406
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves amending the local agreement with California Department of Education, Sacramento, CA, State Preschool Program, approved on June 21, 2016, Agenda Item No. 9.39. The agreement is being amended to increase the Maximum Reimbursable Amount (MRA) from \$7,092,265.00 to \$8,197,565.00. All other terms and conditions remain the same.

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

Requester/Approver: Chief Business Officer, Business Services

- 8.6 Cafeteria Warrant Register, March 1 – 31, 2017
(Prepared by Business Services)

BE IT RESOLVED that the Cafeteria Warrant Register for period March 1 – 31, 2017 be ratified and/or approved.

Requester: Director, Nutrition Services
Approver: Chief Business Officer, Business Services

- 8.7 Commercial Warrant Register for Period March 16 – 31, 2017
(Prepared by Business Services)

BE IT RESOLVED that the Commercial Warrant Register for period March 16 – 31, 2017 be ratified and/or approved.

Requester: Director, Accounting Services
Approver: Chief Business Officer, Business Services

8.8 Delegation of Purchasing and Signature Authority – Nutrition Services
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approve revoking purchasing authority for Nutrition Services' purchase orders from Gina Martin, Secretary III, due to personnel changes, effective April 19, 2017.

BE IT ALSO RESOLVED that the Board of Education approves, under provisions of Education Code Section 17605, authorization until revoked to Jason Evylnn, Nutrition Services Program Manager, to sign purchase orders for non-biddable and biddable products, supplies and services directly related to food and food products.

BE IT ALSO RESOLVED that the Board of Education approves revoking signature authority from Jason Evylnn, Nutrition Services Program Manager effective April 19, 2017, for the following:

- Cafeteria Warrants / Check Signing Disbursements
- Cafeteria Transfers, Cash Investment Money Market Fund-I

BE IT ALSO RESOLVED that the Board of Education delegate signature authority to Mark Hokanson, Nutrition Services Business Manager and Jayne Christakos, Chief Business Officer, effective April 19, 2017, until revoked, for the following:

- Cafeteria Warrants / Check Signing Disbursements
- Cafeteria Transfers, Cash Investment Money Market Fund-I

Requester: Director, Nutrition Services

Approver: Chief Business Officer, Business Services

8.9 Delegation of Signature Authority
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education delegates signature authorization to Osnat (Ossie) Coonrod, Payroll Supervisor, April 19, 2017, until revoked, for the following:

- Payroll Orders (and related journal entries)
- Voluntary Payroll Deductions (PAY620)

Requester: Director, Accounting Services

Approver: Chief Business Officer, Business Services

8.10 Food Service Agreements with City of San Bernardino and San Bernardino County Superintendent of Schools, San Bernardino, CA
 (Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into meal program food service agreements with City of San Bernardino—Parks, Recreation and Community Services Department and San Bernardino County Superintendent of Schools—Alternative Education, effective July 1, 2017 – June 30, 2018. These standardized agreements may be extended by mutual written consent one (1) fiscal year at a time up to a total of three (3) years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price changes, location(s) and number/style of meals served. **There is no cost to the District.** District meal pricing schedule for family and/or box style is as follows:

2017/2018	Breakfast	Student Lunch	Supper	Snack	Adult Lunch
Reimbursable or Non-Reimbursable	\$2.25	\$3.40	\$3.40	\$1.10	\$3.65

20-meal minimum for delivery; 10-meal minimum for pick-up.
 Delivery fee = \$1.00/mi. if >15 mi. from Nutrition Services.

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

Requester: Director, Nutrition Services
 Approver: Chief Business Officer, Business Services

8.11 Food Service Agreement with United Nations of Consciousness, Fontana, CA
 (Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a meal program food service agreement with United Nations of Consciousness, Fontana, CA, effective March 20 – June 30, 2017. This standardized agreement may be extended by mutual written consent one (1) fiscal year at a time up to a total of three (3) years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price changes, location(s) and number/style of meals served. **There is no cost to the District.** District meal pricing schedule for family and/or box style is as follows:

2016/2017	Breakfast	Student Lunch	Supper	Snack	Adult Lunch
Reimbursable or Non-Reimbursable	\$2.25	\$3.30	\$3.30	\$1.10	\$3.55

20-meal minimum for delivery; 10-meal minimum for pick-up.
 Delivery fee = \$1.00/mi. if >15 mi. from Nutrition Services.

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

Requester: Director, Nutrition Services

Approver: Chief Business Officer, Business Services

- 8.12 Ratification of Amendment No. 2 to RFP No. 04-10-R1, Refuse & Waste Hauling and Recycling Services Agreement with Arakelian Enterprises, Inc., dba Athens Services, City of Industry, CA
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves ratification of the amendment to the agreement with Arakelian Enterprises, Inc., dba Athens Services, City of Industry, CA, approved on June 1, 2010, Agenda Item No.10.36. The agreement is being amended to authorize a rate increase of 3.0% in accordance with the Consumer Price Index and the terms and conditions of RFP No. 04-10-R1 and extend the term of the agreement to June 30, 2020, with an option to cancel annually. The costs will be paid from Unrestricted General Funds.

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

Requester: Director, Purchasing

Approver: Chief Business Officer, Business Services

- 8.13 Single Source Award to OmniPro LLC for the Purchase of 2,000 HP Chromebook 11 G4 EE
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves a single source purchase order award to OmniPro, LLC., San Francisco, CA, for the purchase of 2,000 HP Chromebook 11 G4 EE in support of the District's Student Chromebook initiative, at a unit cost of \$72.00, not-to-exceed \$196,000.00, excluding set-up. The HP Chromebook 11 G4 EE is the only device with an embedded LTE Sim Card for internet use. OmniPro, LLC. is the single vendor capable of providing this Google based HP Chromebook. The cost will be paid from General Fund 01, Account No. 419.

BE IT ALSO RESOLVED Public Contract Code allows sole/single source purchases where the Board of Education makes a finding that the competitive bid process is unavailing as affecting the final result, or where it does not produce any advantage or is practically impossible to obtain what is required through the competitive bid process. The statute allows sole/single sourcing for four reasons: (1) to conduct a field test or experiment of the product, (2) to match existing products in use on the particular public

work, (3) to obtain a product that is only available from one source, and (4) to respond to an emergency.

BE IT ALSO RESOLVED award of this single source purchase order to OmniPro, LLC., is in the best interest of the District based on the findings that: 1) the product is the only one available with the embedded LTE Sim Card; 2) Omni Pro, LLC. is the single vendor capable of providing this Google based Chromebook model; and 3) A competitive bid process would not produce any advantage. The District will realize an estimated cost avoidance of \$242,300.00 as a result of this single sourced purchase order award to OmniPro, LLC.

BE IT ALSO RESOLVED that the District received the following results from soliciting informal quotes for the HP Chromebook 11 G4 EE. All vendors offered alternate products with the exception of OmniPro, LLC:

<u>Vendor</u>	<u>Device Cost</u>	<u>Google License</u>	<u>Extended Cost</u>
CDW-G	\$186.00	\$24.50	\$421,000.00
OmniPro, LLC.	\$ 72.00	\$26.00	\$196,000.00
PCMG	\$196.00	\$23.15	\$438,300.00

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing, be authorized to sign any related contractual documents.

Requestor: Directors, Purchasing; Information Technology
Approver: Chief Business and Financial Officer

8.14 Ratification of Amendment No. 2 to the Agreement with California School Risk Management (CSRM), San Bernardino, CA to Provide Consulting Services Relating to Workers' Compensation Claims
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves ratification of the amendment to the agreement with California School Risk Management (CSRM), San Bernardino, CA, approved on October 7, 2015, Agenda Item No. 11.9. The agreement is being amended to extend the term of the agreement from March 31 to April 30, 2017, to complete the transition of workers' compensation claims from the District to the new third party administrator. **There is no cost to the District.**

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

Requester: Director, Risk Management
Approver: Chief Business Officer, Business Services

- 8.15 Ratification of Amendment No. 4 to the Agreement with Ventiv Technology, San Ramon, CA, to Provide License, Maintenance and Support for iVOS® Hosting Services
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves ratification of the amendment to the agreement with Ventiv Technology, San Ramon, CA, approved on June 21, 2016, Agenda Item No. 9.36. The agreement is being amended to increase the contract amount by \$12,000.00 increasing the contract amount from \$114,576.94 for a not to exceed contract amount of \$126,576.94 and to extend the term of the agreement from March 3 to April 30, 2017, to complete the transition of workers' compensation claims from the District to the new third party administrator. The additional cost will be paid from the Restricted Fund 67 – Workers' Compensation, Account No. 00D.

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

Requester: Director, Risk Management

Approver: Chief Business Officer, Business Services

- 8.16 Request to Enter into a Software License Agreement with Peachjar, San Diego, CA, to Provide Access and use of Peachjar's Flyer Management System
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a software agreement with Peachjar, San Diego, CA, to provide a non-exclusive, non-transferable license with access and use of Peachjar's Flyer Management System for the approval and distribution of informational eflyers, effective April 19, 2017 – June 30, 2022. **There is no cost to the District.**

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

Requester/Approver: Chief Business Officer, Business Services

- 8.17 Signature Authorization – Chief Business Officer
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves signature authority for Jayne Christakos, Chief Business Officer, effective April 19, 2017, until revoked, for change orders not exceeding in total 10 percent of the original contract amount for Facilities and Maintenance and Operations projects, Division of State Architect (DSA), and Office of Public School Construction (OPSC).

Requester/Approver: Chief Business Officer, Business Services

Facilities/Operations

8.18 Bid No. F17-03, Athletic Complex Upgrades at Pacific and San Bernardino HS
 (Prepared by Facilities/Operations)

BE IT RESOLVED Bid No. F17-03, Athletic Complex Upgrades at Pacific and San Bernardino HS, be awarded to the lowest responsible and responsive bidder meeting the specifications based on the Base Bid. The bid was advertised on March 2 and March 7, 2017, in the El Chicano, Precinct Reporter and The Sun newspapers. Nine (9) bids were received and opened on March 17, 2017 at 10:00 a.m. The cost will be paid from Funds 21, 35 and 40.

Contractor	Base Bid
*Fata Construction and Development Riverside, CA	\$ 2,659,695.19
Los Angeles Engineering, Inc. Covina, CA	\$ 4,164,000.00
Environmental Construction, Inc. Woodland Hills, CA	\$ 4,290,606.00
Byrom-Davey, Inc. San Diego, CA	\$ 4,380,854.00
Harik Construction, Inc. Glendora, CA	\$ 4,685,000.00
Plyco Corp. Mira Loma, CA	\$ 5,019,588.00
Inland Building Construction Companies, Inc. San Bernardino, CA	\$ 5,088,000.00
Jergensen Construction Oak Hills, CA	\$ 5,471,664.00
Ohno Construction Company Fontana, CA	\$ 5,639,000.00

*Bid Withdrawn

<u>Contractor</u>	<u>Base Bid</u>
Los Angeles Engineering, Inc. 633 N. Barranca Ave. Covina, CA 91723	\$ 4,164,000.00
Add Alternate No. 1 – Pacific HS	\$ 77,850.00
Add Alternate No. 1 – San Bernardino HS	\$ 90,250.00
TOTAL	\$ 4,332,100.00

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

Requester: Director, Facilities Planning and Development
 Approver: Chief Business Officer, Business Services

8.19 Notice of Completion, Bid No. F16-07, Athletic Complex Upgrades at Arroyo Valley High School
(Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F16-07, Athletic Complex upgrades at Arroyo Valley HS, for the work awarded to and completed by the Contractor listed below.

Contractor

Los Angeles Engineering, Inc.
633 N. Barranca Ave.
Covina, CA 91723

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

Requester: Director, Facilities Planning and Development

Approver: Chief Business Officer, Business Services

8.20 Request to Piggyback, Bid No. 14/15-3, Provide and Install DSA-Approved Portable Buildings, Awarded to Silver Creek Industries, Inc. by Chula Vista Elementary School District

BE IT RESOLVED that the Board of Education approves the Piggyback of Bid No. 14/15-3, Provide and Install DSA-Approved Portable Buildings, awarded to Silver Creek Industries, Inc., Perris, CA, by Chula Vista Elementary School District for the purchase of DSA-approved portable buildings for the Athletic Complex Upgrade projects at Cajon, Pacific and San Bernardino high schools. As a local governmental body, the District has the option of piggybacking on this contract. Prices are comparable to those that the District would receive if it were to issue its own bid. The estimated cost is NTE \$800,000.00. Cost will be paid from Funds 21 or 40.

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

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

Requester: Director, Facilities Planning and Development

Approver: Chief Business Officer, Business Services

EDUCATIONAL SERVICES

- 8.21 Extended Field Trip, Pacific High School, Every 15 Minutes Program, San Bernardino, CA and Highland, CA
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves the extended field trip for 38 Pacific High School students and 4 District employees, to attend the Every 15 Minutes Program event presented by and at Pacific High School, San Bernardino, CA and the Hampton Inn and Suites, Highland, CA, from April 26 - 27, 2017. This event provides an opportunity to work collaboratively with the community and industry to bring awareness of a health issue (drinking and driving) to our teens, parents, and the community. It is one of the main killers of teens in the U.S. The cost of the trip, not to exceed \$1,080.00, including meals and lodging, will be paid from Pacific High School ASB Account. Transportation provided by Durham School Services, not to exceed \$720.00, will be paid from Pacific High School ASB Account. No student will be denied participation due to financial constraints. Names of the students are on file in the Business Services office.
Requester: Site

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

- 8.22 Payment for Joint Sponsorship and Facility Use with National Black Grads, Inc., San Bernardino, CA, for Sponsorship of the 7th Annual Inland Empire High School Black Graduate Recognition Ceremony Honoring African American High School Graduates at the Ontario Convention Center
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves payment for the joint sponsorship and facility use with National Black Grads, Inc., San Bernardino, CA, for sponsorship of the 7th Annual Inland Empire High School Black Graduate Recognition Ceremony honoring African American High School Graduates at the Ontario Convention Center effective May 4, 2017. The National Black Grads, Inc. and the District will pay part of the total cost of \$28,180.64. The District's portion, not to exceed \$10,000.00, will be paid from the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

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

Requester: Director, Department of Equity and Targeted Student Achievement
Approver: Assistant Superintendent, Educational Services

8.23 Payment for Services Rendered by Non-Classified Experts and Organizations – Educational Services
(Prepared by Business Services)

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

Children’s Resources, Rancho Cucamonga, CA, to provide three parent workshops at Warm Springs Elementary School, effective May 5 – May 26, 2017. The topics include bully, bullied or bystander; developing a future entrepreneur; and helping your child succeed in school. The fee, not to exceed \$2,700.00, will be paid from the Unrestricted General Fund – Elementary Secondary Education Act Title I, Account No. 501.

Requester: Principal, Warm Springs Elementary School
Approver: Assistant Superintendent, Educational Services

HUMAN RESOURCES

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

BE IT RESOLVED that the District is in receipt of check number 438800 from California State University San Bernardino in the amount of \$5,667.80. The District has an agreement with Cal 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 wishes to pay this honorarium to the master teachers.

BE IT FURTHER RESOLVED that the Board of Education approves payment for services as a master teacher during the Winter 2017, as provided for in the agreement with California State University San Bernardino, as follows:

AGUILAR, BEATRIZ	\$166.70	KALU, G. CHIDINMA	\$166.70
AWAD-SHENDI, IRENE	\$166.70	LUCORE, RICHARD	\$166.70
BEULLER, JOYELLA	\$166.70	MATSALIA, VANEE	\$166.70
BONN, TAMARA	\$166.70	McINTYRE, DANIEL	\$166.70
CORNETT, BONNIE	\$166.70	MEDINA, CYNTHIA	\$166.70
DEAN, KRISTEN	\$166.70	MORRIS, CASSANDRA	\$166.70
DUARTE-LEMBO, NORMA	\$166.70	NAVARRO, ANA	\$166.70
EVERETT, INEZ	\$166.70	PAINTER, TREG	\$166.70
GARCIA, LUCIA	\$166.70	RYKER, RYAN	\$166.70
GILL, ANITA	\$166.70	SCHMIDT, JENNIFER	\$166.70
HEFT-REESE, DIANE	\$166.70	SHAW-EL ZATMAH, PATRICIA	\$166.70
HERLIHY, BETTY	\$166.70	SINGLETON, BRITTANY	\$166.70
HERNANDEZ, MAGDALENA	\$166.70	SKATES, ELIZABETH	\$166.70
HUERTA, MARISELA	\$166.70	STEPHENS, EILEEN	\$166.70
JAMES, ALISHA	\$166.70	STEWART, BRITTANY	\$166.70

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JENSEN, CHERYL	\$166.70	WEST, YAS-MEEN	\$166.70
JOHNSON, BRITTANY	\$166.70	WOLL, KRISTIN	\$166.70

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

8.25 Payment for Course of Study Activities – Human Resources
(Prepared by Business Services)

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

Emmerton Elementary School requests Board of Education approval to utilize Mike Graf, author of children’s books, Chico, CA, to present three interactive assemblies on Emmerton’s Author Series to 578 Pre-Kindergarten – third grade students on May 4, 2017. These assemblies will include a tour of national parks in which national park, science, weather, and geography information will be provided; and writing tips, techniques, suggestions, and dramatic storytelling will be incorporated. The total cost, not to exceed \$900.00, will be paid from Emmerton Elementary School Account No. 418.

Requester: Site

Emmerton Elementary School requests Board of Education approval to utilize Greg Trine, a children’s author, Ventura, CA, to present three interactive assemblies on Emmerton’s Author Series to 578 Pre-Kindergarten – third grade students on May 19, 2017. He will speak about reading and writing which includes a little storytelling about his life, with visuals and audience participation. The presentation will also include the writing process and the fun of storytelling and writing humorous books for kids in which a mini art lesson will be included. The total cost, not to exceed \$975.00, will be paid from Emmerton Elementary School Account No. 418. **Requester: Site**

Requester: Principal, Emmerton Elementary School
Approver: Assistant Superintendent, Human Resources

8.26 Payment for Services Rendered by Non-Classified Experts and Organizations – Human Resources
(Prepared by Business Services)

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

Children’s Resources, Rancho Cucamonga, CA, to provide five parent workshops at Parkside Elementary School, effective April 25 – May 23, 2017. The topics include instilling confidence in your child, improving your child’s self-image, leading students to higher grades, strategies to encourage your child’s love of learning, and raising an independent thinker. The fee, not to exceed \$4,500.00, will be paid from the Restricted General Fund – Career Pathways, Account No. 417.

Requester: Principal, Parkside Elementary School
Approver: Assistant Superintendent, Human Resources

- 8.27 Ratification of the Agreement with Kids That Code, Inc., San Bernardino, CA, to Provide an Afterschool Program for Students on the Introduction to Game Design and Computer Programming at Bonnie Oehl Elementary School
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves ratification of the agreement with Kids That Code, Inc., San Bernardino, CA, to provide a six-week course for 27 students in grades 4-6 on game design and computer programming through game development, effective April 13 – May 18, 2017. Students will explore different technology career paths with hands-on training, activities, and projects. The total cost, not to exceed \$4,049.73, will be paid from the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

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

Requester: Principal, Bonnie Oehl Elementary School
Approver: Assistant Superintendent, Human Resources

- 8.28 Quarterly Uniform Complaint Report Summary
(Prepared by Human Resources)

Pursuant to legislation passed as a result of the Williams Case Agreements, districts must report summarized data on the nature and resolution of all complaints on a quarterly basis to the governing board, at a regularly scheduled board meeting. The following is the quarterly report for the period from October to December, 2016 pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of Regulations.

Williams Settlement Legislation
Quarterly Report Summary

Quarterly Uniform Complaint Report Summary
For submission to school district governing board and county office of education

District Name: San Bernardino City Unified School District

Quarter covered by this report: January – March 2017

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

There were no complaints filed during the 3rd Quarter (January to March 2017).

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the findings of the Quarterly Uniform Complaint Report Summary for the period of January to March, 2017.

Requester/Approver: Assistant Superintendent, Human Resources

STUDENT SERVICES

- 8.29 Affiliation Agreement with California Institute of Cardiovascular Health, Rancho Cucamonga, CA, to Provide a Clinical Site for Students Enrolled in the Inland Career Education Center’s Medical Assistant Program
 (Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into an affiliation agreement with California Institute of Cardiovascular Health, Rancho Cucamonga, CA, to provide a clinical site for students enrolled in the Medical Assistant Program, effective April 19, 2017 – June 30, 2018. The affiliate will provide 160 hours of externship in administrative (front) office and clinical (back) office instruction. The students are supervised and evaluated by a staff member from the affiliate and by their assigned Inland Career Education Center teacher. **There is no cost to the District.**

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

Requester: Principal, Inland Career Education Center
 Approver: Assistant Superintendent, Student Services

8.30 Agreement with Manuel Baltierra, Grand Terrace, CA, to Provide the Parent Project – Condensed Seven-Week Program
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into an agreement with Manuel Baltierra, Grand Terrace, CA, to provide The Parent Project, a seven-week program consisting of seven, two-hour classes for approximately 80-100 parents, effective June 1 – June 30, 2017. The program teaches parents the skills and tactics to deal with truancy, communication, defiant behavior, social media (internet), drug and alcohol issues and gang intervention. The purpose of the program is to guide children to be responsible for their actions and to be successful in school. The total cost, not to exceed \$18,200.00, will be paid from the Restricted General Fund – Education for Homeless Children, Account No. 586.

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

Requester: Principal on Assignment, Homeless and Foster Youth Education Department
Approver: Assistant Superintendent, Student Services

8.31 Business and Inservice Meetings - Student Services
(Prepared by Business Services)

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

To attend the California Association for Bilingual Education (CABE) Riverside Parent & Para-Educator Conference, May 17, 2017, in Riverside, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$600.00, will be paid from Chavez Middle School Account No. 501. **Requester: Site**

Ruth Alcala Martha Cabral Kimberly Elkhatib
(Parent Representatives, Chavez Middle School)

Rosa Loera
(DELAC/Parent Representative, Chavez Middle School)

Requester: Principal, Chavez Middle School
Approver: Assistant Superintendent, Student Services

8.32 Physical Education Exemptions
(Prepared by Student Services)

BE IT RESOLVED that the following students whose birth dates are listed below be exempt from physical education requirements and placed in alternative periods of instruction for the 2016/2017 school year:

08/21/2000 01/31/2001

Requester: Coordinator, Health Services

Approver: Assistant Superintendent, Student Services

Youth Services

8.33 Expulsion of Student(s)
(Prepared by Youth Services)

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) 05/17/1999 (S) 11/13/2003 *(S) 01/10/2003**

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

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

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

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

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.

04/29/2002 04/04/2003

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

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:

**06/25/2002 05/17/2002 01/17/2001 03/07/2006 08/29/2002 05/16/2003
05/22/2005 12/11/2003**

- 8.36 Lift of Expulsion of Student(s)
(Prepared by Youth Services)

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

6/05/2003

SESSION NINE

9.0 Action Items

9:40 pm

9.1 Personnel Report #19, Dated April 18, 2017
(Prepared by Human Resources)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Personnel Report #19, dated April 18, 2017, which contains actions 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, be ratified and/or approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

9.2 Resolution of District Emergency – North Park Elementary School
(Prepared by Safety/Emergency Management)

It is recommended that the following resolution be adopted:

On April 10, 2017, a shooting occurred on the campus of North Park Elementary School in the City and County of San Bernardino. The incident resulted in the death of a teacher, a student and a non-fatal injury to another student. The school was declared a crime scene and the campus was closed on April 10, 11, 12 and 13, 2017. Additional emergency repairs to the school were needed prior to reentry and a reduced average daily attendance (ADA) throughout the district was noted due to safety concerns by parents. This incident quickly depleted District resources including law enforcement, emergency, nutritional, maintenance and transportation services. Response costs and repairs are estimated at approximately \$70,000.00-100,000.00.

Board Policy 2122b allows the Superintendent to take emergency actions to ensure the safety of students.

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's unanimous approval is required for 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 performance of labor and furnishing of materials and supplies for this purpose without advertising for or inviting bids.

Education Code 41422 authorizes the local educational agency to disregard lost days in the computation of average daily attendance (ADA) and obtain credit for instructional time for the days and the instructional minutes that would have been regularly offered on those days pursuant to Education Code Section 46200, et seq.

BE IT RESOLVED that the Board of Education unanimously declares that a District emergency exists and orders the above-mentioned requests be processed with the County Superintendent of Schools and California Department of Education. This shall include ADA cost recovery and approval to enter into any necessary contract(s) in writing or otherwise on behalf of the District for the emergency response, repairs, removal and replacement of damaged SBCUSD property without advertising for or inviting bids. The total cost for these repairs is not estimated to exceed \$300,000.00 and will be paid through insurance agreements with the Joint Powers Authority (JPA).

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing and Eric Vetere, Safety/Emergency Manager to sign all documents deemed necessary to initiate and proceed with work related to this emergency.

Requester: Safety/Emergency Manager, Safety Office
Approver: Chief Business Officer, Business Services

9.3 Amendments to Board Policy 5141.33 Students (Second Reading)
(Prepared by Student Services)

It is recommended that the following revisions be approved for Board Policy 5141.33 Students, in order that policies align with recommendations from medical and health organizations.

San Bernardino City USD | BP 5141.33 Students

Head Lice

~~To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded from attendance and parents/guardians informed about recommended treatment procedures and sources of further information.~~

The Governing Board believes that the district's head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation. In consultation with the school nurse, the Superintendent or designee may establish a routine screening program to help prevent the spread of head

lice.

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and other students who are siblings of the affected student or members of the same household.

In accordance with the Guidelines from the California Department of Health Services (DHS) and the position statement from the California School Nurses Organization and County of San Bernardino Public Health's recommendations are that students with dead nits (lice eggs) will be allowed to remain in school and that only students with an active, adult lice infestation will be excluded from attendance.

If a student is found with active, adult head lice, he/she shall be excluded from attendance. The parent/guardian of an excluded student shall receive information about recommended treatment procedures and sources of further information. The student shall be allowed to return to school the next day following treatment and shall be checked by the nurse or designee before returning to class for clearance.

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student and Social Services)

The Superintendent or designee shall send home the notification required by law for excluded students. (Education Code 48213)

(cf.5112.2 – Exclusions from Attendance)

(CF. 5145.6 – Parental Notifications)

A student with a chronic case of head lice should be reported to the school attendance review board (SARB). A “Chronic” case is a student who has been found infested during three separate months in a school year or for six consecutive weeks. The principal and school nurse shall work with the parent/guardian of any student who has been deemed to be a chronic head lice case in order to help minimize the student’s absences from school.

(cf. 5145.6 - Parental Notifications)

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

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

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Excluded students may return to school when (1) they bring a note from the parent/guardian verifying treatment, and (2) reexamination by the nurse or designee shows that ~~all nits and lice have been removed~~. ***no live lice are present.***

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49451 Physical examinations: parent's refusal to consent

Management Resources:

AMERICAN ACADEMY OF PEDIATRICS

Lice, Nits, and School Policy, Official Journal of the American Academy of Pediatrics, May 2001

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Guidelines on Head Lice Prevention and Control for School Districts and Child Care Facilities, 2009

CALIFORNIA SCHOOL NURSES ORGANIZATION

Position Statement: Pediculosis Management, 2005

CALIFORNIA DEPARTMENT OF HEALTH SERVICES

Guidelines for Parents on Control of Head Lice, 2006

WEB SITES

California department of Health Services, Infectious Diseases Branch:

<http://www.dhs.ca.gov/ps/dcdc/disb/disbindex.htm>

California School Nurse Organization: <http://www.scno.org>

Centers for Disease Control and Prevention, Parasitic Disease Information, Head Lice:

<http://www.cdc.gov/ncidod/dpd/parasites/lice>

California Department of Public Health: <http://www.cdph.ca.gov/>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

Adopted October 16, 2007, San Bernardino, California

Adopted:

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the amendments to Board Policy 5141.33 Students as presented.

9.4 Amendments to Board Policy 6173 Instruction (Second Reading)
(Prepared by Student Services)

It is recommended that the following revisions be approved for Board Policy 6173 Instruction, due to recent legislation.

San Bernardino City USD | BP 6173 Instruction

~~**Education for Homeless Children**~~ ***Education for Students in Homeless Situations***

The Board of Education desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

(cf. 6011 - Academic Standards)

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. ***However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)***

(cf. 3553 - Free and Reduced Price Meals)

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

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

(cf. 5111.13 - Residency for Homeless Children)

The Superintendent or designee shall identify and remove any barriers to the identification and enrollment of homeless students and to the retention of homeless students due to absences or outstanding fees or fines. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3260 - Fees and Charges)

(cf. 5113.1 - Chronic Absence and Truancy)

When there are at least 15 homeless students in the district or a district school, the

district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school.

In order to identify district students who are homeless, the Superintendent or designee may give a housing questionnaire to all parents/guardians during school registration, make referral forms readily available, include the district liaison's contact information on the district and school web sites, provide materials in a language easily understood by families and students, provide school staff with professional development on the definition and signs of homelessness, and contact appropriate local agencies to coordinate referrals for homeless children and youth and unaccompanied youth.

(cf. 1113 - District and School Web Sites)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

Each homeless student shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (42 USC 11432)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6171 - Title I Programs)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Language Learners)
(cf. 6177 - Summer Learning Programs)
(cf. 6178 - Career and Technical Education)
(cf. 6179 - Supplemental Instruction)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that homeless children and youth are promptly identified, ensure that homeless students have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to homeless children and youth, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for homeless students and services for students with disabilities. (42 USC 11432)

(cf. 1020 - Youth Services)

District liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of homeless students and to provide training on the definitions of terms related to homelessness. (42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, the district shall revise its strategies as needed to better support the education of homeless students.

(cf. 0500 - Accountability)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6190 - Evaluation of the Instructional Program)

Transportation

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)
(cf. 3541 - Transportation Routes and Services)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools
2558.2 Use of revenue limits to determine average daily attendance of homeless children
39807.5 Payment of transportation costs by parents
2558.2 Use of revenue limits to determine average daily attendance of homeless children
39807.5 Payment of transportation costs by parents
48850 Educational rights of homeless and foster youth
48852.5 Notice of educational rights of homeless students
48852.7 Enrollment of homeless students
48915.5 Recommended expulsion, homeless student with disabilities
48918.1 Notice of recommended expulsion
51225.1-51225.3 Graduation requirements
52060-52077 Local control and accountability plan
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
UNITED STATES CODE, TITLE 20
1087vv Free Application for Federal Student Aid; definitions
1232g Family Educational Rights and Privacy Act
6311 Title I state plan; state and local educational agency report cards

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

WEB SITES

Board of Education Meeting
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California Department of Education, Homeless Children and Youth Education:
<http://www.cde.ca.gov/sp/hs/cy>
National Center for Homeless Education at SERVE: <http://www.serve.org/nche>
National Law Center on Homelessness and Poverty: <http://www.nlchp.org>
U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

Adopted: October 16, 2007 San Bernardino, California

Adopted:

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the amendments to Board Policy 6173 Instruction as presented.

9.5 Amendments to Board Policy 6173.1 Instruction (Second Reading)
(Prepared by Student Services)

It is recommended that the following revisions be approved for Board Policy 6173.1 Instruction, due to recent legislation.

San Bernardino City USD | BP 6173.1 Instruction

Education for Foster Youth

Note: Education Code 48850-48859 (the AB 490 Educational Rights and Stability Act of 2003) create obligations for districts regarding the education of foster youth, including the right of foster youth to continue attending their school of origin and the requirement to ensure that foster youth have access to the same academic resources, services, and extracurricular activities that are available to all students. See the accompanying administrative regulation. While the requirements of the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) may apply to foster youth in certain situations, such as when they are living in emergency or transitional shelters or when they are awaiting foster care placement (see BP/AR 6173 - Education for Homeless Children), Education Code 48850-48859 extend services to youth at any time when in foster care. The following policy may be revised to reflect district practice.

~~The Board of Education recognizes its obligation to ensure that foster youth have access to the academic resources, services and extracurricular and enrichment activities that are available to district students. The district shall provide students in foster care within the district with access to educational opportunities and other services necessary to help such students achieve the district's performance standards.~~

The Governing Board recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. The district shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and district academic standards.

***(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6011- Academic Standards)
(cf. 6145 - Extracurricular and Co-curricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6179 - Supplemental Instruction)***

~~(cf. 6011 - Academic Standards)~~

~~(cf. 6173 - Education for Homeless Children)~~

Note: Pursuant to Education Code 48850, placement determinations for foster youth must be made in accordance with the student's "best interest." In addition, Education Code 48853.5 requires each district to designate a staff person as a foster care liaison to help ensure proper school placement and enrollment. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. ***To that end, he/she shall designate a staff person as a district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.***

The Superintendent or designee shall ***ensure that all appropriate staff, including, but not limited to, each principal, school registrar, and attendance clerk, receive training regarding the enrollment, placement, and rights of foster youth.*** ~~collaborate with the county placing agency and other appropriate agencies to ensure maximum utilization of available funds and to meet the educational needs of foster youth within the district.~~

~~(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 5141.6 - Student Health and Social Services)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)~~

Note: Pursuant to Health and Safety Code 1522.41 and 1529.2 and Welfare and Institutions Code 16003, foster family agencies, group home administrator certification programs, and community colleges must provide training to foster parents, group home administrators, and other caretakers which includes, among other things, basic instruction on the existing laws and procedures (i.e., Education Code 32228-32228.5) regarding school safety and the ensuring of a harassment- and violence-free school environment.

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build students' feelings of connectedness with the school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of students' resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

Note: Education Code 48853.5 encourages districts to collaborate with other agencies to provide services to foster youth.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies including, but not limited to, county agencies, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

(cf. 1020 - Youth Services)

The Superintendent or designee shall regularly report to the Board on the educational outcomes of foster youth enrolled in the district including, but not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, and suspension/expulsion rates.

(cf. 0500 - Accountability)

(cf. 5123 - Promotion/Acceleration/Retention)

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(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

Legal Reference:

~~EDUCATION CODE~~

~~42920-42925 Foster children educational services~~

~~48645.1 Juvenile court schools~~

~~48645.5 Coursework completed in public school, juvenile court school, or nonpublic nonsectarian school~~

~~48850-48859 Educational placement of students residing in licensed children's institutions~~

~~49061 Student records~~

~~49069.5 Foster care students transfer of records~~

~~49076 Access to student records~~

~~56055 Rights of foster parents in special education~~

~~WELFARE AND INSTITUTIONS CODE~~

~~300 Children subject to jurisdiction~~

~~309 Investigation and release of child~~

~~361 Limitations on parental or guardian control~~

~~366.27 Educational decision by relative providing living arrangements~~

~~602 Minors violating law; ward of court~~

~~726 Limitations on parental or guardian control~~

~~727 Order of care, ward of court~~

~~UNITED STATES CODE, TITLE 42~~

~~11431-11435 McKinney-Vento Homeless Assistance Act~~

Management Resources:

~~WEB SITES~~

~~California Department of Education, Foster Youth Services Program:~~

~~<http://www.ede.ca.gov/spbranch/ssp/fysprfa/fysrfa.htm>~~

~~California Department of Social Services, Foster Youth Ombudsman Office:~~

~~<http://www.fosteryouthhelp.ca.gov>~~

~~Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT~~

~~adopted: October 16, 2007 San Bernardino, California~~

Legal Reference:

EDUCATION CODE

32228-32228.5 Student safety and violence prevention

42920-42925 Foster children educational services

48645-48646 Juvenile court schools

48850-48859 Educational placement of students residing in licensed children's institutions

49061 Student records

49069.5 Foster care students, transfer of records

49076 Access to student records

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51225.3 High school graduation
56055 Rights of foster parents in special education
60851 High school exit examination
HEALTH AND SAFETY CODE
1522.41 Training and certification of group home administrators
1529.2 Training of licensed foster parents
WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction
309 Investigation and release of child
361 Limitations on parental or guardian control
366.27 Educational decision by relative providing living arrangements
602 Minors violating law; ward of court
726 Limitations on parental or guardian control
727 Order of care, ward of court
16000-16014 Foster care placement
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
670-679b Federal assistance for foster care programs
11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CSBA PUBLICATIONS

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

AMERICAN BAR ASSOCIATION PUBLICATIONS

Myth-busting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care, 2005

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Our Children: Emancipating Foster Youth, A Community Action Guide

WEB SITES

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

California Department of Education, Foster Youth Services:

<http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

<http://www.fosteryouthhelp.ca.gov>

California Youth Connection: <http://www.cal youthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education approves the amendments to Board Policy 6173.1 Instruction as presented.

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9.6 Top 10

	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date/Remarks/Action
1	02/18/14	Create a program of excellence (ex: Richardson) at other schools to eliminate lottery waiting and include additional components	Mrs. Medina Mrs. Rodgers	K. Mitchell H. Vollkommer	07/01/17
2	01/20/15	Invite City Council members to a Board meeting to discuss mutual topics of interest. Invite City Council members to tour the new schools.	Mrs. Savage	D. Marsden	05/02/17
3	11/05/13	Look at a later start time for secondary students.	Mr. Gallo Mrs. Hill	K. Mitchell	07/01/17
4	01/14/14	How far are we with the program evaluation process? Require schools that hire consultants to complete an evaluation form so teachers can review recommendations/concerns.	Mrs. Rodgers Mr. Gallo	H. Vollkommer	05/16/17
5	07/19/16	Mental Health: How do we develop a social emotional learning program to scale that meets the needs of all students and provides additional services for those who require more?	Dr. Wyatt Mrs. Rodgers	R. Monárrez	04/04/17
6	11/15/16	Update on a “safe routes to school” program and access grants	Dr. Wyatt Mrs. Medina	J. Paulino	04/04/17
7	04/19/16	Develop a process to report back to Board by parents/staff regarding events/conferences attended	Mrs. Rodgers	R. Monárrez H. Vollkommer	In Process
8	04/19/16	Realignment/reallocation process for specific accelerated learning in targeted areas of deficiencies	Mr. Gallo	K. Mitchell	05/16/17
9					
10					

9.7 Future Agenda Items

Request	Date	W	SP	SA	AP	AR	BC	BQS	PH
KPI – Graduation Rates/Drop Out Rates	04/18/17								
Budget – May Revise	05/16/17				X				
KPI – College/Career Indicator	06/06/17			X					
LCAP Three Year Plan	06/06/17								X

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Request	Date	W	SP	SA	AP	AR	BC	BQS	PH
Preliminary Budget	06/06/17								X
Final Budget & LCAP Approval	06/20/17				X				
Rigorous Curriculum Design	TBD			X					
Secondary Grading Policy	TBD			X					
Global Trade Update	TBD				X				
Ethnic Studies	TBD								
Dashboard (California & District)	TBD								
Purchasing Systems	TBD				X				

AP-Administrative Presentation
BQS-Board Quarterly Strategic
SP-Special Presentation

AR-Administrative Report
CS-Closed Session
W-Workshop

BC-Board Correspondence
SA-Student Achievement
PH-Public Hearing

9.8 Follow Up

Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
BUSINESS SERVICES – MRS. CHRISTAKOS		
COMMUNICATIONS – MRS. BARDERE		
COMMUNITY ENGAGEMENT – MRS. ONTIVEROS		
DEPUTY SUPERINTENDENT – DR. VOLLKOMMER		
EDUCATIONAL SERVICES – DR. MITCHELL		
1	04/04/17 Requested implementation of English Learners Strategic Plan.	Dr. Flores
2	04/04/17 Compare reclassification staffing from 12/13 to present school year. Do we have enough resources, staffing. Show data on how many reclassifications have been done.	Mr. Tillman
3	04/04/17 Reclassification: What specific interventions do we need to move students forward?	Mr. Gallo
4	04/04/17 How can we support/fund the Crown of Angels Mariachi Band (group of District students); possibly increase VAPA funding or have a high school adopt them?	Dr. Flores
5	04/04/17 Update on Linked Learning, Career Pathways, Connect Ed. What resources do they need?	Dr. Flores Mrs. Rodgers
6	04/04/17 District-Wide PBiS/Restorative Justice practices and Bully Education Campaign	Mrs. Rodgers
7	03/21/17 Has concerns about K-3 reading assessments and surveys that are impacting instruction time	Mrs. Rodgers
8	03/21/17 D/F report quarterly dashboard to provide early interventions for students/parents	Mrs. Rodgers
9	03/21/17 Close the opportunity gap/achievement gap for all students, 2017-18; review grading policy practices which also impacts the opportunity gap	Mrs. Rodgers
10	02/04/14 Conduct a longitudinal study of student voice at the middle school level	Dr. Flores
HUMAN RESOURCES – DR. WISEMAN		
1	04/04/17 Is there a mechanism in place to compensate coaches to keep them in the District?	Dr. Hill
SCHOOL POLICE – CHIEF PAULINO		
1	02/21/17 Citations: Include an on-going database on why students received citation	Dr. Flores
2	09/20/16 Update on safety issues at AVHS, ISHS and SGHS	Dr. Flores
STUDENT SERVICES – DR. MONÁRREZ		

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	Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
1	04/04/17	Ethnic Studies Update	Mrs. Rodgers
2	03/21/17	Implementation of an African American Student Achievement Initiative	Mrs. Rodgers
3	03/21/17	Parent Engagement Strategic Plan for 2017-18	Mrs. Rodgers

SESSION TEN

10.0 Closed Session

9:50 pm

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

Anticipated Litigation

Conference with legal counsel pursuant to paragraph (2) or (3) of Subdivision (d) of Government Code 54956.9
Number of Cases: Three

Existing Litigation

Conference with legal counsel, pursuant to paragraph (1) of subdivision (d) of Government Code 54956.9
Number of Cases:

Conference with Labor Negotiator

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

Conference with Labor Negotiator

District Negotiator: Dr. Dale Marsden, Superintendent
Unrepresented Employees:
Title Deputy Superintendent
Title: Assistant Superintendent, Human Resources
Title: Assistant Superintendent, Educational Services
Title: Assistant Superintendent, Student Services
Title: Chief Business Officer

Public Employee Appointment

Title: Assistant Director, English Learner Programs

Public Employee Discipline/Dismissal/Release

Student Matters/Discipline

SESSION ELEVEN

11.0 *Action Reported from Closed Session*

10:25 pm

**11.1 Resolution Conditionally Approving the Renewal of the Charter School Petition for Casa Ramona Academy
(Prepared by Educational Services)**

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

WHEREAS, in or about April 17, 2007 the Governing Board of SBCUSD approved the Charter for the Casa Ramona Academy (CRA), and since that time the District Governing Board has renewed the Charter, with the current term ending on June 30, 2017; and

WHEREAS, on or about February 24, 2017, CRA delivered to the District, a Charter School Petition for renewal of its Charter for a five year term from July 1, 2017, through and including June 30, 2022; and

WHEREAS, in accordance with the Charter Schools Act of 1992, the renewal Charter Petition was brought to the District Board meeting on March 7, 2017, at which time it was received by the District Governing Board, thereby commencing the timelines for District Board action thereon; and

WHEREAS, in compliance with California Education Code Sections 47605 and 47607 and California Code of Regulations, Title 5, Section 11966.4, the Governing Board is required to approve or deny the request for charter renewal within sixty (60) days of the Governing Board's receipt of the renewal petition, unless that timeline is extended for up to thirty (30) additional days by mutual written agreement of the parties; and

WHEREAS, pursuant to Education Code Section 47605, a public hearing on the provisions of the Charter was conducted on March 21, 2017, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents;

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

WHEREAS, in accordance with Education Code Section 47607(a)(3)(A), the District Governing Board has considered increases in pupil academic achievement for all groups of pupils served by CRA as the most important factor in determining whether to grant CRA's renewal request; and

WHEREAS, in accordance with California Code of Regulations, Title 5, Section 11966.4(b)(1), in considering CRA's renewal petition the District Governing Board considered the past performance of CRA's academics, finances, and operation and future plans for improvement in evaluating the likelihood of future success; and

WHEREAS, District legal counsel and District staff have reviewed and analyzed all of the information received with respect to the Petition, including information related to the operation and potential effects of CRA, and have spoken to CRA representatives relative to this renewal request; and

WHEREAS, the Governing Board has fully considered the recommendation provided by District staff; and

WHEREAS, in reviewing the Petition for the renewal of the CRA Charter, the Governing Board has been cognizant of the value provided to the community by CRA during the time that it has been operating pursuant to the Charter granted and renewed by the Long Beach Unified School District.

WHEREAS, in reviewing and analyzing the renewal Charter, District staff noted some issues and concerns and determined that certain changes and revisions to the Charter Petition were necessary in order to support the requested Charter renewal. The District administration worked with CRA on resolution of these issues and implementation of the necessary changes, additions, and revisions and CRA has agreed to incorporate these changes, additions, and revisions into the Charter and the corporate Bylaws; and

WHEREAS, the terms of the renewal Charter Petition require that the CRA Governing Board make certain revisions to its corporate Bylaws, and conflict of interest policy in order to make the Bylaws and conflict of interest policy consistent with the terms and requirements of the Petition; and

WHEREAS, CRA has indicated that CRA should be able to make the requisite revisions to its Charter, Bylaws and conflict of interest policy and submit the revised adopted Charter, Bylaws and conflict of interest incorporating such revisions to the District Superintendent or designee no later than sixty days from the District Governing Board's renewal of the CRA Charter and adoption of this Resolution; and

WHEREAS, CRA understands that a failure to make the necessary revisions to its Charter, Bylaws and/or conflict of interest policy will constitute a violation of the Charter Petition, which specifically requires that the Charter, Bylaws and conflict of interest policy be revised to be consistent with the Charter Petition at all times; and

WHEREAS, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the request for Charter renewal and information related to the operation and potential effects of a renewed CRA, and made a recommendation to the District Board that the Charter renewal be conditionally approved

based on that review, specifically including consideration of increases in pupil academic achievement for all groups of pupils served by CRA as the most important factor in determining whether to recommend that the District Board grant CRA's renewal request; and

WHEREAS, the District Board has fully considered the Charter submitted for the renewal of CRA, specifically including increases in pupil academic achievement for all groups of pupils served by CRA as the most important factor in determining whether to grant CRA's renewal request and the recommendation provided by District staff; and

THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

That the Governing Board of SBCUSD finds the above listed recitals to be true and correct and incorporates them herein by this reference.

That the Governing Board has confirmed that CRA has met the minimum requirements for renewal of a charter pursuant to Education Code Section 47607.

That the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the conditional renewal/denial for failure to comply with the conditions of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

BE IT FURTHER RESOLVED AND ORDERED that the Governing Board of the San Bernardino Unified School District hereby conditionally renews the Charter, subject to necessary changes being made to the Charter and brought back to the District Board for final consideration by June 18, 2017, for a term from July 1, 2017, through and including June 30, 2022. That the District Board determines that should the changes not be made to the District's satisfaction and brought back to the District Board for final consideration by June 18, 2017, unless the District Board deletes the condition or extends the deadline for compliance therewith. In order for the District Board to consider the revised Charter by June 18, 2017, the revised Charter must be submitted to the Superintendent for administrative review and consideration on or before June 1, 2017. CRA shall submit clean and redlined versions of the Charter (indicating all revisions made to the Charter from that being conditionally approved for renewal) as well as an electronic (Microsoft Word format) version of the revised Charter. The final revised renewal Charter shall be submitted to the District in accordance with a timeline established by the Superintendent or designee.

BE IT FURTHER RESOLVED AND ORDERED the Superintendent or designee is authorized to work with CRA to revise and modify the specifics and details of these

required revisions prior to bringing the revised Charter back for District Board consideration.

11.2 Resolution Denying the Charter Petition for STEAM and Swing Charter School
(Prepared by Educational Services)

WHEREAS, the granting or denying of a charter school petition by a local school district is governed by the standards and criteria set forth in Education Code Section 47605; and

WHEREAS, on or about February 8, 2017, the petitioners delivered to the San Bernardino City Unified School District (“SBCUSD” or “District”) a charter petition (“Charter” or “Petition”) for STEAM and Swing Charter School (“Charter School” or “STEAM and Swing” or” SSCS”) to operate as a nonprofit public benefit corporation; and

WHEREAS, the District’s Governing Board received the Petition at a public Board meeting on February 21, 2017, thereby commencing the timelines for action on the Charter; and

WHEREAS, the Governing Board held a public hearing on the provisions of the STEAM and Swing Charter on March 21, 2017, pursuant to Education Code Section 47605, at which time the Governing Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at the public hearing, the lead petitioners and several members of the community spoke in favor of the Charter; and

WHEREAS, the Charter proposes a TK-sixth grade program with an enrollment of 175 students in grades K-6 projected in 2017-2018, and an enrollment capacity of 200 students projected for 2021-2022; and

WHEREAS, in considering the STEAM and Swing Charter, the Governing Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, in considering the STEAM and Swing Charter, the Governing Board has been cognizant of Education Code Section 47605(h) which provides:

In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards

established by the department under Section 54032, as it read before July 19, 2006

WHEREAS, the District staff, working collaboratively with District legal counsel, have reviewed and analyzed all of the information received with respect to the Charter, including information related to the operation and potential effects of STEAM and Swing, and made a recommendation to the Governing Board that the STEAM and Swing Charter be denied based on that review; and

WHEREAS, the Governing Board has fully considered the Charter submitted for the establishment of STEAM and Swing and the recommendation provided by District staff; and

WHEREAS, the Governing Board specifically notes that this Resolution does not include findings relative to every defect in the Charter submitted, but is limited to a few significant issues in the Charter. Not only are the findings set forth herein legally sufficient to support the Governing Board's denial of the Charter, but also it is imperative, should these petitioners ever decide to propose another charter to the District, that such charter petition establish that the petitioners themselves have the knowledge, understanding, and expertise necessary to both write an educationally, fiscally, and practically sound charter petition and open and operate a sound charter school, and not to just respond directly to findings of the Governing Board.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Governing Board finds the above listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the Governing Board of the San Bernardino City Unified School District, having fully considered and evaluated the Charter for the establishment of the proposed STEAM and Swing, hereby finds that it is not consistent with sound educational practice, based upon grounds and factual findings including, but not limited to, the following, and hereby denies the petition pursuant to Education Code Section 47605:

- A. The Petition does not contain a sound educational program. [Education Code Section 47605(b)(1).]
- B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605(b)(2).]
- C. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5).]

BE IT FURTHER RESOLVED AND ORDERED that the Governing Board of the San Bernardino City Unified School District hereby determines the foregoing findings are supported by specific facts, including but not limited to the following:

I. THE PETITION DOES NOT CONTAIN A SOUND EDUCATIONAL PROGRAM [Education Code § 47605(b)(1); California Code of Regulations (“CCR”), Title 5, § 11967.5.1(b).]

A. The Charter School’s description of its proposed educational program is general and vague, offering little in the way of specific practical details. In addition to the findings described herein regarding unlikelihood of its successful implementation, areas of concern relative to the proposed educational program include:

1. The Petition’s description of its educational program fails to clearly establish the grade levels to be served at SSCS, and is therefore insufficient. As stated in its Letter of Intent to the District, SSCS proposes to serve “transitional kindergarten through sixth grade, with a proposed expansion of serving seventh through eighth grades in year six **if approved for five year renewal,**” and Element 1 of the Petition reaffirms that “TK-6th grade” is the “grade configuration” for the Charter School specifically in the “first year.” However, a reoccurring inconsistency throughout the Petition was its references to enrollment of students in grades 7 and 8 during its *current* term including its first year of operation. For example: the Petition refers to grades 7-8 in regard to SSCS’s goals for “course access” and “student performance” (pp. 103-104); the Petition states that its family support workshops coordinated by the Chief Academic Officer “will also support promoting eighth graders who are seeking the best possible placement in high school” (p. 117); in addition, in its budget assumptions, the Petition indicates SSCS plans to enroll approximately twenty (20) students in grades 7-8 in Year 1, and forty (40) students in grades 7-8 in Year 2 of its operation. The Charter School’s inconsistency on grade levels to be served in its first few years undermined coherency of a fundamental aspect of its operation. (Emphasis added.)
2. The Petition promises an art-focused curriculum, consistent with the STEAM program (Science, Technology, Engineering, Art, and Math), but fails to provide for related staff qualifications necessary to implement that curriculum and thus is unlikely to be of educational benefit to students. Specifically, the Petition promotes “artistic literacy, innovation, creativity, and excellence in the arts,” and states that general “music” and “visual art instruction will be provided to all TK-8 students.” (pp. 53-54.) However, the Petition sets forth no correlating teacher credentials, educational background, or experience equivalent; instead, the Petition states the “art

program may be provided by *parent volunteers* on a monthly basis.” (p. 63.)

3. Certain aspects of the educational program raise concern as to whether the Charter School will charge pupil fees for educational activities in violation of California law. For example, the Petition states, “In addition to providing a charter school,” BHA will offer “Extended Learning Programs” and “*provide scholarships* to the charter school’s students who are Free or Reduced Lunch eligible *so the children of San Bernardino will have an equal opportunity for organized sports and tutoring* through The First Tee’s after school program.” (p. 10.) Charter schools are subject to the California Constitution’s free school guarantee and provisions of Education Code sections 49010 and 49011 that state, “A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity,” which include “curricular and extracurricular” activities offered by a charter school, regardless of a families’ “ability or willingness to pay or request special waivers.” The Petition does not explain whether SSCS plans to provide educational activities to students at cost, and failure to address this matter suggests petitioners are unfamiliar with requirements of applicable law.
4. Further, the Petition’s description of its educational program lacked practical details. For example, the Petition states that “students will make recommendations to real architects and engineers for local bridges that need repairs. Math content will be intentionally included and scaffold so that students end up writing a rigorous design briefing and make a public presentation to the architects. This provides for authentic audience opportunities in real-world STEAM” scenarios. (p. 35.) However, practical arrangements for this plan – such as whether petitioners have relationships, or how they plan to establish ones with local architectural or engineering firms – are missing from the Petition as well as its appendices.
5. Similarly, the Petition sets forth certain plans to support student subgroups without practical steps regarding their implementation. For example, “SSCS has designed its program to support students from socioeconomically disadvantaged backgrounds in the following ways: Real life experiences to build schema ... Visitors and guest speakers sharing their experiences ... Incorporating technology to increase exposure to the greater world ... counseling services.” (p. 84.) There is no indication throughout the Petition or its appendices regarding *what* types of guest speakers, or *what* real life experiences petitioners have in mind. Further, as a school counselor is not included among the “key positions” SSCS will seek to employ during its term (pp. 121-22), the Petition neither explains *how* it will provide counseling services as promised.

6. The Charter fails to adequately and correctly set forth how the Charter School will comply with Section 504. The Charter specifies that “[a]ny student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the School.” This is not, however, a definitional limit from the applicable law and regulations. Because the Charter School would be solely responsible for ensuring its compliance with its obligations pursuant to Section 504, the imposition of an illegally narrow definition of the students who would qualify for services pursuant to Section 504 indicates that the Charter School would be out of compliance with the law.

II. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION.
[Education Code § 47605(b)(2); CCR Title 5, § 11967.5.1(c).]

- A. As to STEAM and Swing’s financial operational plan, the District staff noted a number of concerns with the budgetary documents submitted with the Petition. Specifically, the following concerns were noted:
 1. Special Education:

Although STEAM and Swing considers the District responsible for overseeing any non-public school placement to meet the needs of applicable STEAM and Swing students, the budget currently contains special education costs at a lower rate than District rate of \$674.12/ADA and, therefore, does not account for the equitable share fees that STEAM and Swing is to pay to the District for special education costs as required by Education Code section 47646.
 2. The Charter submitted a cash flow that shows negative cash balances in July of Year 3 (2019-20).
 3. The Petition sets aside \$17,500 for expenditure of “materials and supplies,” or \$250 per student for “tech equipment” in the Charter School’s first year of operation. Absent further explanation of petitioners’ financial assumptions, it is unclear whether these figures are sufficient to accommodate SSCS’s plans for use of technology, as part of its educational program, described in the Petition as follows:
 4. SSCS plans to use “digital content and instructional technology to create a unique classroom environment ... Students will have access to laptops or tablets to participate in projects and solution sessions that will fully utilize digital content and interactive tools” (p.29); “Wherever possible, different forms of technology will be integrated into core content areas (p.67);

“SSCS may utilize mobile laptops or similar devices ... Students in grades 6-8 may have access to computers, digital projectors, printers, and digital video camera” (p. 67); students can “use computer programming to study robotics and the art of video production ... Robotics provides many rich opportunities to apply knowledge provided in the S.T.E.A.M. curriculum” (pp. 34, 62)

Failure to align the budget with the Petition’s assurances about the use of technology, including robotics, in the educational program indicates such assurances are unlikely to be successfully implemented.

III. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL ELEMENTS REQUIRED BY LAW.
(Education Code § 47605(b)(5); CCR Title 5, § 11967.5.1(f))

A. DESCRIPTION OF THE GOVERNANCE STRUCTURE
[Educ. Code § 47605(b)(5)(D).]

1. Certain portions of the Board Bylaws appeared inapplicable to STEAM and Swing. For example, Article 7 of the Bylaws discusses “Non-California Charter School Related Meetings.” As STEAM and Swing is a California charter school restricted to enrollment within the state, Article 7 creates doubt and confusion as to the other activities that might be undertaken by the parent corporation of the proposed school. Additionally, it is unclear if the bylaws included with the Charter are those applicable to the proposed school. Specifically the Charter provides that the SSCS Bylaws will be determined at the first meeting of the Board of Directors. The bylaws are fundamental to the Charter School’s description of its governance structure and a failure to include the bylaws applicable to the proposed school makes the description of this charter element patently incomplete.

2. Conflict of Interests:

As to conflict of interest provisions, SSCS’s Articles of Incorporation state that the initial board of directors “shall consist of at least three (3) members, who *need not be residents of the state of California*” (Art. VII, AOI), and accordingly, there is currently one out-of-state director for the Charter School, “Scott Laravea, Entrepreneur, Atlanta, GA.” (Art. VIII, AOI.) Although SSCS is part of a national corporation known as “The First Tee,” SSCS is nevertheless a California charter school restricted to enrollment within the state. Therefore, provision for an *out of state* director draws question as to what other activities might be undertaken by the parent corporation, and whether interests of the national chapter will

interfere with operation of SSCS for the benefit of California students and a school population reflective of the District's jurisdiction.

While the Petition states only that "Board members will comply with Government Code section 1090 with regards to conflict of interests **to the extent required by law**" (p. 111), Article VII of the Bylaws entitled "Contracts, Checks, Deposits and Funds," state that the "Board of Directors may authorize, by general resolution, a Director or Directors, an agent or agents, in addition to persons authorized by these bylaws to enter into *any contract* on behalf of the Corporation." Neither the Petition nor remaining provisions in the Bylaws express that SSCS's directors will "not be financially interested" in such contracts. (Emphasis added.)

Specifically, Government Code section 1090 provides:

- (a) Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in *any contract made by them in their official capacity*, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.
- (b) An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a).
- (c) As used in this article, 'district' means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. (Emphasis added.)

Thus, the Petition and the Bylaws lack sufficient elaboration as to whether Petitioners will meaningfully comply with Government Code section 1090, and the potential for self-dealing of public funds it is meant to combat.

The Charter provides that the Charter School shall be operated **by** SSCS, a California non-profit public benefit corporation and also provides that the corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701(d). The specific purpose of this corporation is to manage, operate, guide, direct and

promote one or more California public charter schools. No Articles of Incorporation or Bylaws were provided for this corporation.

Yet, the Bylaws for **Brighton Hill Academy Sports and Learning Center**, provide that the Corporation is organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code, 1986, or the corresponding provision of any future federal law. Such purposes include but are not limited to:

(a) The Purpose of this corporation is to empower youth with tutorial, educational and sports programs which instill personal growth, provide life principals, strengthen character and provide physical exercise.

Thus, it is confusing as to which corporation will actually govern and oversee the operations of this school.

As to viability of the enterprise, certain components of SSCS's governance design suggest that parent volunteer time is mandatory, running afoul of legal prohibitions against pupil fees. For example, as mentioned above, the Petition states that founding members of SSCS "will be comprised of a group of parents [and] *will be expected* to give adequate time and energy" to ensure that SSCS's vision is communicated effectively throughout the community (p.115); and that the SSCS Parent/Faculty Association "*will serve as school volunteers* in a variety of areas including the coordination of fund raising activities to support student field trips, awards, supplemental instructional materials, and school enhancements." (p. 116.) Charter schools are subject to the California Constitution's free school guarantee and provisions of Education Code prohibiting imposition of pupil fees for participation in an educational activity. Again, in its Fiscal Management Advisory 15-1 (January 20, 2015), the CDE has confirmed that mandatory "Parent Service Hours" violate the "pupil fee" provisions of the Education Code. To the extent the Petition *requires* parents of students attending SSCS to volunteer a quota of hours in exchange for their student's receipt of educational benefits it is contrary to existing law.

B. DESCRIPTION OF MEANS TO ACHIEVE A REFLECTIVE RACIAL AND ETHNIC BALANCE (Ed. Code, § 47605(b)(5)(G).)

The Petition states SSCS will ensure that all outreach activities are designed to ensure the racial and ethnic balance **reflective of the target community** in the City of San Bernardino (*see Element 1, Section E: Who Will SSCS Serve?*)

The Petition thus asserts that STEAM and Swing seeks to serve a broader population than District-wide, running afoul of the requirement in Education Code section 47605(b)(5)(G) that the charter describe how it will achieve a racial and ethnic balance among its pupils “that is reflective of the *general population* residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

C. DESCRIPTION OF ADMISSION REQUIREMENTS, IF APPLICABLE.
(Ed. Code, § 47605(b)(5)(H).)

1. STEAM and Swing’s admission policy does not meet criteria of Education Code Section 47605(d).

In general, under Education Code section 47605, a “charter school shall admit all pupils who wish to attend the school,” but also requires that, in event of a public random drawing, preference “shall be extended to pupils currently attending the charter school and pupils who reside in the district. *Other preferences may be permitted by the chartering authority on an individual school basis.*” (Ed. Code, § 47605(d)(2)(B).) However, according to its “Admission preferences,” in the event of a lottery, the Petition prioritizes Children of Founders and Teachers as well as Siblings of current students enrolled in STEAM and Swing” over “Students residing within the boundaries of San Bernardino City Unified School District Children of Founders, teachers and siblings of current students may not be prioritized over District students without permission of the District.

D. DESCRIPTION OF PUPIL SUSPENSION AND EXPULSION PROCEDURES
(Ed. Code, § 47605(b)(5)(J).)

The Charter provides: Suspensions and expulsions are disciplinary measures, and should not be confused with dismissal or disenrollment of a student for failure to meet his/her obligations under an independent study contract or PLP. A dismissal for failure to meet independent study obligations is not an “expulsion”, so no due process procedures occur other than that set forth in the contract.

This manner of removal of students from a school is not legal for special education students and students on Section 504 plans. “Dismissal” would constitute a significant change in placement, which can only be made with consent of the parents, or through expulsion procedures for special education students, and requires at least an assessment prior to making the significant change of placement for a Section 504 student.

In light of this insufficiency,, the Petition fails to indicate that Petitioners considered the procedures and violations applicable to noncharter schools, that they understand them, and that they made reasoned determinations regarding

which to follow and which to modify to meet the particular needs of STEAM and Swing. (See 5 CCR § 11967.5.1(f)(10)(D).)

E. DESCRIPTION OF PROCEDURES FOR CHARTER SCHOOL CLOSURE
(Ed. Code, § 47605(b)(5)(O).)

California law requires the Petition reasonably describe “procedures to be used if the charter school closes,” which “means, *at a minimum* ... Designation of a responsible entity to conduct closure-related activities [and] ... Transfer and maintenance of all pupil records ... and any special education records to the custody of the responsible entity designated” in the Petition to conduct closure activities. (Ed. Code, 47605(b)(5)(O); 5 CCR § 11962.) STEAM and Swing does not currently designate an entity to conduct closure-related activities. Instead, the Petition provides that official action of STEAM and Swing’s Board of Directors “*will* also identify an entity and person or persons responsible for closure-related activities.” As stated, the Petition fails to provide an entrusted entity to receive the list of STEAM and Swing students by grade level and the classes they have completed, as well as their pupil records in event of a school closure.

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

SESSION TWELVE

12.0 Adjournment

10:30 pm

At the May 17, 2016 Board Meeting, the 2016-17 Board of Education Meeting Calendar was adopted. The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, May 2, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The District is committed to provide equal access to individuals with a disability to open and public meetings. For information on the availability of disability-related aids or services to enable any person with a disability to participate in a public meeting and/or to request reasonable accommodations, please contact:

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

Board of Education Meeting
April 18, 2017

Office Hours: Monday - Friday, 8 a.m.-4:30 p.m.

Requests for reasonable accommodations must be received by the Affirmative Action Office no later than five working days before the public meeting so that an interactive process can be effectuated to determine an effective accommodation that would best serve the needs of the individual with a disability.

Posted: April 14, 2017