

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

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

**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 QUEZADA**  
Student Board Member

**May 2, 2017**

**Estimated Times**

**SESSION ONE**

- |            |   |                       |
|------------|---|-----------------------|
| <b>1.0</b> | <b><i>Opening</i></b>                   | <b><i>5:30 pm</i></b> |
| 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>Closed Session Public Comments</u>   |                       |

This is the time that members of the public will be provided an opportunity to directly address the Board about any item described under Closed Session, Anticipated Litigation. Comments are limited to five minutes or less. **Individuals with comments on any other subject matter within the Board's jurisdiction may address those during the regularly scheduled Public Comments later this evening.**

**SESSION TWO**

- |            |                              |                       |
|------------|------------------------------|-----------------------|
| <b>2.0</b> | <b><i>Closed Session</i></b> | <b><i>5:40 pm</i></b> |
|------------|------------------------------|-----------------------|

**Anticipated Litigation**

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

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

**SESSION THREE**

**3.0**    *Reconvene Open Session* **6:10 pm**

3.1    Action Reported from Closed Session

**SESSION FOUR**

**4.0**    *Special Presentation(s)* **6:15 pm**

4.1    Varsity SBCUSD Percussion Ensemble

4.2    Recognition of Williams Syndrome Awareness Month

4.3    Recognition of Classified Employee Appreciation Week (May 21-27, 2017)

**SESSION FIVE**

**5.0**    *Public Hearing(s)* **6:40 pm**

5.1    Consider the Revocation of the Center for Learning and Unlimited Educational Success (CLUES) Charter

5.2    Public Hearing for Newman Leadership Academy

**SESSION SIX**

**6.0**    *Student Board Members' Comments* **6:50 pm**

**7.0**    *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 EIGHT**

**8.0**    *Administrative Report* **8:00 pm**

8.1    Peer Assistance and Review (PAR) Report of Participation

**SESSION NINE**

**9.0    *Reports and Comments* **8:05 pm****

- 9.1    Report by San Bernardino Teachers Association
- 9.2    Report by California School Employees Association
- 9.3    Report by Communications Workers of America
- 9.4    Report by San Bernardino School Police Officers Association
- 9.5    Report by San Bernardino School Managers
- 9.6    Comments by Board Members
- 9.7    Board Committee Reports
- 9.8    Comments by Superintendent and Staff Members

**SESSION TEN**

**10.0   *Consent Calendar* **8:50 pm****

***BOARD OF EDUCATION***

- 10.1   Approval of Minutes

***DEPUTY SUPERINTENDENT***

- 10.2   Agreement with Rick Kaufman, Bloomington, MN, to Provide Consultant Services on Safety and Disaster Response
- 10.3   Amendment No. 1 to the Agreement with DB Hospitality Consulting, LLC, Corona, CA, to Provide Consultation and Tactical Implementation for Project Management Tools and Processes
- 10.4   Business and Inservice Meetings

***BUSINESS SERVICES***

- 10.5   Acceptance of Gifts and Donations to the District
- 10.6   Bid No. 16-17, Heating, Ventilation and Air Conditioning (HVAC) Equipment
- 10.7   Commercial Warrant Register for Period April 1 – April 15, 2017

***Facilities/Operations***

- 10.8   Amendment No. 2 to the Master Services Agreement for Energy Consultant Services Districtwide
- 10.9   Amendment No. 3 to the Master Services Agreement for California Environmental Quality Act (CEQA) Compliance Services
- 10.10 Amendment No. 5 to the Master Services Agreement for Soils and Materials Testing Services
- 10.11 Approval to Sell ORG Modular Structures – Calvary Christian School

Board of Education Meeting  
May 2, 2017

- 10.12 Bid No. F17-05, Muscoy ES Administration/Library Building Modifications
- 10.13 Resolution Approving to File a Notice of Exemption from the California Environmental Quality Act (CEQA) Pursuant to Title 14, California Code of Regulations, Chapter 3, Article 19, for Various Projects Throughout the District; and Delegating Authority to Execute CEQA Documents

### ***EDUCATIONAL SERVICES***

- 10.14 Agreement with CORE Districts, Sacramento, CA, to Provide Annual Multi-Metric School and LEA Data Dashboards with Performance Benchmarked Against Peers Across California
- 10.15 Agreement with Panorama Education, Inc., Boston, MA, to Provide Professional Development Workshops to the District
- 10.16 Amendment No. 1 to the Agreement with Catapult Learning West, LLC, Camden, NJ, to Provide Title I Instructional Services in Reading and Math to Students at Six Non-Public Schools
- 10.17 Business and Inservice Meetings - Educational Services
- 10.18 Extended Field Trip, Del Vallejo Middle School, National History Day California State Competition, Rocklin, CA
- 10.19 Facilities Use Agreement with the Ontario Convention Center, Ontario, CA, for the Summer Professional Learning and Collaboration Conference for High School Administrators and Staff
- 10.20 Payment for Course of Study Activities - Educational Services
- 10.21 Payment for Services Rendered by Non-Classified Experts and Organizations – Educational Services
- 10.22 Freedom, Educator Study Tour, Following the North Star Along the Underground Railroad to Civil Rights

### ***HUMAN RESOURCES***

- 10.23 Agreement with EdFiles, Fullerton, CA, to Provide File Imaging, Storing, Organizing and Management of Information Electronically
- 10.24 Amendments to Extended Field Trips, Cajon High School, California State Wrestling Championships, Bakersfield, CA and National Wrestling Championship Tournament, Virginia Beach, VA
- 10.25 Extended Field Trip, Marshall Elementary School, 2017 National SeaPerch Challenge, Atlanta, GA
- 10.26 Extended Field Trip, San Geronio High School, Odyssey of the Mind World Finals, East Lansing, MI

### ***STUDENT SERVICES***

- 10.27 Facilities Use Agreement with La Quinta Resort & Club, La Quinta, CA, for the Arroyo Valley High School Leadership Retreat

Board of Education Meeting  
May 2, 2017

**Youth Services**

- 10.28 Expulsion of Student(s)
- 10.29 Student(s) Recommended for Suspension, but Remanded Back to School Sites or had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 10.30 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction
- 10.31 Petition to Expunge, Rescind, or Modify Expulsion

**SESSION ELEVEN**

**11.0 Action Items** **9:00 pm**

- 11.1 Personnel Report #20, Dated May 2, 2017
- 11.2 Resolution to Deny the Charter Petition for STEAM & Swing Charter School

**SESSION TWELVE**

**12.0 Closed Session** **9:05 pm**

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

**Anticipated Litigation**

Pursuant to Government Code Section 54956.9 (d)  
Number of Cases: One

**Existing Litigation**

Conference with Legal Counsel, pursuant to Government Code Section 54956.9 (d)  
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

Board of Education Meeting  
May 2, 2017

**Public Employee Appointment**

**Public Employee Discipline/Dismissal/Release**  
P1 Non Re-election

**Student Matters/Discipline**

**SESSION THIRTEEN**

**13.0** *Action Reported from Closed Session* **9:35 pm**

**SESSION FOURTEEN**

**14.0** *Adjournment* **9:40 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 16, 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 28, 2017

Board of Education Meeting  
May 2, 2017

**AGENDA FOR THE**  
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Student Board Member

**May 2, 2017**

**Estimated Times**

**SESSION ONE**

- |            |  |                       |
|------------|--|-----------------------|
| <b>1.0</b> | <b><i>Opening</i></b>                          | <b><i>5:30 pm</i></b> |
| <b>1.1</b> | <b><u>Call to Order</u></b>                    |                       |
| <b>1.2</b> | <b><u>Pledge of Allegiance to the Flag</u></b> |                       |
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| <b>1.4</b> | <b><u>Closed Session Public Comments</u></b>   |                       |

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

**SESSION TWO**

**2.0** *Closed Session*

**5:40 pm**

**Anticipated Litigation**

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

**SESSION THREE**

**3.0** *Reconvene Open Session*

**6:10 pm**

3.1 Action Reported from Closed Session

**SESSION FOUR**

**4.0** *Special Presentation(s)*

**6:15 pm**

4.1 Varsity SBCUSD Percussion Ensemble

The Varsity SBCUSD Percussion Ensemble will perform under the direction of Michael Cooper.

4.2 Recognition of Williams Syndrome Awareness Month  
(Prepared by Communications/Community Relations)

WHEREAS May is Williams Syndrome Awareness Month, a time dedicated to raising awareness about the rare genetic condition that afflicts an estimated 20,000 to 30,000 people in the United States; and

WHEREAS North Park Elementary student Jonathan Martinez, who tragically passed away on April 10, 2017, was born with Williams Syndrome, which is characterized by cardiovascular disease, developmental delays, learning disabilities, and lifelong medical problems; and

WHEREAS the Williams Syndrome Association has been working since 1982 to increase international awareness and bring valuable resources to families touched by the disorder;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to honor the memory of third-grade student Jonathan Martinez by declaring May 2017 as Williams Syndrome Awareness Month and encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for Jonathan and to honor his legacy as a happy child who was social, friendly and endearing.

4.3 Recognition of Classified Employee Appreciation Week (May 21-27, 2017)  
(Prepared by Communications/Community Relations)

WHEREAS in order for the San Bernardino City Unified School District to run efficiently and effectively, it must depend daily on the dedication and capabilities of employees in the Classified Service; and

WHEREAS more than 2,500 classified employees who work in various capacities ranging from instructional aides, computer technicians, and delivery drivers to library clerks and custodians, perform their duties with great pride and skill; and

WHEREAS our School District joins the state of California in setting aside May 21-27, 2017, as a fitting time to honor classified employees and recognize their long and excellent service records;

THEREFORE, BE IT RESOLVED that the members of the Board of Education of the San Bernardino City Unified School District designates May 21-27, 2017, to spotlight the accomplishments of our classified employees.

**SESSION FIVE**

5.0 *Public Hearing(s)*

*6:40 pm*

5.1 Consider the Revocation of the Center for Learning and Unlimited Educational Success (CLUES) Charter  
(Prepared by Educational Services)

A public hearing will be held, pursuant to Education Code Section 47607 (e) and Title 5 of the California Code of Regulations, section 11965, et seq. on the issue of whether evidence exists to revoke the CLUES Charter.

**Conduct Public Hearing**

5.2 Public Hearing for Newman Leadership Academy  
(Prepared by Educational Services)

On February 24, 2017, Rikke Van Johnson of Newman Leadership Academy submitted a charter renewal petition to the Charter School Operations Department for approval. A public hearing will be held at this time to consider the level of support for the charter renewal.

**Conduct Public Hearing**



Emergency Teachers: 17 (5 Short-Term Staff Permit (STSP)/  
12 Provisional Intern Permit (PIP))

Probationary 1 and 2 Teachers: 12 (5 High School/2 Middle School/  
5 Elementary)

Of the seven (7) unsatisfactory mandatory participants, it was the conclusion of the Joint Panel that three (3) have improved and will not remain in “U” status during the 2017-18 school year. One (1) person is scheduled to retire during the fall of 2017 school year.

Requester/Approver: Assistant Superintendent, Human Resources

### SESSION NINE

**9.0** *Reports and Comments* **8:05 pm**

9.1 Report by San Bernardino Teachers Association

9.2 Report by California School Employees Association

9.3 Report by Communications Workers of America

9.4 Report by San Bernardino School Police Officers Association

9.5 Report by San Bernardino School Managers

9.6 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.

9.7 Board Committee Reports

9.8 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.

Board of Education Meeting  
May 2, 2017

**SESSION TEN**

**10.0 Consent Calendar**

**8:50 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:

***BOARD OF EDUCATION***

10.1 Approval of Minutes

(Prepared by Superintendent's Office)

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on March 7, 2017 be approved as presented.

***DEPUTY SUPERINTENDENT***

10.2 Agreement with Rick Kaufman, Bloomington, MN, to Provide Consultant Services on Safety and Disaster Response

(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a consultant services agreement with Rick Kaufman, Bloomington, MN, to provide expert advice on safety and disaster response, effective May 3, 2017 – June 30, 2018. Services will include school crisis planning, response, recovery and the review of safety data related to the District's after action reviews and stakeholder's input. The cost per hour is \$110.00 plus travel expenses. The total cost, not to exceed \$150,000.00, will be paid from the Unrestricted General Fund – District Emergency, Account No. EME.

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

Requester/Approver: Deputy Superintendent

- 10.3 Amendment No. 1 to the Agreement with DB Hospitality Consulting, LLC, Corona, CA, to Provide Consultation and Tactical Implementation for Project Management Tools and Processes  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves amending the agreement with DB Hospitality Consulting, LLC, Corona, CA, approved on February 21, 2017, Agenda Item No. 8.2. The agreement is being amended to increase the contract amount by \$11,000.00 to provide additional days of consulting services, increasing the contract amount from \$6,600.00 to a not to exceed amount of \$17,600.00. The additional cost will be paid from the Unrestricted General Fund – Administrative Services, Account No. 041.

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

Requester/Approver: Deputy Superintendent

- 10.4 Business and Inservice Meetings  
(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 State Board of Education Meeting, May 10, 2017 in Sacramento, CA. The total cost, not to exceed \$3,000.00, will be paid from the Superintendent's Office Account No. 041.

Kristian Bacarro Isabel Cholbi Danielle Quezada  
(Student Board of Education Members)

Requester/Approver: Deputy Superintendent

### ***BUSINESS SERVICES***

- 10.5 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:

Board of Education Meeting  
 May 2, 2017

SITE	DONOR	DONATION AND PURPOSE	AMOUNT	VALUE
Arrowview Middle School	California Emerging Technology Fund San Francisco, CA	To support the Student Tech Expert Development Core Component of School2Home	\$250.00	
San Gorgonio High School	Exit Bail Bonds, Riverside, CA	To sponsor the basketball program	\$150.00	
San Gorgonio High School	Monique Elizabeth Rocha San Bernardino, CA	To sponsor the basketball program	\$150.00	
San Gorgonio High School	Nesib and Charity Ali Highland, CA	To sponsor the boys basketball program	\$300.00	
San Gorgonio High School	San Bernardino Teachers Assn. San Bernardino, Ca	To sponsor the boys basketball program	\$150.00	
San Gorgonio High School	Harold and Kelly Vollkommer Highland, CA	To sponsor the baseball program	\$500.00	
San Gorgonio High School	Thomas Mackey, APO, AE	To sponsor the baseball program	\$100.00	
Youth Services	San Bernardino County Public Attorneys Assn. San Bernardino, CA	To support the youth services program	\$200.00	
Cajon High School	Roger Light Crestline, CA	To support the auto shop program	\$1,500.00	
Hunt Elementary School	East Valley Water District Highland, CA	To support students who need a pair of shoes		\$1,000.00
Arroyo Valley High School	Mt. Shadows Mobil HOA Highland, CA	To support the choir	\$150.00	
Ramona Alessandro Elementary School ASB	Kaiser Permanente Thriving Schools Action Plan Los Angeles, CA	To sponsor physical activity equipment for students	\$4,884.00	

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

Requester: Various

Approver: Chief Business Officer, Business Services

10.6 Bid No. 16-17, Heating, Ventilation and Air Conditioning (HVAC) Equipment  
 (Prepared by Business Services)

BE IT RESOLVED that Bid No. 16-17, Heating, Ventilation and Air Conditioning (HVAC) Equipment, was advertised on March 16, 2017 and March 23, 2017, and was opened on March 30, 2017, at 11:00 a.m. Cost will be paid by various funds on an as-required basis.

BE IT ALSO RESOLVED that bids were received as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>	<u>TERMS</u>
Acco Engineered Systems Commerce, CA	\$140,242.00	Net 30 Days
Ferguson HVAC Pomona, CA	\$ 99,737.91	Net 30 Days
Russell Sigler, Inc. Tolleson, AZ	\$ 64,404.00	Net 30 Days

BE IT ALSO RESOLVED that Russell Sigler, Inc. did not bid on all line items.

BE IT ALSO RESOLVED that Bid No. 16-17, Heating, Ventilation and Air Conditioning (HVAC) Equipment, be awarded to Ferguson HVAC, the lowest responsive/responsible bidder meeting District specifications.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated as needed throughout the initial one-year term of the bid, with the option to extend annually, not to exceed five years total, effective May 3, 2017.

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

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

10.7 Commercial Warrant Register for Period April 1 – April 15, 2017  
(Prepared by Business Services)

BE IT RESOLVED that the Commercial Warrant Register for period April 1 – April 15, 2017, be ratified and/or approved.

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

***Facilities/Operations***

10.8 Amendment No. 2 to the Master Services Agreement for Energy Consultant Services Districtwide  
(Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education approves amending the master services agreement approved on June 17, 2014, with the below selected firm to provide Energy

Board of Education Meeting  
May 2, 2017

Consultant Services Districtwide. The District is exercising the second of three (3) one-year extensions, effective July 1, 2017 – June 30, 2018. All other terms and conditions remain the same.

- Kilowatt Engineering, Inc., dba kW Engineering, Inc., Oakland, CA

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing, to sign said Amendment No. 2.

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

10.9 Amendment No. 3 to the Master Services Agreement for California Environmental Quality Act (CEQA) Compliance Services  
(Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education approves amending the master services agreement approved August 21, 2012, with the below selected firm to provide California Environmental Quality Act (CEQA) compliance services. The amendment is to allow the firm to complete services at Indian Springs Performing Arts Center, effective July 1, 2017 – June 30, 2018. All other terms and conditions remain the same.

- The Planning Center, dba Placeworks, Ontario, CA

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing, to sign said Amendment No. 3.

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

10.10 Amendment No. 5 to the Master Services Agreement for Soils and Materials Testing Services  
(Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education approves amending the master services agreement approved June 19, 2012 with the below selected firms to provide Soils and Materials Testing Services. The amendment is to allow firms to complete services on projects listed, effective July 1, 2017 – June 30, 2018. All other terms and conditions remain the same.

- MTGL, Inc., Riverside, CA– San Bernardino High School Auditorium Upgrades
- RMA Group, Rancho Cucamonga, CA – Athletic Complex Upgrades at Cajon, Pacific & San Bernardino High Schools

Board of Education Meeting  
May 2, 2017

- Twining Inc., San Bernardino, CA – Indian Springs Performing Arts Center and Smart Solar Projects
- United Inspection & Testing, Moreno Valley, CA – Cajon Theatre Renovations at Cajon High School and Muscoy Elementary School Administration/Library Building Modifications

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing, to sign said Amendment No. 5.

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

10.11 Approval to Sell ORG Modular Structures – Calvary Christian School  
(Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education approves the sale of six (6) District-owned surplus modular structures (portables) from the completed Overcrowding Relief Grant (ORG) projects. The sale to Calvary Christian School, Banning, CA will be for the cost of One Dollar (\$1.00) each to be used to house classrooms. Calvary Christian School, at their expense, will disassemble and transport the modular structures per the District’s timeframe and requirements.

Cajon High School Stockpile	T-1	Serial #'s 39012/39013
Cajon High School Stockpile	T-6	Serial #'s 20741/20742
Cajon High School Stockpile	T-7	Serial #'s 38964/38965
Cajon High School Stockpile	T-8	Serial #'s 36524/36525
Cajon High School Stockpile	T-10	Serial #'s 38966/38967
Cajon High School Stockpile	T-11	Serial #'s 38962/38963

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing, to sign any required documents to affect said sale.

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

10.12 Bid No. F17-05, Muscoy ES Administration/Library Building Modifications  
(Prepared by Facilities/Operations)

BE IT RESOLVED Bid No. F17-05, Muscoy ES Administration/Library Building Modifications, be awarded to the lowest responsible and responsive bidder meeting the specifications based on the Base Bid. The bid was advertised on February 9, 2017 and February 16, 2017, in the El Chicano, Precinct Reporter and The Sun newspapers. Bids were opened on March 15, 2017, at 10:00 a.m. The cost will be paid from Funds 21, 35 and 40.

Board of Education Meeting  
 May 2, 2017

<b>Contractor</b>	<b>Base Bid</b>
Dalke & Sons Construction, Inc. Riverside, CA	\$507,680.00
Hinkley and Associates, Inc. Highland, CA	\$531,000.00
Hamel Contracting, Inc. Murrieta, CA	\$554,008.00
Marjani Builders, Inc. Mission Viejo, CA	\$596,000.00
Harik Construction, Inc. Glendora, CA	\$597,000.00
PCN3, Inc. Los Alamitos, CA	\$659,000.00
Horizons Construction Co. Int'l, Inc. Orange, CA	\$697,000.00
H.C. Olsen Construction Company, Inc. Monrovia, CA	\$713,766.00

<b><u>Contractor</u></b>	<b><u>Base Bid</u></b>
Dalke & Sons Construction, Inc. 4585 Allstate Drive Riverside, CA 92501	\$507,680.00
Add Alternate No. 1	\$ <u>4,700.00</u>
<b>TOTAL</b>	<b>\$512,380.00</b>

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

- 10.13 Resolution Approving to File a Notice of Exemption from the California Environmental Quality Act (CEQA) Pursuant to Title 14, California Code of Regulations, Chapter 3, Article 19, for Various Projects Throughout the District; and Delegating Authority to Execute CEQA Documents  
 (Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education accepts and acknowledges that sites noted below are on the Modernization Eligibility list and that those Projects pursuant to Title 14, of the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 19, Categorical Exemptions, Sections 15301 & 15314, qualify as categorically exempt from CEQA, since these Projects involve minor alterations of existing public or private structures and/or minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. Notices of Exemption will be filed with the County Clerk's office by

district staff upon approval of the Projects, and no further actions pursuant to CEQA are required.

1. Barton Elementary School - Mod 2
2. Cole Elementary School - Mod 2
3. Del Rosa Elementary School - Mod 2
4. Hunt Elementary School - Mod 2
5. Martin L. King Middle School - Mod 2
6. Muscoy Elementary School Administration/Library Remodel & Mod 2
7. Bonnie Oehl Elementary School - Mod 2
8. Pacific High School - Mod 2
9. San Bernardino High School Auditorium Upgrade
10. Serrano Middle School - Mod 2
11. Shandin Hills Middle School - Mod 2
12. Sierra High School - Mod 2
13. Warm Springs Elementary School - Mod 2

BE IT FURTHER RESOLVED that the Board of Education hereby finds, determines, declares, orders and resolves as follows:

Section 1 – Compliance with CEQA. That the Board reviewed and considered the information contained in the Notices of Exemption, and finds that the Projects are exempt pursuant to State CEQA Guidelines, Section 15301 & 15314.

Section 2 – Location and Custodian of Records. The location and custodian of records with respect to all of the relevant documents and any other material which constitutes the administrative records for the Notices of Exemption, is as follows:

Thomas Pace, Facilities Management & Development Director  
San Bernardino City Unified School District  
956 West 9th Street  
San Bernardino, CA 92411

Section 3 – Delegation of Authority. The Board hereby authorizes Thomas Pace, Facilities Planning & Development Director, to execute CEQA documents and to file a notice of Exemption for each school under CEQA with the Clerk of the Board of Supervisors and The State Clearinghouse within the Governor's Office of Planning and Research, in order for the District to file for State funding.

***EDUCATIONAL SERVICES***

- 10.14 Agreement with CORE Districts, Sacramento, CA, to Provide Annual Multi-Metric School and LEA Data Dashboards with Performance Benchmarked Against Peers Across California  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into an agreement with CORE Districts, Sacramento, CA, to provide a comprehensive, multi-metric dashboard of results at the school and LEA levels, effective May 3, 2017 – June 30, 2020. CORE Districts will also provide dynamic reporting and opportunities for deeper analysis using the EdVantage platform, strategic analytics, participation in the CORE – policy analysis for California Education (PACE) Research Collaborative, twice-annual professional learning sessions for teams of up to five participants, and additional professional/peer learning opportunities. The annual fee per Partnering Education Agency for data collection, analysis and reporting is \$28,000.00 plus \$0.28 per student for professional learning support. The total cost, not to exceed \$171,360.00, 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, Categorical Programs  
Approver: Assistant Superintendent, Educational Services

- 10.15 Agreement with Panorama Education, Inc., Boston, MA, to Provide Professional Development Workshops to the District  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into an agreement with Panorama Education, Inc., Boston, MA, to provide two professional development workshops as part of the rollout of student survey data to stakeholders across the District to approximately 900 teachers and administrators, effective May 3 – June 30, 2017. The workshops' topics will include customized data inquiry and acting on climate culture and SEL data for District and school leaders. The total cost, not to exceed \$10,000.00, will be paid from the Unrestricted General Fund – Technology Support Office, Account No. 322.

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

Requester: Director, Accountability & Educational Technology  
Approver: Assistant Superintendent, Educational Services

- 10.16 Amendment No. 1 to the Agreement with Catapult Learning West, LLC, Camden, NJ, to Provide Title I Instructional Services in Reading and Math to Students at Six Non-Public Schools  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves amending the agreement with Catapult Learning West, LLC, Camden, NJ approved on October 4, 2016, Agenda Item No. 5.8. The agreement is being amended to increase the contract amount by \$8,987.79 to provide additional hours per week of instructional services in reading and math increasing the contract amount from \$32,177.20 to a not to exceed amount of \$41,164.99. The additional cost will be paid from the Restricted General Fund – Elementary and Secondary Education Act Title I, Account No. 501.

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

Requester: Director, Categorical Programs

Approver: Assistant Superintendent, Educational Services

- 10.17 Business and Inservice Meetings - Educational 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 SUMMERTECH 2017, August 2 - 3, 2017, in Palm Springs, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$3,463.32, will be paid from the Categorical Programs Account No. 536.

Cheryll Austin      Bryan Lang      Elizabeth Lemus      Shelley Renison  
(Board Representatives, Holy Rosary Academy)

Requester: Director, Categorical Programs

Approver: Assistant Superintendent, Educational Services

BE IT FURTHER 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 \$7,700.00, will be paid from the English Learner Programs Account No. 549.

Board of Education Meeting  
May 2, 2017

Teresa Alba	Angela Angeles	Maria Anton	Evangelina Armenta
Rebecca Castro	Daniel Chavez	Melissa Cordova	Sandra Cortes
Liliana Cruz	Maria Cruz	Erika Delgado Ramos	Lilia Cisneros Felix
Martha Flores	Rodolfina Gamino	Carmen Garcia Martinez	Maria Garcia Refugio
Angelica Garcia	Maria Garcia	Irma Gil	Ma. Carmen Gonzalez
Maria Guerrero	Silvia Guerrero	Alejandra Hernandez	Maribel Hernandez
Mayra Higuera	Rosa Loera	Joseph Mack	Maria Gutierrez
Alva Martinez	Maribel Mendez	Norma Mercado	Maria Elena Nunez Najjar
Maria Dolores Ochoa	Fany Ortiz	Pompeya Quintana	Sara Ramayo
Maria Elena Rocha	Luz Roldan	Elizabeth Romero	Maritza Romero
Patricia Salazar	Brenda Sarceno	Maria Solano	Ana Villalbaz

(Parent Representatives, English Learner Programs)

Requester: Director, English Learner Programs

Approver: Assistant Superintendent, Educational Services

- 10.18 Extended Field Trip, Del Vallejo Middle School, National History Day California State Competition, Rocklin, CA  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves the extended field trip for 6 Del Vallejo Middle School students and 3 District employees, to attend the National History Day California State Competition in Rocklin, CA, from May 5 - 7, 2017. National History Day is an interscholastic competition that encourages students to conduct historical research on a topic of their choice. Students spend time researching and learning to present their topics to judges on a competitive level. This event is the second stage of the competition where students will be competing against students from all over the state. The cost of the trip, not to exceed \$6,523.00, including meals and lodging, will be paid from Secondary Education LCAP AVID Account No. 419. Transportation provided by air and Enterprise Rent-A-Car, not to exceed \$3,810.00, will be paid from Secondary Education LCAP AVID Account No. 419. 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, Del Vallejo Middle School

Approver: Assistant Superintendent, Educational Services

- 10.19 Facilities Use Agreement with the Ontario Convention Center, Ontario, CA, for the Summer Professional Learning and Collaboration Conference for High School Administrators and Staff  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the Ontario Convention Center, Ontario, CA, for the Summer Professional Learning and Collaboration Conference for approximately 600 high school

Board of Education Meeting  
May 2, 2017

administrators, preschool/early childhood teachers, and certificated staff to be trained on Social and Emotional Learning (SEL), on June 7, 2017. Participants will discover how SEL enhances students' capacity to integrate skills, attitudes, and behaviors to deal effectively and ethically with daily tasks and challenges in the learning environment. Breakfast and lunch is included. The total cost, not to exceed \$125,000.00, will be paid from the Restricted General Fund – Educator Effectiveness, Account No. 460.

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

Requester: Director, Categorical Programs  
Approver: Assistant Superintendent, Educational Services

10.20 Payment for Course of Study Activities - Educational Services  
(Prepared by Business Services)

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

Riley College Prep Academy requests Board of Education approval to utilize the Mobile Zoo of Southern California, Sky Valley, CA, for a mobile petting zoo assembly for 100 Kindergarten students on May 23, 2017. This assembly activity relates to New Generation Kindergarten Science Standards: 1) Interdependent Relationships in Ecosystems - Students will learn about animals, plants, and their environment and 2) Life Science - Students learn about plants and animals and their needs such as food, air, and water. This assembly will foster knowledge about how these animals live and grow using a "hands on" approach. The total cost, not to exceed \$419.00, will be paid from Riley College Prep Academy Account No. 205. **Requester: Site**

Riley College Prep Academy requests Board of Education approval to utilize Robert Porter's Paleo-Day Mobile Fossil Museum, San Bernardino, CA, for a Paleo-Day and California Dinosaur presentation for 96 third grade students on May 12, 2017. The presentation will include a video on dinosaurs and will have a collection of fossils and artifacts for students to observe. Students will work on a fossil excavation and create fossils. The total cost, not to exceed \$250.00, will be paid from Riley College Prep Academy Account No. 501. **Requester: Site**

Requester: Principal, Riley College Prep Academy  
Approver: Assistant Superintendent, Educational Services

Del Vallejo Middle School requests Board of Education approval to utilize Preferred Mobile Music N' Promotion Events USA, Inc., (PMMnP), Fullerton, CA, for their end of the year Field Day/Picnic celebration for 200 - 300 eighth grade students on May 26, 2017. PMMnP will supply carnival booths and musical entertainment. The total cost, not to exceed \$2,149.00, will be paid from Del Vallejo Middle School Account No. 204. **Requester: Site**

Board of Education Meeting  
May 2, 2017

Requester: Principal, Del Vallejo Middle School  
Approver: Assistant Superintendent, Educational Services

Department of Equity & Targeted Student Achievement requests Board of Education approval to utilize Oliver Petty, a motivational speaker, who will be presenting the “It’s Ok to Dream Tour” to 60-65 ninth - twelfth grade students at Arroyo Valley High School on May 15, 2017; 60-65 ninth - twelfth grade students at San Bernardino High School on May 16, 2017. This presentation will address the most prevalent obstacles that many students face: adversity, lack of imagination, and low self-belief. It will also assist in sparking the flame through connecting a few key foundational tools and simply educating the students on how to become the best versions of themselves. The total cost, not to exceed \$5,000.00, will be paid from Categorical Programs Account No. 501.

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

10.21 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 experts:

Daniel Patrick McDowell, San Diego, CA, to provide a one-day Google Apps for Education training for six teachers and the administrator at Holy Rosary Academy, effective June 12, 2017. The training includes basic use of the GAFE toolset, best practices to deliver digital content through Google Classroom, best practices of Chromebook management, integration of GAFE tools and other tools into the curriculum, digital lesson evaluation and design, guided support to develop specific lessons and projects, and a resource website and email support. The fee, not to exceed \$1,500.00, will be paid from the Restricted General Fund – Title II, Part A (Teacher Quality), Account No. 536.

Requester: Director, Categorical Programs  
Approver: Assistant Superintendent, Educational Services

Catapult Learning West, LLC, Camden, NJ, to provide one, three-hour session on Differentiation to Enhance Learning for up to 30 teachers and administrators at St. Adelaide School, effective June 1 – 30, 2017. During this workshop participants will understand the principles of effective differentiation; determine the teacher’s role and responsibilities in a differentiated classroom; learn strategies for differentiating content, process, product, and environment according to readiness, interest, and/or learning preference; and practice differentiating a lesson. The fee, not to exceed \$2,095.00, will be paid from the Restricted General Fund – Title II, Part A (Teacher Quality), Account

Board of Education Meeting  
May 2, 2017

No. 536.

Requester: Director, Categorical Programs  
Approver: Assistant Superintendent, Educational Services

Oliver Petty, Perris, CA, “It’s Ok to Dream Tour”, to be a motivational speaker at the recognition ceremony addressing 50-60 District African American Advisory Council (DAAAC) and African American Parent Advisory Council (AAPAC) parents regarding real life tools and examples to assist their children overcome adversity, lack of imagination and low self-belief, effective May 25, 2017. Mr. Oliver will also provide 60 copies of his book, “Win Today!” and 120 tickets to the Ok to Dream Benefit Concert. The fee, not to exceed \$2,500.00, will be paid from the Restricted General Fund – Elementary Secondary Education Act Title I, Account No. 501.

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

Illuminate Education, Inc., Irvine, CA, to provide one half-day professional development to 10 program specialists on hybrid assessments, creating assessment in Illuminate, administration of online assessments, data analysis, and custom reports, effective May 17 – June 30, 2017. The fee, not to exceed \$750.00, will be paid from the Unrestricted General Fund - Curriculum Development Secondary, Account No. 328.

Requester: Assistant Director, Secondary Education  
Approver: Assistant Superintendent, Educational Services

10.22 Freedom, Educator Study Tour, Following the North Star Along the Underground Railroad to Civil Rights  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves payment to the Black Voice Foundation, Riverside, CA, for the Footstep to Freedom, Educator Study Tour for 15 District administrators, teachers and parent, effective June 25 – July 30, 2017. Black Voice Foundation will coordinate all travel accommodations, including air fare, hotel and ground transportation. The cost per person, \$3,750.00 includes airfare, hotel, food, entry to all historic locations, ground transportation, excursions, and admissions. The cost for services, not to exceed \$56,250.00 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, English Learner Programs  
Approver: Assistant Superintendent, Educational Services

***HUMAN RESOURCES***

- 10.23 Agreement with EdFiles, Fullerton, CA, to Provide File Imaging, Storing, Organizing and Management of Information Electronically  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a agreement with EdFiles, Fullerton, CA, to provide digital storage and retrieval of Certificate and Classified Personnel Files, effective May 3, 2017 – June 30, 2022. The one time start-up cost for imaging, storing and organizing active personnel files is \$62,136.50. The annual software maintenance cost is \$5,616.00, for a total contract cost of \$90,216.50 will be paid from Unrestricted General Fund, Account No. 844

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

Requester: Officer, Affirmative Action Office

Approver: Assistant Superintendent, Human Resources

- 10.24 Amendments to Extended Field Trips, Cajon High School, California State Wrestling Championships, Bakersfield, CA and National Wrestling Championship Tournament, Virginia Beach, VA  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves amending the Board resolution of February 7, 2017, Agenda Item #7.15, for an extended field trip for 4 Cajon High School students and 4 District employees to attend the California State Wrestling Championship, Bakersfield, CA, from March 2 - 5, 2017. This amendment is to change the allocation of funds from Cajon High School ASB Account and Account No. 202 to Cajon High School Account No. 213. The cost of the trip, not to exceed \$6,168.00. All other terms and conditions remain the same. **Requester: Site**

BE IT FURTHER RESOLVED that the Board of Education approves amending the Board resolution of February 7, 2017, Agenda Item #7.16, for an extended field trip for 1 Cajon High School student and 3 District employees, to attend the National Wrestling Championship Tournament, Virginia Beach, VA, from March 22 - 27, 2017. This amendment is to change the allocation of funds from Cajon High School ASB Account and Account No. 202 to Cajon High School Account No. 213. The cost of the trip, not to exceed \$5,200.00. All other terms and conditions remain the same. **Requester: Site**

Requester: Principal, Cajon High School

Approver: Assistant Superintendent, Human Resources

10.25 Extended Field Trip, Marshall Elementary School, 2017 National SeaPerch Challenge, Atlanta, GA  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves the extended field trip for 2 Marshall Elementary School students and 5 chaperones, to attend the 2017 National SeaPerch Challenge, Atlanta, GA from May 18 - 21, 2017. Marshall CAPS robotic team won the regional championship this year and has been invited to participate in the 2017 National SeaPerch Challenge. The SeaPerch program provides students with the opportunity to learn about robotics, engineering, science and mathematics. The cost of the trip, not to exceed \$8,000.00, including meals and lodging, will be paid from Creative Before-and Afterschool Programs for Success (CAPS) LCAP Account No. 419. Transportation provided by air and shuttle service, not to exceed \$4,500.00, will be paid from Creative Before-and Afterschool Programs for Success (CAPS) LCAP Account No. 419. 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, Marshall Elementary School  
Approver: Assistant Superintendent, Human Resources

10.26 Extended Field Trip, San Gorgonio High School, Odyssey of the Mind World Finals, East Lansing, MI  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves the extended field trip for 6 San Gorgonio High School students and 1 District employee, to attend the Odyssey of the Mind World Finals in East Lansing, MI from May 23 - 28, 2017. Odyssey of the Mind is an international educational program that provides creative problem solving opportunities for students. Students apply their creativity to solve problems that range from building mechanical devices to presenting their own interpretation of literary classics, and then bring their solutions to competition on the local, state, and national levels. The cost of the trip, not to exceed \$9,205.00, including meals and lodging, will be paid by Secondary Education LCAP AVID Account No. 419. Transportation provided by air and shuttle service, not to exceed \$4,900.00, will be paid from Secondary Education LCAP AVID Account No. 419. 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, San Gorgonio High School  
Approver: Assistant Superintendent, Human Resources

***STUDENT SERVICES***

10.27 Facilities Use Agreement with La Quinta Resort & Club, La Quinta, CA, for the Arroyo Valley High School Leadership Retreat  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with La Quinta Resort & Club, La Quinta, CA, for the Arroyo Valley High School Leadership Retreat, effective May 19 – May 21, 2017. Twenty-five administrators and school staff will participate and reflect on their leadership work and plan for the remainder of the year and summer school; apply questioning, facilitation, and decision-making strategies that facilitate conversation and promote meaningful conversations that drive improvements in teaching and learning; and review and analyze school site data on WASC, math, English, PBiS, and attendance to assess implementation progress and impact on student learning. The total cost, not to exceed \$29,441.70, will be paid from the Restricted General Fund – Elementary Secondary Education Act Title I, Account No. 501.

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

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

**Youth Services**

10.28 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) 07/09/2007      \*\* (S) 10/07/2004      \*\* (S) 05/25/2002      \*\* (S) 08/29/2006**

\*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

Board of Education Meeting  
May 2, 2017

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.

10.29 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.

**03/10/2006      09/11/2004**

10.30 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:

**03/18/1999      10/14/2001      09/18/2007  
04/13/2002      11/29/2001      06/03/1999**

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

**01/31/2005**

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

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

**SESSION ELEVEN**

**11.0 Action Items**

**9:00 pm**

**11.1 Personnel Report #20, Dated May 2, 2017**  
(Prepared by Human Resources)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Personnel Report #20, dated May 2, 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.

**11.2 Resolution to Deny the Charter Petition for STEAM & Swing Charter School**  
(Prepared by Educational Services)

It is recommended that the following resolution be adopted:

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 6, 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 parties mutually agreed to extend the timelines for the District Board to take action on the Charter through and including May 3, 2017; and

WHEREAS, the Charter proposes a TK-sixth grade program with an enrollment of 160 students in grades K-6 projected in 2017-2018, and an enrollment capacity of 215 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 the number of signatures required by Education Code section 47605(a). [Education Code section 47605(b)(3)].
- D. 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. Though not specifically mentioned, the program makes several references to independent study. Pages 44-45 of the petition makes reference to independent study, and teachers will “link new independent study to student’s backgrounds” and, “ensure graphic organizers are in their independent study packets.” Also, in Section 10, the petition makes reference to students who are dismissed or disenrolled from independent study are not afforded due process so long as the contract is followed. There is no description of how it would work into the school day or how it would be administered or the use of curriculum to support such a program. There are no projections for independent study enrollment and this will significantly impact the budget in regards to SB 740 funding.

2. The document refers to teachers utilizing GLAD Strategies. GLAD is a trademarked program that requires six days of training. Either the petition should require interested teachers to hold GLAD certification, or professional development (PD) should include specific PD for GLAD training. The petition does neither.
3. The petition does not provide an assessment piece to identify Gifted and Talented students (GATE). The charter makes reference to a Renzulli Profiler, but this does not identify GATE students. Instead, the petition states they will inform parents when they *suspect* the student is GATE so they can use this to enroll in an appropriate High School program. The petition makes reference to the use of Depth and Complexity Icons but the qualifications of teachers does not reflect GATE certification nor does Professional Development reflect GATE certification training other than “Understanding Gifted Students” during the month of August.
4. 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.**[Ed. 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 concern was noted:

On April 17, 2017, STEAM and Swing Staff stated they had submitted a different budget than the one reviewed by staff for the resolution to be adopted on April 18, 2017; that had not been changed only in the petition submitted to Charter School Operations Director. However, upon review of all hard copies and electronic versions of the petition, including copies of emails regarding changes to the petition, the budget submitted was the same. Therefore Business Services reviewed two different budgets. While the second budget reflected lower ADA and enrollment, and the negative cash flows had been remedied, the question now becomes did the charter

submit a new budget to meet the District's findings as written in the resolution.

- B. Independent Study: Though not specifically noted in the petition, the petitioners mention that they will have independent study. In fact, the petitioners responded to legal counsel that they would "comply with all independent study laws and regulations, Education code Sections 47612.5 (b), Sections 51745 et seq. and 5 Cal Code Regulations 11700-11705. The petition does not reference the program other than a few remarks regarding teachers. It does not state the hours the students would attend, how teachers would work with independent study students while teaching seat-based students. Furthermore, independent study is not recommended for elementary students.

**III. THE PETITION DOES NOT CONTAIN THE NUMBER OF SIGNATURES REQUIRED BY EDUCATION CODE SECTION 47605(a). [Education Code section 47605(b)(3)]**

Education Code section 47605(a) requires that a charter petition be signed by either (1) "a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation" or (2) "a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation."

The petition must "include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school."

The proposed Charter is required to be attached to the Petition. In this case, the Charter submitted to the District includes signatures of seventeen teachers. The signature pages submitted do not meet the statutory requirements for submitting the Charter to the District as the signatures are all dated from November 2016 to February 2017. In the April 25, 2017 email, Pamela Tyler, Co-Founder, indicated that substantive revisions were made to several areas of the Charter and also to the corporate bylaws. There is no indication in her email or in any other communication that the individuals whose signatures were submitted had an opportunity to review the revised Charter or revised corporate Bylaws. . Thus, the signatures from November 2016 to February 2017 do not meet the minimum requirements as they are not for the Petition that is currently being considered by this Board.

For this reason, the District does not accept the teacher signatures as meeting the minimum requirements of Education Code section 47605(a).

IV. 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 [Ed. Code § 47605(b)(5)(D).]

The proposed governance structure of the School presents conflict of interest issues that may violate applicable law, including but not limited to Government Code Section 1090 and the Political Reform Act of 1974, as well as good practices to protect the public interest.

Initially, the Charter provided “BHA will serve as the parent company to STEAM and Swing Charter School (SSCS) established as a division to accomplish its goals of academic excellence for the youth in the city of San Bernardino and surrounding communities”. The first set of Bylaws were applicable to BHA but it was unclear if the same Bylaws would have applied to the proposed school. After being provided with a copy of the District’s draft resolution of denial which cited to the concerns regarding the governance structure, the petitioners submitted a revised Charter and revised Bylaws on April 25, 2017. The correspondence submitted with the Bylaws indicates that the petitioners were advised by legal counsel to revise the Bylaws to address the concerns identified by the District.

Unfortunately, the revised Bylaws again do not comply with the provisions of Government Code section 1090.

1. Conflict of Interests:

The Charter provides that: “Board members will comply with Government Code section 1090 with regards to conflict of interests to the extent required by law”. Placing this qualification on the assurance indicates that the petitioners do not intend to fully comply with 1090. Specifically, the revised Bylaws provide:

Section 6.24 Interested Persons.

Not more than forty-nine percent (49%) of the Director serving on the Board may be “interested persons.” An “interested person” is (i) any person compensated by the Corporation for services rendered to it within the previous twelve (12) months whether as a full – or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a Director as

Director, and (ii) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law or father-in-law of any such person. However, any violation of the provisions of this Section shall not affect the validity or enforceability of any transaction entered into by the Corporation.

Additionally, it is noted that there may some familial ties between one of the members of the SSCS Board and the Chief Executive Officer, Leo Visbal is identified as one of the five SSCS Board members and JT Visbal is identified as the Chief Executive Officer of the proposed school.

While such an arrangement may be permissible pursuant to the rules governing nonprofit public benefit corporations, charter schools are public entities and part of the public school system and, as such, this provision may violate the more stringent conflict of interest laws, including Government Code Section 1090 et seq., the Political Reform Act of 1974, as well as the common law rules against conflicts and should also comply with public policy and good practices aimed at preventing public officials from having any potential conflict of interests in their conduct of their official duties.

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.

2. Board Meetings

While the Charter states that SSCS (and presumably its parent company BPI), will comply with the Brown Act, the corporate permit meetings to be held and actions to be taken in a manner that would violate the Brown Act. For example, the Bylaws provide for telephonic meetings in violation of Brown Act requirements. Furthermore, the bylaws state that the meetings may be held at any place within or outside the state. Timelines provided do not comply with Brown Act and notice shall be valid even if no place is specified. The Bylaws also provide that any action that the BPI Board is required or permitted to take may be taken without a meeting if all of the members of the BPI Board consent in writing to the transaction, which is clearly violative of the Brown Act.

B. EMPLOYEE QUALIFICATIONS

1. The charter school mentions several administrative positions including Executive Director, Chief Academic Officer, Chief Operations Officer, and Director of School Development. Other than the Chief Academic Officer having two years of experience as a teacher, none of the positions require an administrative credential to supervise teachers, increase the pedagogy of teachers, understand Common Core State Standards, provide due process to students in regards to suspension, and enter into IEP agreements on behalf of the District as long as the school is a member of the chartering authority SELPA.

C. 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.”

D. 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.

E. 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).)

F. 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 Closed Session** **9:05 pm**

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

**Anticipated Litigation**

Pursuant to Government Code Section 54956.9 (d)  
Number of Cases: One

**Existing Litigation**

Conference with Legal Counsel, pursuant to Government Code Section 54956.9 (d)  
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**

**Public Employee Discipline/Dismissal/Release**

P1 Non Re-election

**Student Matters/Discipline**

**SESSION THIRTEEN**

**13.0 Action Reported from Closed Session** **9:35 pm**

**SESSION FOURTEEN**

**14.0 Adjournment** **9:40 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 16, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

Board of Education Meeting  
May 2, 2017

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 28, 2017