

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

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

**MINUTES
ADOPTED
3/5/13**

January 22, 2013

Present: President Barbara Flores; Vice President Michael Gallo; Board Members Margaret Hill, Judi Penman, Lynda Savage, and Danny Tillman; Superintendent Dale Marsden; Chief Academic Officer Eliseo Davalos; Assistant Superintendents Kennon Mitchell, John Peukert, and Harold Vollkommer; and Fiscal Services Director Janet King. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Member Bobbie Perong

SESSION ONE – Board Workshop

1.0 - Board Workshop

1.1 - Budget and Comparative Analysis Review by School Services of California

John Gray, President, and Lewis Wiley, Director of Management Consulting Services with School Services of California, provided an update regarding the General Fund Budget and comparative analysis review (see page ____).

SESSION TWO - Opening

2.0 - Opening

2.1 - Call to Order

President Flores called the meeting to order at 5:30 p.m.

2.2 - Pledge of Allegiance to the Flag

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America.

2.3 - Adoption of Agenda

Upon motion by Member Tillman, seconded by Member Penman, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the agenda was adopted as presented.

2.4 – Inspirational Reading

Lynda Savage discussed the book “A Happiness Advantage.”

SESSION THREE - Special Presentations

3.0 - Special Presentations

3.1 - Outstanding Student and Parent Awards

Board of Education Outstanding Student and Parents Awards were presented to the following:

Chavez Middle School

Kaylee Christie, Angelina Dona Franco, and Jonathan Rodgers, students;
Sonya Gray-Hunn, parent

King Middle School

Jasmine Caballos, Julio Lopez Ramos, and Kaylee Seng, students; Lilia Cisneros-Felix, parent

Del Vallejo Middle School

Karla Acevedo, Carlos Landeros, and Torriana Perry, students; Brandie McCurry, parent

3.2 - School Showcase—Richardson PREP HI

Under the direction of music teacher Mr. Peter Llamas, the Richardson PREP HI Jazz Band and Jazz Singers performed.

3.3 - Recognition of Yellow Ribbon Week

Upon motion by Member Tillman, seconded by Member Penman, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

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

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

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

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

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby declares January 20-26, 2013, as Yellow Ribbon Week and encourages all our employees and students to help rid our schools of violence.

3.4 - Recognition of African-American History Month

Each year, the San Bernardino City Unified School District joins other organizations in towns and cities in our state and nation in observing and recognizing the achievements of our citizens of African descent.

Upon motion by Member Savage, seconded by Member Gallo, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

WHEREAS Americans of African descent contributed to the development of our nation in countless ways and participated in every effort to secure, protect, and maintain the essence and substance of American democracy; and

WHEREAS African-American history reflects a spirit of determination, perseverance, ingenuity, and cultural pride in the struggle to share equally in the opportunities of a nation founded upon the principles of freedom and liberty for all people; and

WHEREAS the San Bernardino City Unified School District also plays a role in promoting the knowledge and understanding that can be gained by all students, regardless of race, through a study of African-American history;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District declares February 2013 to be acknowledged in all District schools as a period of recognition of African-American history as it relates to the history and culture of our country; and

BE IT FURTHER RESOLVED that the Board of Education encourages all the schools of the District to undertake educational activities which commemorate the history and contributions of African-American citizens and that this history be included and intertwined in all studies of history of the United States throughout the school year.

3.5 - In Recognition of National School Counseling Week

Upon motion by Member Penman, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

WHEREAS school counselors are employed in public schools to help students reach their full potential; and

WHEREAS the San Bernardino City Unified School District welcomes this opportunity to join with others in our community, state, and nation in recognizing the contributions that school counselors make in the lives of countless children; and

WHEREAS the theme of National School Counseling Week 2013 is “School Counselors: Helping Students Be Brilliant,” and

WHEREAS school counselors are passionate about their commitment to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

WHEREAS comprehensive school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; and

WHEREAS school counselors seek to identify and utilize community resources that enhance and complement comprehensive school counseling programs and help students become productive members of society;

THEREFORE, BE IT RESOLVED that the Superintendent and the Board of Education of the San Bernardino City Unified School District join the rest of the state and the nation in recognizing February 4-8, 2013, as National School Counseling Week and encourage all of our schools to set aside this week to acknowledge the outstanding and selfless contributions that school counselors make to our students and our schools each day.

SESSION FOUR - Public Hearing

4.0 - Public Hearing

4.1 - Charter Petition for Le Ta’iala International Language Academy

On November 14, 2012, Dr. Sane Mataitusi of the proposed Le Ta’iala International Language Academy submitted a charter petition to the Charter School Operations Department. After a written agreement by both parties to add an additional 30 days to the approval process, a Public Hearing will be held at this time to consider the level of support for the charter petition.

President Flores opened the Public Hearing and asked if anyone wished to comment.

Sane Mataitusi stated that the resolutions from the petition they submitted two years ago are corrected. Bill Bird, Wiki Lovett, Ms. Dahlia, Fatai Tuifua, and Chaplain Ray Miller expressed their support for the charter.

Rebecca Harper expressed her support for the idea, but recommended that the District make it a magnet school in the District, not a charter school. Dr. Mataitusi stated that the petition was written as separate from the District. They could be open to the idea, but would want some things in place.

Michael Gallo stated that a dependent charter is an option and asked if there would be union issues. Mrs. Harper stated that the District tried a dependent charter once, but it didn't work. Mr. Gallo asked if there would be union issues with a magnet school. Mrs. Harper stated that they could do an MOU.

Dr. Mataitusi stated that he would be happy to explore that, but he would have to take it back to his board.

Judi Penman stated that this is a great idea and she wants this to be a trend in San Bernardino. She would like to see this as a magnet school or a dependent charter.

Margaret Hill asked for the proposed grade level and the dropout rate for Samoan students. Dr. Mataitusi stated that they would start with 150 students at K-3, and then add 50 students each year up to K-6. Dr. Mataitusi stated that he did not have the dropout data.

Dr. Flores asked Sukhi Ahluwalia, District counsel, to discuss dependent versus independent charters. Mrs. Ahluwalia explained the differences between the two and hybrid charters.

Hearing no further comment, Dr. Flores closed the Public Hearing.

SESSION FIVE – Public Comment

5.0 - Public Comment

Mikala Piper, Black Student Union Advisor at Cajon High School, stated that several BSU students attended a field trip to learn about African American history. BSU students Roqui St. Andrew, Sarilla Kelly, Arlington Rodgers, Brandon Watts, Isaiah Kirksey, and Darreon Phipps thanked the Board for the opportunity and discussed what they learned.

William Griffin, speaking on behalf of the Taylion charter school board, stated that they submitted a petition on January 15, 2013. Mr. Griffin invited the School Board members to visit his facility.

Gil Navarro, education advocate, stated that he is declaring an education revolution. Mr. Navarro stated that he was seen a lot of disrespect to immigrant families lately and recommended that the District revisit customer service training. Mr. Navarro stated that he is representing a student that received a citation, but she was only acting in self-defense. Mr. Navarro stated that Chief Paulino told them he couldn't cancel a citation, was disrespectful, and would not attend a hearing at Mr. Navarro's request.

Felicity Mendoza stated that her daughter is a seventh grader at Richardson PREP HI, but expressed her concern about an eligibility requirement for her incoming sixth grade student. She was told that students from charter or private schools are not eligible for the lottery. Ms. Mendoza stated that the policy was not enforced until this year, and asked the Board to expand the policy for all students in the District boundaries. Danny Tillman agreed and stated that if a student lives in the boundaries, they should have a chance. Dr. Marsden stated that they would look into the policy.

Jenny Rivero stated that Chief Paulino was disrespectful to her father during a meeting, and the translator gave his opinion instead of translating. They asked the Chief to write a letter to the judge saying that the officer made a mistake when he cited her sister.

Amanda Rivero, mother of a student that received a citation, stated that she wants her daughter's record clean. Ms. Rivero asked the Board to resolve this.

Pastor Ruben Placencia stated that this student's rights have been violated and asked the Board to help the family.

Danny Tillman stated that a letter to the judge will make a difference. Mr. Tillman stated that they have to look at the entire citation process. If a student is 18, it will stay on their record, even if it was self-defense. We need to find a way to not cite an innocent student. The District does not have control over the citation after it is written. Dr. Marsden stated that he will meet with the family and look at the citation process to make sure it is fair. Judi Penman stated that the policy needs to change. There are always two sides to a story.

Lindy Bliss, retired teacher, expressed her concern about safety. At Shandin Hills Middle School, classrooms have only one entrance and no windows. Ms. Bliss recommended putting in connecting doors between classrooms. Dr. Marsden thanked Ms. Bliss and stated that he will take this to his Cabinet.

SESSION SIX - Administrative Presentation

6.0 - Administrative Presentation

6.1 - Budget Workshop

Dr. Maureen Saul, Interim Chief Business and Financial Officer, and Janet King, Director, Fiscal Services, provided an update (see page ____).

Judi Penman recommended hiring a consultant to do a program evaluation. Dr. Marsden stated that Total School Solutions is working on many of these, along with the District.

Margaret Hill asked if the District will get more money because of the free and reduced lunch level. Dr. Saul stated that we will get additional funds for English Learners, Foster Youth, and Free and Reduced Lunch.

Dale Marsden stated that the Strategic Plans need to reflect the Board's priority.

Lynda Savage asked Staff to begin talking with Valley College about a plan for the Adult School.

Michael Gallo stated that staff has to prioritize programs and where they align with action plans. Mr. Gallo recommended doing a program evaluation before talking with Valley College.

Danny Tillman stated that the Governor will give Valley College a separate funding source to provide Adult School. We won't have a choice.

Judi Penman stated that the community needs the Adult School. These things won't be taught at Valley College.

Barbara Flores agreed with fellow Board members and recommend that we lobby our legislators.

Dr. Marsden stated that he has begun discussions with Assemblywoman Cheryl Brown about the Adult School.

SESSION SEVEN - Administrative Reports

7.0 - Administrative Reports

7.1 - School Accountability Report Cards (SARCs)

California Education Code 35256 (b) requires that "not less than triennially, the governing board of each school district shall compare the content of the School Accountability Report Card of the school district to the Model School Accountability Report Card adopted by the State Board."

Since November 1988, state law has required all public schools receiving state funding to prepare and distribute a SARC. A similar requirement is also contained in the federal No Child Left Behind (NCLB) Act. The purpose of the report card is to provide parents and the community with important information about each public school. A SARC can be an effective way for a school to report on its progress in achieving goals. The public may also use a SARC to evaluate and compare schools on a variety of indicators.

State law requires that the SARC contain all of the following:

- Demographic data

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- School safety and climate for learning information
- Academic data
- School completion rates
- Class sizes
- Teacher and staff information
- Curriculum and instruction descriptions
- Postsecondary preparation information
- Fiscal and expenditure data

In addition, NCLB requires that SARC's contain reports concerning the adequate yearly progress of students in achieving state academic achievement standards; Title 1 Program Improvement; graduation rates at the secondary level; and the extent to which highly qualified teachers are teaching core academic subjects.

State law requires that SARC's be updated and made available to the public by February 1 each year. Schools must notify all parents about the availability of the SARC and provide parents with instructions on how to obtain the SARC through the Internet (if feasible) and on paper (by request). If a sufficient number of a school's enrolled students speak a single primary language other than English, the SARC must be made available to parents in the appropriate primary language.

In the SBCUSD, the Assessment and Accountability Department prepares and posts all SARC's on the District's web site. SARC's for each school are translated into Spanish by the Communications Department, and the Spanish versions are also posted on the District's web site. Parents with Internet access can find the SARC's by clicking on the **SCHOOLS** tab on any district web page and then clicking on the **School Accountability Report Cards (SARC)** link. Additionally, many school web sites also have a link to the SARC on their home page. Parents without Internet access can obtain paper copies of a SARC from their child's school or from the Communications Department.

7.2 - Amendment to Board Policy 3350 Travel Expenses (Second Reading)

San Bernardino City USD
Board Policy
Travel Expenses

BP 3350
Business and Non-Instructional Operations

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget. Expenses shall be reimbursed within limits approved by the Board of Education. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

Mileage Reimbursement and Cellular Telephone Allowance:

The Board may establish an allowance on either a mileage (variable) or monthly (fixed) basis to reimburse authorized permanent employees for the use of their own vehicles in the performance of assigned duties. Substitute employees may ~~not~~ be reimbursed for mileage **in special circumstances (i.e. conference attendance, special events, etc.) as approved by the Superintendent or designee.**

Permanent employees of the district, in order to perform the duties of their position must use their private vehicles for district business. It is also necessary for permanent employees, (i.e., Principals and Directors and certain other positions or persons with safety related duties), as approved by the Superintendent, to have access to a cellular telephone in support of their site or department responsibilities. In order to compensate employees for district use of personal vehicles and/or personal cellular telephones, it is the policy of the Board to designate the Fiscal Services Director to administer a program for automobile mileage reimbursement and cellular telephone allowance (included in taxable income) to eligible employees and to adjust the rates as needed. In the case of automobile mileage reimbursement, adjustments shall be made to comply with the IRS rate. In the case of cellular telephone allowance, adjustment shall be made as needed following prior year expenditure review and actual expenditures are the responsibility of the employee.

Staff Inservice and Business Expense:

The Board will pay all the actual and necessary expenses of the district employees incurred in the course of performing services for the district, and that the Board hereby delegates to the district Superintendent the authority to approve such claims.

All out-of-state travel for which reimbursement will be claimed shall have prior Superintendent *or designee's* approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Superintendent.

Authorized employees may use district credit cards for authorized purchases while attending to district business. Under no circumstances may personal expenses or alcoholic beverages be charged on district credit cards.

This policy supersedes all previous policies of the Board and any or all policies, administrative regulations or practices in conflict with this policy are void.

Legal Reference:

EDUCATION CODE

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

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Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
adopted: October 16, 2007 San Bernardino, California

7.3 - Tracking and Response Mechanism to Follow Up on Requests and Questions from Board and Community Members

	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
1	1/8/13	Consider Pilar Rivero's citation received after being hit by another student. The family felt mistreated by staff.	Jenny Rivero Amanda Rivero Henry Rivero Ruben Placencia	Chief Paulino	1/16/13	Response in Confidential Board Correspondence. Completed.
2	1/8/13	Concern regarding possible bullying by a student at Highland Pacific Elementary School.	Jorge Vargas	Dr. Davalos		Response in Confidential Board Correspondence. Completed.
3	1/8/13	Concern that her children aren't receiving the special education services they are entitled to.	Yasbet Gomez	Dr. Mitchell	2/22/13	Response in Confidential Board Correspondence. Completed.
4	12/18/12	Reduce the caseload of bilingual SLPs.	Raquel Castro	Dr. Mitchell	1/21/13	Bilingual SLPs do not carry the normal caseload. Completed.
5	12/4/12	Are free flu shots available for students?	Ron Fletcher	Dr. Mitchell	1/21/13	Parents can call (800) 722-4777 for locations of Public Health Clinics. Completed.
6	12/4/12	There is no overhead protection from the rain to get students to cars at Norton Elementary School.	Ron Fletcher	Mr. Peukert	1/8/13	Schools are designed to provide overhead covering for travel between classrooms and/or offices. Completed.

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
7	12/4/12	The Hillside principal refused to give her daughter an SST.	Veronica Gonzalez	Dr. Mitchell		A meeting is pending with Mr. Navarro, refer to Board Correspondence.
8	11/20/12	Recognize the top 1% of seniors who were recognized by CSUSB.	Gil Navarro	Dr. Davalos	2/19/13	
9	10/16/12	Is the District interested in piloting a program to identify seniors not on track to go to college, to enroll in occupational programs?	Joseph Williams	Dr. Davalos	2/19/13	
10	10/16/12	Re-audit Casa Ramona Academy for Special Education and ELD compliance.	Gil Navarro	Dr. Davalos	1/15/13	Staff recently visited Casa Ramona Academy as part of the charter school review/monitoring process. Completed.
11	9/18/12	Strike out the language in BP3350 that subs can be reimbursed for mileage. Refer BP3350 to the Policy Committee.	Ron Fletcher Mr. Gallo	Dr. Vollkommer	12/18/12	Scheduled as a Second Reading on 1/22/13. Completed.
12	8/7/12	The Parent Revolution group is looking to organize other parents to overtake their school.	Gil Navarro	Cabinet 8/8/12	1/15/13	Through the Strategic Planning process, schools will conduct an internal assessment and include stakeholders in a shared vision process.

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
EDUCATIONAL SERVICES – DR. DAVALOS						
1	10/2/12	Provide a calendar of professional development for common core and a detailed implementation plan.	Mrs. Hill	Dr. Davalos	1/15/13	Provided 1/11/13. Completed.
2	10/16/12	What are middle schools doing to teach algebra?	Dr. Flores	Dr. Davalos	1/15/13	Response provided 1/18/13. Completed.
3	11/6/12	Is there a Board policy on student readiness to take Algebra?	Dr. Flores	Dr. Davalos	1/15/13	Response provided 1/18/13. Completed.
4	11/20/12	Provide an update on TK.	Dr. Flores	Dr. Davalos	1/15/13	Provided in 1/18/13 Board Correspondence. Completed.
5	12/4/12	Provide a report on TK projections.	Dr. Flores	Dr. Davalos	2/19/13	
6	12/4/12	Provide an update on Common Core Standards.	Mr. Gallo	Dr. Davalos	1/15/13	Provided 1/11/13. Completed.
7	12/4/12	Provide an organization chart and update on Targeted Instruction.	Mrs. Hill	Dr. Davalos	2/19/13	
8	12/18/12	Why do MCHS students only receive one credit for PE, but other high school students receive five credits?	Mrs. Hill	Dr. Davalos	1/15/13	
9	1/8/13	Can the teachers' parking lot at Newmark Elementary School be locked during the day/	Mrs. Penman	Dr. Davalos	1/22/13	
10	1/8/13	Is there a more convenient place to store the instruments that the docents use?	Mrs. Perong	Dr. Davalos Mr. Peukert	2/19/13	
11	1/8/13	Look into providing peer teachers.	Mrs. Perong	Dr. Davalos		

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
STUDENT SERVICES – DR. MITCHELL						
1	9/11/12	Look into the City’s pre-pendency plan for crossing guard funding.	Mr. Tillman	Dr. Mitchell 9/13/12	1/21/13	Completed.
2	10/2/12	Find a tool for students to report bullying anonymously.	Mr. Tillman	Dr. Mitchell 10/3/12	1/21/13	Staff recommends the District continue to use the Board-adopted bully prevention curriculum. Completed.
3	11/6/12	Provide the raw data for student suspension by race/ethnicity.	Dr. Flores	Dr. Mitchell	1/21/13	Provided 1/18/13. Completed.
4	11/6/12	Break down suspension and API data by ethnicity.	Mr. Tillman	Dr. Mitchell	1/21/13	Provided 1/18/13. Completed.
5	11/6/12	Break down the suspension data by grade level.	Mrs. Hill	Dr. Mitchell	1/21/13	Provided 1/18/13. Completed.
6	11/6/12	Consider visiting Oakland and Santa Ana to see what they doing to have lower suspension rates than ours?	Dr. Flores Mr. Tillman	Dr. Mitchell	1/21/13	In Progress
7	1/8/13	Have staff meet with the Director of Preschool Services and First 5 to discuss services for four-year-olds.	Danny Tillman	Dr. Mitchell	2/5/13	
HUMAN RESOURCES – DR. VOLLKOMMER						
1	9/11/12	Agendize the calendar for discussion.	Mrs. Penman	Dr. Vollkommer 9/13/12	1/15/13	Will update Board on District Five-Year plan.
BUSINESS SERVICES – DR. SAUL						
1	12/4/12	Bring 2-3 plans on possible cuts to provide funding for	Mrs. Savage	Dr. Saul	2/5/13	Recommendations will be taken to the

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
		the top three Board budget priorities.				1/17/13 CBAC meeting.
COMMUNICATIONS – MRS. BARDERE						
1	12/18/12	Recognize outstanding employees at Board meetings. Combine with Outstanding Students and Parent Awards?	Dr. Flores Mrs. Perong	Mrs. Bardere	1/15/13	A committee met to discuss expanding awards to include employee awards. SBTA and CSEA were included in the discussion. Completed.
SCHOOL POLICE – CHIEF PAULINO						
1	1/8/13	Invite Board members to the Safety Task Force meeting.	Mrs. Perong	Chief Paulino		
SUPERINTENDENT – DR. MARSDEN						
1	6/19/12	Provide a presentation on all of the agencies we contract with.	Mr. Tillman	Dr. Marsden 6/20/12	1/15/13	School Services of California will assist with this process.
2	9/18/12	Consider sending out an RFP for a firm to charge a flat rate for legal fees.	Dr. Flores	Dr. Marsden 9/26/12	2/5/13	Board will consider posting an RFP following School Services' report.
3	12/4/12	Present a condensed presentation on Collective Impact.	Dr. Flores	Dr. Marsden	3/5/13	
4	1/8/13	Provide Strategic Plan to Jim Davenport.	Dr. Flores	Dr. Marsden	1/24/13	Provided 1/16/13 Completed.
5	1/8/13	Consider hiring a grant writer.	Dr. Flores Mrs. Perong	Dr. Marsden		Will be an outcome of Strategic Plan action. Completed.

Judi Penman asked about the status of the calendar. Harold Vollkommer stated that the Calendar Advisory Committee has been meeting and the calendar will go to Board on February 5.

Barbara Flores asked about hiring a grant writer and stated that our federal lobbyist said there are many career/technical grants available. Dale Marsden stated that he will speak with the lobbyist on Friday. We can use our own people to write grants. Michael Gallo stated that he hosted a grants initiative, Brain Trust, and recommended that a District representative be a part of this.

Dr. Marsden stated that a lot of work has been going on. There has been a lot of participation in the Strategic Planning. Mrs. Penman stated that she was disappointed that community and business people didn't have time on the Strategic Planning committee. Mrs. Penman stated that Christina Hale-Nardi does an excellent job writing grants.

SESSION EIGHT - Reports and Comments

8.0 - Reports and Comments

8.1 - Report by San Bernardino Teachers Association

Rebecca Harper stated that she is proud to be a public teacher and union representative. They fight for staff rights. She is a CTA Budget Committee member. They are dealing with declining memberships.

8.2 - Report by California School Employees Association

No report was given.

8.3 - Report by Communications Workers of America

No report was given.

8.4 - Report by San Bernardino School Police Officers Association

No report was given.

8.5 - Report by San Bernardino School Managers

Derek Harris, SBSM President, thanked the Board for including SBSM. Mr. Harris thanked Dr. Marsden for supporting their Dinner and Dunk event. Students made the flower arrangements and served dinner. SBSM will continue to offer scholarships and this year will include Adult School. There are currently 234 members.

8.6 - Comments by Board Members

Judi Penman reported that Ryan Neece was the speaker at today's Rotary Club meeting. He is Catherine Meister's grandson and Ronnie Lott's son. Mr. Neece is a former football player and now a motivational speaker. Mr. Neece stated that former Golden Valley Middle School Coach McGarry was instrumental in his life.

Lynda Savage reminded Board members of the San Bernardino County School Boards Association meeting on February 4, at the Hilton Hotel and the Academic Decathlon Awards Banquet on February 7.

Margaret Hill reported that she participated in the Loma Linda University bus tour, attended Davidson Elementary School's event to celebrate their test scores, and visited Anderson School when Amazon donated 50 kindles to the students. Mrs. Hill announced that Applebee's is supporting the District with a fundraiser on February 2.

Michael Gallo asked that the District invite the public to engage in the budget process. Mr. Gallo reported that the Aeries Parent Portal is an excellent system and recommended the District incorporate it in the enrollment process to get more parents to participate. Mr. Gallo reported that the Martin Luther King Memorial Breakfast on January 21 was fabulous.

Margaret Hill added that Michael Gallo received the Patriot Award at the breakfast.

Barbara Flores reported that she visited Belvedere Elementary School and was impressed with the number of students who are proficient in math and language arts in both English and Spanish.

8.7 - Comments by Superintendent and Staff Members

Dr. Marsden reported that he has invited students to attend Extended Cabinet meetings to get their voice. At the Principals meeting, Audrey Hovannesian discussed the 100 Meals Project. He intends to visit 10 homes in the District in his neighborhood. Dr. Marsden attended a screening of a video on human trafficking that was produced by the District Attorney's office. Dr. Marsden announced that Pacific High School Principal Tex Acosta received an award from Judson Baptist Church for their partnership. He visited the Pacific High School Alive Club. Following the presentation of kindles to Anderson School students, he and Lynda Savage had lunch with Amazon's general manager. They will be hiring college students as seasonal workers. Dr. Marsden met with former California State University San Bernardino President Dr. Al Karnig and Dr. James Kaufman. Dr. Kaufman is a researcher in creativity and stated that African American students demonstrated the most creativity. Dr. Marsden discussed pilot legislation with Mike Morrell to offer three-year bachelor degrees for \$10,000. Dr. Marsden reported that Chris Hart, Vice Chairman of the National Transportation Safety Board, will provide a workshop on February 5, noon to 2 p.m. at the Orange Show and also a Board workshop at 4:30 p.m. to discuss high-reliability organizations. Dr. Marsden reminded Board members of the Social Styles workshop on February 6.

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8.8 - Book Study—District Leadership that Works, Striking the Right Balance, Chapter 5, Collaborative Goal Setting, Board Alignment, and Allocation of Resources

This item was postponed until February 5, 2013.

SESSION NINE – Consent Calendar

9.0 - Consent Calendar (When considered as a group, unanimous approval is advised.)

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

Consent items 9.11, 9.12, 9.25, and 9.29 were pulled for later consideration.

Upon motion by Member Tillman, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following were adopted:

BOARD OF EDUCATION

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on December 4, and December 12, 2012, be approved as presented.

9.2 - Compensation for School Board Member

BE IT RESOLVED that the Board of Education approves compensation for Board Member Bobbie Perong for the January 22, 2013, School Board meeting.

SUPERINTENDENT

9.3 - Amendment No. 1 to the Agreement with Heard's Investigations & Polygraphs, Upland, California, to Conduct Pre-Employment Background Investigations and Polygraph Examinations

BE IT RESOLVED that the Board of Education approves amending the agreement with Heard's Investigations & Polygraphs, Upland, California, approved by the Board on June 5, 2012, Agenda Item 8.4. The amendment is necessary to add \$1,510.00 to the fee of \$2,000.00, for an aggregate total contract amount of \$3,510.00 for additional background investigations and polygraphs required to fill vacant positions. The additional fees will be paid from the Unrestricted General Fund—School Police, Account No. 079. All other terms and conditions will remain the same.

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

9.4 - Amendment No. 1 to the Agreement with Michael J. O’Day and Associates, Victorville, California, to Provide Background Investigations for School Police and Security Personnel Employee Candidates

BE IT RESOLVED that the Board of Education approves amending the agreement with Michael J. O’Day and Associates, Victorville, California, approved by the Board on June 5, 2012, Agenda Item 8.5. The amendment is necessary to add \$6,800.00 to the fee of \$8,500.00, for an aggregate total contract amount of \$15,300.00 for additional background investigations required to fill vacant positions. The additional fees will be paid from the Unrestricted General Fund— School Police, Account No. 079. All other terms and conditions will remain the same.

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

BUSINESS SERVICES DIVISION

9.5 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$130.00, Anthony Waitschies, San Bernardino, California; \$166.00, 5th Grade Parents, San Bernardino, California; 130.00, Kalvin and Stacy Dang, San Bernardino, California; \$115.00, Rosendo Brito, San Bernardino, California; 130.00, Maria Rosales, San Bernardino, California; \$455.00, 1st Grade Parents, San Bernardino, California; \$130.00, Iyeida Bernal, San Bernardino, California; \$130.00, Congregations Organized for Prophetic Engagement, San Bernardino, California; \$260.00, Robert and Marianne Jasso, Upland, California; \$130.00, Vickie Gilliland, Rancho Cucamonga, California; and \$130.00, Flow Dynamics Inc., Ontario, California.

9.6 - Business and Inservice Meetings

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

Isoovel Andino
Lilia Cisneros-Felix
Irma Cortes
Erika Delgado
Erika Guerrero
Mayra Higuera
Susana Juarez
Angela Medrano
Susana Ortiz

To attend the California Association for the Gifted 51st Annual Conference in Anaheim, California, on February 17, 2013. Total cost, including meals and mileage per District guidelines, not to exceed \$1,200.00, will be paid from English Learner Programs Account No. 261.

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Elizabeth Romero
Griselda Tapia
Amelida Yanes
(Board Representatives, English Learner
Programs)

Ron Simmons
(Board Representative, Categorical
Programs)

To attend the School House Bullies Preventive Strategies for Professional Educators Workshop in Rancho Cucamonga, California on January 28, 2013. Total cost, including meals and mileage per District guidelines, not to exceed \$300.00, will be paid from Categorical Programs Account No. 536.

9.7 - Closure of School Facility Program Projects

BE IT RESOLVED that the School Facilities Projects identified be closed to further activity.

9.8 - Commercial Warrant Registers for Period from December 16, 2012, through December 31, 2012

BE IT RESOLVED that the Commercial Warrant Register for period from December 16, 2012, through December 31, 2012, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, Accounting Services Director David Moyes, Accounts Payable Supervisor; or Derek Harris, Interim Employee Benefits Director, to signed disbursements.

9.9 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$677,016.00 in the budgeting of revenues and expenditures for the restricted programs, School Improvement Program for K-12 and Economic Improvement Aid Grants (420/423).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$162,727.72 in the budgeting of revenues and expenditures for the restricted program, ESEA Title I (501/524).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$135,652.00 in the budgeting of revenues and expenditures for the restricted program, Title II, Part A, Teacher Quality (536-538, 541-542).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$11,800.00 in the budgeting of revenues and expenditures for the restricted program, Title III Immigrant Subgrant (543).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of \$106,217.00 in the budgeting of revenues and expenditures for the restricted program, Title III LEP Student Subgrant (544).

9.10 - Payment for Course of Study Activities

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2012-13 school year and approves payment to the following:

Aquarium of the Pacific for two presentations titled “Aquarium on Wheels” on March 26 and 27, 2013. The cost, not to exceed \$3,000.00, will be paid from Roosevelt Elementary School CAPS Account No. 459 and PTA funds.

Donzaleigh Abernathy for three student presentations titled “The Civil Rights Movement, a Pictorial History” on January 23, through February 28, 2013. The presentations will give students the view from a child’s perspective on the Civil Rights Movement. The cost, not to exceed \$1,625.00, will be paid from Categorical Programs Account No. 524.

Donzaleigh Abernathy for two student presentations titled “The Civil Rights Movement, a Pictorial History” on January 23, through February 28, 2013. The presentations will give students the view from a child’s perspective on the Civil Rights Movement. The cost, not to exceed \$1,125.00, will be paid from Categorical Programs Account No. 524.

Donzaleigh Abernathy for three student presentations titled “The Civil Rights Movement, a Pictorial History” on January 23, through February 28, 2013. The presentations will give students the view from a child’s perspective on the Civil Rights Movement. The cost, not to exceed \$1,625.00, will be paid from Categorical Programs Account No. 524.

Donzaleigh Abernathy for three student presentations titled “The Civil Rights Movement, a Pictorial History” on January 23, through February 28, 2013. The presentations will give students the view from a child’s perspective on the Civil Rights Movement. The cost, not to exceed \$1,625.00, will be paid from Categorical Programs Account No. 524.

Donzaleigh Abernathy for four student presentations titled “The Civil Rights Movement, a Pictorial History” on January 23, through February 28, 2013. The presentations will give students the view from a child’s perspective on the Civil Rights Movement. The cost, not to exceed \$2,250.00, will be paid from Categorical Programs Account No. 524.

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

Wyland Foundation for two presentations titled “Wyland Clean Water Mobile Learning Experience” on January 22 and 23, 2013. The cost, not to exceed \$300.00, will be paid from Norton Elementary School Account No. 501.

EDUCATIONAL SERVICES

Curriculum and Instruction

9.13 - Payment for Services Rendered by Non-Classified Experts and Organizations

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

Children's Resources, Inc., Fontana, California, to provide a series of parent workshops, effective February 12, through March 12, 2013. Parents will become knowledgeable about how they may assist in improving the academic achievement of their students. Parents will learn about various student learning styles, ways to motivate their children, test taking strategies, and free online resources. Parents of underachieving students will become empowered to support teachers and school efforts for improved performance in all academic subjects. The cost per workshop is \$750.00. The cost of the services, not to exceed \$3,750.00, will be paid from the Restricted General Fund—Economic Impact Aid State Compensatory Education, Account No. 420.

Imperial County Office of Education, El Centro, California, to provide a one-day six-hour training to math teachers, effective January 23, 2013. The training will focus on the use and implementation of the open source math program, Geogebra, in a blended learning environment. The trainer will demonstrate and instruct teachers on the use of Geogebra and assist them with the development of blended learning lessons and activities. The use of Geogebra will allow teachers to make math lesson exploratory and increase engagement and understanding of the material. The cost of the services, not to exceed \$1,500.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Title 1, Account No. 501.

Apple, Inc., Austin, Texas, to provide a one-day workshop on the iPad with Retina display, Apple TV and adapters, effective January 28, 2013. The cost of the services, not to exceed \$5,800.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

School Specialty, San Diego, California, to provide a one-day on-site training on the SPARKS Physical Education Program including instructional materials, effective February 11, 2013. The training and instructional materials will focus on movement education. Lessons and activities are designed to involve all children, be more active, incorporate social skills, and emphasize health-related fitness and skill development. The training will also instruct teachers how to navigate manual and website content, prepare effective lessons, and provide examples that foster experiential learning. The cost of the services, not to exceed \$3,199.00, will be paid from the Restricted General Fund—School Improvement Grant, New SIG, Account No. 507.

NEOGOV, El Segundo, California, to provide a one-day on-site training, effective January 2013. The training will focus on an overview of the functionality of Insight and topics will include creating requisitions, assigning requisitions to recruiters, creating exam plans and evaluation steps, creating job postings and supplemental questionnaires, processing applicants and establishing eligibility lists. The cost of the services, not to exceed \$3,500.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

9.14 - Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability

BE IT RESOLVED that the Board of Education approves the Waiver of CAHSEE Passage Requirement for Students with a Disability.

9.15 - Rescission of the Agreement with !ACE Tutoring Services, Inc., Riverside, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with !ACE Tutoring Services, Inc., Riverside, California, as approved by Board on November 6, 2012, Agenda Item 9.45. !ACE Tutoring Services, Inc., will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.16 - Rescission of the Agreement with Applied Scholastics International, Los Angeles, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with Applied Scholastics International, Los Angeles, California, as approved by Board on November 6, 2012, Agenda Item 9.29. Applied Scholastics International will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.17 - Rescission of the Agreement with Club Z! In-Home Tutoring Services, Inc., Tampa, Florida, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with Club Z! In-Home Tutoring Services, Inc., Tampa, Florida, as approved by Board on November 6, 2012, Agenda Item 9.35. Club Z! In-Home Tutoring Services, Inc., will not provide supplementary educational

services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.18 - Rescission of the Agreement with Doctrina Tutoring, San Diego, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with Doctrina Tutoring, San Diego, California, as approved by Board on November 6, 2012, Agenda Item 9.37. Doctrina Tutoring will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.19 - Rescission of the Agreement with ICES Education, LLC, Long Beach, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with ICES Education, LLC, Long Beach, California, as approved by Board on November 6, 2012, Agenda Item 9.52. ICES Education, LLC, will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.20 - Rescission of the Agreement with Total Education Solutions, South Pasadena, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with Total Education Solutions, South Pasadena, California, as approved by Board on November 6, 2012, Agenda Item 9.79. Total Education Solutions will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.21 - Rescission of the Agreement with TutoringOne, Chino Hills, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with TutoringOne, Chino Hills, California, as approved by Board on November 6, 2012, Agenda Item 9.81. TutoringOne will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

9.22 - Rescission of the Agreement with Ultimate Success Learning, Los Angeles, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds the agreement with Ultimate Success Learning, Los Angeles, California, as approved by Board on November 6, 2012, Agenda Item 9.82. Ultimate Success Learning will not provide supplementary educational services to District students. No services have been performed by the consultant; therefore, there are no costs for rescinding the Board approval.

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

STUDENT SERVICES

9.23 - Agreement with The Cosca Group, Hemet, California, to Provide an In-Depth Study of the Special Education Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with The Cosca Group, Hemet, California, effective January 23, through April 16, 2013. The study will focus on legal compliance of the special education program. The study will consist of three stages: The first stage will be development of the research questions, data sheets for interviews, classroom observations and schedule for completion. The second stage will consist of producing a draft report outlining all current and/or potential special education law violations both on an individual and systemic level, with an approximate date of completion of March 2013, which will be reviewed with the Special Education Department. And the third and final stage of the study will consist of a final report. The firm will present a report to the Board of Education on April 16, 2013. The total amount, not to exceed \$33,000.00, will be paid from the Restricted General Fund—Special Ed-Central, Account No. 827.

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

CAPS

9.24 - Agreement with Coast 2 Coast Soccer, Laguna Nigel, California, to Provide the Middle School Soccer Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with Coast 2 Coast Soccer, Laguna Nigel, California, to provide the Middle School Soccer Program, effective January 28, through February 23, 2013. Coast 2 Coast Soccer will provide training for approximately 400 middle school students on soccer drills, plays, rules, positions and safety for the last four weeks of soccer season. Tournament officials, coaches and materials will be provided for 250 students and their families. Students will receive eight hours of training by a Coast 2 Coast staff member during CAPS. Curriculum will be provided at no cost to staff to facilitate practice on days Coast 2 Coast is not on campus. The cost per student is \$40.00 which includes an eight-hour tournament, materials, curriculum, coaches and officials to oversee games. The cost, not to exceed \$16,370.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

Information Technology

Youth Services

9.26 - Expulsion of Student(s)

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

*(S)3/1/1997 *(S)5/30/1997 *(S)3/6/1996 *(S)10/12/1997 *(S)1/4/1999

*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.

9.27 - 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

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:

11/22/1997 8/24/1994

9.28 - Lift of Expulsion of Student(s)

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

1/19/1997	3/6/1996	11/12/1996	10/27/1998	2/29/1996	7/2/1997
7/10/1997	2/9/1997	9/19/1996	9/23/1998	4/22/1995	7/9/1995
7/5/1996	6/17/1996	5/17/1998			

FACILITIES/OPERATIONS DIVISION

Facilities Management

9.30 - Approval of Mitigation Agreement with HMC Group for Architectural and Engineering Services at the Bing Wong Elementary School New Construction Project and Various Modernization Projects

BE IT RESOLVED that the Board of Education approves entering into a Mitigation Agreement with HMC Group to resolve disputes arising from, or related to, the scope of services provided by HMC, including their consultants, on the Bing Wong Elementary New Construction School Project, and Modernization Group Projects 1, 2, 4, 5, 7, 9, 10, and 11 for Highland-Pacific, Hillside, Rio Vista, Roosevelt, North Verdemont, Bradley, and Hunt Elementary Schools. HMC has agreed to issue credits to the District totaling \$376,295.00 and the District has agreed to pay HMC a not-to-exceed amount of \$128,255.00.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to execute any and all agreements and to complete all necessary documents to carry out the intent of this Resolution.

9.31 - Request for Retention Reduction, Bid No. F08-13, Category No. 4 - Multi-Trade, New Construction for the George Brown Jr. Elementary School

BE IT RESOLVED that the Board of Education approves reducing the retention amount for KAR Construction, Inc., Bid No. F08-13, Category No. 4 - Multi-Trade, New Construction for the George Brown Jr. Elementary School, to 5%. All other terms and conditions remain the same.

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

Nutrition Services

9.32 - Cafeteria Warrant Register, December 1, 2012, through December 31, 2012

BE IT RESOLVED that the Cafeteria Warrant Register, December 1, 2012, through December 31, 2012, be approved.

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

HUMAN RESOURCES DIVISION

9.33 - Fieldwork and Student Teaching Practicum Agreement with the University of Northern Colorado, School of Special Education, Greeley, Colorado

BE IT RESOLVED that the Board of Education ratifies entering into a fieldwork and student teaching practicum agreement with the University of Northern Colorado, School of Special Education, Greeley, Colorado, to provide student teacher candidates to observe classes and carry out work assignments at District schools to prepare the student teacher candidates for teaching responsibilities, effective January 1, 2013, through June 30, 2017. All student teaching will be under the direction of the School District and District teachers. There is no cost to the District.

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

9.34 - Payment of Counseling Site Supervisor – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as a counseling site supervisor as provided for in the Agreement with the University of Redlands as follows:

CHRISTINE DESARO	\$100.00	ROBIN GRAY	\$100.00
SANTFORD SUMMERS	\$100.00		

9.35 - Payment of Master Teachers – California Baptist University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the fall session 2012, as provided for in the Agreement with California Baptist University, as follows:

MARIE GRAJEDA	\$37.50	ROBERT MERCADO	\$37.50
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9.36 - Payment of Master Teachers – University of Phoenix

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Fall 2012, as provided for in the Agreement with the University of Phoenix, as follows:

MONICA HEGARDT	\$210.00	RENE MARTIN	\$210.00
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9.37 - Payment of Master Teachers – University of Redlands

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

VIRGINIA CORONADO	\$140.00	PATTY DOYLE	\$200.00
RAY GALLARDO	\$200.00	HSING-CHIEN HO	\$ 60.00
NAOMI HORTA	\$200.00	DOROTHY SAULS	\$200.00

9.11 - Agreement with Learn It Systems and Performance Fact, Inc., Baltimore, Maryland, to Provide Intensive Support to the District's Program Improvement Schools

Michael Gallo reported that the funding source should be changed from Unrestricted to Restricted for consent items 9.11 and 9.12.

Upon motion by Member Gallo, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted as amended:

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Learn It Systems and Performance Fact, Inc., Baltimore, Maryland, to provide intensive support to the District's program improvement schools, effective January 16, 2013, through June 30, 2013. Learn It Systems will assist in the implementation of the schools' instructional focus to include, but not limited to, training, coaching and monitoring of professional practices, benchmarks, classroom walk-throughs and regular occurring data chats. Learn It Systems will on an ongoing basis analyze current state of student learning and effectiveness of teaching, leadership and organizational practices; review of the instructional focus for the school; alignment of core subjects to state standards; identification of professional/leadership development and collaboration priorities; development of detailed action steps for 2012-2013 and 2013-2014 school years. Support will be provided to the following schools: Belvedere, Jones, Kimbark, Muscoy, and Palm Elementary Schools. The cost per site is \$69,300.00. The total aggregate amount, not to exceed \$346,500.00, will be paid from the Restricted General Fund—No Child Left Behind Title 1 Program Improvement School Support, Account No. 524.

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

9.12 - Agreement with Learn It Systems and Performance Fact, Inc., Baltimore, Maryland, to Provide Intensive Support to the District's SIG Schools

BE IT RESOLVED that the Board of Education approves ratifying entering into an agreement with Learn It Systems and Performance Fact, Inc., Baltimore, Maryland, to provide intensive support to the District's SIG schools, effective January 16, through June 30, 2013. Learn It Systems will assist in the implementation of the school's instructional focus to include, but not limited to, training, coaching and monitoring of professional practices, benchmarks, classroom walk-throughs and regular occurring data chats. Learn It Systems will on an ongoing basis analyze current state of student learning and effectiveness of teaching, leadership and organizational practices; review of the instructional focus for the school; alignment of core subjects to state standards; identification of professional/leadership development and collaboration priorities; development of detailed action steps for 2012-2013 and 2013-2014 school years. Support will be provided to the following schools: Barton, Davidson, Hunt, Marshall, Rio Vista, and Wilson Elementary Schools; Shandin Hills Middle School; Arroyo Valley, Pacific, and San Gorgonio High Schools. The cost per site is \$69,300.00. The total aggregate amount, not to exceed \$693,000.00, will be paid from the Restricted General Fund—School Improvement Grant, New SIG, Account No. 507.

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

9.25 - Agreement with T. J. McCauley, Alta Loma, California, to Provide Technical Consulting Services to the Information Technology Department

Upon motion by Member Gallo, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), this item was deleted.

9.29 - Amendment No. 2 to the Master Services Agreements for Real Property Survey Services for Facilities Management Projects of New, Existing, or Potential Schools and Administrative Sites Throughout the District

Upon motion by Member Tillman, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education ratifies amending the master services agreements for real property survey services for Facilities Management projects of new, existing, or potential schools and administrative sites throughout the District, previously approved by the Board on April 17, 2012. This amendment will extend the ending date of September 30, 2012, to June 30, 2013, in order to allow the current procurement process to be finalized. All other terms and conditions remain the same.

- 1) Hillwig-Goodrow, LLC, Yucaipa, California
- 2) Joseph E. Bonadiman & Associates, San Bernardino, California

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

SESSION TEN - Action

10.0 - Action Items

10.1 - Amendment to Board Policy 3350 Travel Expenses (Second Reading)

Upon motion by Member Tillman, seconded by Member Gallo, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves the amendment to Board Policy 3350 Travel Expenses as presented.

10.2 - School Accountability Report Cards (SARCs)

Upon motion by Member Tillman, seconded by Member Gallo, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves the preparation and distribution of the SBCUSD School Accountability Report Card.

10.3 - Resolution Denying the Charter Petition for the Academy of Arts and Sciences

Upon motion by Member Tillman, seconded by Member Hill, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

WHEREAS, a petition for the grant of a charter school is governed by the standards and criteria set forth in Education Code section 47605; and

WHEREAS, Sean McManus of Academy of Arts and Sciences Charter School (“AASCS”) on behalf of Academy of Arts & Sciences (“AAS”), submitted a charter petition and supporting documentation (“Petition”), incorporated herein by reference, to the San Bernardino City Unified School (“District”) on or about November 15, 2012, seeking the granting of a petition for establishment of AAS, which proposes to offer an educational program for Grades K-12; and

WHEREAS, pursuant to Education Code section 47605, *et seq.*, the District is required to review and authorize creation of charter schools; and

WHEREAS, the District held a public hearing on December 18, 2012, regarding the provisions of the Petition in accordance with the provisions of Education Code section 47605, at which time the District Governing Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents; and

WHEREAS, in reviewing the Petition, the District 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 reviewing the Petition, the District staff working collaboratively with District legal counsel, have reviewed and analyzed all of the information with respect to the Petition, including information related to the operation and potential effects of the proposed charter school and made a recommendation to the District deny the Petition based on that review; and

WHEREAS, the District has fully considered AAS's Petition and the District staff's recommendation: and

WHEREAS, on January 22, 2013, after having full considered AAS's Petition and the District staff recommendation, the District took action to deny the Petition; and

WHEREAS, the District is required when denying a charter petition to make written factual findings in support of the denial and thus, the District will adopt this resolution on January 22, 2013, setting forth the basis for the District's decision to deny the AAS Petition; and

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

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

1. The Petition presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code section 47605(b)(1)]
2. The Petition does not contain a reasonably comprehensive description of all of the required elements of a charter school petition. [Education Code section 47605(b)(5)]
3. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code section 47605(b)(2)]
4. The Petition does not contain the number of signatures required by Education Code Section 47605(a). [Education Code section 47605(b)(3)]

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

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

1. The Petition does not provide a reasonably comprehensive description of the target student population and description of how learning best occurs.
2. The Petition states the School will be a K-12 school within five years yet the Petition contains minimal information regarding the secondary program.

Furthermore, the Charter fails to make mention of CAHSEE and addresses graduation requirements only in one paragraph.

3. The initial goal set for the Charter is for 75% of all students to be proficient or higher. Federal guidelines as set by NCLB (2001) state that for 2013/14 that 91% of the students are proficient or higher in English Language Arts and 89% of the students are proficient or higher in Mathematics. The petition fails to recognize AYP goals as stated by law.

II. THE PETITION DOES NOT CONTAIN A REASONABLY COMPREHENSIVE DESCRIPTION OF ALL OF THE REQUIRED ELEMENTS OF A CHARTER SCHOOL PETITION. [Education Code section 47605(b)(5)]

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

A. Petition Does Not Provide a Reasonable Comprehensive Description of “the governance structure of the school, including, but not limited to the process to be followed by the school to ensure parental involvement.” (Education Code § 47605(b)(5)(D).)

1. The Petition does not provide an affirmation or assurance that the charter school will comply with the conflict of interest provisions of Government Code section 1090, *et seq.* The Petition would therefore allow the charter school to enter into contracts that violate Government Code section 1090. The Petition also does not provide an affirmation or assurance that the charter school will comply with the incompatible public office provisions of Government Code section 1126. Legal and administrative considerations, combined with the experience of charter schools operators who have engaged in self-dealing with public funds, lead to a policy of requiring petitions to not only pledge compliance with all conflict of interest laws that govern public agencies generally, but to have written policies and bylaws supporting the petition that demonstrate actual compliance.
2. The Petition provides that the Charter School shall be operated by Academy of Arts & Sciences, a nonprofit organization, pursuant to California law. The Articles of Incorporation and Bylaws for the corporation were provided. The Bylaws, however, provide that the purpose of the corporation is to “create, manage, operate, guide, direct and promote Academy of Arts & Sciences, a Los Angeles Unified public school.” No amended or updated bylaws were provided that establish that this corporation can oversee other charter schools.

3. The Bylaws also provide that the corporation's principal place of business is located in Van Nuys, CA and Board meetings are conducted at the principal place of business. If meetings are held outside the jurisdictional boundaries of the District, this could prevent the local community members and parents from participation and playing an active role in the operations of the school. Additionally, this provision could interfere with the District's ability to properly oversee the operations of the School.
4. Additionally, at the public hearing Mr. McManus made mention of other charter schools he has/is operating. Neither the Charter nor the Bylaws explain the fiscal and operational relationship between the various schools and the Charter being considered by the District. The failure to provide this necessary information makes it virtually impossible to ascertain how AAS will be governed.

B. Petition Does Not Provide a Description of “the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.” (Education Code § 47605(b)(5)(N).)

The Charter Schools Act requires the Petitioners to set forth the manner in which disputes arising between the chartering agency and the school will be resolved. The dispute resolution process set forth in the Petition places unnecessary and cumbersome obligations upon the District, which are not required by the provisions of the Education Code.

The dispute resolution provision, as drafted in the proposed Petition, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District's ability to effectively oversee the School.

Given the significance of opening and operating a charter school and the District's oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

III. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [Education Code section 47605(b)(2)]

1. The Charter does not include the required description of facilities. Although charter schools are not required to comply with the Field Act, they are required to comply with Education Code section 47610, and ensure that all facilities are in

compliance with either the Field Act or the California Building Standards Code. In order for the School to receive the necessary permits for use of any facility as a school, the Petitioners must submit a plan for the use to the City of San Bernardino planning division for approval. The plan is then reviewed by the Cities' design review committees who will gather input from the building department, fire department, police department and school district. During the review, the site is assessed for zoning, set-backs, parking requirements, building codes, and any special permits that are required. It is highly unlikely that all of these steps could be accomplished by the Petitioners in time for the school's opening in fall 2013 as they have yet to even identify a specific site for the School.

2. During the Petition review process, the District received a bill from Somis Unified School District. The bill indicates that Mr. McManus/AAS owes the Somis School District the sum of \$4,000 and has not paid these monies despite repeated requests from the Somis District. The failure to pay such bills leads the SBCUSD District Board to find that the AAS will not be likely to successfully implement its program as it is already in arrears for other sums incurred by AAS.
3. The Charter School enrollment projections do not appear realistic. The Charter provides that the School intends to enroll 150 students in the 2013-2014 school year, yet the budget is premised on a much higher enrollment of 250 and growing to 1500 students by year five of the Charter. These are very large enrollment numbers to start with, and increase at a dramatic rate, with no explanation provided as to the basis for the growth estimates.
4. The Charter School's budget is completely tied to unrealistic enrollment and enrollment growth projections; thus, if the projected enrollment fails to materialize, the budget may become completely unworkable. As a result, it is clear that the budget projections presented in the Petition are unrealistic and are unlikely to result in a successful, fiscally solvent charter school.

IV. 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." Further, 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." In this case, the Charter submitted to the District signature pages for teachers.

The Petitioners anticipate having 10 teachers in the first year, so pursuant to Education Code section 47605(a), five teacher signatures are needed to support the Petition. The Petitioners submitted signatures of five credentialed teachers. However, four of the five teachers are currently teachers at the AAS location in Van Nuys, CA. The District finds that it is not believable that the four employees of AAS, Van Nuys are actually meaningfully interested in leaving that employment and relocating in order to take on the same or a similar position at AAS San Bernardino. Further, if they are, in fact, meaningfully interested in so doing, it causes the District grave concern regarding the potential success of the program, the commitment of the educators to the program, the School, and the students. It is not enough that the signatures are submitted under the required statements if the evidence clearly indicates the contrary. For these reasons, the District does not accept the teacher signatures as meeting the minimum requirements of Education Code Section 47605(a).

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 and the denial of the Petition shall remain in full force and effect. In this regard, the District 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.

10.4 - Personnel Report #14, Dated January 22, 2013

Upon motion by Member Tillman, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

BE IT RESOLVED that the Personnel Report #14, dated January 22, 2013, be approved as presented (see page ___). Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

SESSION ELEVEN - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Board of Education Minutes
January 22, 2013

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Public Employee Appointment

Title: Elementary Principal

Anticipated Litigation

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

Number of Cases: Three

Pending Litigation

Superintendent's Evaluation

SESSION TWELVE – Open Session

12.0 - Action Reported from Closed Session

Upon motion by Member Tillman, seconded by Member Gallo, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, Savage, and Tillman (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves the Settlement Agreement #SS-12-13-06, in the amount of \$1,601.50

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

SESSION THIRTEEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 12:10 a.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, February 5, 2013, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.