

**MINUTES  
RIALTO UNIFIED SCHOOL DISTRICT  
DR. JOHN R. KAZALUNAS EDUCATION CENTER  
182 EAST WALNUT AVENUE, RIALTO, CA 92376**

**June 12, 2019**

**BOARD STUDY SESSION: LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP) AND FY 2019-2020 BUDGET**

**A. OPENING**

**CALL TO ORDER AND ROLL CALL**

The Board Study Session: LCAP and FY 2019-2020 Budget meeting of the Board of Education of the Rialto Unified School District was called to order at 4:00 p.m. by President Montes at the Dr. John R. Kazalunas Education Center, 182 East Walnut Avenue, Rialto, CA 92376.

Members present: Edgar Montes, President; Nancy G. O'Kelley, Vice President; Joseph W. Martinez, Member. Joseph Ayala, Member was absent and Dina Walker, Clerk arrived at 4:48 p.m.

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Mohammad Z. Islam, Associate Superintendent, Business Services; Kelly Bruce, Lead Innovation Agent, Education Services; Rhea McIver Gibbs, Lead Personnel Agent and Rhonda Kramer, Lead Personnel Agent, Personnel Services. Darren McDuffie, Ed.D., Lead Strategic Agent: Strategics, Congruence and Social Justice; was absent. Also present was Martha Degortari, Personnel Specialist.

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, and approved by a 3-0 vote, the Board of Education entered into Open Session at 4:01 p.m.

**OPEN SESSION**

Comments on the Open Session Agenda Item. Any person wishing to speak on any item on the open session agenda will be granted three minutes.

There were no comments.

1. Board Study Session: Local Control and Accountability Plan (LCAP) and FY 2019-2020 Budget

(Ref. E 1.1)

Kelly Bruce, Lead Innovation Agent, Education Services, and Carol Mehochko, Agent: Special Programs, conducted a presentation outlining the Local Control Accountability Plan 2019-2020. The PowerPoint presentation is attached – see pages (Ref. E 1.24) – (Ref. E 1.41).

Mohammad Z. Islam, Associate Superintendent, Business Services, and Diane Romo, Lead Fiscal Services Agent, conducted a PowerPoint presentation outlining the FY 2019-2020 Budget. The PowerPoint presentation is attached – see pages (Ref. E 1.42) – (Ref. E 1.46).

**B. ADJOURNMENT OF LCAP AND FY 2019-2020 BUDGET STUDY SESSION**

Upon a motion by Member Martinez, seconded by Vice President O’Kelley, and approved by a 3-0 vote, the Board Study Session: Local Control and Accountability Plan (LCAP) and FY 2019-2020 Budget meeting was adjourned at 5:14 p.m.

**REGULAR MEETING OF THE BOARD OF EDUCATION**

**A. OPENING**

**CALL TO ORDER AND ROLL CALL**

The regular meeting of the Board of Education of the Rialto Unified School District was called to order at 6:02 p.m. by President Montes at the Dr. John R. Kazalunas Education Center, 182 East Walnut Avenue, Rialto, CA 92376.

Members present: Edgar Montes, President; Nancy G. O’Kelley, Vice President; Dina Walker, Clerk; and Joseph W. Martinez, Member. Joseph Ayala, Member, was absent

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Mohammad Z. Islam, Associate Superintendent, Business Services; Kelly Bruce, Lead Innovation Agent, Education Services; Rhea McIver Gibbs, Lead Personnel Agent and Rhonda Kramer, Lead Personnel Agent, Personnel Services. Darren McDuffie, Ed.D., Lead Strategic Agent: Strategics, Congruence and Social Justice; was absent. Also present was Martha Degortari, Personnel Specialist.

**OPEN SESSION**

1. Comments on Closed Session Agenda Items. Any person wishing to speak on any item on the closed session agenda will be granted three minutes.

There were no comments.

## **CLOSED SESSION**

Upon a motion by Clerk Walker, seconded by Member Martinez, and approved by a 4-0 vote, the Board of Education entered into closed session at 6:03 p.m. to consider and discuss the following items:

1. Public Employee Employment/Discipline/Dismissal/Release/Reassignment of Employees (Government Code section 54957)

### **Administrative Appointments:**

- Agent: Facilities Planning
- Coordinator, Information Systems

2. Student Expulsions/Reinstatements/Expulsion Enrollments

3. **CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: Cuauhtémoc Avila, Ed.D., Superintendent; Rhea McIver Gibbs, Lead Personnel Agent, Personnel Services; and Rhonda Kramer, Lead Personnel Agent, Personnel Services.

Employee organizations: California School Employees Association, Chapter 203 (CSEA), Rialto Education Association (REA), Communications Workers of America (CWA)

4. **CONFERENCE WITH LEGAL COUNSEL**

Existing Litigation (Gov. Code § 54956.9(d)(1)) PERB Case No. LA-CE-6323-E

## **ADJOURNMENT OF CLOSED SESSION**

Upon a motion by Vice President O'Kelley, seconded by Clerk Walker, and passed by a 4-0 vote, closed session adjourned at 7:00 p.m.

## **OPEN SESSION RECONVENED – 7:01 P.M.**

*President Montes announced the following:*

**AT THE DIRECTION OF THE BOARD OF EDUCATION, BOARD MEETINGS ARE RECORDED, BROADCASTED, AND STREAMED LIVE, AND MAY CAPTURE IMAGES AND SOUNDS OF THOSE ATTENDING THE MEETING.**

Members present: Edgar Montes, President; Nancy G. O'Kelley, Vice President; Dina Walker, Clerk; and Joseph W. Martinez, Member. Joseph Ayala, Member, was absent

(Ref. E 1.3)

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Mohammad Z. Islam, Associate Superintendent, Business Services; Kelly Bruce, Lead Innovation Agent, Education Services; and Rhonda Kramer, Lead Personnel Agent, Personnel Services. Darren McDuffie, Ed.D., Lead Strategic Agent: Strategic, Congruence and Social Justice; was absent. Also present was Martha Degortari, Personnel Specialist, and Jose Luis Guzman, Translator.

## **PLEDGE OF ALLEGIANCE**

## **REPORT OUT OF CLOSED SESSION**

Superintendent Avila reported that in closed session the Board of Education, by a 4-0 vote, took the following action:

- Accepted the administrative appointment of Tami Butler, Elementary Assistant Principal, Curtis Elementary.
- Accepted the administrative appointment of Emma Duarte, Psychologist.
- Accepted the administrative appointment of Aaron White, Psychologist.
- Imposed a two (2) day suspension on Classified Employee #1976129.
- Accepted the request for a leave of absence for Classified Employee #1266429, from August 2, 2019 through May 28, 2020.
- Approved the settlement agreement between the Rialto Unified School District and the California School Employees Association and its Rialto Chapter #203 regarding PERB Case No. LA-CE-6323-E.

## **ADOPTION OF AGENDA**

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, the Agenda was adopted, by a 4-0 vote by the Board of Education.

### **B. PRESENTATIONS - None**

### **C. COMMENTS**

1. Public Comments from the Floor: At this time, any person wishing to speak on any item **not on** the Agenda will be granted three minutes.

Lauren Gomez – Parent at Kordyak Elementary School requested that the Rialto Unified School District facilitate a transfer request or boundary changes to enable her students to attend Fontana Unified School District who will be building a new High School very close to her home.

Alba Aguayo – Parent from Fitzgerald Elementary School shared her concerns with issues at the school that were brought to the Board’s attention at the last Board meeting and to remind the Board not to disregard it.

Sandra Davalos – Parent from Fitzgerald Elementary School shared her concerns with children’s safety and particularly with discipline at the school.

2. Public Comments on Agenda Items: Any person wishing to speak on any item on the Agenda will be granted three minutes.

There were no comments.

3. Comments from Association Executive Board Members: Rialto Education Association (REA), California School Employees Association (CSEA), Communications Workers of America (CWA), Rialto School Managers Association (RSMA)

Chris Cordasco, CSEA President, shared that he was happy that the District and REA were able to complete negotiations and enter into a tentative agreement with a 3% salary increase. He stated that he was not happy that the District is not willing to offer the same to the Classified Bargaining members based on the “Me too” language and was disappointment with a statement made by one of the members of the District’s Bargaining Team. He also shared that he is very impressed with Personnel Services and the great job they are doing in filling positions.

4. Comments from the Superintendent
5. Comments from Members of the Board of Education

#### D. PUBLIC HEARING

##### OPEN PUBLIC HEARING

Upon a motion by Vice President O’Kelley, seconded by Member Martinez, Public Hearing was opened at 7:28 p.m. by a 4-0 vote by the Board of Education.

1. **LCAP Adoption: FY 2019-2020**  
Education Code (EC) Section 52062(b)(1) requires that a governing board of a school district shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and

accountability plan. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the local control and accountability plan or annual update to the local control and accountability plan will be available for public inspection.

### **CLOSE PUBLIC HEARING**

Upon a motion by Vice President O'Kelley seconded by Clerk Walker, Public Hearing was closed at 7:29 p.m. by a 4-0 vote by the Board of Education.

### **OPEN PUBLIC HEARING**

Upon a motion by Vice President O'Kelley, seconded by Clerk Walker, Public Hearing was opened at 7:30 p.m. by a 4-0 vote by the Board of Education.

#### **2. Budget Adoption: FY 2019-2020**

Education Code (EC) Section 52062(b)(2) requires that the public meeting at which a school district governing board adopts a local control and accountability plan (LCAP) and adopts a budget must be held after, but not on the same day as, the public meeting at which the governing board holds the required public hearings on the LCAP and the proposed budget.

### **CLOSE PUBLIC HEARING**

Upon a motion by Vice President O'Kelley seconded by Member Martinez, Public Hearing was closed at 7:30 p.m. by a 4-0 vote by the Board of Education.

### **CONSENT CALENDAR ITEMS**

Upon a motion by Member Martinez, seconded by Vice President O'Kelley, Items E – G4, H1 - J were approved by a 4-0 vote by the Board of Education. Item G-5 was voted on separately.

#### **E. MINUTES**

1. Approve the minutes of the Regular Board of Education meeting held May 22, 2019.

#### **F. GENERAL FUNCTIONS CONSENT ITEMS**

1. Second reading of revised Board Bylaw 9323(a-f): Meeting Conduct.
2. Second reading of revised Board Bylaw 9323.2(a-e): Actions by the Board.

3. First reading of revised Board Policy 3100(a-h); Business and Noninstructional Operations: Budget.
4. First reading of revised Board Policy 7214(a-h); Facilities: General Obligations Bonds.
5. First reading of revised Board Bylaw 9230(a-d); Orientation.

**G. INSTRUCTION CONSENT ITEMS**

1. Approve two (2) female students and the yearbook advisor, Ms. Jennifer Thompson, to attend the Camp Yearbook Summer Workshop in the Westin Mission Hills Resort in Palm Springs, California, starting on Monday, July 8, 2019 through Wednesday, July 10, 2019, at a cost of \$1,680.00, to be paid from ASB funds (will be reimbursed by Jostens).
2. Approve the reimbursement of travel expenses for one (1) Hughbanks Elementary School parent to attend the Southern Region Student Wellness Conference from July 21, 2019 through July 26, 2019, in Palm Desert, California, at a cost of \$1,500.00 to be paid from Title I funds (Parent Involvement).

**G-3 was amended as indicated below.**

3. Approve student ~~84878~~ **84879** to be exempt from all physical activities for the 2<sup>nd</sup> semester of the 2016-2017 school year.
4. Approve the 2018-2019 Single Plans for Student Achievement (SPSA) for the following schools: Fitzgerald Elementary School and Frisbie Middle School as well as the plan addendum for Simpson Elementary School.

**Prior to the vote on item G-5, Mr. Christopher Keeler, Attorney with Fagen, Friedman & Fulfrost LLP, shared the following information germane to this item.**

Board Clerk Walker excused herself from the Board meeting at this time.

"I am Chris Keeler, Legal Counsel to the School District. The reason Ms. Walker left is that she has an indirect interest in this matter that is before you. You may recall that I was here a few months ago when this Board approved an agreement with the BLU Educational Foundation, and that we had cleared with the FPPC that agreement but the FPPC gave an opinion that Ms. Walker should recuse herself because of an indirect financial interest in the agreement between this District and BLU Educational Foundation. She is the President and CEO of that non-profit. Now that agreement was a non-financial agreement. There's no

(Ref. E 1.7)

financial interest between the District and BLU Educational Foundation but the FPPC decided that because it is in the BLU Educational Foundation's interest to have a successful agreement with the School District and it might increase their likelihood of obtaining a grant through other sources, then it is indirect financial interest and Ms. Walker should not take any part and action related to an approval of an agreement between the District and BLU Educational Foundation."

President Montes: "That was, sorry to interrupt you. That was a heck of an introduction but I think we need to get a second on this item so that you can continue. Am I correct Legal Counsel?"

Mr. Keeler: "Thank you, that's great, yeah."

President Montes: "We have a first, but in order for him to continue to discuss it or for any of us to continue to discuss it, we need to have a second."

Mr. Keeler: "In order for debate to happen, certainly."

President Montes: "Oh, Okay."

Vice President O'Kelley: "Okay."

Mr. Keeler: "The only thing I was trying to do, was to explain in a long winded way, and I apologize, why Ms. Walker stepped out. She is stepping out again because of an indirect interest in any Board decision that could be to the financial benefit of BLU Educational Foundation, and even though the matter before you would not directly give any money to BLU Educational Foundation, it could help their programs and indirectly benefit BLU Educational Foundation in a financial way. So this Board is not prohibited from taking this action, but Ms. Walker is prohibited from taking any action either directly or indirectly and needs to leave the room during this discussion and this recusal should be reflected on the minutes of this meeting. So, with that, I turn it back over to you."

Vice President O'Kelley: "Well I second it so we can talk more."

President Montes: "Oh, okay."

Vice President O'Kelley: "So I second it."

President Montes: "I appreciate that. Hold on, hold on for a second. Okay so, do we have anyone here that can explain the item?"

Teresa Brown: "Good evening."



President Montes: "Good evening."

Teresa Brown: "My name is Teresa Brown and I am the Agent for Teacher Induction and Teacher Support here in the District. I am also the facilitator for our District African American Parent Advisory Council and we do have three members of our DAAPAC Officer Board with us this evening as well. As you know, parent engagement and parent involvement, parent empowerment is one of the many District's foci and this is the third year ending our successful DAAPAC. Our second year with an operating Board and one of the things that we want to do, is to continue to provide our DAAPAC parents with professional development opportunities, learning opportunities as such. So an opportunity was brought to my attention via Dr. McDuffie about the African American Parent Leadership training that is occurring down in Cathedral City, California, on June 28<sup>th</sup> through 30<sup>th</sup>, and it just so happens that it is sponsored through BLU Educational Foundation. So after Dr. McDuffie's discussion, I believe with Ms. Walker, if I am not mistaken, it was agreed that we would definitely pay for our parents to attend the training and the guys are paying for their room and Board, paying for their mileage but we would not exchange any monies with BLU Educational Foundation. So their registration fees are not being covered by the District but they will be attending via having a room at the hotel where the training is taking place, as well as only one meal has to be covered and their mileage for traveling from their homes and the conference or the training and back. Thank you."

President Montes: "Thank you very much."

Vice President O'Kelley: "When we approved...uh..."

President Montes: "I have a question for Mr. Keeler. (Mr. Keeler comes to the podium.) So we are mentioning that the previous agreement with the District to allow BLU Foundation to utilize a grant that they had received to help students in Rialto Unified, the FPPC had issued an opinion. Are you aware of any opinion being issued for this item?"

Mr. Keeler: "No, no. We did not request an opinion and the FPPC certainly would not respond within the necessary timeframe in order to get one before the 28<sup>th</sup>."

President Montes: "So, in your professional legal opinion, what would your recommendation to the Board of Education be?"

Mr. Keeler: "So, applying the same principles that the FPPC applied to the prior question before them, they determined that Ms. Walker had an indirect financial interest in the agreement between this District and BLU, I think she likewise would have an indirect financial interest in this Board's decision to reimburse or

(Ref. E 1.9)

subsidize, sounds like it's travel and meal expenses and sounds like they are getting a waiver or something of the cost of attendance. So, it's seems like it would be a minor expense. But that decision by this Board would be an indirect benefit to BLU Educational Foundation and that's why she would have to recuse herself. So, it's really a very similar, I think it's essentially the same legal issue why she has to recuse herself."

Vice President O'Kelley: "When we approved the first item, you and I both made comments that night about how uncomfortable we were with approving it. Because it is, indirectly, it's to the benefit of her foundation. I work as a Consultant for the County Superintendent of Schools' Office. My paycheck comes from the County but I can't come here to Rialto and earn that money because I'm on the Board here. Mr. Montes can't, not that we use pallets necessarily, but he can't use his company to benefit himself, while he is on the Board. I mean the whole thing, whether it's legal or illegal, that's not what I am looking at here. I am saying that it's uncomfortable. It approaches unethical and I find it very difficult to approve."

President Montes: "I just would like to add that maybe not necessarily unethical would be the word that I would use, but definitely uncomfortable, and I have no problem with you (pointing at Mr. Chris Keeler) making money. I have no problem with anybody here making money, including my colleagues, but as member of the Board of Education and in regards to very strict conflict of interest laws set forth by the Attorney General, now the FPPC, which just used to do campaigns finances, now they do conflict of interest issues as well. I have no issue with any of my colleagues working and doing their thing, but I do feel very uncomfortable having to approve agenda items which may directly or indirectly benefit financially anyone on this Board, including our Superintendent. It's just...I have nothing against any of our parent groups. We want to help all of our parent groups and we want to support them, and I believe that this Board, including Ms. Walker and Mr. Ayala have done tremendous strides with the support and leadership of our Superintendent. We've all made tremendous strides, the District has made tremendous strides in investing more than ever in or on our parent groups."

Vice President O'Kelley: "Right."

President Montes: "But when it comes to possible conflicts of interests or the very least an appearance of impropriety, it's just a little difficult and particularly with the history that this Board has been through in the past. Not including with Ms. Walker, before she joined us in this Board, we had issues in the past regarding conflicts of interests and appearance of impropriety and all kinds of other stuff that just like old wounds that we don't want to reopen, and Mrs. O'Kelley is correct that last time you were here to discuss the previous item and the possible conflict of interest or indirect benefit, we expressed concern and we

were obviously uncomfortable then and Mrs. O'Kelley is correct in that I also stated that I was going to support, approve that item, that grant to be used for our kids who needed that help and our parents in our community, but whenever a conflict of interest may or may not, and we need to have Legal Counsel look at it, we need to have State officials look at it, it just makes things very difficult for us, you know, as opposed to it being a different company, a different foundation or if none of the members of this Board had some type of affiliation or association with it. So again, I hold nothing against anyone, I want to support our parents. We've been supporting all of our parents and we will continue to support all parents and our students in this community, but I just want people to understand that these type of matters and I am sure you understand that these type of matters, and thank you for your help, are very, are not easy. These decisions are not easy to make. So we appreciate you coming down here. We know you ain't here for free, but we appreciate you coming down here and helping us with legal advice."

Vice President O'Kelley: "I just want to add that the perception of some of the members of the community is that perception of impropriety."

President Montes: "In reality it's not something bad, it really ain't, but we are part of the governing body of this District, we are the Board of Education, it sends the wrong message, or it could send the wrong message. If I had the money to pay for this expense, I'd do it. It's something good."

Vice President O'Kelley: "Very good."

President Montes: "Or if at least there were laws to make these things easier, it be great, but unfortunately it's not and there's lots of people who have issues and problems with seeing Board's approve these types of items so because it's questionable and because it's uncomfortable, that's the only reason why it would stop me from moving forward with it, but in any other sense, I don't think it's something bad. It's something that can come back and hurt the integrity of this Board, of this District and what we want to do is to maintain a good working relationship with our community and trust that we are doing and making the best decisions for the best interest of this District. With that Mr. Martinez, would you have something to add?"

Member Martinez: "Well, whereas we really do support all of our students regardless of race, creed, gender, any of that, I am for the end product. Mr. Keeler, what if we were to not take action one way or another but pull this, but the parents went on their own, but we helped them find help from our partners? Is there a problem with that?"

Mr. Keeler: "Well, I think, first of all, a decision not to act by this Board would not preclude APAC members from on their own seeking that from partners. If the

District uses resources to find partners for them, then it's legally the same thing as using District resources to pay for it. So it's really within the same realm but a no vote, but at this point it's going to be "yes" or "no". Well actually, not necessarily, because it could be 2 to 1, in which case technically that's not action because a majority of the Board has not voted one way or another, it would just be failure of the matter. That would not preclude APAC members from, and I don't know if I am getting that right, is it APAC? Or is it DEAPAC?"

Teresa Brown: It's DAAPAC.

Mr. Keeler: "Oh, okay, thank you. It would not stop them individually from seeking support from District partners."

Member Martinez: "I have a feeling I know how this is going to end up. I wish I could help better. Mr. President."

President Montes: "Do we have any more questions from Mr. Keeler?"

Vice President O'Kelley: "No."

President Montes: "You can punch out now." (laugh)

Member Martinez: "We still pay his way home." (laugh)

President Montes: "I'm just joking Mr. Keeler, you know I'm just joking. We appreciate you. We value your legal advice. Anything else? Okay, with that, did you want to entertain the motion to pull the item?"

Member Martinez: "No, we have a first and a second, let's vote."

President Montes: "Okay, all in favor to approve item five."

Member Martinez: "Aye"

President Montes: "Let me read it out, sorry...To approve six (6) parents/guardians from the Rialto Unified School District African American Parent Advisory Council (DAAPAC) to attend the African American Parent Leadership Training to be held June 28, 2019 through June 30, 2019, in Cathedral City, California. Travel expenses include lodging, parking, and meals, at a cost of \$3,500.00 to be paid from Title I funds, and the reference is G 5.1 in the agenda and if we have no more comments and questions, all in favor..."

Member Martinez: "Aye"

President Montes: "Mrs. O'Kelley?"

Vice President O'Kelley: "I'm not in favor.

President Montes: "Okay, we'll do a roll call vote, Mr. Martinez?"

Member Martinez: "Aye."

Vice President O'Kelley: "No."

President Montes: "Okay, and for me it's a "no". So that takes us to... okay, thank you Mr. Keeler. Can someone please get Ms. Walker?"

Upon a motion by Member Martinez, seconded by Vice President O'Kelley, item G 5 was not approved by the Board of Education. The vote was as follows:

President Montes – No

Vice President O'Kelley – No

Clerk Walker – Not present to vote

Member Martinez - Aye

Member Ayala - Absent

5. Approve six (6) parents/guardians from the Rialto Unified School District African American Parent Advisory Council (DAAPAC) to attend the African American Parent Leadership Training to be held June 28, 2019 through June 30, 2019, in Cathedral City, California. Travel expenses include lodging, parking, and meals, at a cost of \$3,500.00, to be paid from Title I funds.

#### **H. BUSINESS AND FINANCIAL CONSENT ITEMS**

1. Approve Warrant Listing Register and Purchase Order Listing for all funds from May 6, 2019 through May 27, 2019, (sent under separate cover to Board Members). A copy for public review will be available at the Board Meeting.
2. Accept the listed donation from YourCause, LLC Trustee for Wells Fargo Community Support, R & B Enterprises, YourCause, LLC Trustee for Edison International, School's First Federal Credit Union, Fagen, Friedman & Fulfrost, LLP, L. Carlos Villegas, Esq., Alpha Delta Kappa Tau Teacher Sorority in Rialto, Box Tops for Education, Jeffrey & Carolyn Palmer, and Tangram and request that a letter of appreciation be sent to the donor.

3. Declare the specified surplus equipment and miscellaneous items as obsolete and not-serviceable for school use, and authorize the Superintendent or his designee to sell or dispose of these items as specified in Education Code Sections 17545 and 17546.
4. Approve an agreement with Ludwig Engineering Associates, Inc., to perform topographical surveys for the Full-Day Kindergarten Facility Projects at Boyd, Casey, Dollahan, Morris, Preston and Trapp Elementary Schools from June 13, 2019 through June 30, 2020, at a cost not-to-exceed \$22,100.00, to be paid from Fund 25 – Capital Facilities Fund.
5. Approve agreement with John R. Byerly, Inc. as the engineering firm to provide material tests, structural tests, and special inspection services during the construction for the Modernization of the Building R Project at Eisenhower High School for an amount of \$13,254.00, plus a contingency allowance of \$1,988.00, as needed, not-to-exceed \$15,242.00, to be paid from Fund 21 – Measure Y Series “C”, General Obligation Bond Funds.
6. Approve the Memorandum of Understanding No. 19-20-0300 with the San Bernardino County Superintendent of Schools (SBCSS) for the District to use eight (8) county classrooms which are owned by SBCSS as follows: 1) Rooms E-1, E-2, E-3, and E-4 at Bemis Elementary School; 2) Room G-2 at Henry Elementary School; and 3) Rooms B-5, B-6, B-7 at Kolb Middle School from July 1, 2019 through June 30, 2020, at no cost to the District.
7. Approve Agreement No. 19-20-0301 with the San Bernardino County Superintendent of Schools (SBCSS) for classroom use and maintenance of eleven special education classrooms from July 1, 2019 through June 30, 2020, as follows: 1) Rooms E-5 and E-6 at Bemis Elementary School; 2) Room G-1 at Henry Elementary School; 3) Rooms C-1, C-2, C-3, and C-4 at Dollahan Elementary School; 4) Rooms D-101 and D-102 at Rialto High School; and 5) Rooms M-1 and M-2 at Eisenhower High School at a rate of \$3,458.71 per classroom. A total amount of \$38,045.81 will be paid to the District on or about June 15, 2020.
8. Approve Agreement No. 19-20-0302 with San Bernardino County Superintendent of Schools (SBCSS) for the District to provide one (1) classroom at Jehue Middle School for use by the County Special Education Programs from July 1, 2019 through June 30, 2020. The San Bernardino County Superintendent of Schools shall pay to the District \$3,458.71 on or about June 15, 2020.
9. Approve the use of the piggyback purchase of Centralia School District Project #CEPU #N15-2017/18: 2017 Portable Buildings UPB with

(Ref. E 1.14)

Silvercreek Industries, Inc. as needed for Fiscal year 2019-2020, cost to be determined at time of purchase(s), to be paid from the General Fund, and/or Fund 25 - Capital Facilities Fund. (Ref. H 9.1)

10. Approve Amendment No. 1 to Agreement No. C-19-0019 with PCH Architects, LLP. for an increase of \$8,800.00 for a new total cost not-to-exceed \$96,300.00, including reimbursable and contingency expenses; and an extension of the contract term from December 31, 2019 through December 31, 2020, to be paid from Measure Y Series "C", General Obligation Bond Funds. All other terms and conditions of the agreement will remain the same.
11. Approve Amendment No. 1 to Agreement No. C-18-0110 with CAL-Storm Compliance to increase the agreement by \$2,500.00 for a new total cost not-to-exceed the amount of \$8,750.00 and extend the term from June 30, 2019 through December 31, 2020, in order to cover the additional inspections of the Electrical Bus Charging Station Project and be in compliance with the State Water Resources Control Board (SWRCB), at a cost of \$2,500.00, to be paid from Fund 40 – Special Reserve Funds.
12. Approve agreement with John R. Byerly, Inc. as the engineering firm to provide post construction material tests, structural tests, and special inspection services for a total cost not-to-exceed \$2,340.00, to be reimbursed by American Tower Corporation, the operator of the cell antenna.
13. Approve RFP No. CJNS-2019-20-GROCERY Products and Related Items on behalf of the Pomona Valley Co-op Purchasing Group, and was advertised in accordance with Public Contract Code 20111. RFP No. CJNS-2019-20-GROCERY Products and Related Items were approved by the Colton Joint USD Board on May 16, 2019, and were awarded to vendors Gold Star Foods and Sysco for the 2019-2020 Fiscal Year. The cost will be determined at time of purchase(s), to be paid from Fund 13 – Cafeteria Fund.
14. Approve RFP No. 08(18-19)FN Distribution of USDA Foods and Commercial Products on behalf of the Pomona Valley Co-op Purchasing Group as advertised in accordance with Public Contract Code 20111. RFP No. 08(18-19)FN Distribution of USDA Foods and Commercial Products was approved by the Pomona Unified School District Board on May 8, 2019, and was awarded vendor Gold Star Foods for the 2019-2020 Fiscal Year, at a cost to be determined at time of purchase(s), to be paid from Fund 13 – Cafeteria Fund.

(Ref. E 1.15)

15. Approve Bid No. 18-19-12NS Paper Goods on behalf of the Pomona Valley Co-op Purchasing Group as advertised in accordance with Public Contract Code 20111. Bid No. 18-19-12NS Paper was approved by the Jurupa Unified School District Board on May 13, 2019, and was awarded to vendors P&R Paper Supply, Sysco, Daxwell, Interboro Packaging Group, Revere Packaging, and Individual Food Service, for the 2019-2020 Fiscal Year, at a cost to be determined at time of purchase(s), to be paid from Fund 13 – Cafeteria Fund.
16. Approve RFP #RIANS-2018-19-003 Pizza Products which has been awarded to Southern California Pizza Co. (Pizza Hut) for the 2018-2019 school year, and was advertised in accordance with Public Contract Code 20111. Item #27 of the original RFP references multi-year extensions and states that this bid may be extended for two (2) additional fiscal years. Approval of this RFP for the 2019-2020 fiscal year will be extension number one (1) of two (2). The price increases are under 1.5% and all other terms and conditions will remain the same. The cost will be determined at time of purchase(s), and will be paid from Fund 13 – Cafeteria Fund.
17. Approve RFP #C-189-003 for Snack Food and Beverages by the Ontario-Montclair School District, on behalf of the Pomona Valley Co-op Purchasing Group for Snack Food and Beverages for the 2018-2019 school year was awarded to Gold Star Foods, and was advertised in accordance with Public Contract Code 20111. Item #25 of the original RFP references multi-year extensions and states that this bid may be extended for two (2) additional fiscal years. This extension would be the first of two for RFP #C-189-003 Snack Food and Beverages and was approved by the Ontario-Montclair School District Board on May 2, 2019, for use in the 2019-2020 Fiscal Year, at a cost to be determined at time of purchase(s), to be paid from Fund 13 – Cafeteria Fund.
18. Approve the extension of RFP \*Updated\* #RIANS-2018-19-006 Tortilla Products “Re-Bid” which was awarded to Sunrise Produce for the 2018-2019 school year, and was advertised in accordance with Public Contract Code 20111. Item #27 of the original RFP references multi-year extensions and states that this bid may be extended for two (2) additional fiscal years. Approval of this RFP for the 2019-2020 Fiscal Year will be extension number one (1) of two (2). All other terms and conditions will remain the same. The cost will be determined at time of purchase(s), and will be paid from Fund 13 – Cafeteria Fund.
19. Accept the Share our Strength and National No Kid Hungry Campaign Grant for Bemis, Casey, Myers, and Trapp Elementary Schools to provide start-up funds to increase student participation in the school breakfast program. Each school will receive \$4,497.00 for a combined total of  
(Ref. E 1.16)



\$17,988.00 with implementation start dates of September 1, 2019 through October 1, 2019.

20. Approve an agreement with KNN Public Finance, LLC to provide continuing disclosure services related to General Obligation Bonds and other financing obligations, as well as certificates of participation for the Fiscal Year 2019-2020 with the filing of the 2018-2019 Annual Report, effective July 1, 2019 through June 30, 2020, with an option to renew annually through 2024, at a cost not-to-exceed \$5,500.00 per filing year, to be paid from Fund 21 – Measure Y Series “C”, General Obligation Bond.
21. Approve a Memorandum of Understanding (MOU) with Women on the Move Network to provide an after school activities based mentoring program that will be designed to build student self-confidence, help students learn to make good decisions, have healthy friendships, engage in service projects and have fun in a safe and welcoming environment for a maximum of 25 female students at Hughbanks Elementary School, effective September 4, 2019 through May 27, 2020, at no cost to the District.
22. Approve Agreement with Nancy K. Bohl, Incorporated, dba The Counseling Team International (TCTI) to provide short-term professional counseling to District employees, their family members and eligible dependents living in the employees’ primary residence for the 2019-2020 Fiscal Year with an option to renew in 2020-2021 and 2021-2022 for a monthly cost of \$3,850.00 and a total cost not-to-exceed \$46,200.00 per fiscal year, to be paid from the General Fund.
23. Accept the Share our Strength and National No Kid Hungry Campaign Grant for the District’s Summer Food Service Program (SFSP) in the amount of \$9,300.00 with implementation on June 4, 2019, using all funds by September 2019.
24. Approve CMAS No. 4-14-65-0028A for the purchase of Medical Defibrillators, Medical Emergency Equipment, Medical Emergency Supplies, Medical IV Pumps, Medical Temperature Monitor systems and services, cost to be determined at time of purchase(s), to be paid from the General Fund.
25. Approve an agreement with Achieve 3000 to provide an adaptive technology driven program differentiated reading program for approximately 675 Long Term English Learners enrolled in EL intervention courses at secondary schools for the 2019-2020 school year, at a cost of \$38,003.00, to be paid from Title III funds.

(Ref. E 1.17)

26. Approve an agreement with Corwin Press to provide two (2) days of professional development in the area of culturally and linguistically responsive instruction training that will include specific strategies for adapting instruction to engage Standard English Learners with opportunities for school teams to collaborate on how to best serve Standard English Learners to help them access the core curriculum, at a cost of \$16,600.00, to be paid from Title II funds.
27. Approve an agreement with Corwin Press to provide eight (8) days of professional development in the area of English Language Development, active listening for English Language Learners (ELL) and the ELL Shadowing Protocol. Shadowing helps teachers and administrators better understand the classroom experience from an English Learner's point of view. Training will include specific strategies for adapting instruction to engage ELLs with opportunities for school teams to collaborate on how to best serve English Learners to help them access the core curriculum, at a cost of \$49,600.00, to be paid from Title III funds.
28. Approve an agreement with the Expanded Food and Nutrition Education Program for students attending day care while their parents attend ESL and computer classes at the Curtis T. Winton Parent Institute, effective June 19, 2019 through June 28, 2019, at no cost to the District.
29. Approve an agreement with i-Station to provide an adaptive technology driven differentiated reading program for approximately 534 Dual Language Immersion program students enrolled at Boyd, Garcia, Kelley and Morris Elementary Schools for the 2019-2020 school year, at a cost of \$24,290.00, to be paid from Title III funds.
30. Approve an agreement with MCF Consulting, Inc. for services related to claims for reimbursement for Random Moment Time Survey (RMTS), effective July 1, 2019 through June 30, 2020. Back-cast billing will be implemented through the on-line RMTS system, at a cost of \$40,000.00, to be paid through the District's General Fund with revenue collected through Random Moment Time Survey (RMTS) reimbursement activities.
31. Approve to exercise Option Year 1 of contract No. C-19-0006 with Practi-Cal, Medi-Cal Local Education Agency (LEA) Billing Option Services. The term of the contract is from July 1, 2019 through June 30, 2020, with an option to renew the contract for Option Year 2 at a cost of \$59,400.00, to be paid from Local Education Agency funds.

32. Approve the affiliation/service agreement with Franklin Covey to provide the "Creating Culture" workshop and the Annual Membership for Bemis Elementary School, effective July 1, 2019 through June 30, 2020, at a cost of \$15,832.43, to be paid from the General Fund.
33. Approve an agreement with The Core Collaborative to provide nine (9) days of professional development to develop Impact Teams with Bemis Elementary School, effective July 1, 2019 through June 30, 2020, at cost of \$13,050.00, to be paid from Title I funds.
34. Approve a Memorandum of Understanding (MOU) with The Leela Project to provide a literature and mentoring program that will be designed to build student self-confidence, assist in making good decisions, have healthy friendships, engage in service projects and have fun in a safe and welcoming environment for a maximum of twenty-five (25) male students at Hughbanks Elementary School, effective August 5, 2019 through May 28, 2020, at no cost to the District.
35. Approve an agreement with Voyager Sopris Learning to provide six (6) days of high quality professional learning in Language Essentials for Teachers of Reading and Spelling (LETRS), including the online Bridge to Practice Activities for the participating teachers and administrators, effective August 1, 2019 through April 30, 2020, at a cost of \$25,000.00, to be paid from the General Fund.

**I. FACILITIES PLANNING CONSENT ITEM**

1. Accept the work completed as of May 31, 2019, by IVL Contractors, Inc. for all work required in connection with UPCCAP #19-006 Frisbie Middle School Ramp Project, and authorize District personnel to file a Notice of Completion with the San Bernardino County Recorder.

**J. PERSONNEL SERVICES CONSENT ITEMS**

- 1-3. Approve Personnel Report No. 1216 for classified and certificated employees.
4. Approve Declaration of Need for Fully Qualified Educators for the 2019-2020 school year.

**K. DISCUSSION/ACTION ITEMS**

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, Item K1 was approved by a 4-0 vote by the Board of Education.

(Ref. E 1.19)

1. Approve an agreement with John R. Byerly, Inc. as the geotechnical engineer to provide geotechnical services for Full-Day Kindergarten Facility Projects at Boyd, Casey, Dollahan, Morris, Preston, and Trapp Elementary Schools, effective June 13, 2019 through June 30, 2020, at a cost of \$12,176.00 per site, for a total cost not-to-exceed \$73,056.00, to be paid from Fund 25 – Capital Facilities Fund.

Upon a motion by Vice President O’Kelley, seconded by Clerk Walker, Item K2 was approved by a 4-0 vote by the Board of Education.

2. Adopt Resolution No. 18-19-35 authorizing designated person to approve contract completions.

Upon a motion by Member Martinez, seconded by Vice President O’Kelley, Item K3 was approved by a 4-0 vote by the Board of Education.

3. Adopt Resolution No. 18-19-36 approving the plan to spend the monies received from the Education Protection Account (EPA) on Instruction.

Upon a motion by Clerk Walker, seconded by Vice President O’Kelley, Item K4 was approved by a 4-0 vote by the Board of Education.

4. Adopt Resolution No. 18-19-37 authorizing staff to process the necessary transfers of appropriations to revise budget amounts during the course of the fiscal year to allow appropriation of excess funds, transfers between designated and/or un-appropriated fund balances and any expenditure classifications, or balance any expenditure classification of the budget.

Upon a motion by Vice President O’Kelley, seconded by Member Martinez, Item K5 was approved by a 4-0 vote by the Board of Education.

5. Adopt Resolution No. 18-19-38 authorizing the filing of a Form J-13A waiver requesting approval by the County Superintendent of Schools for the emergency closure and reduction in the computation of Average Daily Attendance and Instructional Minutes for Thursday, May 23, 2019, at Fitzgerald Elementary School.

Upon a motion by Clerk Walker, seconded by Vice President O’Kelley, Item K6 was approved by a 4-0 vote by the Board of Education.

6. Adopt Resolution No. 18-19-39 requesting the Board of Supervisors of the County of San Bernardino to establish a tax rate for bonds of the district expected to be sold during Fiscal Year 2019-20; authorizing Superintendent or his designee to provide estimated debt service for said

bonds to officials of the County of San Bernardino; and authorizing other necessary actions.

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, Item K7 was approved by a 4-0 vote by the Board of Education.

7. Approve an agreement with THINK Together, Inc. a non-profit corporation, for the purpose of providing the After School Educational and Safety (ASES) program at Fitzgerald Elementary school, effective July 1, 2019 through June 30, 2020, with an option to renew for (1) one additional year, at a cost of \$124,000.00, to be paid from the General Fund.

Upon a motion by Vice President O'Kelley, seconded by Clerk Walker, Item K8 was approved by a 4-0 vote by the Board of Education.

8. Approve the AB 288 (Dual Enrollment) College and Career Access Pathways Partnership Agreement between San Bernardino Community College District, San Bernardino Valley College, and the District for the 2019-2020 school year, effective July 1, 2019, which is to be reviewed annually, and will remain in effect until cancelled or amended by either party unless otherwise terminated in accordance with Section 19 of the Agreement. The cost will be determined at time of purchase(s) for textbooks required for the courses, and will be paid from the General Fund.

Upon a motion by Clerk Walker, seconded by Vice President O'Kelley, Item K9 was approved by a 4-0 vote by the Board of Education.

9. Adopt Resolution No.18-19-34, approving the proposed AB 288 College and Career Access Pathways Partnership Agreement for the 2019-2020 school year.

Upon a motion by Member Martinez, seconded by Clerk Walker, Item K10 was approved by a 4-0 vote by the Board of Education.

10. Renew the agreement with Apex Learning Inc., for 1250 licenses at four (4) high schools from July 1, 2019 through June 30, 2020, at a cost of \$93,750.00, to be paid from the General Fund.

Upon a motion by Vice President O'Kelley, seconded by Member Martienez, Item K11 was approved by a 4-0 vote by the Board of Education.

11. Approve a renewal agreement with Edupoint Educational Systems, LLC for the annual software license and maintenance of the District's Student Information System, Synergy. This includes Online Student Registration

module and Synergy Technology Tool Set software, effective July 1, 2019 through June 30, 2020, at a cost of \$175,687.00, to be paid from the General Fund.

Upon a motion by Vice President O'Kelley, seconded by Clerk Walker, Item K12 was approved by a 4-0 vote by the Board of Education.

12. Approve an agreement with Generation Ready to provide professional development at Hughbanks Elementary School, effective July 22, 2019 through June 30, 2020, at a cost of \$50,000.00, to be paid from Title I funds.

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, Item K13 was approved by a 4-0 vote by the Board of Education.

13. Approve agreement with Franklin Covey covering the following items: Advanced Membership July 1, 2019 through June 30, 2020, Student/Classroom Materials, 7 habits signature two (2) day workshop, and Creating Culture 1 day workshop for Frisbie Middle School, effective July 1, 2019 through June 30, 2020, at a cost of \$52,794.62, to be paid from Title I funds.

Upon a motion by Clerk Walker, seconded by Vice President O'Kelley, Item K14 was approved by a 4-0 vote by the Board of Education.

14. Approve an agreement with THINK Together, Inc. a non-profit corporation, for the for the purpose of providing the After School Educational and Safety (ASES) program at eighteen elementary and five middle school sites in the District. The term of the contract will be July 1, 2019 through June 30, 2020, with an option to renew for (2) two subsequent years. Payment not-to-exceed 100% of the grant of \$2,918,126.03 for the 2019-2020 fiscal year and fees will be renegotiated subsequent years, if district exercises renewal options, at a cost of \$2,918,126.03, to be paid from the ASES Grant.

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, Item K15 was approved by a 4-0 vote by the Board of Education.

15. Approve the recommendations of the Administrative Hearing Panel (AHP):

**ADMINISTRATIVE HEARING:**

Case Number:  
18-19-60

(Ref. E 1.22)

**STIPULATED EXPULSION:**

Case Number:

18-19-64

18-19-65

18-19-68

18-19-69

18-19-74

**REINSTATEMENT OF EXPULSION:**

Case Numbers:

18-19-43

18-19-51

President Montes announced the following:

The next regular meeting of the Board of Education of the Rialto Unified School District will be held on Wednesday, June 26, 2019, at 7:00 p.m., at the Dr. John R. Kazalunas Education Center, 182 East Walnut Avenue, Rialto, California.

Materials distributed or presented to the Board of Education at the Board Meeting are available upon request from the Superintendent's Office.

**L. ADJOURNMENT**

Upon a motion by Member Martinez, seconded by Vice President O'Kelley, and approved by a 4-0 vote by the Board of Education, the meeting was adjourned at 8:12 p.m., with a moment of silence in honor of two former RUSD employees who recently passed away: Mr. William "Bill" Slone, former teacher and administrator, and Mr. Kent Taylor, former Area Director.

  
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Clerk, Board of Education

  
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Secretary, Board of Education