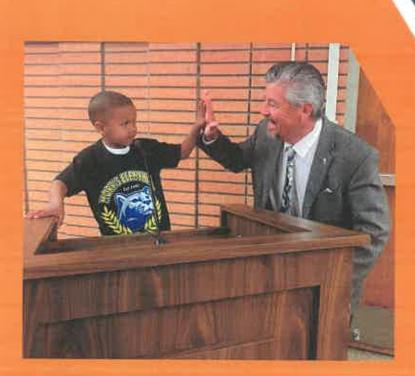


RIALTO

Unified School District



BOARD OF EDUCATION

Agenda, April 8, 2020

"Bridging Futures
Through Innovation"

MISSION

The mission of the Rialto Unified School District, the bridge that connects students to their aspirations for the future, is to ensure each student achieves personal and career fulfillment within a global society, through a vital system distinguished by:

- · High expectation for student achievement
- Safe and engaging learning environments
- Effective family and community involvement
- Learning opportunities beyond the traditional school setting
- Appreciation of universal diversity

RUSD Board of Education

Mrs. Nancy G. O'Kelley, President Ms. Dina Walker, Vice President Mr. Joseph Martinez, Clerk Mr. Joseph Ayala, Member Mr. Edgar Montes, Member Avionc' Douglas, Student Member

RUSD Superintendent

Dr. Cuauhtémoc Avila



Cover Picture

Throwback to a time when human connection was picture perfect... RUSD Board of Education Member, **Mr. Joseph Ayala** gave a high five to a confident Morris Elementary School kindergarten student, **Jeremiah Puyol**, in **Mrs. Caroline Ochoa's** classroom, after he finished with the flag salute.

RIALTO UNIFIED SCHOOL DISTRICT

Dr. John R. Kazalunas Education Center 182 East Walnut Avenue Rialto, California

NANCY G. O'KELLEY
President

JOSEPH W. MARTINEZ
Clerk

EDGAR MONTES
Member



DINA WALKERVice President

JOSEPH AYALA Member

AVIONC' DOUGLAS
Student Board Member

CUAUHTÉMOC AVILA, ED.D.
Superintendent

IMPORTANT PUBLIC NOTICE

The Board Meeting of April 8, 2020 will be held TELEPHONICALLY and available to the public via streamlined-audio only.

For those that wish to participate in the meeting and/or make public comments,
Please follow the steps set forth below:

- To access the Board Meeting via live stream, go to "Our Board", scroll down to "Board Meeting Videos" and click play.
- The agenda may be accessed on our website by also going to "Our Board" and scrolling down to "Agendas and Minutes".
- Although not required, for those who wish to make a public comment at this meeting, please email your comments to Martha Degortari, Executive Administrative Agent, at mdegorta@rialto.k12.ca.us, or leave a detailed message with your comment and call back number at (909) 820-7700, ext. 2124, no later than 4:00 p.m., the day of the Board meeting.
- To listen to this Board meeting in Spanish, please visit our website at www.rialto.k12.ca for instructions,



RIALTO UNIFIED SCHOOL DISTRICT REGULAR MEETING OF THE BOARD OF EDUCATION AGENDA

April 8, 2020

Dr. John R. Kazalunas Education Center

182 East Walnut Avenue

Rialto, California

Board Members:

Nancy O'Kelley, President
Dina Walker, Vice-President
Joseph Martinez, Clerk
Joseph Ayala, Member
Edgar Montes, Member
Avionc' Douglas, Student Board Member

Superintendent:

Cuauhtémoc Avila, Ed.D.

Any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee in writing.

Pages

A. OPENING

- A.1 CALL TO ORDER 6:00 p.m.
- A.2 OPEN SESSION
 - A.2.1 Comments on Closed Session Agenda Items

Any person wishing to speak on any item on the Closed Session Agenda will be granted three minutes.

A.3	CLOSE	D SESSION	
	Moved Seconded As provided by law, the following are the items for discussion and consideration at the Closed Session of the Board Meeting: Vote by Board Members to move into Closed Session.		
	Time: _		
	A.3.1	PUBLIC EMPLOYEE EMPLOYMENT/DISCIPLINE/DISMISSAL/RELEASE/REASSIG NMENT OF EMPLOYEES (GOVERNMENT CODE SECTION 54957)	
	A.3.2	STUDENT EXPULSIONS/REINSTATEMENTS/EXPULSION ENROLLMENTS	
	A.3.3	CONFERENCE WITH LABOR NEGOTIATORS	
		Agency designated representatives: Cuauhtémoc Avila, Ed.D., Superintendent; Rhea McIver Gibbs, Ed.D., 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)	
A.4	ADJOUI	RNMENT OF CLOSED SESSION	
	Seconde	ed Board Members to adjourn out of Closed Session.	
	Time: _		
A.5	OPEN S	SESSION RECONVENED - 7:00 p.m.	
A.6	PLEDGI	E OF ALLEGIANCE	

A.7 REPORT OUT OF CLOSED SESSION

A.8	ADOPTION OF AGENDA
	Moved Seconded Vote by Board Members to adopt the agenda.
PRES	SENTATIONS - None
СОМ	MENTS
C.1	PUBLIC COMMENTS FROM THE FLOOR
	At this time, any person wishing to speak on any item <u>not on</u> the Agenda will be granted three minutes.
C.2	PUBLIC COMMENTS ON AGENDA ITEMS
	Any person wishing to speak on any item <u>on</u> the Agenda will be granted three minutes.
C.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).
C.4	COMMENTS FROM THE SUPERINTENDENT
C.5	COMMENTS FROM MEMBERS OF THE BOARD OF EDUCATION
PUBLIC HEARING	
D.1	OPEN PUBLIC HEARING
	Moved Seconded Vote by Board Members to open Public Hearing.
	Time:

В.

C.

D.

D.1.1 2020-2021 INITIAL PROPOSAL FROM CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA)

PUBLIC HEARING: Pursuant to the requirements of Government Code and Board Policy, the 2020-2021 proposal submitted by the California School Employees Association (CSEA), for an agreement between the California School Employees Association (CSEA), and the Rialto Unified School District Board of Education, is hereby posted in compliance with the legislative requirements for public notice.

D.2 CLOSE PUBLIC HEARING

Moved	
Seconded	
ote by Board Members to close Public Hearing	J.
Гіте:	

E. CONSENT CALENDAR ITEMS

All items on the Consent Calendar will be acted upon in one motion unless pulled by Board of Education members or the Superintendent for individual action.

Moved _____
Seconded ____
Vote by Board Members to approve Consent Calendar Items.

E.1 MINUTES

E.1.1 MINUTES - REGULAR BOARD OF EDUCATION MEETING OF MARCH 25, 2020

Approve the minutes of the Regular Board of Education meeting held March 25, 2020.

E.1.2 MINUTES - EMERGENCY BOARD OF EDUCATION MEETING OF MARCH 16, 2020

Approve the minutes of the Emergency Board of Education Meeting held March 16, 2020.

E.2 GENERAL FUNCTIONS CONSENT ITEMS

E.2.1 SECOND READING OF BOARD POLICY 0520 (a-b); INTERVENTION FOR UNDERPERFORMING SCHOOLS

27

9

23

7

	E.2.2	SECOND READING OF REVISED BOARD POLICY 3515 (a-c); CAMPUS SECURITY	29
	E.2.3	SECOND READING OF REVISED BOARD POLICY 3600 (a-c); CONSULTANTS	32
	E.2.4	SECOND READING OF BOARD POLICY 4019.1(a-g); PROFESSIONAL ADULT/STUDENT BOUNDARIES	35
E.3	INSTRU	JCTION CONSENT ITEMS	
	E.3.1	PHYSICAL EDUCATION EXEMPTION	42
		Approve student 7815431 to be exempt from all physical activities for the first semester of the 2019-2020 school year, at no cost to the District.	
E.4	BUSINE	ESS AND FINANCIAL CONSENT ITEMS	
	E.4.1	WARRANT ORDER LISTING AND PURCHASE ORDER LISTING	
		Approve Warrant Listing Register and Purchase Orders Listing for all funds from March 6, 2020 through March 19, 2020. Sent under separate cover to Board Members. A copy for public review will be available at the Board Meeting.	
	E.4.2	DONATIONS	43
		Accept the listed donations from Westat; YourCause, LLC – Wells Fargo Community Support Campaign; Susan Patane, SLP Communication; Greg Bell, Athletes for Life; West Valley Water District; Agua Caliente Clippers, and request that a letter of appreciation be sent to the donors.	
E.5	FACILIT	TIES PLANNING CONSENT ITEMS - None	
E.6	PERSO	NNEL SERVICES CONSENT ITEMS	
	E.6.1	PERSONNEL REPORT NO. 1233	44
		Approve Personnel Report No. 1233 for classified and certificated employees.	

F. DISCUSSION/ACTION ITEMS

G.

F.1	CLOSURE OF SEVEN (7) INACTIVE COUNTY SCHOOLS FACILITIES SUB-FUNDS WITHIN FUND 35	48
	Moved Seconded Approve the closure of the following seven (7) County Schools Facilities	
	Sub Funds within Fund 35, at no cost to the District.	
	Vote by Board Members.	
F.2	RESOLUTION NO. 19-20-51 TEMPORARY INTER-FUND BORROWING BETWEEN FUNDS	49
	Moved	
	Seconded	
	Adopt Resolution No. 19-20-51 authorizing temporary inter-fund	
	borrowing between all funds and accounts, with the exception of Fund 21 - Building Fund for the fiscal year 2020-2021, at no cost to the District.	
	Vote by Board Members.	
ADJO	DURNMENT	
	next regular meeting of the Board of Education of the Rialto Unified School	
	ict will be held on April 22, 2020, at 7:00 p.m., via teleconference and mlined only.	
	rials distributed or presented to the Board of Education at the Board	
	ing are available upon request from the Superintendent's Office.	
Move	ed	
Seco	nded	
VOTO	by Board Members to adjourn.	
Time:	<u></u>	

PUBLIC NOTICE

PURSUANT TO THE REQUIREMENTS OF GOVERNMENT CODE AND BOARD POLICY, THE ATTACHED INITIAL CONTRACT PROPOSAL FOR THE 2020-2021 SCHOOL YEAR SUBMITTED BY THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA), FOR AN AGREEMENT BETWEEN THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA) AND THE RIALTO UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION, IS HEREBY POSTED IN COMPLIANCE WITH THE LEGISLATIVE REQUIREMENTS FOR PUBLIC NOTICE.

Rhonda Kramer

Lead Personnel Agent

Personnel Services

April 2, 2020



California School Employees Association and its Rialto Chapter #203 2020-2021 Reopener Negotiations Sunshine Proposal

California School Employees Association and its Chapter 203 (CSEA) present our initial proposal to negotiate 2020-2021 Reopeners. CSEA desires to alter or amend the following articles as indicated and presents our proposal for public discussion in accordance with Government Code 3547 as follows:

Article XIX - HOLIDAY

CSEA will propose language to enhance the holidays offered to bargaining unit employees.

ARTICLE XX - HEALTH AND WELFARE BENEFITS

CSEA will propose language to enhance the health and welfare benefits of bargaining unit members corresponding with the District's ability to pay.

Article XXI - DUTY HOURS

CSEA will propose language to:

- Recognize seniority in the selection of shifts.
- Clarify/update the process used for route selection in the Transportation department.

ARTICLE XXII - PAY AND ALLOWANCES

CSEA will propose language to attract and retain the best-qualified professional classified staff by improving the existing salary structure.

Please place this Proposal on the next Board of Education agenda in compliance with California's Brown Act, and Government Code 3547(a).

MINUTES

RIALTO UNIFIED SCHOOL DISTRICT

March 25, 2020
Dr. John R. Kazalunas Education Center
182 East Walnut Avenue
Rialto, California

Board Members Present

Via Teleconference: Nancy O'Kelley, President

Dina Walker, Vice-President

Joseph Martinez, Clerk Joseph Ayala, Member Edgar Montes, Member

Administrators Present: Cuauhtémoc Avila, Ed.D., Superintendent

Darren McDuffie, Ed.D., Lead Strategic Agent: Strategics,

Congruence and Social Justice

Also present, Martha Degortari, Executive Administrative Agent,

and Jose Reyes, Interpreter/Translator

Administrators Absent: Mohammad Z. Islam, Associate Superintendent, Business

Services

Elizabeth Curtiss, Interim Lead Innovation Agent Rhea McIver Gibbs, Ed.D., Lead Personnel Agent

Rhonda Kramer, Lead Personnel Agent

A. <u>OPENING</u>

A.1 CALL TO ORDER

The regular meeting of the Board of Education which was held via teleconference and streamlined only, was called to order at 6.03 p.m.

A.2 OPEN SESSION

A.2.1 Comments on Closed Session Agenda Items

Any person wishing to speak on any item on the Closed Session Agenda will be granted three minutes.

None.

A.3 CLOSED SESSION

As provided by law, the following are the items for discussion and consideration at the Closed Session of the Board Meeting:

Moved By

Member Ayala

Seconded By

Vice-President Walker

Vote by Board Members to move into Closed Session.

Time: 6:05 p.m.

Approved by a Unanimous Vote

A.3.1 PUBLIC EMPLOYEE

EMPLOYMENT/DISCIPLINE/RELEASE/REASSIGNMENT OF EMPLOYEES (GOVERNMENT CODE SECTION 54957)

A.3.2 STUDENT EXPULSIONS/REINSTATEMENTS/EXPULSION ENROLLMENTS

A.3.3 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)

A.3.4 REVIEW OF LIABILITY CLAIM NUMBER 19-20-10

A.4 ADJOURNMENT OF CLOSED SESSION

Moved By

Clerk Martinez

Seconded By

Member Ayala

Vote by Board Members to adjourn out of Closed Session.

Time: 7:03 p.m.

Approved by a Unanimous Vote

A.5 OPEN SESSION

Open session reconvened at 7:03 p.m.

A.6 PLEDGE OF ALLEGIANCE

Dr. Avila, Superintendent, led the Pledge of Allegiance.

A.7 REPORT OUT OF CLOSED SESSION

Superintendent Dr. Avila reported that no action was taken in closed session.

A.8 ADOPTION OF AGENDA

The agenda was adopted as amended:

The following items will be pulled from page 53 of the agenda:

RESIGNATIONS

Montoya, Griselda Secretary II 03/20/2020

PLACE ON THE 39-MONTH REEMPLOYMENT LIST

Robles Jr., Martha Custodian I 03/28/2020

Casey/Curtis Elementary Schools

The following item will also be pulled from page 63 of the agenda:

DISCUSSION/ACTION Item F-4 - Agreement with 360 Degree Customer, Inc.

Moved By Member Montes

Seconded By Member Ayala

Vote by Board Members to adopt agenda as amended.

Approved by a Unanimous Vote

B. PRESENTATIONS

B.1 MEASURE Y 2010 PROPOSITION 39 GENERAL OBLIGATION BONDS FINANCIAL AND PERFORMANCE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2019, PRESENTED BY MS. PAULA BAILEY, CHAIRPERSON OF THE MEASURE Y CITIZENS' OVERSIGHT COMMITTEE

Dr. Avila, Superintendent reported on behalf of Ms. Paula Bailey, Chairperson of the Measure Y Citizens' Oversight Committee the following:

- The audit report is "Unmodified Opinion" which is the highest level of assurance provided on a set of Financial Statements.
- The report consists of two parts i.e. Financial Audit and Performance Audit as of June 30, 2019.
- There are no audit findings.

C. <u>COMMENTS</u>

C.1 PUBLIC COMMENTS FROM THE FLOOR

At this time, any person wishing to speak on any item <u>not on</u> the Agenda will be granted three minutes.

Superintendent, Dr. Avila read the following public comments which were received via email:

Gil Navarro, Water Board Director, Division II, with the San Bernardino Valley Municipal Water District, shared that the San Bernardino Valley Municipal Water District is working behind the scenes to ensure that there are no interruptions in service to the water retailers, cities and mutual water companies who depend on supplemental water supply. He indicated that for additional information, the public can call (909) 387-9200 or email kristeenf@sbvmwd.com.

Keith Rubio, Teacher, shared his concerns regarding distance learning for general education students, particularly Special Education students. He indicated that he is concerned about districts jumping into distance learning without a complete understanding as to how it will work for parents, staff, and students. He wonders whether a distance learning program would meet state accreditation standards for students and how this would affect the evaluation process for teachers. He stated that there are many concerns as to the legalities centered around Special Education distance learning, which he feels most likely will not meet the individualized education needs of every Special Education student. He asked that a task force committee be formed with all stakeholders, including parents, to plan for future closures in the event of any national disaster or extended school closures.

Rosa Fuentes, Parent, shared that she realizes we are facing a very difficult situation and understands that decisions taken are not always

popular, but with optimism and positive attitudes we will surpass this event. She recommended for teaching staff to connect with students who are struggling academically to help them cope and feel that they are cared for, and to offer support during these hard times.

Crysel Ruiz shared that she understands the District is looking out for the safety of everyone, but she is concerned that seniors will not get a chance to spend more time with friends and teachers and will miss out on the memories of their high school moments. She is requesting consideration be made for additional time.

Tobin Brinker, Teacher, shared his concerns regarding distance learning and whether it's an answer to prayer or whether it will cause more harm to students. He requested that this be planned slowly, considering the benefits and risks involved. He expressed his concerns regarding platforms such as ZOOM and Google Meets and indicated that teachers often are not trained to deal with the problems associated with online classrooms. He suggested online learning does not initially include a video component.

Mr. Brinker commended the District on working quickly to provide families computers and hotspots SO they can access learning. However, he is concerned as to who would pay for lost or stolen computers and what teachers would grade if the students did not engage online? He also questioned as to how the District would meet State and Federal mandates to educate students with special needs? recommended that the District continue to provide enrichment lessons and opportunities for students who want to go beyond using Google Classroom, and suggests that everything beyond that be introduced slowly as teachers are trained and issues are worked out.

Clarisa Gastelum, Parent, asked what the Board is doing, or thinking of doing regarding online courses for student of Rialto? She shared that her son is in the sixth grade and he is concerned about being held back because of missed school. She has friends in other districts who indicated that the students either received tablets to complete online courses or are signed up for online courses using their home desktops.

Brenda Perez, Parent, she shared that she understands the importance of keeping the students and community safe, but she is also concerned for the education of the students and feels the District should let the students borrow computers as some of them do not count on any electronic devices at home.

Paula Bailey, Parent, thanked the District for providing students with the grab-and-go meal program. She said that it is wonderful to see how courteous and helpful the staff is at the different sites and what an amazing job they are doing. As a parent, she appreciates all their efforts.

Mirna Ruiz, PTA President, thanked Nutrition Services staff for all their support right now to feed the students in our community. She said they are doing an amazing job and thanked them for showing up even when it rains. She indicated that we are a united district and this is the time to show it.

C.2 PUBLIC COMMENTS ON AGENDA ITEMS

Any person wishing to speak on any item <u>on</u> the Agenda will be granted three minutes.

None.

C.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).

Superintendent, Dr. Avila shared the following comments from Association Executive Board Members which were received via email.

Chris Cordasco, CSEA Chapter 203 President, presented to the Board and the Superintendent their initial proposal to negotiate 2020-2021 reopeners.

Teresa Hunter, Acting Vice President for Substitute Teachers, Communication Workers of America (CWA), submitted the following comments relative to item D 1.1 on the agenda. She thanked the Board for their consideration of their contract bargaining proposal. She indicated that they look forward to soon working with the District to bring about a new and improved contract for their Rialto guest teachers.

Ms. Hunter shared that they miss going to work in the classroom and helping students do their best work. She said that many of their guest teachers are stressed about the loss of work and how it will affect their daily living. None of the updates have information that is pertinent to guest teachers and she said they look forward to receiving some hopeful news. They hope to be back in the classroom soon.

C.4 COMMENTS FROM THE SUPERINTENDENT

C.5 COMMENTS FROM MEMBERS OF THE BOARD OF EDUCATION

D. PUBLIC HEARING

D.1 OPEN PUBLIC HEARING

Moved By Member Montes

Seconded By Member Ayala

Vote by Board Members to open Public Hearing.

Time: 7:48 p.m.

Approved by a Unanimous Vote

D.1.1 2020-2021 INITIAL PROPOSAL FROM COMMUNICATION WORKERS OF AMERICA (CWA)

PUBLIC HEARING: Pursuant to the requirements of Government Code and Board Policy, the initial 2020-2021 proposal submitted by the Communications Workers of America (CWA), for an agreement between the Communication Workers of America (CWA) and the Rialto Unified School District Board of Education, is hereby posted in compliance with the legislative requirements for public notice.

D.1.2 2020-2021 INITIAL PROPOSAL TO RIALTO EDUCATION ASSOCIATION

PUBLIC HEARING: Pursuant to the requirements of Government Code and Board Policy, the initial contract proposal for the 2020-2021 school year submitted by Rialto Unified School District, for an agreement between the Rialto Education Association (REA) and Rialto Unified School District Board of Education, is hereby posted in compliance with the legislative requirements for public notice.

D.2 CLOSE PUBLIC HEARING

Moved By Member Ayala

Seconded By Clerk Martinez

Vote by Board Members to close Public Hearing.

Time: 7:50 p.m.

Approved by a Unanimous Vote

E. CONSENT CALENDAR ITEMS

All items on the Consent Calendar will be acted upon in one motion unless pulled by Board of Education members or the Superintendent for individual action.

Moved By Clerk Martinez

Seconded By Member Montes

Vote by Board Members to approve Consent Calendar Items as amended.

Approved by a Unanimous Vote

E.1 MINUTES

Approve the minutes of the Regular Board of Education meeting, held March 4, 2020.

E.2 GENERAL FUNCTIONS CONSENT ITEMS

- E.2.1 FIRST READING OF BOARD POLICY 0520 (ab); INTERVENTION FOR UNDERPERFORMING SCHOOLS
- E.2.2 FIRST READING OF REVISED BOARD POLICY 3515 (a-c); CAMPUS SECURITY
- E.2.3 FIRST READING OF REVISED BOARD POLICY 3600 (a-c); CONSULTANTS
- E.2.4 FIRST READING OF BOARD POLICY 4019.1 (a-g); PROFESSIONAL ADULT/STUDENT BOUNDARIES
- E.3 INSTRUCTION CONSENT ITEMS None
- E.4 BUSINESS AND FINANCIAL CONSENT ITEMS

E.4.1 WARRANT ORDER LISTING AND PURCHASE ORDER LISTING

Approve Warrant Listing Register and Purchase Order Listing for all funds from February 14, 2020 through March 5, 2020. (Sent under separate cover to Board Members). A copy for public review will be available at the Board Meeting.

E.4.2 DONATIONS

Accept the listed donations from YourCause, LLC Trustee for Wells Fargo Foundation Educational Matching Gifts

Program; YourCause, LLC Trustee for Wells Fargo Community Support Campaign; Box Top Education; Walmart, and request that a letter of appreciation be sent to each of these donors.

E.4.3 SURPLUS EQUIPMENT AND MISCELLANEOUS ITEMS

Declare the specified surplus equipment and miscellaneous items as obsolete and not-serviceable for school use, and authorize the Superintendent/designee to sell or dispose of these items as specified in the Education Code Sections 17545 and 17546.

E.4.4 APPROVAL TO USE PUBLIC BIDS AND CONTRACTS FOR INFORMATION TECHNOLOGY GOODS & SERVICES AND WIRELESS EQUIPMENT AND SERVICES

Approve CMAS Contract No. 3-19-70-2486R and CMAS Amendment #7-11-70-18 for Information Technology Goods & Services and Wireless Equipment and Services, at a cost to be determined at time of purchase(s), and to be paid from the General Fund.

E.4.5 AGREEMENT WITH JOHN R. BYERLY, INC. FOR GEOTECHNICAL ENGINEERING, MATERIALS TESTING AND SPECIAL INSPECTION SERVICES FOR THE INSTALLATION OF TWO SHADE STRUCTURES AT CARTER HIGH SCHOOL

Approve an agreement with John R. Byerly, Inc., to provide geotechnical/testing and special inspection services for the installation of two shade structures at Carter High School, effective March 26, 2020 through December 30, 2020, at a cost of \$11,132.00, to be paid from Fund 21 – Measure Y, Series C, General Obligation (G.O.) Bond.

E.4.6 AMENDMENT TO AGREEMENT WITH PARENT INSTITUTE FOR QUALITY EDUCATION (PIQE) TRAINING – JEHUE MIDDLE SCHOOL

Amend the agreement with the Parent Institute for Quality Education (PIQE) for parents who participated in the PIQE training held at Jehue Middle School on October 1, 2019 through December 7, 2019. The original amount of the agreement was \$9,000.00 and an increase of \$2,500.00 is needed for a total cost of \$11,500.00, due to the increase of parent participation. All other terms of the agreement will remain the same. The cost of \$2,500.00 to be paid from the General Fund - Title I.

E.4.7 AGREEMENT WITH DR. ROBIN MORRIS

Approve an agreement with Dr. Robin Morris, Licensed Psychologist to provide an Independent Education Evaluation (IEE) effective March 26, 2020 through June 30, 2020, at a cost of \$5,000.00, to be paid from the General Fund - Special Education Budget.

E.4.8 AGREEMENT WITH INDIVIDUALIZED EDUCATIONAL PSYCHOLOGY, INC. – DR. JERRY TURNER

Approve an agreement with Individualized Educational Psychology Inc., Dr. Jerry Turner, Licensed Educational Psychologist, to provide an Independent Education Evaluation (IEE) effective March 26, 2020 through June 30, 2020, at a cost of \$4,650.00, to be paid from the General Fund - Special Education Budget.

E.4.9 MEMORANDIUM OF UNDERSTANDING (MOU) WITH WESTED FOR THE INTEGRATED SCIENCE LITERACY CURRICULUM (ISLC) FIRST GRADE STUDY

Approve the MOU with WestEd for the Integrated Science Literacy Curriculum (ISLC) First Grade Study, at no cost to the District.

E.5 FACILITIES PLANNING CONSENT ITEMS - None

E.6 PERSONNEL SERVICES CONSENT ITEMS

E.6.1 PERSONNEL REPORT NO. 1232

Approve Personnel Report No. 1232 for classified and certificated employees, except for the following items which were pulled:

RESIGNATIONS

Montoya, Griselda Secretary II 03/20/2020

PLACE ON THE 39-MONTH REEMPLOYMENT LIST

Robles Jr., Martha Custodian I 03/28/2020
Casey/Curtis Elementary Schools

F. DISCUSSION/ACTION ITEMS

F.1 AWARD RFP #19-20-009 FOR INDEPENDENT AUDIT SERVICES

Moved By Clerk Martinez

Seconded By Vice-President Walker

Approve award of RFP #19-20-009 to Eide Bailly, LLP. The initial audit period will be for fiscal year, July 1, 2019 through June 30, 2020, at total not-to-exceed cost of \$57,000.00 with an option to renew for the fiscal year 2020-2021 at a total not-to-exceed cost of \$58,000.00 and the fiscal year 2021-2022 at a total not-to-exceed cost of \$59,000.00. The cost of \$57,000.00 for the 2019-2020 Initial Audit Period, will be paid from the General Fund.

Vote by Board Members.

Approved by a Unanimous Vote

F.2 AGREEMENT WITH HMC ARCHITECTS FOR THE SPECIAL EDUCATION RENOVATION PROJECT AT THE DISTRICT OFFICE

Moved By Clerk Martinez

Seconded By Vice-President Walker

Approve an agreement with HMC Architects for the Special Education Department Renovation Project at the District office from March 26, 2020 through June 30, 2021, at a cost of \$276,483.00, to be paid from Fund 40, Special Reserve Fund for Capital Outlay Projects.

Vote by Board Members.

Approved by a Unanimous Vote

F.3 LIABILITY CLAIM

Moved By Vice-President Walker

Seconded By Member Ayala

Deny Liability Claim No. 19-20-10.

Vote by Board Members.

Approved by a Unanimous Vote

F.4 AGREEMENT WITH 360 DEGREE CUSTOMER INC.

Agreement with 360 Degree Customer Inc. was pulled from the agenda.

Ratify an agreement with 360 Degree Customer Inc. to provide nursing services for students in County Programs and Non-Public Schools, SLPAs

for speech services, and credentialed teachers for students who need instruction during the day, effective March 23, 2020, through June 30, 2020, at a cost of \$100,000.00, to be paid from the General Fund - Special Education Budget.

Motion Dies

F.5 AGREEMENT WITH T-MOBILE EMPOWER ED PROGRAM FOR HOTSPOT DEVICES

Moved By Clerk Martinez

Seconded By Member Ayala

Approve the agreement with T-Mobile Empower Ed Program for 7000 hotspot devices at a cost of \$280,000.00 for April 2020 through May 2020 and 10 month yearly service charge of \$300,000 effective August, 2020 through May 2021 plus one-time hardware purchase cost of \$462,000.00 for a total estimated cost not-to-exceed \$1,042,000.00, to be paid from the General Fund.

Vote by Board Members.

Approved by a Unanimous Vote

F.6 RESOLUTION NO. 19-20-49 RENUMERATION

Moved By Clerk Martinez
Seconded By Member Ayala

Adopt Resolution No. 19-20-49 excusing the absence of Board Vice President, Dina Walker, from the Wednesday, February 26, 2020, Regular Meeting of the Board of Education.

Vote by Board Members.

Approved by a Majority Vote as follows:

Nancy G. O'Kelley, President Aye
Dina Walker, Vice President Abstain
Joseph W. Martinez, Clerk Aye
Joseph Ayala, Member Aye
Edgar Montes, Member Aye

F.7 RESOLUTION NO. 19-20-50 RENUMERATION

Moved By Member Ayala

Seconded By Vice-President Walker

Adopt Resolution No. 19-20-50 excusing the absence of Board Clerk, Joseph W. Martinez, from the Wednesday, February 26, 2020, Regular Meeting of the Board of Education.

Vote by Board Members.

Approved by a Majority Vote as follows:

Nancy G. O'Kelley, President Aye
Dina Walker, Vice President Aye
Joseph W. Martinez, Clerk Abstain
Joseph Ayala, Member Aye
Edgar Montes, Member Aye

F.8 BOARD OF EDUCATION MEETING SCHEDULE FOR THE 2020-2021 SCHOOL YEAR

Moved By Clerk Martinez

Seconded By Vice-President Walker

Approve the Board of Education meeting schedule for the 2020-2021 school year.

Vote by Board Members.

Approved by a Unanimous Vote

F.9 REINSTATEMENT OF EXPULSION

Moved By Clerk Martinez

Seconded By Member Montes

Case Number:

19-20-46

Vote by Board Members.

Approved by a Unanimous Vote

G. <u>ADJOURNMENT</u>

The next regular meeting of the Board of Education of the Rialto Unified School District will be held on April 8, 2020, at 7:00 p.m. at the Dr. John R. Kazalunas Education Center, 182 East Walnut Ave, Rialto, California.

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

Moved By Member Ayala

Seconded By Vice-President Walker

Vote by Board Members to adjourn. Time: 8:00 p.m.

A	pproved by a Unanimous Vote
	Clerk, Board of Education
	Secretary, Board of Education

MINUTES

EMERGENCY MEETING OF THE BOARD OF EDUCATION

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

March 16, 2020

A. OPENING

CALL TO ORDER AND ROLL CALL

The emergency meeting of the Board of Education of the Rialto Unified School District was called to order at 10:02 a.m. by President O'Kelley at the Dr. John R. Kazalunas Education Center, 182 East Walnut Avenue, Rialto, CA 92376.

Members present: Nancy G. O'Kelley, President; Joseph W. Martinez, Clerk; Joseph Ayala, Member; and Edgar Montes, Member. Dina Walker, Vice-President, arrived at 10:06 a.m.

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Darren McDuffie, Ed.D., Lead Strategic Agent: Strategics, Congruence and Social Justice; Mohammad Z. Islam, Associate Superintendent, Business Services; Elizabeth Curtiss, Interim Lead Innovation Agent, Education Services; Rhonda Kramer, Lead Personnel Agent. Also present was Martha Degortari, Executive Administrative Agent.

B. PLEDGE OF ALLEGIANCE

Lisa Lindberg, REA President, led the Pledge of Allegiance.

C. PUBLIC COMMENTS

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

Lisa Lindberg, REA President, shared her concerns for her members who are worried because some have health issues, some are over 65 and have been told to self-quarantine, some have young children and limited child care, and some have family members with health care issues. She said she understands every decision made is supposed to be in the best interest of student, she is requesting that decisions also be made in the best interest of staff. She indicated that she knows Dr. Avila will be part of a conference call with other Superintendents and Mr. Alejandre later today and requested that decisions be made in the best interest of students and

staff. She also indicated that they will submit a demand to bargain on wording conditions.

Tobin Brinker, Frisbie Middle School Teacher, shared his concerns on teachers returning to work when schools have been closed for students through April 6, 2020. He indicated that many teachers were not able to make today's meeting, but he shared comments and concerns on their behalf. Teachers requested to be able to work from home due to personal health concerns, and concerns for the health of their families. Teachers requested the District reconsider sending their employees to work during the period that the students will be out. They asked that the district also consider classified and management staff during this time of uncertainty.

Keith Rubio, Special Education Teacher at Rialto High School, said that he was surprised with the notice sent by the District indicating that staff was to report to their regular work schedule. He is concerned for the welfare of the teachers and staff. He requested that the District reconsider their decision.

Jeannie Appel, Parent and Volunteer, thanked the District for taking the time to hold this meeting and for the excellent job in keeping the parents and community informed via text, phone and updates on the District website. She is concerned with the notification which indicated that all employees are required to maintain their normal calendar. She indicated that the lives of the teachers and staff are as important as the lives of the students and she is requesting that the District show them they are important.

CLOSED SESSION

Upon a motion by Vice President Walker, seconded by Member Martinez, and approved by a 5-0 vote, the Board of Education entered into closed session at 10:12 a.m. to consider and discuss the following item:

THREAT TO PUBLIC SERVICES OR FACILITIES
 Consultation With: (1) District Counsel; (2) District Safety Intervention and
 Support Services; (3) District Health Services; (4) Risk Management; (5)
 District Personnel Services; (6) Superintendent

ADJOURNMENT OF CLOSED SESSION

Upon a motion by Member Ayala, seconded by Vice-President Walker, and passed by a 5-0 vote, closed session adjourned at 11:57 p.m.

OPEN SESSION RECONVENED - 11:57 A.M.

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

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Darren McDuffie, Ed.D., Lead Strategic Agent: Strategics, Congruence and Social Justice; Mohammad Z. Islam, Associate Superintendent, Business Services; Elizabeth Curtiss, Interim Lead Innovation Agent, Education Services; Rhonda Kramer, Lead Personnel Agent. Also present was Martha Degortari, Executive Administrative Agent.

REPORT OUT OF CLOSED SESSION

Superintendent Avila reported that no action was taken in closed session.

ADOPTION OF AGENDA

Upon a motion by Vice-President Walker, seconded by Member Ayala, the Agenda was adopted as amended by a unanimous 5-0 vote by the Board of Education.

Correction to Agenda Item D-1: Emergency Resolution No. 19-20-48 has been amended to correct and include following language:

WHEREAS, as of March 15, 2020, there are 333 cases reported of COVID-19 in California; although there are no confirmed cases of coronavirus (COVID-19) in San Bernardino County, and one case has been detected in San Bernardino County, the extent to which members of the District community may have contracted coronavirus (COVID-19) is unclear.

BE IT FURTHER RESOLVED AND ORDERED that schools will be closed from Monday, March 23, 2020, through Friday, April 3, 2020. Schools will reopen on Monday, April 6, 2020.

D. <u>DISCUSSION/ACTION ITEMS</u>

Upon a motion by Vice-President Walker, seconded by Member Montes, Item D1 was approved by a unanimous 5-0 vote by the Board of Education.

1. Consider and adopt Emergency Resolution No. 19-20-48 responding to Coronavirus (COVID-19) pandemic.

ADJOURNMENT

Upon a motion by Vice-President Walker, seconded by Member Ay	ala, and
approved by a unanimous 5-0 vote by the Board of Education, the en	nergency
meeting was adjourned at 12:11 p.m.	

Clerk, Board of Education	
Secretary, Board of Education	_

RIALTO

RIALTO UNIFIED SCHOOL DISTRICT

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0520(a)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

The Governing Board desires that all district schools provide a high-quality educational program that maximizes the achievement of each district student. The district shall provide assistance to schools to support the continuous improvement of student performance within the priorities identified in the district's local control and accountability plan (LCAP) and to enhance the achievement of low-performing student subgroups.

(cf. 0460 - Local Control and Accountability Plan) (cf. 0500 - Accountability)

At its discretion, the Board may submit a request to the County Superintendent of Schools for technical assistance regarding the following: (Education Code 52071)

- 1. Identifying the district's strengths and weaknesses in regard to state priorities addressed in the LCAP, including collaboration between the district and County Superintendent to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness
- 2. Securing assistance from an academic, programmatic, or fiscal expert, or team of experts, to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the district

In the event that the County Superintendent requires the district to receive technical assistance based on a determination that one or more numerically significant student subgroups in a district school meet the performance criteria established pursuant Education Code 52064.5, the Board shall work with the County Superintendent and shall provide the County Superintendent timely documentation of the district's completion of the activities listed in items #1-2 above or substantially similar activities. (Education Code 52071)

With the approval of the County Superintendent, the district may, at its own expense, engage another service provider, including, but not limited to, another school district, the county office of education, or a charter school, to act as a partner to the district in filling the district's need for technical assistance. (Education Code 52071)

If referred to the California Collaborative for Educational Excellence by either the County Superintendent or the Superintendent of Public Instruction (SPI), the district shall implement the recommendations of that agency in order to accomplish the goals set forth in the district's LCAP. (Education Code 52071, 52074)

INTERVENTION FOR UNDERPERFORMING SCHOOLS

If the SPI identifies the district as needing intervention, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following: (Education Code 52072)

- 1. Revision of the district's LCAP
- 2. Revision of the district's budget, in conjunction with changes in the LCAP, that would allow the district to improve the outcomes for all student subgroups in regard to state and local priorities
- 3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

In addition, any school identified by the California Department of Education for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement shall develop and implement a school plan in accordance with 20 USC 6311. Such schools may be required to partner with an external entity, agency, or individual with demonstrated expertise and capacity to identify and implement more rigorous interventions.

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(cf. 0420 - School Plans/Site Councils)
(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)
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Legal Reference:

EDUCATION CODE

52052 Numerically significant student subgroups 52059.5 Statewide system of support 52060-52077 Local control and accountability plan

60640-60649 California Assessment of Student Performance and Progress

64001 School plan for student achievement

UNITED STATES CODE, TITLE 20

6311-6322 Improving basic programs for disadvantaged students, especially:

6311 State plans

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Dashboard

CSI/TSI/ATSI Frequently Asked Questions

California ESSA Consolidated State Plan, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments, 2016

<u>WEB SITES</u>

California Department of Education: http://www.cde.ca.gov California School Dashboard: http://www.caschooldashboard.org

U.S. Department of Education: https://www.ed.gov

Policy adopted:

RIALTO UNIFIED SCHOOL DISTRICT Rialto, California

RIALTO

RIALTO UNIFIED SCHOOL DISTRICT

Business and Noninstructional Operations

BP 3515(a)

CAMPUS SECURITY

The Governing Board is committed to providing a school environment that promotes the safety of students, employees staff, and visitors to school grounds. The Board also recognizes the importance of protecting district property, facilities, and equipment from vandalism and theft.

(cf. 4158/4258/4358 - Employee Security) (cf. 5131.5 - Vandalism and Graffiti) (cf. 5142 - Safety)

The Superintendent or designee shall develop campus security procedures, which are consistent with the goals and objectives of may be included in the district's comprehensive safety plan and/or site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

(cf. 0450 - Comprehensive Safety Plan)

Surveillance Systems

The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for campus security. In consultation with the district's safety planning committee, and other relevant stakeholders, and staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the district's surveillance equipment shall be disabled so that sounds are not recorded.

(cf. 5131.1 - Bus Conduct) (cf. 5145.12 - Search and Seizure)

Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous and targeted locations at affected around school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the district's system is actively monitored by school personnel state that the facility uses video surveillance equipment for security purposes and that the equipment may or may not be actively monitored at any time. The Superintendent or designee shall also provide prior written notice to students and parents/guardians about the district's surveillance system, including the locations where surveillance may occur, explaining and that the recordings may be used in disciplinary

CAMPUS SECURITY (continued)

proceedings, and/or that matters captured by the camera may be referred to local law enforcement, as appropriate.

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(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
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To the extent that any images from the district's surveillance system create a student or personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

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(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
Legal Reference:
        EDUCATION CODE
        17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:
        17075.50 Classroom security locks, new construction projects
        17583 Classroom security locks, modernization projects
        32020 Access gates
        32211 Threatened disruption or interference with classes
        32280<del>-32288</del> 32289 School safety plans
        35160 Authority of governing boards
        35160.1 Broad authority of school districts
        38000-38005 Security patrols departments
        49050-49051 Searches by school employees
        49060-49079 Student records
       PENAL CODE
       469 Unauthorized making, duplicating or possession of key to public building
        626-626.10 626.11 Disruption of schools
        CALIFORNIA CODE OF REGULATIONS, TITLE 24
        1010.1.9 Door operations
       1010.1.11 Lockable doors from the inside
       CALIFORNIA CONSTITUTION
       Article 1, Section 28(c) Right to Safe Schools
        UNITED STATES CODE, TITLE 20
        1232g Family Educational Rights and Privacy Act
        CODE OF FEDERAL REGULATIONS, TITLE 34
        99.3 Definition of education records
       COURT DECISIONS
        Brannum v. Overton County School Board (2008) 516 F. 3d 489
       New Jersey v. T.L.O. (1985) 469 U.S. 325
       ATTORNEY GENERAL OPINIONS
       83 Ops.Cal.Atty.Gen. 257 (2000)
       75 Ops.Cal.Atty.Gen. 155 (1992)
```

Management Resources: (see next page)

CAMPUS SECURITY (continued)

Management Resources:

<u>CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS</u>

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and

Law Enforcement Agencies, 1999 rev. 2005

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

FAOs on Photos and Videos under FERPA

WEB SITES

CSBA: http://www.csba.org

California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss

National Institute of Justice: http://www.ojp.usdoj.gov/nij National School Safety Center: http://www.schoolsafety.us

U.S. Department of Education, Protecting Student Privacy: https://studentprivacy.ed.gov

Policy adopted:

April 21, 2008 RIALTO UNIFIED SCHOOL DISTRICT
Rialto, California

revised:

RIALTO

RIALTO UNIFIED SCHOOL DISTRICT

Business and Noninstructional Operations

BP 3600(a)

CONSULTANTS

The Governing Board authorizes the use of consultants and other independent contractors to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience, or knowledge. Individuals, firms, or organizations employed as consultants independent contractors may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional, or other matters.

(cf. 3551 - Food Service Operations/Cafeteria Fund)

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines; that the consultant individual, firm, or organization is properly classified as an independent contractor. A person, firm, or organization shall be considered an employee rather than an independent contractor unless the district is able to demonstrate that all of the following conditions have been met: (Labor Code 2750.3)

- 1. The person or entity is free from the control and direction of the district in connection with the performance of the work.
- 2. The person or entity is performing work that is outside the usual course of the district providing educational services.
- 3. The person or entity is customarily engaged in an independently established trade, occupation, or business of the same nature as the work to be performed.

Specific statutory exceptions to this analysis for the determination of whether a person, firm, or organization is an independent contractor may apply. (Labor Code 2750.3)

District employees who perform extra duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

All consultant contracts shall be brought to the Board for approval.

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

(cf. 4132/4232/4332 - Publication or Creation of Materials)

CONSULTANTS (continued)

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons independent contractors shall be accorded equal opportunity for consultant contracts regardless of actual or perceived race, color, gender, national or ethnic origin, age or disability. national origin, ancestry, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender

identity, gender expression, immigration status, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 220; Government Code 12940)

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 - Equity)
(cf. 3311 - Bids)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 4030 - Nondiscrimination in Employment)
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Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment approval of the contract.

Any consultant hired by the district who is subject to the filing requirements in the district's conflict of interest code shall file a Statement of Economic Interests within the time period required by law. (Government Code 87302)

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(cf. 9270 - Conflict of Interest)
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When employees of a public university, county office of education, or other public agency serve as consultants or resource persons independent contractors in other capacities for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this the district.

The Board prohibits the harassment of an independent contractor by any district employee or by any other person with whom the independent contractor comes in contact during the course of employment with the district. Additionally, the Board prohibits the harassment of a district employee by an independent contractor. Any complaint of harassment shall be investigated and resolved in accordance with applicable district complaint procedures. (Government Code 12940)

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(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
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CONSULTANTS (continued)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of districts; prescription and enforcement of rules

35172 Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

12940 Unlawful employment practices

53060 Contract for special services and advice

82019 Designated employee

87302 Conflict of interest code

LABOR CODE

2750.3 ABC three-part test: employees and independent contractors

UNEMPLOYMENT INSURANCE CODE

606.5 Determination of employment status

621 Employer and employee defined

CODE OF REGULATIONS, TITLE 2

18700.3 Consultant

COURT DECISIONS

<u>Dynamex Operations West, Inc. v. Superior Court of Los Angeles</u> (2018) 4 Cal. 5th 903 S.G. Borello & Sons, Inc. v. Department of Industrial Relations (1989) 48 Cal. 3d 341

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15 A Employer's Supplemental Tax Guide

Policy

RIALTO UNIFIED SCHOOL DISTRICT

adopted: June 23, 1999

revised:

Rialto, California

RIALTO

RIALTO UNIFIED SCHOOL DISTRICT

All Personnel BP 4019.1(a)

PROFESSIONAL ADULT/STUDENT BOUNDARIES

Purpose

The purpose of this policy is to provide all staff, students, volunteers and community members with information to increase their awareness of their role in protecting children from inappropriate conduct and failure to maintain appropriate boundaries by adults. All adults are expected to maintain professional, moral and ethical relationships with students that are conducive to an effective, safe learning environment. The provisions of this policy apply to all District staff, volunteers and community members relative to their conduct with students ("employees") in District schools and programs.

This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also boundary-blurring and grooming behaviors that undermine the professional adult/student relationship and can lead to misconduct or the appearance of impropriety.

General Standards

The Governing Board expects adults to maintain the highest professional, moral and ethical standards in their interaction with students. Employees are required to maintain an atmosphere conducive to learning, through consistently and appropriately applied discipline and establishing and maintaining professional boundaries.

The interactions and relationships between employees and students should be based upon mutual respect and trust, and an understanding of the appropriate boundaries between adults and students in and outside of the educational setting. Relationships between adults and students should also be consistent with the educational mission of the schools.

Employees will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational purpose. For purposes of this policy, the term "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's injury or other medical needs, school administration, or other purposes within the scope of the adult's employment duties.

Appearances of Impropriety

Employees are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other adults when interacting with students.

Even though the intent of the employee may be professional and there is a legitimate education purpose for the conduct, the following activities can create the appearance of impropriety:

- 1. Being alone with an individual student out of the view of others;
- 2. Inviting or allowing individual students to visit the employee's home;
- 3. Remaining on campus with student(s) after the last administrator leaves the school site; and/or
- 4. Visiting a student's home unless home visits are a required and expected duty of the adult.

Whenever possible, employees should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the employee must report the occurrence to the appropriate administrator as soon as possible.

Electronic Communications

As with other forms of communication, when communicating electronically, employees shall maintain professional boundaries with students.

Electronic and other communications with students shall be for legitimate educational purposes only. Employees shall not maintain personal contact with a student outside of school by phone, letter, electronic communication, or other means (beyond legitimate educational purposes) without including the parent/guardian and/or school principal.

When available, District email and District communication devices shall be used when communicating electronically with students. The use of District email or other District communication devices shall be in accordance with District policies and procedures.

Employees shall not communicate with students, for any reason, through use of a medium that is designed to eliminate all traces or records of the communication (e.g. "Snapchat").

All electronic communications from coaches and advisors to team or club members shall concern only legitimate educational interests and shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communication will be copied to the school principal.

Employees shall not follow or accept requests from current students or non-adult former students to be friends or connections on personal social networking sites and shall not create or participate in any networking site for communication with students other than those provided by the District for this purpose, without the prior written approval of the school principal.

Boundary Violations

A boundary violation is an act or omission by an employee that does not have a legitimate educational purpose and has the potential to abuse the employee/student relationship. Examples of employee conduct that violate professional adult/student boundaries include but are not limited to the following:

- 1. Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship.
- 2. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships.

If a student initiates such discussions, employees are expected to refer the student to appropriate guidance/counseling staff. In either case, employee involvement should be limited to a direct connection to the student's school performance.

- 3. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names or otherwise in an overly familiar manner.
- 4. Maintaining personal contact with a student outside of school by phone, e-mail, instant messenger or Internet chat rooms, social networking websites, such as Facebook, or letters beyond homework or other legitimate school business without including the parent/guardian.

This prohibition specifically includes "friending" or "following" students on social media unless the social media page is dedicated to legitimate school business. This also specifically includes the posting of student images or other personally identifiable information of students on an adult's personal website.

- 5. Exchanging personal gifts, cards or letters with an individual student for which it is directly or implicitly suggested that a student is to say or do something in return.
- 6. Touching students or initiating inappropriate physical contact without a legitimate educational purpose.

Legitimate purposes could include the following: (a) Assisting an injured student; (b) assisting a student with special needs who requires assistance with toileting or other physical assistance; (c) appropriate coaching instruction; (d) appropriate music instruction; or (e) to protect the safety of students or staff.

7. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities and visiting the student's home) outside of school-sponsored events, except as participants in organized community activities.

- 8. Transporting student(s) in a personal vehicle in a non-emergency situation and without proper written authorization forms in advance.
- 9. Being alone with a student without a legitimate educational purpose.

Boundary Violations Constituting Serious Misconduct

A boundary violation that constitutes serious misconduct is an act, omission, or pattern of such behavior by an adult that does not have a legitimate educational purpose; and results in abuse of the staff/student professional relationship.

A. Romantic or Sexual Relationships

Employees are prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student, regardless of the student's age.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

- 1. Sexual physical contact;
- 2. Romantic flirtation, propositions, or sexual remarks;
- 3. Sexual slurs, leering, epithets, sexual or derogatory comments:
- 4. Personal comments about a student's body:
- 5. Sexual jokes, banter, innuendo, notes, stories, drawings, gestures or pictures:
- 6. Spreading sexual or romantic rumors:
- 7. Touching a student's body or clothes in a sexual or intimate way or in a manner that is not age appropriate;
- 8. Restricting a student's freedom of movement in a sexually intimidating or provocative manner;
- 9. Displaying or transmitting sexual objects, pornography, pictures, or depictions to a student; or
- 10. Any type of conduct that would be considered harassment under Board Policy.
- B. Social and Other Interactions

Employees are prohibited from engaging in social and other interactions with students which abuse the student/staff professional relationship.

Prohibited social and other interaction involving students includes, but is not limited to:

- 1. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose;
- 2. Furnishing alcohol, drugs or tobacco to a student, or being present where any student is consuming these substances;
- 3. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students;
- 4. Sharing personal secrets with a student;
- 5. Unnecessarily invading a student's privacy (e.g. walking in on the student in the bathroom);
- 6. Taking a student out of class without a legitimate educational purpose:
- 7. Giving a student a ride alone in a vehicle in a non-emergency situation without prior notification to and/or approval from the school principal as described above;
- 8. Engaging in harassing or discriminatory conduct prohibited by other District policies or by State or Federal law and regulations; or
- 9. Unnecessarily invading a student's privacy.

Exceptions

An emergency situation or a legitimate educational purpose may justify deviation from professional boundaries set out in this policy. The employee shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationship" section of this policy.

There may be circumstances where there is an appropriate pre-existing personal relationship between an employee and a student's family that exists independently of the employee's position with the District (e.g. when their children are friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Employees are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that adults may be involved in other roles in the community through civic, religious, athletic, scouting or other organizations and programs whose participants may include District students. This policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Duty to Report

When an employee observes conduct or has knowledge of another employee violating this policy that creates a reasonable suspicion of child abuse (including sexual abuse), or when an employee has reasonable suspicion of an adult harming or endangering a child, the employee shall report the conduct to San Bernardino County's Family and Children's Services in accordance with State law and District Board Policy and Administrative Regulation 5141.4 - Child Abuse Prevention and Reporting.

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(cf. 4013 - Complaints Concerning District Personnel)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
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Investigation

Whenever the District receives a report concerning a possible boundary violation, the site supervisor and the assigned Human Resources Administrator will conduct a prompt investigation utilizing the procedures for investigations of allegations of serious misconduct. The investigation shall include a review of the full history of concerns relating to the subject of the concern/complaint.

Immediate intervention shall be considered and implemented when necessary to protect student safety and/or the integrity of the investigation.

Disciplinary Action

Any employee who is found to have engaged in conduct in violation of law, this or other Board Policy shall be subject to disciplinary action up to and including dismissal. In the case of a certificated employee, the employee may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

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(cf. 4113.2 - Suspension/Disciplinary Action) (cf. 4117.4 - Dismissal)
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An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

A volunteer, student teacher, independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in District

schools and programs for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Confidentiality and Retaliation

The District prohibits retaliation against anyone who files a complaint under this policy. Any employee who retaliates against any such complainant, reporter, or other participant in the District's complaint process shall be subject to discipline.

Reporting employees are specifically advised of the following:

- 1. Reporting employees are neither permitted nor responsible for investigating whether the conduct is inappropriate; and
- 2. Reporting employees are required to maintain confidentiality.

Confidentiality protects both the student(s) and the adult who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors. Nothing in this policy shall prevent any represented employee from consulting with his/her exclusive representative.

Policy adopted:



Board Date: April 8, 2020

TO: Board of Education

FROM: Cuauhtémoc Avila, Ed.D., Superintendent

ITEM: PHYSICAL EDUCATION EXEMPTION

Background: Per Education Code 51241, the governing board of a school district or the

office of the county superintendent of schools of a county may grant temporary exemption to a pupil from courses in physical education, if the pupil is ill or injured and a modified program to meet the needs of the pupil

cannot be provided.

Reasoning: Student Services has approved an exemption from all physical activities for

student 7815431 for the 1st semester of the 2019-2020 school year.

Recommendation: Approve student 7815431 to be exempt from all physical activities for the

first semester of the 2019-2020 school year.

Fiscal Impact: No fiscal impact

Submitted by: Angela Brantley Reviewed by: Elizabeth Curtiss



Board Date: April 8, 2020

TO: Board of Education

FROM: Cuauhtémoc Avila, Ed.D., Superintendent

ITEM: DONATIONS

MONETARY DONATIONS	Location/Description	A	mount
Westat	Carter High School / Principal's Donation Account	\$	96.00
YourCause, LLC – Wells Fargo Community Support Campaign	Bemis Elementary School / Principal's Donation Account	\$	70.00
Susan Patane, SLP Communication Greg Bell, Athletes for Life West Valley Water District	Education Services / STEM Program	\$ 1,	,000.00 ,500.00 ,000.00

NON-MONETARY DONATIONS

Agua Caliente Clippers Special Education / Field Trips

(600 Tickets)

RECOMMENDATION: It is recommended that the Board of Education accept the listed donations and send a letter of appreciation to each of the following donors:

- Westat
- YourCause, LLC Wells Fargo Community Support Campaign
- Susan Patane, SLP Communication
- Greg Bell, Athletes for Life
- West Valley Water District

DISTRICT SUMMARY

Monetary Donations – April 8, 2020 \$ 8,666.00 Donations – Fiscal Year-To-Date \$ 48,544.12

Submitted and Reviewed by: Mohammad Z. Islam



Board Date: April 8, 2020

(3 hours, 203 days)

TO: Board of Education

FROM: Cuauhtémoc Avila, Ed.D., Superintendent

ITEM: **CLASSIFIED EMPLOYEES - PERSONNEL REPORT #1233**

BACKGROUND/CRIMINAL HISTORY CHECKS HAVE BEEN COMPLETED, AS PER LAW, ON ALL INDIVIDUALS RECOMMENDED FOR EMPLOYMENT.

PROMOTIONS

Ponce, Lesly To: Instructional Assistant III - SE 03/12/2020 To: 29-3 \$20.00 per hour

(SED/MH/AUTISM) (6 hours, 203 days)

Carter High School

From: Instructional Assistant II - SE From: 26-3 \$18.56 per hour

(RSP/SDC) (3 hours, 203 days)

Eisenhower High School

EMPLOYMENT

Gomez, Maria E. **Bus Driver** 03/23/2020 34-1 \$20.54 per hour

Transportation (4 hours, 203 days)

Gumness, Sarina Instructional Assistant II – SE 03/23/2020 26-1 \$16.80 per hour

(RSP/SDC)

Kolb Middle School

Ruano, Yulissa Instructional Assistant II/B.B. 03/09/2020 25-1 \$16.38 per hour (3 hours, 203 days)

(Repl. N. Villalpando) Carter High School

Ursuy, Gabrielle Instructional Assistant II – SE 03/12/2020 26-1 \$16.80 per hour

(RSP/SDC)

(3 hours, 203 days)

Jehue Middle School

Valencia, Josie **Bus Driver** 03/23/2020 34-1 \$20.54 per hour

Transportation (4 hours, 203 days)

RESIGNATIONS

Esquivel, Yesenia Special Education 03/27/2020

> Child Development Instructional Assistant Boyd Elementary School

SHORT TERM ASSIGNMENT

Clerical Support Fiscal Services 04/09/2020 – 29-1 \$18.12 per hour

(not to exceed 344 hours) 06/30/2020

SUBSTITUTES

Gumness, Sarina Instructional Assistant II 03/12/2020 26-1 \$16.80 per hour

ADDITION OF BILINGUAL STIPEND (2.75% of base salary)

Ruano, Yulissa Instructional Assistant II/B.B. 03/09/2020

TERMINATION OF PROBATIONARY CLASSIFIED EMPLOYEE

Employee #2280710 Nutrition Service Worker I 03/06/2020

Nutrition Services

<u>CERTIFICATION OF ELIGIBILITY LIST</u> – Campus Security Officer II/District Patrol

Eligible: 04/09/2020 Expires: 10/09/2020

^{**}Position reflects the equivalent to a one-Range increase for night differential

^{***} Position reflects a \$50.00 monthly stipend for Confidential position



Board Date: April 8, 2020

TO: Board of Education

FROM: Cuauhtémoc Avila, Ed.D., Superintendent

ITEM: CERTIFICATED EMPLOYEES – PERSONNEL REPORT # 1233

BACKGROUND/CRIMINAL HISTORY CHECKS HAVE BEEN COMPLETED, AS PER LAW, ON ALL INDIVIDUALS RECOMMENDED FOR EMPLOYMENT.

EMPLOYMENT

Kenley-Moreno, Kerry Special Education Teacher 03/11/2020 IV-1 \$62,908.00 (184 days)

Kordyak Elementary School

RESIGNATIONS

Hsieh, Hsiaowen School Nurse 05/29/2020

Health Services

Kernc, Kristine Secondary Teacher 06/30/2020

Jehue Middle School

<u>RETIREMENT</u>

Gass, James Secondary Teacher 05/31/2020

Kucera Middle School

TERMINATION OF TEMPORARY CONTRACT FOR THE 2019/2020 SCHOOL YEAR

Kenley-Moreno, Kerry Special Education Teacher 06/30/2020

Kordyak Elementary School

<u>SUPPLEMENTAL SERVICES</u> (Ratify Retired teacher to provide instruction to students in grades 1 – 6 for students in the Independent Study Program with Child Welfare and Attendance from March 11, 2020 through June 30, 2020, at the hourly rate of \$25.00, not to exceed 100 hours, to be paid from Child Welfare and Attendance Independent Study Funds)

Square, Carlita

whichever is greater, for Carter High School	dditional class assignment at 1/6 of their daily rate or \$45.0 of Certificated staff to provide credit recovery from January 1 urs, and to be charged to the Low Performing Grant)			
Joham, Montcolm				
Submitted and Reviewed by: Rhea McIver Gibbs and Rhonda Kramer				



Board Date: April 8, 2020

TO: Board of Education

FROM: Cuauhtémoc Avila, Ed. D., Superintendent

ITEM: CLOSURE OF SEVEN (7) INACTIVE COUNTY SCHOOLS FACILITIES

SUB-FUNDS WITHIN FUND 35

Background: A fund is established to demonstrate fiscal accountability and

compliance with finance related legal, budgetary, and contractual provisions and restrictions on the use of public resources. The District has seven (7) different sub-funds within the County School Facilities Fund (Fund 35) that have been inactive for over five (5) fiscal years. Each sub fund kept a separate accounting of state

facilities proceeds and expenditures for each grant.

Reasoning: In order to keep our records concise and to reduce maintenance we

would like to close all seven (7) of the accounts that have not been

used in the past five (5) fiscal years.

Recommendation: Approve the closure of the following seven (7) County Schools

Facilities Sub Funds within Fund 35:

1. 35-9702 50-67850-002, 9th Grade Campus (RHS),

2. 35-9717 50-67850-00-004, Kordyak Elementary (#19),

3. 35-9721 55-67850-00-001, Rialto High School,

4. 35-9722 59-67850-00-001, Eisenhower High School,

5. 35-9723 56-67850-002, Kucera Middle School,

6. 35-9724 56-67850-003, Kelly Elementary, and

7. 35-9725 55-67850-00-004, Jehue Middle School.

Fiscal Impact: No fiscal impact.

Submitted by: Diane Romo

Reviewed by: Mohammad Z. Islam



Board Date: April 08, 2020

TO: Board of Education

FROM: Cuauhtémoc Avila, Ed. D., Superintendent

ITEM: RESOLUTION NO. 19-20-51 TEMPORARY BORROWING BETWEEN

FUNDS OF THE RIALTO UNIFIED SCHOOL DISTRICT

RESOLUTION 19-20-51 TEMPORARY BORROWING BETWEEN FUNDS OF THE RIALTO UNIFIED SCHOOL DISTRICT

WHEREAS, the San Bernardino County Treasurer does not have authority to honor warrants drawn on school district funds with insufficient cash balances in the absence of an approved borrowing arrangement with the district; and

WHEREAS, the governing board of any school district may direct that monies held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations as authorized by Education Code Section 42603; and

WHEREAS, actual inter-fund transfers shall be accounted for as temporary loans between funds and shall not be available for appropriation or be considered income to the borrowing fund or account; and

WHEREAS, amounts transferred shall be repaid either in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

- The Board of Education of the Rialto Unified School District, hereby authorizes, for fiscal year 2020-2021, temporary transfers between all funds and accounts, with the exception of Fund 21- Building Fund, and authorizes the San Bernardino County Treasurer to honor warrants drawn on those funds, regardless of their cash balances, provided the aggregate cash balance of all funds is positive;
- 2. The Board of Education of the Rialto Unified School District hereby authorizes the Superintendent or designee to approve any actual interfund transfers processed between the above-mentioned funds.

APPROVED, PASSED AND ADOPT of the Rialto Unified School District of	FED this 8th day of April, 20 San Bernardino County by	020, by the Board of Education the following vote:
AYES: NOES:	_ ABSENT:	ABSTAINED:
certify under penalty of perjury, the f	oregoing statements to be to	rue and correct.
Nancy G. O'Kelley President, Board of Education	Dina Walker Vice Presider	nt, Board of Education
Joseph W. Martinez Clerk, Board of Education	Joseph Ayala Member, Boa	ard of Education
Edgar Montes Member, Board of Education	•	
	Cuauhtémoc Superintende	

Submitted by: Reviewed by: Diane Romo

Mohammad Z. Islam

BELIEFS

- Everyone has unique talents
- There is boundless power in all of us
- All people have equal inherent worth
- Diversity is strength
- Each person deserves respect
- High expectation inspires to high achievement
- Risk is essential for success
- Common and individual interest are reciprocal
- Integrity is critical to trust
- Honest conversation leads to understanding
- Music is the universal language
- A strong community benefits all of its members
- Everyone can contribute to the good of the community

PARAMETERS

- We will make all decisions in the best interest of students
- We will honor the worth and dignity of each person
- We will hold the highest expectations of everyone
- We will assert the unlimited potential of every student
- We will practice participatory decision-making throughout the district
- We will not allow the past to determine our future

Back Cover Pictures

(Top) First day of device distribution in all four high schools, and Milor/Zupanic High School was ready to go... Pictured from left to right are Principal Ms. Griffin, Mr. Carranza, Clerk Typist, from Zupanic, Ms. Cleveland, Instructional Technology Assistant, Ms. Ferraro, Clerk Typist (sub), and Mr. Yang, Assistant Principal.

(Bottom) Sign of the times...Boyd Elementary Principal, Mrs. Correoso gives us the thumbs up sign as a parade of cars line up behind her to collect devices and materials for Distance Learning.

