

RIALTO UNIFIED SCHOOL DISTRICT
Regular Meeting of the Board of Education
Dr. John R. Kazalunas Education Center
182 East Walnut Avenue
Rialto, California

EDGAR MONTES
President

DINA WALKER
Clerk

JOSEPH W. MARTINEZ
Member



NANCY G. O'KELLEY
Vice President

JOSEPH AYALA
Member

CUAUHTÉMOC AVILA, ED.D.
Superintendent

September 9, 2015

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.

AGENDA

- A. OPENING**
Call to Order – 6:00 P.M.

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.

CLOSED SESSION

Moved _____ **Seconded** _____

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

1. Public Employee Employment/Discipline/Dismissal/Release/Reassignment of Employees (Government Code section 54957)
2. Student Expulsions/Reinstatements/Expulsion Enrollments

3. CONFERENCE WITH LABOR NEGOTIATORS
 Agency designated representatives: Cuauhtémoc Avila, Ed.D., Superintendent, and Tom Haldorsen, Associate Superintendent, 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 – Anticipated Litigation (Government Code section 54956.9(d)(2)(4).)
 Significant exposure to litigation: 1 Case

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____ Time: _____

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

ADJOURNMENT OF CLOSED SESSION

Moved _____ Seconded _____ Vote _____ Time _____

OPEN SESSION RECONVENED – 7:00 P.M.

ADOPTION OF AGENDA

Moved _____ Seconded _____

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____ Time: _____

B. PRESENTATIONS

1. California Assessment of Student Performance and Progress (CAASPP) System update by John Roach, Senior Director, Assessment, Research, Data Analysis, and Educational Technology
2. "Rialto in China" Presentation by Dollahan Elementary School Teachers

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

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

D. PUBLIC HEARING

OPEN PUBLIC HEARING

Moved _____ Seconded _____

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____ Time: _____

Any person wishing to speak on the item on the Public Hearing Agenda will be granted three minutes.

1. Public Hearing: Williams Settlement Legislation, Quarterly Uniform Complaint Report Summary (Ref. D 1.1)

CLOSE PUBLIC HEARING

Moved _____ Seconded _____

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____ Time: _____

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.

Approve Consent Calendar Items (Ref. E – J)

Moved _____ Seconded _____

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____

E. MINUTES

1. Approve the minutes of the Regular Board of Education Meeting held August 26, 2015. (Ref. E 1.1-10)

F. GENERAL FUNCTIONS CONSENT ITEMS

1. Second reading of revised Board Policy 3260(a-d); Business and Noninstructional Operations: Fees and Charges. (Ref. F 1.1-4)
2. Second reading of revised Board Policy 3280(a-e); Business and Noninstructional Operations: Sale or Lease of District-Owned Real Property. (Ref. F 2.1-5)
3. Second reading of revised Board Policy 3312(a-h); Business and Noninstructional Operations: Contracts. (Ref. F 3.1-8)
4. First reading of revised Board Policy 1330(a-k); Community Relations: Use of School Facilities. (Ref. F 4.1-11)

G. INSTRUCTION CONSENT ITEMS

1. Adopt Resolution No. 15-16-14 proclaiming the month beginning September 15, 2015, and ending October 15, 2015, as Hispanic Heritage Month and encourages educational commemoration of this occasion with appropriate instructional activities. (Ref. G 1.1)
2. Adopt Resolution No. 15-16-15 recognizing September 17, 2015, as Constitution and Citizenship Day and supports locally developed educational programs and observances. (Ref. G 2.1)
3. Ratify the approval of the recommendation made by the Senior Director, Student Services, to grant an exemption from all physical activities for Student No. 4518131 and 51688 for the first semester of the 2015-2016 school year and Student No. 156831, 81708, 215851, 73284, 63018, and 09247 for the 2015-2016 school year. (Ref. G 3.1)
4. Approve the agreement with the Girl Scouts of San Geronio to provide transportation for workplace tours through the Classroom to Career program during the 2015-2016 school year. (Ref. G 4.1)
5. Approve for principals at Jehue, Kolb and Frisbie Middle Schools to take part in the National Institute for School Leadership Investing in Innovation (i3) Grant Partnership Invitation. (Ref. G 5.1)

H. BUSINESS AND FINANCIAL CONSENT ITEMS

1. Approve Warrant Listing Register and Purchase Order Listing for all funds from August 11, 2015 through August 24, 2015 (sent under separate cover to Board Members). A copy for public review will be available at the Board Meeting.

2. Accept the listed donations. (Ref. H 2.1)
3. Approve a contract with Access Communication & Education with Sign Language Interpreting Services (A.C.E.S.) for the 2015-2016 school year, effective September 10, 2015 through June 30, 2016. (Ref. H 3.1)
4. Approve the opening of Fund 61-Cafeteria Enterprise Fund and the closure of Fund 13-Cafeteria Special Revenue Fund. (Ref. H 4.1)
5. Approve an agreement with Trane U.S., Inc., to complete Energy Expenditure Plan (EEP) No. 3 for Proposition 39. (Ref. H 5.1)

I. FACILITIES PLANNING CONSENT ITEMS - None

J. PERSONNEL SERVICES CONSENT ITEMS

- 1-3. Approve Personnel Report No. 1139 for classified and certificated employees. (Ref. J 1.1-3.2)
4. Adopt Resolution No. 15-16-16 authorizing the Associate Superintendent, Personnel Services, to employ or assign identified individuals additional time to complete the requirements for the credential that authorizes the service or to provide employing agencies time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position. (Ref. J 4.1)

K. DISCUSSION/ACTION ITEMS

Moved _____ **Seconded** _____

1. Adopt Resolution No. 15-16-12 which declares that the Gann Limit appropriations in the 2014-2015 Unaudited Actuals and the 2015-2016 Budget do not exceed the limitations imposed by Proposition 4. (Ref. K 1.1-2)

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____

Moved _____ **Seconded** _____

2. Approve the 2014-2015 Unaudited Actuals financial report as presented. (Ref. K 2.1-2)

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____

Moved _____ **Seconded** _____

3. Adopt Resolution No. 15-16-13 to renew an agreement with Schools First Federal Credit Union and the National Benefit Services to provide administrative services for the District Tax Shelter Annuity Plan 403(b), effective July 1, 2015 through June 30, 2020. (Ref. K 3.1-3)

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____

L. ADJOURNMENT

Moved _____ **Seconded** _____

Vote by Board Members: Ayes: _____ Noes: _____ Abstain: _____

Time _____

The next regular meeting of the Board of Education of the Rialto Unified School District will be held on Wednesday, September 23, 2015, 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.

D PUBLIC HEARING

Williams Settlement Legislation

Quarterly Uniform Complaint Report Summary

For submission to school district governing board and county office of education

District Name: Rialto Unified School District

Quarter covered by this report: April - June 2015

	Number of complaints received in quarter	Number of complaints resolved in quarter	Number of complaints unresolved
Instructional Materials	0	0	0
Facilities	0	0	0
Teacher Vacancy and Misassignments	0	0	0
CAHSEE Intensive Instruction and Services	0	0	0
Totals	0	0	0

UCP Contact: Mr. Mohammad Islam

Title: Assoc. Superintendent

Board Submission Date: 09/09/2015

Submitted by: Karen Pivac

Title: Administrative Secretary II

Entered On Date: 08/24/2015

E MINUTES

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

August 26, 2015

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 5:00 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 Ayala, Member; and Joseph W. Martinez, Member. Dina Walker, Clerk, arrived at 6:10 p.m.

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Jasmin Valenzuela, Associate Superintendent, Elementary Instruction; Tom Haldorsen, Associate Superintendent, Personnel Services; and Mohammad Z. Islam, Associate Superintendent, Business Services. Edward D'Souza, Ph.D., Associate Superintendent, Secondary Instruction, was absent. Also present was Rosie Williams, Executive Secretary.

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 Member Martinez, seconded by Member Ayala, and approved by a 5-0 vote, the Board of Education entered into Closed Session at 5:02 p.m. to consider and discuss the following items:

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

(Ref. E 1.1)

2. Student Expulsions/Reinstatements/Expulsion Enrollments
3. **CONFERENCE WITH LABOR NEGOTIATORS**
Agency designated representatives: Cuauhtémoc Avila, Ed.D., Superintendent, and Tom Haldorsen, Associate Superintendent, Personnel Services
Employee organizations: California School Employees Association, Chapter 203 (CSEA), Rialto Education Association (REA), Communications Workers of America (CWA)
4. **THREAT TO PUBLIC SERVICES OR FACILITIES (Government section 54957)**
Consultation with: Haven Private Investigation Services
5. **CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation (Government Code section 54956.9(d)(2)(4).)**
Significant exposure to litigation: 4 Cases

PLEDGE OF ALLEGIANCE

Gilbert Mosqueda, Carter High School student, led the Pledge of Allegiance.

REPORT OUT OF CLOSED SESSION

Superintendent Avila reported that in Closed Session the Board of Education accepted, by a unanimous 5-0 vote, the request for an extension of a leave of absence for classified employee #119725, September 8, 2015 through December 18, 2015.

ADJOURNMENT OF CLOSED SESSION

Upon a motion of Clerk Walker, seconded by Vice President O'Kelley, and passed by a unanimous 5-0 vote, Closed Session adjourned at 7:16 p.m.

OPEN SESSION RECONVENED – 7:16 P.M.

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

Administrators present: Cuauhtémoc Avila, Ed.D., Superintendent; Jasmin Valenzuela, Associate Superintendent, Elementary Instruction; Tom Haldorsen, Associate Superintendent, Personnel Services; and Mohammad Z. Islam, Associate Superintendent, Business Services. Edward D'Souza, Ph.D., Associate Superintendent, Secondary Instruction, was absent. Also present was

Rosie Williams, Executive Secretary to the Superintendent, and Luz Carson, Interpreter, American Language Services.

ADOPTION OF AGENDA

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, the Agenda was adopted, as amended, by a unanimous 5-0 vote by the Board of Education. The Agenda was amended under the first bullet on the Report out of Closed Session on page (Ref. E 1.2) to read as follows: Accepted the administrative appointment of Monica Garcia as Middle School **Assistant** Principal, Jehue Middle School, by a unanimous 5-0 vote. The word **Assistant** was left out of the Minutes.

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.

Gilbert Mosqueda, Carter High School student; Carmen Martinez, Rialto High School student; and Alberto Bojorquez, Eisenhower High School student, expressed their concerns regarding the requirements needed to apply for the position of Student Board Member.

Kadie Bench and Gilbert Mosqueda, Carter High School students, requested that Carter High School be allowed to have a couple of Food Fair days during the school year where they could fundraise by bringing in an outside vendor to sell food to students.

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

Russel Silva, Rialto resident, expressed his concern regarding item (Ref. K 2.1) asking that Administration be cautious and make sure they set up this program so that students stay invested in this program.

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)

Lisa Lindberg, REA President, shared that REA approved their budget for this year setting aside quite a bit of money for professional development

(Ref. E 1.3)

for teachers. She asked since the early retirement incentive program is being paid off, if there is any chance the District would be offering another early retirement incentive for this year.

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

D. PUBLIC HEARING

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, Public Hearing was opened at 7:54 p.m. by a unanimous 5-0 vote by the Board of Education

Any person wishing to speak on the items on the Public Hearing Agenda will be granted three minutes.

There were no comments.

1. Public Hearing: Public Textbook and Instructional Materials Programs

Upon a motion by Member Ayala, seconded by Vice President O'Kelley, Public Hearing was closed at 7:55 p.m. by a unanimous 5-0 vote by the Board of Education.

Upon a motion by Vice President O'Kelley, seconded by Clerk Walker, Public Hearing was opened at 7:56 p.m. by a unanimous 5-0 vote by the Board of Education

2. Public Hearing: Inviting comments regarding the Rialto Unified School District Solar Shade Structure Project.

Upon a motion by Clerk Walker, seconded by Vice President O'Kelley, Public Hearing was closed at 7:57 p.m. by a unanimous 5-0 vote by the Board of Education.

CONSENT CALENDAR ITEMS

Upon a motion by Clerk Walker, seconded by Member Martinez, Items E – J were approved by a unanimous 5-0 vote by the Board of Education.

E. MINUTES

1. Approve the minutes of the Regular Board of Education Meeting held on August 12, 2015.

F. GENERAL FUNCTIONS CONSENT ITEMS

1. Second reading of revised Board Policy 0440(a-b); Philosophy-Goals-Objectives and Comprehensive Plans: District Technology Plan.
2. Second reading of revised Board Policy 4154, 4254, 4354(a-c); All Personnel: Health and Welfare Benefits.
3. First reading of revised Board Policy 3312(a-h); Business and Noninstructional Operations: Contracts.
4. First reading of revised Board Policy 3260(a-d); Business and Noninstructional Operations: Fees and Charges.
5. First reading of revised Board Policy 3280(a-e); Business and Noninstructional Operations: Sale or Lease of District-Owned Real Property.

G. INSTRUCTION CONSENT ITEMS

1. Approve utilizing the planning, management and production services of The United College Action Network, Inc. (U-CAN) so that Rialto USD's juniors and seniors can participate in U-CAN's 16th Annual Historically Black Colleges and Universities Recruitment Fair (AHBCURF) for the 2015-2016 school year.
2. Ratify mileage reimbursement for the parent of Student No. 085431 for transportation to and from Auditory Verbal Therapy (AVT) in Long Beach, California, effective July 1, 2015 to June 30, 2016.
3. Approve mileage reimbursement for the parent of Student No. 364561 for transportation to and from Horizon Therapy for Occupational Therapy Services in Rancho Cucamonga, California, for the 2015-2016 school year.
4. Approve an agreement with the San Bernardino County Superintendent of Schools Career Technical Education Support Services/Regional Occupational Program to continue to operate the Pharmacy Technician course throughout the 2015-2016 school year.

(Ref. E 1.5)

H. BUSINESS AND FINANCIAL CONSENT ITEMS

1. Approve Warrant Listing Register and Purchase Order Listing for all funds from July 21, 2015 through August 11, 2015 (sent under separate cover to Board Members). A copy for public review will be available at the Board Meeting.
2. Accept the listed donations.
3. Approve an agreement with Coca-Cola to provide vending machines to various sites throughout the District effective August 27, 2015 through August 26, 2016.
4. Ratify an agreement with Document Tracking Services to provide a software license and service to streamline the preparation and publication of the Student Accountability Report Card (SARC), SPSA, LCAP, LEAP and other template-based documents like the Safety Plan, and provide SARC translation services from July 1, 2015 through June 30, 2016.
5. Approve an agreement with Ludwig Engineering Associates, Inc., to provide civil survey services for the Stadium Reconstruction and Performing Arts Theater Project at Eisenhower High School.
6. Approve an agreement with Inland Valley Recovery Services to provide classes on truancy intervention and school attendance for the 2015-2016 school year.
7. Approve an agreement with Interquest Detection Services of San Diego (Interquest) to provide contraband inspection services from August 27, 2015 through June 30, 2018, for 35 visits/random searches per school year.
8. Ratify an agreement with the California State University, San Bernardino, for mentoring opportunities for student teachers/psychologists/counselors/administrators effective May 1, 2015 through June 30, 2018.
9. Approve the use of the Anaheim Union High School District Bid No. 2015-12 for purchase of audio visual equipment for the Fiscal Year 2015-2016, pursuant to Public Contract Code 20118.

I. FACILITIES PLANNING CONSENT ITEMS - None

(Ref. E 1.6)

J. PERSONNEL SERVICES CONSENT ITEMS

- 1-3. Approve Personnel Report No. 1138 for classified and certificated employees.
4. Adopt Resolution No. 15-16-08 authorizing the Associate Superintendent, Personnel Services, to employ or assign identified individuals additional time to complete the requirements for the credential that authorizes the service or to provide employing agencies time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified criteria for the position.
5. Adopt Resolution No. 15-16-09 authorizing the Associate Superintendent, Personnel Services, to employ or assign identified individuals additional time to complete the requirements for the credential that authorizes the service or to provide employing agencies time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position.
6. Adopt Amended Resolution No. 15-16-11 authorizing the Associate Superintendent, Personnel Services, to assign a full-time teacher with a credential other than Physical Education to coach a competitive sport for one period per day for which students receive Physical Education credit.

K. DISCUSSION/ACTION ITEMS

Upon a motion by Vice President O'Kelley, seconded by Member Ayala, Item K1 was approved by a 5-0 vote by the Board of Education.

1. Adopt Resolution No. 15-16-10, Pupil Textbook and Instructional Materials Programs Update.

Upon a motion by Member Martinez, seconded by Vice President O'Kelley, Item K2 was approved by a 5-0 vote by the Board of Education.

2. Ratify an agreement with San Bernardino Community College, Valley Campus College to establish a college level Spanish 101 course at our three (3) high schools, Carter, Eisenhower, and Rialto High Schools, and

(Ref. E 1.7)

the additional expenses including books, commencing August 18, 2015 and ending December 31, 2015.

Upon a motion by Member Martinez, seconded by Vice President O'Kelley, Item K3 was approved by a 4-1 vote by the Board of Education. The vote was as follows:

President Montes – Aye
Vice President O'Kelley – Aye
Clerk Walker – Abstain
Member Ayala – Aye
Member Martinez – Aye

3. Approve a Memorandum of Understanding with the City of San Bernardino to provide one (1) Part Time School Resource Officer to serve Rialto High School beginning August 27, 2015 through June 30, 2018.

Upon a motion by Member Martinez, seconded by Vice President O'Kelley, Item K4 was approved by a 4-1 vote by the Board of Education. The vote was as follows:

President Montes – Aye
Vice President O'Kelley – Aye
Clerk Walker – Abstain
Member Ayala – Aye
Member Martinez – Aye

4. Ratify Amendment No. 1 to the Memorandum of Understanding with the City of Rialto to provide two (2) School Resource Officers to serve all high schools and middle schools within the District effective July 1, 2015 through June 30, 2017.

Upon a motion by Vice President O'Kelley, seconded by Member Martinez, Item K5 was approved by a 4-1 vote by the Board of Education. The vote was as follows:

President Montes – Aye
Vice President O'Kelley – Aye
Clerk Walker – Abstain
Member Ayala – Aye
Member Martinez – Aye

5. Ratify a Memorandum of Understanding with the City of Rialto to provide one (1) School Resource Officer to serve all middle schools within the District, effective July 1, 2015 through June 30, 2017.

Upon a motion by Member Ayala, seconded by Vice President O'Kelley, Item K6 was approved by a 5-0 vote by the Board of Education.

6. Approve one-time General Funds to pay off the current outstanding obligation for the 2011-2012 early retirement incentive programs.

Upon a motion by Member Ayala, seconded by Vice President O'Kelley, Item K7 was approved as follows:

The **STIPULATED** case was approved by the following vote:

President Montes – No
Vice President O'Kelley – Aye
Clerk Walker – No
Member Ayala – Aye
Member Martinez – Aye

The **REINSTATEMENT HEARINGS** were approved by a unanimous 5-0 vote.

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

STIPULATED
Case Number:
14-15-64

REINSTATEMENT HEARINGS
Case Numbers:
14-15-35, 14-15-29, 14-15-28, 14-15-26, 14-15-19, 14-15-8, 14-15-2,
13-14-92, 13-14-80, 13-14-68, 13-14-46, 13-14-44, 12-13-84, 12-13-79,
12-13-66, 12-13-61, 11-12-118

L. ADJOURNMENT

Upon a motion by Clerk Walker, seconded by Vice President O’Kelley, and approved by a unanimous 5-0 vote by the Board of Education the meeting was adjourned at 8:15 p.m. in memory of Dr. Edward D’Souza’s mother who passed away on Tuesday, August 25, 2015.

Clerk, Board of Education

Secretary, Board of Education

F GENERAL FUNCTIONS CONSENT



RIALTO UNIFIED SCHOOL DISTRICT

Business and Noninstructional Operations

BP 3260(a)

FEES AND CHARGES

The Board of Education recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the District's educational program are made available to them.

No student shall be required to pay any a fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities. ~~However, the prohibition does not restrict districts from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in fundraising activities, or providing prizes or other recognition for participants in such fundraising activities.~~ (Education Code 49010, 49011; 5 CCR 350)

~~(cf. 1321 - Solicitation of Funds from and by Students)~~

~~(cf. 3100 - Budget)~~

~~(cf. 3290 - Gifts, Grants and Bequests)~~

~~(cf. 6145 - Extracurricular and Cocurricular Activities)~~

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. **When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socio-economic conditions of District students' families and their ability to pay.** ~~For such authorized fees, deposits, and charges, the District shall consider students' and parent/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.~~

~~(cf. 3250 - Transportation Fees)~~

~~(cf. 3515.4 - Recovery for Property Loss or Damage)~~

~~(cf. 3553 - Fee and Reduced Price Meals)~~

~~(cf. 5143 - Insurance)~~

~~(cf. 9323.2 - Actions by the Board)~~

The prohibition against student fees shall not restrict the District from soliciting for voluntary donations, participating in fundraising activities, and providing prizes or other recognition for participants in such activities and events. However, the District shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate

FEES AND CHARGES (continued)

against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3290 - Gifts, Grants and Bequests)

Whenever District employees, volunteers, students, parents/guardians, or educational or civic organizations participate in such events or activities, the Superintendent or designee shall emphasize that participation in the event or activity is voluntary.

~~Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the District's procedures in BP/AR 1312.3—Uniform Complaint Procedures. A complaint alleging District noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the District's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)~~

(cf. 1312.3 - Uniform Complaint Procedures)

If, upon investigation, the District finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

~~The Superintendent or designee shall include Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the District's annual notification required by 5 CCR 4622 to be provided to all District students, parent/guardians, employees, and other interested parties pursuant to 5 CCR 4622 about the requirements relating to the prohibition against districts requiring students to pay fees, deposits, or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)~~

(cf. 4112.9/4212.9/4313.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee ~~shall~~ **may** provide **additional information** or professional development opportunities to administrators, teachers, and other personnel ~~to learn about~~ **regarding** permissible fees.

(cf. 4131/4231/4331 - Staff Development)

Legal Reference: (see next page)

FEES AND CHARGES (continued)*Legal Reference:*EDUCATION CODE8239 *Preschool and wraparound child care services*8250 *Child care and development services for children with disabilities*8263 *Childcare eligibility*8482.6 *After School Education and Safety programs*8760-8773 *Outdoor science and conservation programs*17453.1 *District sale or lease of Internet appliances or personal computers to students or parents*17551 *Property fabricated by students*19910-19911 *Offenses against libraries*32033 *Eye protection devices*32221 *Insurance for athletic team member*32390 *Fingerprinting program*35330-35332 *Excursions and field trips*35335 *School camp programs*38080-38086 *Cafeteria establishment and use*38120 *Use of school band equipment on excursions to foreign countries*39801.5 *Transportation for adults*39807.5 *Payment of transportation costs*39837 *Transportation of students to places of summer employment*48050 *Residents of adjoining states*48052 *Tuition for foreign residents*48904 *Liability of parent or guardian*49010-49013 *Student fees*49065 *Charges for copies*49066 *Grades, effect of physical education class apparel*49091.14 *Prospectus of school curriculum*51810-51815 *Community service classes*52612 *Tuition for adult classes*52613 *Nonimmigrant aliens*56504 *School records; students with disabilities*60410 *Students in classes for adults*GOVERNMENT CODE6253 *Request for copy; fee*CALIFORNIA CONSTITUTIONArticle 9, Section 5 *Common school system*CODE OF REGULATIONS, TITLE 5350 *Fees not permitted*4622 4600-4687 *Notice Uniform complaint procedures*UNITED STATES CODE, TITLE 81184 *Foreign students*COURT DECISIONS*Driving School Assn of California v. San Mateo Union High School District (1993) 11 Cal. App. 4th 1513**Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251**Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739**Hartzell v. Connell (1984) 35 Cal. 3d 899**CTA v. Glendale SD Board of Education (1980) 109 Cal. App. 3d 738, 746-748**Management Resources: (see next page)*

FEES AND CHARGES (continued)

Management Resources

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

Pupil Fees, Deposits, and Other Charges: Cap and Gown for High School Graduation Ceremony, addendum to Fiscal Management Advisory 12-02, October 4, 2013

~~1030-97 Fiscal Management Advisory 97-02: Fee, Deposits and Other Charges~~

Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Policy

adopted: June 9, 1999

revised: April 10, 2013

revised:

RIALTO UNIFIED SCHOOL DISTRICT

Rialto, California

CSBA, April 2014

Submitted and Approved by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.



RIALTO UNIFIED SCHOOL DISTRICT

Business and Noninstructional Operations

BP 3280(a)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY

The Board of Education believes that the District should utilize its facilities and resources in the most economical and practical manner. The Superintendent or designee shall periodically study the current and projected use of all District facilities to ensure the efficient utilization of space and the effective delivery of instruction.

(cf. 1330 - Use of School Facilities)

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7160 - Charter School Facilities)

Prior to the sale or lease of any surplus real property, the Board shall appoint a District advisory committee to advise the Board regarding the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388-17389)

(cf. 1220 - Citizen Advisory Committees)

Upon determination that District property is no longer needed, or may not be needed until some future time, the Board shall **first submit a report to the local planning agency as to what real property the District intends to offer to for sell sale or lease. Not less than 40 days after issuance of the report to the local planning agency, and prior to entering into any agreement for sale or lease of District real property, the Board shall offer to sell or lease district-owned real property in accordance with priorities and procedures specified in law. including, but not limited to, (Education Code 17230, 17387-17391, 17457.5, 17464, 17485-17500; and Government Code 54222, 65402)**

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6300 - Preschool/Early Childhood Education)

~~When required by law, the Board shall appoint a District advisory committee to advise the Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)~~

~~*(cf. 1220 - Citizen Advisory Committees)*~~

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

In addition, when selling real property purchased, constructed, or modernized with funds received within the past 10 years from a school facilities funding program, the Board shall consider whether any of the proceeds from the sale will need to be returned to the State Allocation Board (SAB) pursuant to Education Code 17462.3.

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the Board shall adopt a resolution by a two-thirds vote of all of its members at a regularly **scheduled** open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the Board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

(cf. 9320 - Meetings and Notices)
(cf. 9323.2 - Actions by the Board)

The Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the Board, in three public places not less than 15 days before the date of the meeting. In addition, the notice shall be published at least once a week for three successive weeks before the meeting, in a newspaper of general circulation published in the county in which the District is located, if such a newspaper exists. (Education Code 17469)

In accordance with Education Code 17470, the Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the District's intent to sell it ~~in accordance with Education Code 17470~~.

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the Board may adopt a resolution of acceptance that directs the Board president, or any other Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17472-17478)

(cf. 1431 - Waivers)

(cf. 9320 - Meetings and Notices)

Use of Proceeds

The Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase, of District surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

~~Until January 1, 2012, the District may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Prior to exercising this authority, the Board shall certify to the State Allocation Board that: (Education Code 17463.7)~~

Pursuant to the authorization in Education Code 17463.7, the District may expand proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Before the District exercises this authority: (Education Code 17463.7)

1. ~~The District has no major deferred maintenance requirements not covered by existing capital outlay resources.~~

The Board shall submit documents to the SAB certifying that:

- a. **The District has no major deferred maintenance requirements not covered by existing capital outlay resources.**

(cf. 3111 - Deferred Maintenance Funds)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

- ~~2-~~ **b.** The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.

(cf. 7214 - General Obligation Bonds)

- ~~3-~~ **c.** The real property is not suitable to meet projected school construction needs for the next 10 years.

- 2.** ~~Prior to exercising this authority,~~ The Superintendent or designee shall present to the Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the District. ~~(Education Code 17463.7)~~

*Legal Reference:*EDUCATION CODE

~~8469.5 Use of school facilities or grounds for school age child care~~

17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions

17230-17234 Surplus property

17385 Conveyances to and from school districts

17387-17391 Advisory committees for use of excess school facilities

17400-17429 Leasing property

17430-17447 Leasing facilities

17453 Lease of surplus district property

17455-17484 Sale or lease of real property

17462.3 State Allocation Board program to reclaim funds

17463.7 Proceeds for general fund purposes

17485-17500 Surplus school playground (Naylor Act)

17515-17526 Joint occupancy

17527-17535 Joint use of district facilities

33050 Request for waiver

38130-38139 Civic Center Act

GOVERNMENT CODE

54220-54232 Surplus land

54222 Offer to sell or lease property

54950-54963 Brown Act, especially:

54952 Legislative body, definition

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2

1700 Definitions related to surplus property

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley USD, (2006)

139 Cal.App.4th 1356

Management Resources: (see next page)

SALE OR LEASE OF DISTRICT-OWNED REAL PROPERTY (continued)

Management Resources:

CSBA PUBLICATIONS

~~Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, September 2009~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Closing a School Best Practices Guide

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

Unused Site Program Handbook, May 2008

WEB SITES

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

California Department of Education, School Facilities Planning Division: <http://www.cde.ca.gov/ls/fa>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <http://www.dgs.ca.gov/opsc>

Policy
adopted: June 9, 1999
revised: March 24, 2010
revised:

RIALTO UNIFIED SCHOOL DISTRICT
Rialto, California

CSBA, April 2014

Submitted and Approved by: Mohammad Z. Islam
Presented for Board Action: Cuauhtémoc Avila, Ed.D.



RIALTO UNIFIED SCHOOL DISTRICT

Business and Noninstructional Operations

BP 3312(a)

CONTRACTS

~~Whenever State law invests the Board with the power to enter into contracts on behalf of the District, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board. (Education Code 17604)~~

~~(cf. 3300 - Expenditures/Expending Authority)~~

~~(cf. 3314 - Payment for Goods and Services)~~

~~(cf. 3400 - Management of District Assets/Accounts)~~

~~All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.~~

The Board of Education recognizes its responsibility to enter into contracts on behalf of the District for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of District goals. In exercising this authority to enter into a contract, the Board shall ensure that the District's interest is protected and that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

~~(cf. 2121 - Superintendent's Contract)~~

~~(cf. 4312.1 - Contracts)~~

~~(cf. 9124 - Attorney)~~

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the District. To be valid or to constitute an enforceable obligation against the District, all such contracts must be approved and/or ratified by the Board.

~~(cf. 3300 - Expenditures/Expending Authority)~~

~~(cf. 3314 - Payment for Goods and Services)~~

~~When required by law, contracts and subcontracts made by the District for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)~~

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

CONTRACTS (continued)

Every contract entered into on behalf of the District shall be made available for public inspection, except when the law prohibits disclosure. No contract shall prohibit a District employee from disparaging the goods or services of any contracting party.

(cf. 1340 - Access to District Records)

~~The District shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)~~

Contracts for Non-Nutritious Foods or Beverages

~~Effective July 1, 2007, The District or a District school shall not enter into or renew a contract for the sale of foods or beverages that do not meet applicable the nutritional standards specified in Education Code 49431.7, or 49431.2 5 CCR 15500-15501 or 15575-15578, or 7 CFR 210.11 or 230.12, unless the contract specifies that such sale will occur off campus or outside the time restriction specified in the applicable law. later than one half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)~~

(cf. 3554 - Other Food Sales)

(cf. 3555 - Nutrition Program Compliance)

~~In accordance with the dates specified in law, the District or a District school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5. The sale of soft drinks, candy and SB 12 non-compliant food items is not allowed during the school day. The sale of these items may be sold on the school premises only if the sale occurs at least one half hour after the end of the school day. Sales may occur immediately after the school day during a school sponsored activity.~~

(cf. 5030 - Student Wellness)

~~Before the District or a District school enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages or non-nutritious food as defined in law, the Board shall ensure that the District has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of the contract benefit public education. (Education Code 35182.5)~~

The Superintendent or designee shall develop the District's internal control procedures to protect the integrity of public funds. Such internal controls may include, but not be limited to, the following:

CONTRACTS (continued)

1. ~~Control~~ Procedures that produce accurate and reliable financial statements, and at the same time, safeguard the assets, financial resources and integrity of every employee responsible for handling money or property. Control systems shall be systematically evaluated and revised to keep pace with the changing responsibilities of management.

(cf. 3100 – Budget)

(cf. 3400 – Management of District Assets/Accounts)

(cf. 3460 – Financial Reports and Accountability)

2. **Procedures to ensure that District personnel do not handle cash or product at the school site. The contract shall specify that the vendor stock the machines and shall provide cash accounting, along with a check, for District proceeds directly to the control office.**

~~In addition, the contract may specify whether contractor logos are permitted on District facilities, including but not limited to, scoreboards and other equipment. If such logos are permitted, the contractor shall present the equipment to the Board as a gift. The gift may be accepted by the Board in accordance with Board Policy and administrative regulation.~~

~~*(cf. 3290 – Gifts, Grants and Bequests)*~~

To ensure that funds raised by the contract benefit District schools and students:

1. The Superintendent or designee may ~~involve~~ **invite** parents/guardians, students, staff, and **interested** community members to make recommendations regarding the contract, including recommendations as to how the funds will be spent in a manner that benefits public education.

(cf. 1220 – Citizen Advisory Committees)

2. Prior to ratifying the contract, the Board shall designate the specific programs and activities which will be funded by the proceeds of the contract and consider how the contract reflects the District's vision and goals.

(cf. 0000 – Vision)

(cf. 0100 – Philosophy)

(cf. 0200 – Goals for the School District)

3. **The contract shall specify that the contractor report, on a quarterly basis, to the Superintendent or designee the number of food items or beverages sold within the District and the amount of money raised by the sales. The Superintendent or designee shall report these amounts to the Board on a regular basis.**

CONTRACTS (continued)

~~3.~~ 4. The Superintendent or designee shall ensure that the contract does not limit the ability of student and parent organizations to plan and operate fund-raising activities.

(cf. 1230 – School-Connected Organizations)

(cf. 1321 – Solicitation of Funds from and by Students)

Any contract for the sale or advertisement of non-nutritious foods or carbonated or non-nutritious beverages ~~The contract~~ shall be entered into on a competitive bid basis pursuant to Public Contract Code 20111 or through the issuance of a Request for Proposal. (Education Code 35182.5)

(cf. 3311 – Bids)

The Board shall not enter into or renew **any** contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages, or non-nutritious foods until parents/guardians, students, and ~~community~~ **members of the public** have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled Board meeting ~~or as otherwise authorized by Education Code 35182.5~~. The Board shall clearly, and in manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

(cf. 9322 - Agendas/Meeting Materials)

(cf. 9323 - Meeting Conduct)

The public hearing shall include, but not be limited to, a discussion of the nutritional value of food and beverages sold within the District; the availability of fresh fruit, vegetables, and grains in school meals and snacks, including locally grown and organic produce; the amount of fat, sugar, and additives in the food and beverages discussed; and barriers to student participation in school breakfast and lunch programs. (Education Code 35182.5)

(cf. 5030 - Student Wellness)

The contract shall be accessible to the public and may not include ~~a~~ confidentiality clause that would prevent the District or a District school from making any part of the contract public. (Education Code 35182.5)

~~*(cf. 1340 – Access to District Records)*~~

Contracts for Electronic Products or Services

The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)

CONTRACTS (continued)

1. Enters into the contract at a noticed, public hearing of the Board.

(cf. 9320 – Meetings and Notices)

2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.

(cf. 0440 – District Technology Plan)

(cf. 6162.7 – Use of Technology in Instruction)

3. Makes a finding that the District cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.

(cf. 1325 – Advertising and Promotion)

4. As part of the District’s normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.

(cf. 5145.6 - Parental Notifications)

5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

Contracts for Digital Storage and Maintenance of Student Records

The District may enter into or renew a contract with a third party for the purpose of providing services, including cloud-based services, for the digital storage, management, and retrieval of student records and/or to provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records. For these purposes, student records include any information maintained by the District that is directly related to a student and any information maintained by the District that is directly related to a student and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other District employee, and do not include de-identified information. (Education Code 49073.1)

(cf. 5125 - Student Records)

Any such contract shall contain all of the following: (Education Code 49073.1)

CONTRACTS (continued)

1. **A statement that student records continue to be the property of and under the control of the District**
2. **If applicable, a description of the means by which students may retain possession and control of their own student-generated content, as defined in Education Code 49073.1, including options by which a student may transfer student-generated content to a personal account**
3. **A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract**
4. **A description of the procedures by which a parent/guardian or a student age 18 years or older may review personally identifiable information in the student's records and correct erroneous information**
5. **A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records**
6. **A description of the procedures for notifying the affected parent/guardian, or the affected student if age 18 years or older, in the event of an unauthorized disclosure of the student's records**
7. **A certification that a student's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced, except that these requirements shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing the content.**
8. **A description of how the District and the third party will jointly ensure compliance with the federal Family Education Rights and Privacy Act, 20 USC 1232g**
9. **A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising**

Contracts for Personal Services

In order to achieve cost savings, the District may enter into or renew a contract for any personal service that is currently or customarily performed by classified employees, if the contract does not displace school district employees and meets other conditions specified in Education Code 45103.1. To enter into or renew such a contract, the Board shall ensure that the District meets the numerous conditions specified in Education Code 45103.1.

CONTRACTS (continued)

(cf. 4200 - Classified Personnel)

In addition, the District may enter into or renew any contract for personal service without meeting the conditions described above, if any of the following conditions exists: (Education Code 45103.1)

- 1. The contract is for new District functions and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.**
- 2. The services contracted are not available within the District, cannot be performed satisfactorily by District employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the District.**
- 3. The services are incidental to a contract for the purchase or lease of real or personal property, including, but not be limited to, agreements to service or maintain office equipment or computers that are leased or rented.**
- 4. The District's policy, administrative, or legal goals and purposes cannot be accomplished through utilization of persons selected pursuant to the regular or ordinary District hiring process.**
- 5. The nature of the work is such that the criteria for emergency appointments, as defined in Education Code 45103.1, apply.**
- 6. The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the District in the location where the services are to be performed.**
- 7. The services are of such an urgent, temporary, or occasional nature that the delay that would result from using the District's regular or ordinary hiring process would frustrate their very purpose.**

Legal Reference: (see next page)

CONTRACTS (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.1 Personal services contracts

45103.5 Contracts for management consulting service related to food service

49073.1 Contract requirements for digital storage, maintenance and retrieval of student records

49431-49431.7 Nutritional standards

CODE OF CIVIL PROCEDURES

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20104.50 Construction Progress Payments

22300 Performance retentions

CODE OF REGULATIONS, TITLE 5

15500 Food sales by student organizations

15501 Sales in high schools and junior high schools

15575-15578 Food and beverage requirements outside of the federal school meal programs

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 20035

WEB SITES

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

CASBO: <http://www.casbo.org>

Regulation

approved: June 9, 1999

revised: September 27, 2006

revised:

RIALTO UNIFIED SCHOOL DISTRICT

Rialto, California

CSBA, April 2015

Submitted and Approved by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.



RIALTO UNIFIED SCHOOL DISTRICT

Community Relations

BP 1330(a)

USE OF SCHOOL FACILITIES

The Board of Education believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by District residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities.

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

- 1. Aid, encourage, and assist groups desiring to use school facilities for approved activities**
- 2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this talk, if necessary**

(cf. 0450 - Comprehensive School Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities or grounds on those days on which District schools are closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

There shall be no advertising on school facilities and grounds except as allowed by District policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

USE OF SCHOOL FACILITIES (continued)

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the District and the community.

(cf. 1330.1 - Joint Use Agreements)

~~The Board of Education shall make school facilities and grounds under its jurisdiction available as a civic center to citizens and community groups for the following purposes subject to District policies and regulations:~~

- ~~1. Public, literary, scientific, recreational, educational, or public agency meetings.~~
- ~~2. The discussion of matters of general or public interest.~~
- ~~3. The conduct of religious services.~~
- ~~4. Child care or day care programs to provide supervision and activities for children of preschool and elementary school age.~~
- ~~5. The administration of examinations for the selection of personnel or the instruction of precinct Board members by public agencies.~~
- ~~6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination.~~
- ~~7. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, including, but not limited to, the American Red Cross. The Board shall cooperate with these agencies in furnishing and maintaining such services as the Board may deem necessary to meet the needs of the community.~~
- ~~8. Other purposes deemed appropriate by the Board.~~

~~The Board shall not grant the use of school facilities for any of the following activities:~~

- ~~1. Any use by an individual, society, group or organization for the commission of any act intended to further any program or movement whose purpose is the overthrow of the Government of the United States or of the State of California by force, violence or other unlawful means.~~

USE OF SCHOOL FACILITIES (continued)

- ~~2. Any use of school facilities or ground which is inconsistent with the use of the school facilities or grounds for school purposes or interferes with the regular conduct of school or school work.~~
- ~~3. Any use which is discriminatory in the legal sense.~~
- ~~4. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property.~~

Fees for Use of School Facilities

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

(cf. 9320 - Meetings and Notices)

The Board believes that the use of school facilities or grounds should not result in costs to the District. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

The Legislature has amended the Civic Center Act to authorize a school district to charge an organization using school facilities or grounds an amount proportional to the organizations's use of the school facilities or grounds to maintain, repair, restore, and refurbish the school facilities or grounds and to limit the proportional costs related to maintenance, repair, restoration, and refurbishment to only a school's nonclassroom space and grounds. (SB 1404, Section 1(6)(b))

Funds collected under this subparagraph shall be deposited into a special fund that shall only be used for purposes of this section. (SB 1404, Section 2 (II)(iii))

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the Superintendent or designee shall calculate, in accordance with 5 CCR 14038, the community's proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

USE OF SCHOOL FACILITIES (continued)

- 1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds**

However, capital direct costs shall not be charged to organizations retained by the District or school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school tutoring and child care programs. (5 CCR 14037)

*(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)*

- 2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services of District employees and/or contracted workers, and salaries and benefits paid to District employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds.**

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the District's students. (Education Code 38134)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Funds collected under this subparagraph shall be deposited into a special fund that shall only be used for purposes of this section. (SB 1404, Section 2 (II)(iii))

~~Fees for the use of school facilities and grounds shall be charged in accordance with the following classifications:~~

- ~~1. Free Use: Fees for use of facilities will not be charged for any District sponsored event, group, club, or athletics; in District PTA/PTO or Booster Clubs; or the City of Rialto (via a joint use agreement).~~

BP 1330(e)

USE OF SCHOOL FACILITIES (continued)

~~Should any of the above groups prefer to use school facilities at a time when custodial, grounds, security, technical, or lifeguard services are not normally available, the District may charge a fee not to exceed the direct costs. The Principal or designee shall first ensure the availability of other times during the week when the facility could be provided without charge, and this availability shall be pointed out to the free use group.~~

~~2. Direct Costs Fee: Activities other than those specified for free use or fair rental value and which are included herein through subsequent Board action shall be charged a fee not to exceed direct costs to the District, for groups that use school facilities or grounds under its control during after school hours, and on a Saturday, Sunday or holiday.~~

~~a. The "direct cost" to maintain school facilities and grounds includes the share of the costs of supplies, utilities, janitorial services, services of school district employees, and salaries paid to school district employees directly to operate and maintain school facilities or grounds that is proportional to the entity's use of the school facilities or grounds.~~

~~b. The "direct cost" also includes the share of the costs related to maintenance, repair, restoration, and refurbishment of the school facilities or grounds proportional to that entity's use of school facilities or grounds, as specified. (Senate Bill 1404)~~

~~(1) The charges in "B" above, are applicable to the use of non-classroom space and school grounds, which includes, but is not limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts. (Senate Bill 1404)~~

~~(2) The charges in "B" above are not applicable to classroom based programs that operate after school hours, including, but not limited to, after school programs, tutoring programs, or child care programs; and to organizations retained by the school or school district to provide instruction or instructional activities to pupils during school hours. (Senate Bill 1404)~~

~~(3) Funds collected under this section shall be deposited into a special fund that shall only be used for purposes of this section. (Senate Bill 1404)~~

USE OF SCHOOL FACILITIES (continued)

~~The direct cost fee may be waived for summer and after school recreation programs under the direction of the Rialto City Parks and Recreation Department, provided the City furnishes all the necessary supplies, equipment, supervision, and adequately cleans and secures premises upon completion of daily activity.~~

- ~~3. Fair Rental Value Fee: Groups which use school facilities or grounds for the following activities shall be charged fair rental value:~~

~~Entertainment or meetings where admission is charged or contributions solicited and the net receipts are not to be expended for charitable purposes or for the welfare of the District's students. (Education Code 38134)~~

Priorities of Users

~~Applications for use of school facilities should be given preference in the following order:~~

- ~~1. In-school uses (clubs, class events, etc.).~~
- ~~2. School support groups, youth and senior citizens groups.~~
- ~~3. Public agencies and public affairs groups.~~
- ~~4. Community recreational and cultural groups (non-profit).~~
- ~~5. Non profit special interest groups (Audubon Society, etc.).~~
- ~~6. Private, non-school connected classes and educational events.~~
- ~~7. Profit making or commercial events, out-of-town groups, etc.~~

Damage to School Property

~~Groups or persons using school facilities under the provisions of this policy shall be liable for any cleaning or repairs to damaged property caused by the activity. Further use of school facilities may be denied the responsible party.~~

Regulations for Application and Use of Facilities

~~The Superintendent shall establish rules and regulations governing application procedures and the use of school facilities, which shall include, but not be limited to:~~

USE OF SCHOOL FACILITIES (continued)

1. ~~Providing encouragement and assistance for any of the users listed above.~~
2. ~~Preserving order and protecting school buildings and school grounds including, as necessary, appointment of a person who shall have charge of the school facilities and grounds for purposes of their preservation and protection.~~
3. ~~Ensuring that use of facilities or grounds under this policy is consistent with school purposes and does not interfere with the regular conduct of school work.~~

~~In accordance with Education Code 38136, and in addition to any other forms required by the district, persons or organizations applying for facilities shall submit a statement of information which assures the Board that:~~

1. ~~The facility applied for will not be used for any purposes intended to advocate the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.~~
2. ~~The organization applying does not advocate the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.~~
3. ~~The organization is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States~~

~~At the Board's discretion, an organization's statement may remain in effect for six months from the date of application.~~

Member Group

~~Any persons applying for the use of school property on behalf of any society, group, or organization shall be a member of the applicant group and, unless he/she is an officer of the group, must present written authorization from the applicant group to make the application.~~

Hold Harmless

~~All persons or organizations applying for the use of school facilities shall complete and place on file the district's "Hold Harmless" agreement.~~

Regulations

~~A copy of the Board's policy and regulations governing use of school facilities shall be issued to those persons or groups requesting use of district facilities or grounds.~~

USE OF SCHOOL FACILITIES (continued)

Authority

~~The Superintendent or designee may grant the use of school facilities subject to the provisions of this policy and following conditions:~~

Charges

~~Charges levied for use of school facilities and ground shall be according to the hourly fee schedule and begin when the facilities are opened, by qualified District staff, until completion of the activity, including stand-by time of school employees assigned to cover the use period.~~

Payment

~~A two-hour minimum deposit shall be submitted to the Facilities Planning office seven days prior to use. All monies paid in advance are refundable if cancellation notice is given to the Facilities Planning office at least 48 hours before the scheduled activity.~~

Insurance

~~Organizations granted use of school facilities may be required to file with District Business Services office prior to use, a Certificate of Insurance naming the Rialto Unified School District as an additional insured on the organization's liability insurance policy.~~

City/County Ordinances

~~Any city or county ordinances governing such group activities are considered applicable to activities under these rules and regulations.~~

Illegal Activities

~~Gambling, illegal drugs, alcoholic beverages, and/or tobacco products are not allowed on school facilities or grounds.~~

Furniture Set-up

~~Removal of furniture from rooms and/or changes of any kind other than simple room furniture arrangements are not permitted. Special furniture arrangements, setting up chairs, tables, etc., will be charged at the hourly personnel rate.~~

USE OF SCHOOL FACILITIES (continued)**Custodian**

~~There shall be a custodian in charge at each activity whose duties shall include opening and closing the building and grounds. No charge shall be levied during normal custodial work hours. The Direct Cost Fee will be levied during non-regular work hours.~~

Use of Kitchen Facilities

~~If the use of the cafeteria equipment or dishes is involved, the kitchen and equipment must be left in a clean and ready condition for normal school operation. The Director of Nutrition Services shall be consulted and arrangements made for a District cafeteria employee to be in supervision of any cafeteria usage.~~

Limited Usage

~~The custodian assigned to the activity shall make no other facility or equipment available other than that specifically set forth in the approved application.~~

Tips/Compensation

~~Under no circumstances is the custodian to be compensated directly by the persons or organizations using the facilities. Gratuitous tips in any form to school employees when performing services for the District are specifically prohibited.~~

Non-Available Days

~~On holidays, it may be necessary to deny use of the facilities if a qualified District employee is not available on that date.~~

Availability of District Personnel

~~Use of school facilities by community groups on days other than the above shall be dependent upon the availability of school personnel to assume the responsibility of supervision of school equipment and buildings.~~

Restroom Facilities

~~In the case of activities involving a large number of participants, the Facilities Planning Department requires the use of a rented port-a-potty to be maintained by the participants.~~

USE OF SCHOOL FACILITIES (continued)

~~Security/Clean-Up~~

~~Costs of providing security and clean up shall be charged to using organizations on a pro-rata basis to be agreed upon by District officials and the reserving organizations.~~

~~Restroom Keys~~

~~Access to site restrooms is not permitted. The cost of security and custodial services will apply as needed.~~

~~Shared Use~~

~~No use shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization.~~

~~Six Month Maximum Per Permit~~

~~Rialto Unified School District exercises a six month permit maximum to be renewed upon expiration.~~

Legal Reference: (see next page)

USE OF SCHOOL FACILITIES (continued)

Legal Reference:

EDUCATION CODE

10900-10914.5 *Community recreation programs*

32282 *School safety plan*

37220 *School holidays*

38130-38138 *Civic Center Act: use of school property for public purposes*

BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverage on school premises*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act*

MILITARY AND VETERANS CODE

1800 *Definitions*

CODE OF REGULATIONS, TITLE 5

14037-14042 *Proportionate direct costs for use of school facilities and grounds*

UNITED STATES CODE, TITLE 20

7905 *Equal access to public school facilities*

COURT DECISIONS

Good News Club v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Cole v. Richardson, (1972) 405 U.S. 676

Cornell v. Higgenbotham, (1971) 403 U.S. 207

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal.2d 167

Ellis v. Board of Education, (1945) 27 Cal.2d 322

ATTORNEY GENERAL OPINIONS

82 *Ops. Cal. Atty. Gen.* 90 (1999)

79 *Ops. Cal. Atty. Gen.* 248 (1996)

Management Resources:

CDE LEGAL ADVISORIES

1101.89 *School District Liability and A Hold Harmless@ Agreements, LO: 4-89*

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Policy **RIALTO UNIFIED SCHOOL DISTRICT**

adopted: May 26, 1999

revised: January 8, 2014

revised:

Rialto, California

CSBA, August 2014

Submitted and Approved by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

G INSTRUCTION CONSENT

**RESOLUTION NO. 15-16-14
RESOLUTION OF THE BOARD OF EDUCATION OF
THE RIALTO UNIFIED SCHOOL DISTRICT**

HISPANIC HERITAGE MONTH

September 9, 2015

WHEREAS, the State of California is home to more than 2.2 million students of Hispanic descent, kindergarten through grade twelve; and

WHEREAS, these students reflect the great diversity of culture and heritage of the many countries of the Iberian Peninsula, the continents of North and South America, and the Caribbean Islands; and

WHEREAS, people of Hispanic descent were an integral part both of the early exploration of the continents of North and South America, beginning with the very inception of European contact, and of the eventual European involvement in the settlement, growth, and development of California; and

WHEREAS, Hispanic culture and traditions are inextricably interwoven into California's social and economic fabric, and Hispanic Americans have made and continue to make important contributions in all facets of California life – government, business and industry, agriculture, trade and commerce, education, visual and performing arts, science and sports; and

WHEREAS, the theme for Hispanic Heritage Month 2015 is "Honoring our Heritage. Building our Future." and

WHEREAS, the *History-Social Science Framework for California Public Schools, Kindergarten through Grade Twelve* states that the history curriculum of community, state, region, nation, and world must reflect the experiences of men and women of different racial, religious, and ethnic groups and must be integrated at every level;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Rialto Unified School District proclaims the month beginning September 15, 2015 and ending October 15, 2015, as *Hispanic Heritage Month* and encourages educational commemoration of this occasion with appropriate instructional activities.

Edgar Montes, President

Nancy G. O'Kelley, Vice President

Dina Walker, Clerk

Joseph Ayala, Member

Joseph W. Martinez, Member

Submitted by: Edward D'Souza, Ph.D.

Reviewed by and Presented for Board Action Cuauhtémoc Avila, Ed.D.

**RESOLUTION NO. 15-16-15
RESOLUTION OF THE BOARD OF EDUCATION OF
THE RIALTO UNIFIED SCHOOL DISTRICT**

CONSTITUTION AND CITIZENSHIP DAY

September 9, 2015

WHEREAS, the strength of America’s representative democracy depends on the informed participation of its people; and

WHEREAS, civic learning opportunities in our public schools are effective ways to prepare young people for their role as citizens; and

WHEREAS, on September 17, 1787, fifty-five (55) delegates attended the Constitutional Convention in Philadelphia to complete the writing of the United States Constitution, the oldest and most revered constitution in the world; and

WHEREAS, the process of ratification of the document through public scrutiny and debate served as a model for future affirmation of basic principles and modifications that have kept the Constitution contemporary and representative of the will of the people; and

WHEREAS, on December 8, 2004, President George W. Bush signed Public Law 108-447 that designates every September 17th as *Constitution Day and Citizenship Day*; and

WHEREAS, in May 2005, Congress enacted a law requiring that on September 17th schools that receive federal funds shall commemorate the signing and contents of the United States Constitution through its educational programs; and

WHEREAS, the annual education of students on the articles of national governance found in the United States Constitution is an important annual study for all students; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Rialto Unified School District hereby recognizes September 17, 2015 as *Constitution and Citizenship Day* and supports locally developed educational programs and observances.

Edgar Montes, President

Nancy G. O’Kelley, Vice President

Dina Walker, Clerk

Joseph Ayala, Member

Joseph W. Martinez, Member

Submitted by: Edward D’Souza, Ph.D.

Reviewed by and Presented for Board Action Cuauhtémoc Avila, Ed.D.

PHYSICAL EDUCATION EXEMPTIONS

September 9, 2015

The Educational Services Division requests that the Board of Education ratify the approval of the recommendation from the Senior Director, Student Services, to grant exemption from all physical activities for the following students:

- Student No. 4518131 and 51688 for the first semester of the 2015-2016 school year.
- Student No. 156831, 81708, 215851, 73284, 63018, and 09247 for the 2015-2016 school year.

It is recommended that the Board of Education ratify the approval of the recommendation made by the Senior Director, Student Services, to grant an exemption from all physical activities for Student No. 4518131 and 51688 for the first semester of the 2015-2016 school year and Student No. 156831, 81708, 215851, 73284, 63018, and 09247 for the 2015-2016 school year.

Submitted by: Angela Brantley
Reviewed by: Edward D'Souza, Ph.D.
Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. G 3.1)

**GIRL SCOUTS OF SAN GORGONIO COUNCIL
CLASSROOM TO CAREER**

September 9, 2015

Frisbie Middle School is requesting the Board of Education approve an agreement with the Girl Scouts of San Gorgonio, to provide transportation for their program called Classroom to Career.

The Classroom to Career program has partnered with community organizations in the fields of government, retail, education, and transportation/logistics to offer girls a behind the scenes look at the day to day operations of local businesses. Once a month starting in September through May 27, 2016, twenty-five to thirty (25 to 30) of our underserved female students will be transported to several businesses in the area representing careers that are typically underserved by females. These opportunities will be afforded to Frisbie Middle School at no cost to the District. A grant was procured by the Girls Scouts of San Gorgonio for \$8,000.00 to pay for transportation costs.

It is recommended that the Board of Education approve the agreement with the Girl Scouts of San Gorgonio to provide transportation for workplace tours through the Classroom to Career program during the 2015 – 2016 school year. Transportation costs not to exceed \$8,000.00 will be paid for through grant funding at no cost to the District.

Submitted by: Akinlana Osonduagwuike

Reviewed by: Edward D'Souza, Ph.D.

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. G 4.1)

**NATIONAL INSTITUTE FOR SCHOOL LEADERSHIP
INVESTING IN INNOVATION (i3) GRANT PARTNERSHIP INVITATION –
CALIFORNIA**

September 9, 2015

Secondary Instructional Services requests the approval from the Board of Education to be part of a study in the Investing in Innovation (i3) Validation Grant from the U.S. Department of Education to study the impact of its research-based school leadership development program on novice middle school principals. The National Institute for School Leadership (NISL), a program of the not-for-profit National Center on Education and the Economy has been awarded a \$12 million, Investing in Innovation (i3) Validation Grant, and has selected Rialto Unified School District as a partner district for the grant project.

Our principals at Jehue, Kolb and Frisbie Middle Schools would meet the requirements of the grant and would take part either in the testing group or the control group. Participating principals will receive NISL's Executive Development Program (EDP) training that uses the most recent leadership research from many different professions to develop the capacity to positively impact leadership practice and teacher instructional practice in ways that have the potential to increase the academic achievement of students. In addition to participating in NISL's in-person and online training program, treatment principals will be supported with on-site coaching during their training.

The NISL EDP training and individual coaching for every treatment principal is a \$45,600.00 value of which \$12,600.00 is for the 24 days of leadership training over 15 months and \$33,000.00 for 11 days of on-site coaching. For every principal selected to be in the control group they would also receive similar training at a value of \$5,250.00. This will all be provided at no cost to the district except for mileage reimbursement to the training. All trainings will take place either at the San Bernardino County Superintendent's Office - West End Center in Rancho Cucamonga or at Pomona Unified School District in Pomona.

It is recommended that the Board of Education approve our selected middle school principals at Jehue, Kolb and Frisbie Middle Schools to take part in this leadership training at no cost to the district, except for mileage reimbursement. This training is aligned to the new Common Core initiatives in California and will benefit our schools and our students.

Submitted and Reviewed by: Edward D'Souza, Ph.D.
Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. G 5.1)

DONATIONS

September 9, 2015

<u>Name of Donors</u>	<u>Location/Description</u>	<u>Amount</u>
<u>MONETARY DONATIONS</u>		
Rialto Rotary Club	Casey Elementary School/ Instructional Materials and Supplies	\$ 500.00
Veolia North America	Rialto Unified School District Secondary Instructional Services/ Water and Science Program Field Trips	\$ 120.00
Julio Cesar Granados	Henry Elementary School/ Instructional Materials and Supplies	\$ 80.00

NON-MONETARY DONATIONS

Golden State Foods Foundation	Henry Elementary School/ 90 Backpacks with school supplies
ACCO Brands	Rialto High School/ Pallet of school supplies

It is recommended that the Board of Education accept the listed donations from Rialto Rotary Club, Veolia North America, Julio Cesar Granados, Golden State Foods Foundation and ACCO Brands, and request that a letter of appreciation be sent to the donors.

District Summary	
Monetary Donations – September 9, 2015	\$ 700.00
Donations – Fiscal Year-To-Date	\$ 3,919.41

Submitted by: Mohammad Z. Islam

Reviewed by and Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. H 2.1)

**ACCESS COMMUNICATION & EDUCATION WITH SIGN LANGUAGE
INTERPRETING SERVICES (A.C.E.S.)**

September 9, 2015

The Special Education Department is requesting approval from the Board of Education to approve an agreement with Access Communication & Education with Sign Language Interpreting Services, (A.C.E.S.), to provide American Sign Language (ASL) interpreting services to hearing impaired students and parents as well as intensive individualized services (IIS) to students per their Individualized Education Plan (IEP).

It is recommended that the Board of Education approve a contract with Access Communication & Education with Sign Language Interpreting Services, (A.C.E.S.), at a cost not to exceed \$49,000.00 for the 2015-2016 school year, to be paid from Special Education funds, effective September 10, 2015 through June 30, 2016.

Submitted by: Erika Johnson

Reviewed by: Edward D'Souza, Ph.D.

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. H 3.1)

NUTRITION SERVICES FUND

September 9, 2015

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 Nutrition Services program may be accounted for by using an Enterprise Fund rather than a Special Revenue Fund (Fund 13) even though its primary source of financing comes from Federal and State Child Nutrition Program revenues rather than through the price paid for meals by the students. The California Department of Education recommends that a school district use an Enterprise Fund (Fund 61) to account for its cafeteria operations only if the school district's Governing Board intends to operate its cafeteria program in a manner similar to that employed by private business enterprises and to fully recover all costs of providing services, including depreciation of capital assets.

The San Bernardino County Treasurer requires that the Board of Education approve the opening of all funds. In order to properly reflect the operations of the Nutrition Services program, and to comply with new requirements under GASB 68 (Pension Reform), the District must establish a Fund 61 - Cafeteria Enterprise Fund and, therefore, close the Fund 13 - Cafeteria Special Revenue Fund.

It is recommended that the Board of Education approve the opening of Fund 61- Cafeteria Enterprise Fund and the closure of Fund 13-Cafeteria Special Revenue Fund.

Submitted by: Diane Romo

Reviewed by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. H 4.1)

AGREEMENT FOR ENERGY CONSULTANT SERVICES

September 9, 2015

The final California Energy Commission (CEC) implementation guidelines for Proposition 39 were approved on December 19, 2013, making funding available for school districts in the state to implement energy conservation projects from 2014 to 2018. However, there are calculations and energy achievement standards that schools must meet in order to receive these funds.

A professional energy consultant is needed for the development of the energy efficiency program. The consultant is also needed for data analysis, implementation, planning for the identification of grants and other applicable incentives, benchmarking, and post-implementation Measurement & Verification requirements as defined by the CEC in Proposition 39 guidelines.

Trane U.S., Inc., is a qualified energy firm with many years of experience and service to K-12 districts, community colleges, and local governments in the development and installation of energy projects. Trane U.S., Inc., has successfully completed the planning, engineering and implementation of Energy Expenditure Plans (EEP) No. 1 and No. 2 for the District since February of 2014, and staff recommends Trane U.S., Inc., to prepare the third Proposition 39 (EEP) No. 3 for the District.

It is recommended that the Board of Education approve an agreement with Trane U.S., Inc., to complete Energy Expenditure Plan (EEP) No. 3 for Proposition 39 in the not-to-exceed amount of \$14,000.00, including all expenses, to be paid from the Proposition 39 Planning Fund (Fund 01 - Resource 6230).

Submitted by: Iris Chu

Reviewed by: Mohammad Z. Islam

Presented For Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. H 5.1)

I FACILITIES PLANNING CONSENT

I. FACILITIES PLANNING CONSENT ITEMS

NONE

J PERSONNEL SERVICES CONSENT

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

SUBSTITUTE NOON DUTY AIDE

Farias, Olga	Werner Elementary	08/05/2015	\$9.00 per hour
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WORKABILITY

Cooper, Roosevelt	Walgreens	08/27/2015	\$9.00 per hour
Edwards, Xavier	Walgreens	08/26/2015	\$9.00 per hour
Enriquez, Melissa	Walgreens	09/01/2015	\$9.00 per hour
Gomez, Precious	WSS	08/26/2015	\$9.00 per hour
Jefferson, Timothy	Walgreens	09/01/2015	\$9.00 per hour
Majin, Esmeralda	Walgreens	08/27/2015	\$9.00 per hour
Roderiquez, Gabriel	Walgreens	08/31/2015	\$9.00 per hour
Singh, Rajiv	Walgreens	08/27/2015	\$9.00 per hour

WORKABILITY - Returning Students

Anganu, Aman	CVS	09/01/2015	\$9.00 per hour
Barragan, Bernardo	Walgreens	08/31/2015	\$9.00 per hour
Dixon, Christopher	Fallas	08/26/2015	\$9.00 per hour
Gooden, Marcus	WSS	09/01/2015	\$9.00 per hour
Gregory, Brooklin	CVS	08/19/2015	\$9.00 per hour
Guerrero, Bianca	Walgreens	09/01/2015	\$9.00 per hour
Gutierrez, Kaela	Fallas	08/28/2015	\$9.00 per hour
Jauregui, Ashley	WSS	09/01/2015	\$9.00 per hour
Johnson, Alexander	WSS	08/28/2015	\$9.00 per hour
Lopez, Miguel	Walgreens	09/04/2015	\$9.00 per hour
Rodriguez, Jacob	Walgreens	08/31/2015	\$9.00 per hour
Somers, Allan	Walgreens	08/28/2015	\$9.00 per hour

NON-CERTIFICATED COACHES

A search of the certificated staff of the Rialto Unified School District has failed to fulfill the District's coaching needs. Pursuant to the Title 5 California Code of Regulations, Section 5531, this is to certify that the following non-certificated coaches employed by the Rialto Unified School District are competent in first aid and emergency procedures as related to coaching techniques in the sports to which they are assigned:

Carter High School

Edwards, Edgar	Varsity Head, Boys' Waterpolo	2015/2016	\$3,387.00
Joiner Sr., David	JV Assistant, Football	2015/2016	\$3,474.00

Eisenhower High School

Collier, Dennis	Frosh Assistant, Football	2015/2016	\$3,474.00
Nava, Steve Michael	Frosh Assistant, Football	2015/2016	\$3,474.00
Sparks, Austin	Varsity Head, Boys' Waterpolo	2015/2016	\$3,387.00

Rialto High School

Grayson, Anthony	Frosh Assistant, Football	2015/2016	\$3,474.00
Navas, Jacob	Varsity Assistant, Football	2015/2016	\$3,734.00

PERSONNEL REPORT NO. 1139
CLASSIFIED EXEMPT EMPLOYEES
September 9, 2015

NON-CERTIFICATED COACHES

Rialto High School

Ramirez, Kevin	Varsity Assistant, Football	2015/2016	\$3,734.00
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Submitted By: Rhonda Kramer
Approved By: Tom Haldorsen
Presented For Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. J 1.2)

PERSONNEL REPORT NO. 1139
 CLASSIFIED EMPLOYEES
 September 9, 2015

PROMOTIONS

Grawe, Lindsey (Repl. J. Paz)	To: Transportation Support Technician	09/10/2015	To: 45-1	\$23.52 per hour
	Transportation			(8 hours, 12 months)
	From: Secretary I		From: 34-5	\$21.83 per hour
	Special Education			(8 hours, 12 months)

EMPLOYMENT

Alvarado, Patricia (Repl. V. Jimenez)	Nutrition Service Worker I Rialto Middle	08/31/2015	19-1	\$12.39 per hour (2 hours, 203 days)
Arreola, Raisa (Repl. Y. Pimental)	Instructional Assistant II/B.B.* Kelley Elementary	08/27/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Delgado, Jennifer	Instructional Assistant III – SE Trapp Elementary (SED/MH)	08/28/2015	29-1	\$15.84 per hour (3 hours, 203 days)
Espinoza, Carolina (Repl. J. Torres)	Instructional Assistant II/B.B.* Kolb Middle	08/31/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Esquivel, Yesenia (Repl. A. Rojas)	Instructional Assistant II/B.B.* Henry Elementary	08/27/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Garcia, Julie	Instructional Assistant III – SE Casey Elementary (SED/MH)	08/17/2015	29-1	\$15.84 per hour (3.5 hours, 203 days)
Gonzalez, Vanessa (Repl. A. Gutierrez)	Instructional Assistant II/B.B.* Frisbie Middle	08/27/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Lange, Tyler (Repl. L. Gonzalez)	Instructional Assistant II – SE Werner Elementary (RSP/SDC)	08/24/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Leiva, Edward (Repl. I. Gutierrez0)	Instructional Assistant II – SE Kolb Middle (RSP/SDC)	08/24/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Lepore, Joseph (Repl. P. Gomez)	Warehouse/Support Services Worker Warehouse	09/10/2015	36-1	\$18.83 per hour (8 hours, 12 months)
Martinez, Hailey (Repl. S. Clark)	Instructional Assistant II – SE Werner Elementary (RSP/SDC)	08/31/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Martinez, Evelyn (Repl. A. Calvillo)	Instructional Assistant II/B.B.* Rialto High	08/31/2015	26-1	\$14.66 per hour (3 hours, 203 days)
Payne, Jason (Repl. G. Jimenez)	Nutrition Service Worker I Frisbie Middle	08/31/2015	19-1	\$12.39 per hour (2 hours, 203 days)

RETIREMENTS

Martinez, Evelyn	Nutrition Service Worker I Nutrition Services	08/25/2015
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RESIGNATIONS

Barnes, Easton	Grounds Maintenance Worker II Maintenance & Operations	09/11/2015
Medrano, Laura	Nutrition Services Supervisor Nutrition Services	09/15/2015

REINSTATEMENT TO FORMER POSITION

Vasquez, Daniel	To: Custodian I** Garcia/Kelley Elementary	09/10/2015	To: 33-1	\$17.51 per hour (8 hours, 12 months)
	From: Custodian I** Rialto Middle		From: 33-1	\$17.51 per hour (8 hours, 12 months)

SUBSTITUTES

Leon-Gutierrez, Desiree	Instructional Assistant III – SE (SED/MH)	08/10/2015	29-1	\$15.84 per hour
Lively, Howard	Nutrition Service Worker I	08/31/2015	19-1	\$12.39 per hour

VOLUNTARY DECREASE IN WORK HOURS

Walley, Megan	To: Instructional Assistant II - SE Werner Elementary (RSP/SDC)	08/27/2015	To: 26-5	\$17.91 per hour (3 hours, 203 days)
	From: Instructional Assistant II – SE Rialto Middle (RSP/SDC)		From: 26-5	\$17.91 per hour (3.5 hours, 203 days)

VOLUNTARY DEMOTION

Linares, Nick	To: Grounds Maintenance Worker II Maintenance & Operations	09/01/2015	To: 34-5	\$21.83 per hour (8 hours, 12 months)
	From: Grounds Maintenance Worker III Maintenance & Operations		From: 36-5	\$22.91 per hour (8 hours, 12 months)

VOLUNTARY INCREASE IN WORK YEAR

Werner, Johanna	To: Instructional Assistant II – SE Werner Elementary (RSP/SDC)	08/25/2015	To: 26-5	\$17.91 per hour (3 hours, 203 days)
	From: Instructional Assistant II – SE Jehue Middle (RSP/SDC)		From: 26-5	\$17.91 per hour (3 hours, 165 days)

CERTIFICATION OF ELIGIBILITY LIST – Air Conditioning/Heating/Ventilation Technician

Eligible: 09/10/2015
Expires: 03/10/2016

CERTIFICATION OF ELIGIBILITY LIST – Health Aide

Eligible: 09/10/2015
Expires: 03/10/2016

CERTIFICATION OF ELIGIBILITY LIST – Instructional Assistant II – SE (RSP/SDC)

Eligible: 09/10/2015
Expires: 03/10/2016

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CLASSIFIED EMPLOYEES
September 9, 2015

CERTIFICATION OF ELIGIBILITY LIST – Instructional Assistant III – SE (SED/MH)

Eligible: 09/10/2015
Expires: 03/10/2016

CERTIFICATION OF ELIGIBILITY LIST – Instructional Technology Assistant

Eligible: 09/10/2015
Expires: 03/10/2016

CERTIFICATION OF ELIGIBILITY LIST – Payroll Technician

Eligible: 09/10/2015
Expires: 03/10/2016

CERTIFICATION OF ELIGIBILITY LIST – Special Education Child Development Instructional Assistant

Eligible: 09/10/2015
Expires: 03/10/2016

*Position reflects the equivalent to a one-Range increase for Bilingual/Biliterate skills
**Position reflects the equivalent to a one-Range increase for night differential
*** Position reflects a \$50.00 monthly stipend for Confidential position
^ Position reflects the equivalent to a one-Range increase for special needs

Submitted By: Rhonda Kramer
Approved By: Tom Haldorsen
Presented For Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. J 2.3)

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

SUBSTITUTES (To be used as needed at the appropriate rate per day, effective September 10, 2015 unless earlier date is indicated)

Adame, Krystine	08/26/2015
Andrade, Leticia	08/26/2015
Asad, Sebahha	08/26/2015
Gjerde, Hannah	08/26/2015
Jackson, Kimberly	08/26/2015

EMPLOYMENT

Akcaoglu, Jeanette	Resource Specialist	08/31/2015	I-1	\$50,711.00 (184 days)
King, Rachel	Secondary Teacher	08/26/2015	I-1	\$50,711.00 (184 days)
Schonder, Amber	Elementary Teacher	08/26/2015	I-1	\$50,711.00 (184 days)
Williams, Theresa	Elementary Teacher	08/31/2015	I-1	\$50,711.00 (184 days)

ADMINISTRATIVE APPOINTMENTS

Ennis, Dorothy	Acting Principal Kucera Middle School	08/20/2015	1	\$113,520.00
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RESIGNATIONS

Sanford, LaPrice	Counselor	09/09/2015
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HOME AND HOSPITAL TEACHERS (To be used during the 2015/2016 school year, as needed, at the regular hourly rate of \$42.03)

Borja, Ana	Palacios, Esmeralda	Schultz, Saralee
Fuentes, Io	Pearce, Robin	Watson, Kimberly
Kellmer, Michaeline	Polonio, Ruth	Zavala, Annalisa

EXTRA DUTY COMPENSATION (Additional class assignment at 1/6 of the daily rate or \$42.03 per hour, whichever is greater, for the fall semester of the 2015/2016 school year, and to be charged to General Fund)

	<u>Jehue Middle School</u>	
Lane, Steven	English/Language Arts	08/13/2015
Macias, Daniel	Math	08/13/2015
	<u>Rialto Middle School</u>	
Jaramillo, Jami	Math	08/03/2015
Murray, Heather	Science	08/03/2015
	<u>Carter High School</u>	
Macias, Kenyo	Spanish IIP	08/18/2015
Olivares, Araceli	Spanish IIPSS	08/18/2015
	<u>Eisenhower High School</u>	
Hamel, Betty	Earth Science	08/14/2015
Valmores, Anna	Biology	08/14/2015

PERSONNEL REPORT NO. 1139
CERTIFICATED EMPLOYEES
September 9, 2015

EXTRA DUTY COMPENSATION (Certificated personnel will be responsible for assessments, writing and leading IEP meetings for designated non district credentialed teachers who provide instruction to home hospital students during the 2015/2016 school year, at the hourly rate of \$42.03, not to exceed 30 hours and to be charged to Home Hospital)

Parziale, Frank
Noerdinger, Gabrielle

EXTRA DUTY COMPENSATION (Department Chairpersons for the 2015/2016 school year)

Eisenhower High School

Beier, Jennifer	Business/Home Ec/Inds. Arts	48 Sections (1/2 Share)	\$1,520.00
Cunningham, Janet	Business/Home Ec/Inds..Arts	48 Sections (1/2 Share)	\$1,520.00
Dunbar Smalls, Laurie	Math	84 Sections (1/2 Share)	\$1,954.00
Solache, Brenda	Math	84 Sections (1/2 Share)	\$1,954.00

Rialto High School

Rubio, Keith	Special Education	78 Sections	\$3,908.00
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Submitted By: Aaron Rogers
Reviewed By: Tom Haldorsen
Presented For Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. J 3.2)

**RESOLUTION # 15-16-16
RIALTO UNIFIED SCHOOL DISTRICT**

2015-2016

September 9, 2015

Pursuant to Title V Section 80120(b), for the 2015/2016 school year, the Board of Education of the Rialto Unified School District authorizes the Associate Superintendent, Personnel Services, to employ or assign identified individuals additional time to complete the requirements for the credential that authorizes the service or to provide employing agencies time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position.

<u>NAME</u>	<u>SITE</u>	<u>CREDENTIAL TO BE WAIVED</u>	<u>ASSIGNMENT</u>
Rodriguez, Maria	Carter H.S.	EL Authorization	ROP Instructor

I, Cuauhtémoc Avila, Ed.D., Secretary of the Governing Board of the Rialto Unified School District, hereby certify that the foregoing is a true and correct copy of a credential waiver duly made, adopted and entered in the Board minutes of the Governing Board of the Rialto Unified School District of San Bernardino County on the 9th day of September, 2015.

Date: _____

Cuauhtémoc Avila, Ed.D.
Secretary, Board of Education

K DISCUSSION/ACTION ITEMS

**ADOPTION OF RESOLUTION 15-16-12
RELATIVE TO THE ACTUAL 2014-2015 AND
ESTIMATED 2015-2016 GANN APPROPRIATIONS LIMIT**

September 9, 2015

The passage of Proposition 4 (Article XIII B of the Constitution of the State of California) in November 1979, established constitutional limits on appropriations (Gann Limits) for fiscal years beginning July 1, 1980. These limitations apply only to unrestricted state and local income.

Beginning in 1989-90, the State redefined the state aid that counts toward school district Gann Limits to be "the amount which fills up a district's Gann Limit." Consequently, only districts with extremely high levels of property taxes will be over their Gann Limits.

Education Code sections 1629 and 42123 specify that by September 15 of each year, the governing boards of districts and county offices of education shall adopt a resolution identifying their estimated appropriations limit for the current year and their actual appropriations limit for the preceding year.

The District's actual appropriations limit for the 2014-15 fiscal year is \$224,931,912.78. The District's estimated appropriations limit for the 2015-16 fiscal year is \$230,415,992.27.

It is recommended that the Board of Education adopt Resolution 15-16-12, which declares that the Gann Limit appropriations in the 2014-2015 Unaudited Actuals and 2015-2016 Budget do not exceed the limitations imposed by Proposition 4.

Submitted by: Diane Romo

Reviewed by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. K 1.1)

**RESOLUTION NO. 15-16-12
ADOPTING THE ACTUAL 2014-2015 AND ESTIMATED 2015-2016 GANN LIMIT**

September 9, 2015

WHEREAS, in November 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII B to the California Constitution; and

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called "Gann Limits," for public agencies, including school districts; and

WHEREAS, the Rialto Unified School District must establish a Revised Gann Limit for the Fiscal Year 2014-15 and a projected Gann Limit for the Fiscal Year 2015-16 in accordance with the provisions of Article XIII B and applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED THAT, the Rialto Unified School District Board does provide public notice that the attached calculations and documentation of the Gann Limits for the 2014-15 and 2015-16 fiscal years are made in accord with applicable constitutional and statutory law;

	<u>2014-15</u>	<u>2015-16</u>
APPROPRIATIONS LIMIT	\$224,931,912.78	\$232,333,337.86
DISTRICT APPROPRIATIONS SUBJECT TO LIMITS	\$197,854,347.83	\$230,415,992.27

AND BE IT FUTHER RESOLVED, that this Board does hereby declare that the Appropriations in the 2014-15 Unaudited Actuals and 2015-16 Budget do not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED, that the Superintendent provided copies of this resolution along with the appropriate attachments to interested citizens of this District.

APPROVED, PASSED AND ADOPTED this 9th day of September, 2015, by the Board of Education of the Rialto Unified School District of San Bernardino County by the following vote:

AYES: _____ NOES: _____ ABSENT: _____ ABSTAINED: _____

I certify under penalty of perjury, the foregoing statements to be true and correct.

Cuauhtémoc Avila, Ed.D.
Secretary, Board of Education

Edgar Montes
President, Board of Education

(Ref. K 1.2)

APPROVAL OF 2014-2015 UNAUDITED ACTUALS

September 9, 2015

Education Code section 42100 requires school districts to file annual statements of all receipts and expenditures for the preceding fiscal year with the County Superintendent of Schools on or before September 15 of each year. The report is the District's unaudited actuals summary of revenues, expenditures, and ending fund balances for all funds for the fiscal year that ended June 30, 2015, which will be submitted to the County Superintendent of Schools. All funds ended the year with a positive balance.

(The report will be submitted under separate cover.)

It is recommended that the Board of Education approve the 2014-2015 Unaudited Actuals financial report as presented.

Submitted by: Diane Romo

Reviewed by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. K 2.1)

Rialto Unified School District
Unaudited Actuals
FY 2014-15

1. Fund Recaps:

Description	Fund	Beginning Fund Balance	Revenue	Expenditures	Ending Fund Balance
General Fund	01	\$26,028,563	\$249,453,833	\$239,757,093	\$35,725,303
Child Development Fund	12	40,995	3,817,962	3,846,498	\$12,459
Cafeteria Fund	13	19,250,380	15,278,923	15,170,943	\$19,358,360
Building Fund	21	1,803,797	31,752,604	1,996,443	\$31,559,958
Capital Facilities Fund	25	2,700,702	2,860,655	3,158,022	\$2,403,335
State School Building Fund	35	1,115,081	5,380,504	5,184,356	\$1,311,228
Spec. Res. Capital Proj. Fund	40	402,154	57,230	399,389	\$59,995
Bond Int. & Redemption Fund	51	5,751,964	5,066,814	3,226,689	\$7,592,089
		<u>\$57,093,635</u>	<u>\$313,668,524</u>	<u>\$272,739,433</u>	<u>\$98,022,726</u>

2. Attendance and Local Control Funding Formula:

	FY 2013-14	FY 2014-15	FY 2015-16 (Budget)
Funded Average Daily Attendance (ADA)	25,735	25,637	25,284
COLA	1.57%	0.85%	1.02%
Gap Funding	12.000%	30.160%	51.520%

3. General Fund Components of Ending Fund Balance (all one-time resources):

	FY 2013-14	FY 2014-15	FY 2015-16 (Budget)
Revolving Cash	\$90,000	\$90,000	\$90,000
Stores- Warehouse	79,990	114,364	80,000
Prepaid Expenses	22,794	3,897	0
Restricted Programs	4,611,711	7,814,208	3,466,584
Desig for Econ Uncertainties (3%)	6,633,255	7,192,713	8,505,860
Assigned	2,699,205	0	0
Undesignated (remainder)	11,891,608	20,510,122	22,632,183
Total General Fund			
Ending Fund Balance	<u>\$26,028,563</u>	<u>\$35,725,304</u>	<u>\$34,694,627</u>

4. Other Statistical Information

	FY 2013-14	FY 2014-15	FY 2015-16 (Budget)
Long Term Debt	\$ 109,733,056	\$ 143,195,801	\$ 138,853,710
Gann Limit	\$ 171,025,607	\$ 197,854,348	\$ 230,415,992
Class RM Exp (Unified Dist= 55%)	58.69%	59.14%	59.14%
Indirect Cost Rate	7.01%	7.36%	6.50%
NCLB Maint of Effort Req.	Met	Met	N/A

(Ref. K 2.2)

**ADOPTION OF RESOLUTION NO. 15-16-13
RELATIVE TO THE RENEWAL OF A TSA/403(B) PLAN**

September 9, 2015

The Business Services Division requests approval from the Board of Education to renew an agreement with Schools First Federal Credit Union (SchoolsFirst FCU) and National Benefit Services (NBS) to provide administrative services for the District Tax Shelter Annuity (TSA) Plan 403 (b), effective July 1, 2015, through June 30, 2020.

NBS will act as the third party administrator of the TSA Plan in accordance with the Internal Revenue Code, Section 403(b). NBS will create and maintain a non-specific provider TSA Plan that meets operational, compliance, and administrative guidelines. SchoolsFirst FCU will assist employees regarding their rights, benefits, or any elections under the Provider's plans. SchoolsFirst FCU will, among other duties, facilitate the collection of Provider Agreements and act as the District's liaison to answer questions and inquiries from the Providers. There is no cost to the District.

It is recommended that the Board of Education adopt Resolution No. 15-16-13 to renew an agreement with Schools First Federal Credit Union and the National Benefit Services to provide administrative services for the District Tax Shelter Annuity Plan 403(b), effective July 1, 2015, through June 30, 2020. Adoption of this Resolution by the Board of Education authorizes Mohammad Z. Islam, Associate Superintendent of Business Services, to sign said agreement. There is no cost to the District.

Submitted by: Diane Romo

Reviewed by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. K 3.1)

**ADOPTION OF RESOLUTION NO. 15-16-13
TSA/403(B) PLAN**

September 9, 2015

WHEREAS, the Governing Board of the Rialto Unified School District "District", designated as a public education organization as described in Section 170(b)(1)(A)(ii) of the Internal Revenue Code (IRC), desires to adopt an IRC Section 403(b) Plan in which all employees are permitted to make voluntary salary reductions.

WHEREAS, the members of the Governing Board affirm that each participating employee retains all rights to the individual 403(b) account (or accounts), and, bears the sole responsibility of selection of any of the products or investment options made available by the District. The Board, District officials, or other District employees, make no representations or recommendations and bear no responsibility for any employee's selection of specific annuity products or custodial accounts, and further makes no representations to employees about the advisability, appropriateness or income tax consequences of any 403(b) account to which contributions are made.

THEREFORE, BE IT RESOLVED THAT:

1. The 403(b) Plan which, at all times, conforms with the requirements of Section 403(b) of the Internal Revenue Service Code is adopted, and that the following qualified annuities or custodial accounts will be made available for the employees' selection:
 - a) Fixed annuities which are qualified under Section 403(b)(1) of the IRC; and
 - b) Variable annuities which are qualified under Section 403(b)(1) of the IRC; and
 - c) Custodial accounts investing only in regulated investment company stock under Section 403(b)(7) of the IRC.

2. Employees of the District are given the opportunity to enter into an amendment of employment contract for the purpose of effecting a reduction in the salary paid to such employee, except as may be limited below. Persons who are not employees are prohibited from participation.
 - a) Include Exclude Employees who normally work less than 20 hours per week.
 - b) Include Exclude Employees whose salary reduction would not exceed \$200 per year.
 - c) Include Exclude Employees who are students enrolled and regularly attend classes of the employer.

Conformance: It is the intention of the members of the Governing Board that the District's 403(b) Plan will conform with the applicable federal and state statutory requirements, and that the employee salary reduction contributions to the 403(b) Plan be within eligible limits as set out in IRS regulations as currently stated, or as amended

in the future. Each employee, and not the District or Governing Board, shall be individually responsible for the determination of those eligible limits. Each employee should consult with his/her own tax advisor to determine tax consequences in investing in such 403(b) plans. The Board authorizes SchoolsFirst and National Benefit Services, Inc., the District Superintendent or designee to develop and establish appropriate procedures to insure proper administration of the Plan. The District Superintendent or designee is further authorized to act on the Board's behalf with respect to the Plan.

Compliance: Whereas the Governing Board has been made aware that the Internal Revenue Service has engaged, and continues to engage in the audit of 403(b) plans, and has reported plan defects on a large scale, the Board authorizes SchoolsFirst and National Benefit Services, Inc., to develop appropriate procedures to conduct a compliance review, followed by an ongoing compliance initiative, and to install necessary controls to insure that the 403(b) Plan is operated in conformance with Code and related regulations as currently stated, and as amended in the future; and is further authorized to act on the Board's behalf with respect to the Plan. These procedures shall, include, but are not limited to the following:

- a) Determine eligibility of participants to receive benefits, including loan and hardship distributions, and to make contributions to 403(b) accounts
- b) Monitor applicable contribution limits under IRC 403(b), 402(g) and 415(c), and coordinate efforts to correct any excess contributions between the participant and vendor.

That this Resolution and the attached 403(b) Service Agreement are hereby adopted, approved, and supersede and replace any and all prior resolutions and plans of the District, authorizing the purchase of a TSA/403(b) for its employees.

PASSED AND ADOPTED this 9th day of September 2015, by the Board of Education of the Rialto Unified School District of San Bernardino County by the following vote:

AYES:

NOES:

ABSENT:

I certify, under penalty of perjury, the foregoing statements to be true and correct.

Cuauhtémoc Avila, Ed.D.
Rialto Unified School District

Submitted by: Diane Romo

Reviewed by: Mohammad Z. Islam

Presented for Board Action: Cuauhtémoc Avila, Ed.D.

(Ref. K 3.3)