

ALTA LOMA SCHOOL DISTRICT
Special Meeting of the Board of Trustees
Wednesday, December 9, 2020
5:30 PM

NOTICE: Due to the Coronavirus (COVID-19), this meeting will be held by ZOOM conference only. If you wish to participate in the meeting and/or make a public comment, please visit the District website at www.alsd.k12.ca.us.

When on the website, click the image on the picture bar that says "Click here to watch live."

If you wish to make a public comment at this meeting, comments must be received prior to, or at the time the Public Comment section is reached in the agenda via email at ALSD_BOARDMEETING@alsd.org

Motion

1st 2nd App

- A. OPEN SESSION**
- B. CALL TO ORDER AND ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. PUBLIC COMMENT ANNOUNCEMENT**

The Board of Trustees welcomes comments from visitors, employees, employee groups, parent organizations and students. If you wish to make a public comment at this meeting, comments must be received prior to, or at the time the Public Comment section is reached in the agenda via email at ALSD_BOARDMEETING@alsd.org

The Board has set aside 45 minutes for the Public Comment section normally allowing 5 minutes per individual.

The Public comment period is the opportunity for the public to address the Board on (1) items on the public session agenda; (2) items on the closed session agenda; and (3) other topics within the jurisdiction of the Board.

In accordance with the Brown Act, the Board will limit any responses to public comment to brief statements, referral to staff or referral to a future board agenda.

PLEASE NOTE: There will not be a separate opportunity to comment at the time each agenda item is addressed by the Board, unless the item specifically involves an agendized public hearing. All public comment will be heard during the agendized public comment section.

Action

- E. ADOPTION OF AGENDA**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from Adriana Mohler at (909) 484-5151, Extension 102003, by FAX (909) 484-5155 or email at amohler@alsd.org. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to assure accessibility to the meeting.

Documents supporting agenda items are available for public inspection at the Alta Loma School District Support Center, 9390 Base Line Road and on the district website at www.alsd.k12.ca.us.

F. PUBLIC COMMENT

Consistent with the Public Comment Announcement above, this is the opportunity for the public to address the Board on (1) items on the public session agenda; (2) items on the closed session agenda; and (3) other topics within the jurisdiction of the Board.

G. SUPERINTENDENT & STAFF REPORTS

An opportunity for the Superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities such as:

1. Curriculum/instructional updates
2. Timely events/information
3. District activities

H. GENERAL FUNCTIONS

1 st Reading	1. Recommend the Board adopt Board Bylaw BB 9500 – Criminal History Information (pp. 1-3)
1 st Reading	2. Recommend the Board adopt Board Bylaw BB 9550 – Limiting Access to Campuses and School Activities (pp. 4-5)

I. BUSINESS AND FINANCIAL PROCEDURES

Action	1. Recommend the Board approve Contract Amendment No. 1 for Robert Clapper Construction Services for a new Contract Price of \$2,629,807.43 and authorize Superintendent James Moore and/or Associate Superintendent Steve Thomas to sign all related documents. (p. 6)
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J. ANNOUNCEMENTS

1. The date of the next regular meeting of the Board of Trustees is Wednesday, December 16, at 6:00 PM via Zoom Conference.

K. CLOSED SESSION

Adjourn to Closed Session for the purpose of discussing matters expressly authorized by Government Code Section 3549.1, 54956.9, 54956.9(d), 54957, and 54957.6.

1. Public Employee Employment/Discipline/Dismissal/Release.
2. Conference with labor negotiator Steve Thomas, Associate Superintendent, Administrative Services and other negotiation team members.
 - a. Alta Loma Educators Association (ALEA).
3. Conference with labor negotiators for unrepresented employees:

- a. Certificated and Classified Management, and Confidential. Agency representative - Superintendent.
- b. Classified Employees and Proctors. Agency representative – Superintendent.
- c. Superintendent. Agency representative – Board of Trustees.

4. Student disciplinary/expulsion/readmission matters.
5. Public Employee Performance Evaluation/Employment – Superintendent.
6. Conference with Legal Counsel – Potential/Existing Litigation (Government Code section 54956.9).

L. OPEN SESSION

1. Required announcements (if any) regarding closed session action.

M. ADJOURNMENT



Alta Loma
SCHOOL DISTRICT

Superintendent's Memorandum

To: The Board of Trustees

From: James Moore, Superintendent *JM*

Date: December 9, 2020

Subject: Adopt Board Bylaws Related to Criminal History Information and Limiting Access to Campuses and School Activities

BACKGROUND: In order to keep Board Bylaws in compliance with applicable State and Federal laws, as well as to create consistency of format within all Board Policies, the District contracted with the California School Boards Association to facilitate the review and revision of all Board Bylaws. District administration has reviewed and evaluated the following new bylaw:

First Reading

BB 9500 Criminal History Information

BB 9550 Limiting Access to Campuses and School Activities

RATIONALE: This action will adopt bylaws to be compliant with current State and Federal law and current practices.

FUNDING: There is no fiscal impact to this action.

RECOMMENDATION: Recommend the Board adopt the above listed Board Bylaws related to Criminal History Information and Limiting Access to Campuses and School Activities, as presented.

CRIMINAL HISTORY INFORMATION

The Board of Trustees recognizes that elected Board of Trustee members play a vital role in carrying out the District's educational goals, providing leadership, and ensuring that the District is responsive to the values, beliefs, and priorities of the community.

Board of Trustee members shall be fingerprinted and processed through the California Department of Justice. Board of Trustee members shall have a valid fingerprint clearance or shall apply for a fingerprint clearance no later than seven working days after commencement of their term. The Board of Trustees adopted Resolution No. 12-16-2020 authorizing the District to obtain summary criminal background information from the California Department of Justice.

The records obtained pursuant to this Board Bylaw shall be used to determine if a Board of Trustees member has a criminal history that would bar them from performing certain employment and volunteer related functions. The records shall be destroyed after the purpose for which the records were obtained has been satisfied. The District shall not permit Board of Trustee members who have been convicted of the following crimes to performing certain employment and volunteer related functions: Sex Offenses as defined in Education Code 44010, Controlled Substance Offenses as defined in Education Code 44011; Violent Felonies as defined in Penal Code 667.5(c); Serious Felonies as defined in Penal Code 1192.7.

The record custodian shall ensure that the District complies with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in 11 CCR 701-708 and the rules regarding use and security of these records as set forth in Penal Code 11077.

If a Board of Trustees member fails or refuses to comply with this Board Bylaw, the Board of Trustees member shall be prohibited from visiting any District school facility and performing any employment and volunteer related functions. In addition, the Superintendent and Board of Education may publicly censure any Board of Trustees member who fails or refuses to comply with this Board Bylaw. Finally, the Superintendent and Board of Education may take further appropriate and lawful action related to the Board of Trustee member's failure or refusal to comply with this Board Bylaw.

(cf. 9000 - Role of the Board of Education)

(cf. 1240 - Volunteer Assistance)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

Legal Reference: (see next page)

CRIMINAL HISTORY INFORMATION (continued)

Legal Reference:

EDUCATION CODE

35160, 35160.1 Powers and authority of the governing board

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11102.2 Criminal records: custodian

11105 State criminal history information; furnishing to authorized persons

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

701-708 Criminal offender record information

Management Resources:

WEB SITES

Office of the Attorney General, Department of Justice, Background

Checks: <http://www.ag.ca.gov/fingerprints>

LIMITING ACCESS TO CAMPUSES AND SCHOOL ACTIVITIES

The Board of Trustees recognizes that elected Board of Trustee members play a vital role in carrying out the District's educational goals, providing leadership, and ensuring that the District is responsive to the values, beliefs, and priorities of the community.

However, the Board of Trustees also recognizes that, pursuant to the "Safe Schools" guarantee of the California Constitution, "all students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful." (Cal. Const. art. I, sec. 28(f)(1).)

Any Board of Trustees member charged with any of the following criminal offenses is prohibited from entering any District campus or facility and from taking part in any school-related activity: any sex offense as defined in Education Code 44010; any controlled substance offense as defined in Education Code 44011; any violent felony as defined in Penal Code 667.5(c); any serious felony as defined in Penal Code 1192.7; or any other felony in which a minor is the alleged victim.

Notwithstanding the foregoing general prohibition, with advance approval of, and under conditions specified by, the Superintendent, a Board member charged with a specified offense shall be permitted to enter campus and participate in school activity as a parent and only to the extent required by law. Additionally, with advance approval of, and under conditions specified by, the Superintendent, a Board member charged with a specified offense may be permitted to enter campus and participate in school activity in his/her capacity as a Board member. Such conditions shall include that the Board member be accompanied by a "cabinet member" or other District administrator identified by the Superintendent at all times while on any District campus or facility, or while participating in a school-related activity.

(cf. 9000 - Role of The Board of Education)

Legal Reference: (see next page)

LIMITING ACCESS TO CAMPUSES AND SCHOOL ACTIVITIES (continued)

Legal Reference:

CALIFORNIA CONSTITUTION

Cal. Const. art. I, sec. 28(f)(1) Safe Schools Guarantee

EDUCATION CODE

35160, 35160.1 Powers and authority of the governing board

44010 Sex Offenses

44011 Controlled Substance Offenses

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms (violent felonies)

1192.7 Plea bargaining limitation (serious felonies)

11075-11081 Criminal record dissemination

11102.2 Criminal records: custodian

11105 State criminal history information; furnishing to authorized persons

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

701-708 Criminal offender record information

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Checks: <http://www.ag.ca.gov/fingerprints>



Administrative Services Memorandum

To: James Moore, Superintendent

From:  Steve Thomas, Associate Superintendent, Administrative Services

Date: December 9, 2020

Subject: Request to Authorize Amendment No. 1 to the Robert Clapper Construction Services Contract for Vineyard Jr. High School Modernization Project

BACKGROUND: The original contract that was approved by the Board of Trustees on April 10, 2019 was for \$2,319,000. This project requires additional scope due to design issues and unforeseen conditions. Adding additional scope will result in the contract exceeding the 10% allowed per Public Contract Code. The District has received approval from San Bernardino County Counsel acknowledging the unforeseen circumstances which will allow the District to exceed the 10% by contract amendment.

RATIONALE: A change order dated November 23, 2020 was received from Robert Clapper Construction Services, which will result in an overage in the bid category limit for Category 16 - General Works at Vineyard Junior High Modernization Project. This change order totaling \$83,989 is related to costs associated with the extension of the project timeline due to delays and design revisions. Some examples of these delays include the required revisions to curb adapters for HVAC units in Phase 1 of modernization, the Building G concrete replacement, and revisions to Building E restrooms due to structural and ADA compliance issues. In addition, there were revisions to the east parking lot requiring ADA compliance and noted only after demolition had been completed which resulted in a delay of more than 120 days. Additional changes include furring of the interior walls in several rooms due to the interference of new required plumbing. Prior changes were addressed throughout the duration of this project and resulted in additional costs to date that were below the 10% of the original contract. To address payment for the extra work due to unforeseen conditions, an additional amount of \$83,989 will be added to the contract. With the added scope, the revised total Contract Price will be:

Original Contract Price:	\$2,319,000.00
Previous approved change orders below 10%:	\$ 226,818.43
Amendment No. 1 to add allowance:	<u>\$ 83,989.00</u>
Revised Contract Price:	\$2,629,807.43

FUNDING: Measure H Bond Fund (Fund 21).

RECOMMENDATION: Recommend the Board of Trustees to approve Contract Amendment No. 1 for Robert Clapper Construction Services for a new Contract Price of \$2,629,807.43 and authorize Superintendent James Moore and/or Associate Superintendent Steve Thomas to sign all related documents.

PREPARED BY:  Eryn Ogren, Coordinator of Purchasing, Warehouse, and Reprographics