

**AGENDA INDEX FOR THE**  
**SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

**Regular Meeting of the Board of Education**  
**Community Room**  
**Board of Education Building**  
**777 North F Street**  
**San Bernardino, California**

**ABIGAIL MEDINA**  
Vice President

**DR. BARBARA FLORES**  
Board Member

**MICHAEL J. GALLO**  
Board Member

**KRISTIAN BACARRO**  
Student Board Member



**DR. MARGARET HILL**  
President

**DALE MARSDEN, Ed.D.**  
Superintendent

**ISABEL CHOLBI**  
Student Board Member

**GWENDOLYN RODGERS**  
Board Member

**DANNY TILLMAN**  
Board Member

**SCOTT WYATT, Ed.D.**  
Board Member

**DANIELLE QUEZADA**  
Student Board Member

**July 11, 2017**

**Estimated Times**

**SESSION ONE**

- |            |   |                |
|------------|---|----------------|
| <b>1.0</b> | <b><i>Opening</i></b>                   | <b>5:30 pm</b> |
| 1.1        | <u>Call to Order</u>                    |                |
| 1.2        | <u>Pledge of Allegiance to the Flag</u> |                |
| 1.3        | <u>Adoption of Agenda</u>               |                |

**SESSION TWO**

- |            |  |                |
|------------|--|----------------|
| <b>2.0</b> | <b><i>Student Achievement</i></b>            | <b>5:35 pm</b> |
| 2.1        | <u>Key Performance Indicator: Attendance</u> |                |

**SESSION THREE**

- |            |   |                |
|------------|---|----------------|
| <b>3.0</b> | <b><i>Student Board Members' Comments</i></b> | <b>6:30 pm</b> |
|------------|---|----------------|

\*All indicated times are approximate. The actual time for any item is dependent upon the amount of time required for prior items.

**SESSION FOUR**

**4.0 Public Comments**

**6:45 pm**

This is the time during the agenda when the Board of Education is prepared to receive comments from members of the public on any matter within its subject matter jurisdiction. If you wish to address the Board, please complete a “Request to Address the Board of Education” form available at the Board meeting. Comments are limited to five minutes or less.

Any person wishing to make complaints against District employees is asked to file the appropriate complaint form prior to this meeting. Speakers are cautioned that under California law, no person is immune from liability for making intentionally false or defamatory comments regarding any person simply because these comments are made at a public meeting.

**SESSION FIVE**

**5.0 Reports and Comments**

**7:30 pm**

- 5.1 Report by San Bernardino Teachers Association
- 5.2 Report by California School Employees Association
- 5.3 Report by Communications Workers of America
- 5.4 Report by San Bernardino School Police Officers Association
- 5.5 Report by San Bernardino School Managers
- 5.6 Comments by Board Members
- 5.7 Comments by Superintendent and Staff Members

**SESSION SIX**

**6.0 Consent Calendar**

**8:15 pm**

*(When considered as a group, unanimous approval is advised.)*

**BOARD OF EDUCATION**

- 6.1 Approval of Minutes

**DEPUTY SUPERINTENDENT**

- 6.2 Compensation for School Board Member
- 6.3 Facilities Use Agreement with the National Orange Show, San Bernardino, CA, for the Annual Employee Gathering for Excellence Event, July 31, 2017

**BUSINESS SERVICES**

- 6.4 Acceptance of Gifts and Donations to the District
- 6.5 Closure of School Facility Program Projects
- 6.6 Ratification of Approved Change Orders from May 1 – May 31, 2017

***EDUCATIONAL SERVICES***

- 6.7 Facilities Use Agreement with La Quinta Resort & Club, La Quinta, CA, for a Two-Day Professional Development Workshop for Warm Springs Elementary School Staff

***STUDENT SERVICES***

***Youth Services***

- 6.8 Student(s) Recommended for Suspension, but Remanded Back to School Sites or had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction
- 6.9 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction

**SESSION SEVEN**

- 7.0 ***Action Items*** **8:20 pm**

- 7.1 Personnel Report #1, Dated July 11, 2017
- 7.2 Conditionally Approve the Entrepreneur Charter Petition and Adopt Board Resolution Effectuating that Action
- 7.3 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Dana Chapman
- 7.4 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Dennis Nellany
- 7.5 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Carol Waitman
- 7.6 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Linda Williams

**SESSION EIGHT**

- 8.0 ***Closed Session*** **8:25 pm**  
As provided by law, the Board will meet in Closed Session for consideration of the following:

**Anticipated Litigation**

Conference with legal counsel pursuant to paragraph (2) or (3) of Subdivision (d) of Government Code 54956.9  
Number of Cases: One

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July 11, 2017

**Existing Litigation**

Conference with legal counsel, pursuant to paragraph (1) of subdivision (d) of Government Code 54956.9  
Number of Cases: One  
**SS-16-17-22**

**Conference with Labor Negotiator**

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

**Public Employee Appointment**

**Public Employee Discipline/Dismissal/Release**

**Student Matters/Discipline**

**SESSION NINE**

**9.0** *Action Reported from Closed Session* **8:55 pm**

**SESSION TEN**

**10.0** *Adjournment* **9:00 pm**

At the May 16, 2017 Board Meeting, the 2017-18 Board of Education Meeting Calendar was adopted. The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, July 18 at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The District is committed to provide equal access to individuals with a disability to open and public meetings. For information on the availability of disability-related aids or services to enable any person with a disability to participate in a public meeting and/or to request reasonable accommodations, please contact:

Affirmative Action Office  
777 North F Street  
San Bernardino, CA 92410  
(909) 381-1122  
(909) 381-1121 fax  
Office Hours: Monday - Friday, 8 a.m.-4:30 p.m.

Requests for reasonable accommodations must be received by the Affirmative Action Office no later than five working days before the public meeting so that an interactive process can be effectuated to determine an effective accommodation that would best serve the needs of the individual with a disability.

Posted: July 7, 2017

Board of Education Meeting  
July 11, 2017

**AGENDA FOR THE**  
**SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

**Regular Meeting of the Board of Education**  
**Community Room**  
**Board of Education Building**  
**777 North F Street**  
**San Bernardino, California**

**ABIGAIL MEDINA**  
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**DR. BARBARA FLORES**  
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**DANNY TILLMAN**  
Board Member

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**DANIELLE QUEZADA**  
Student Board Member

**July 11, 2017**

**Estimated Times**

**SESSION ONE**

- |            |   |                |
|------------|---|----------------|
| <b>1.0</b> | <b><i>Opening</i></b>                   | <b>5:30 pm</b> |
| 1.1        | <u>Call to Order</u>                    |                |
| 1.2        | <u>Pledge of Allegiance to the Flag</u> |                |
| 1.3        | <u>Adoption of Agenda</u>               |                |

**SESSION TWO**

- |            |  |                |
|------------|--|----------------|
| <b>2.0</b> | <b><i>Student Achievement</i></b>  | <b>5:35 pm</b> |
| 2.1        | <u>Key Performance Indicator: Attendance</u><br>(Prepared by Student Services) |                |

Dr. Rachel Monarrez, Assistant Superintendent, and members of the Student Services team will provide an update on the Key Performance Indicators for average daily attendance (ADA) and chronic absenteeism for the 2016-17 school year.

- |            |   |                |
|------------|---|----------------|
| <b>3.0</b> | <b><i>Student Board Members' Comments</i></b> | <b>6:30 pm</b> |
|------------|---|----------------|

#### **SESSION FOUR**

##### **4.0 *Public Comments***

**6:45 pm**

This is the time during the agenda when the Board of Education is prepared to receive comments from members of the public on any matter within its subject matter jurisdiction. If you wish to address the Board, please complete a “Request to Address the Board of Education” form.

When recognized, please step to the podium, give your name, and limit your comments to five minutes or less. The time limit for public comment on any one topic is 30 minutes.

Any person wishing to make complaints against District employees is asked to file the appropriate complaint form prior to this meeting. Speakers are cautioned that under California law, no person is immune from liability for making intentionally false or defamatory comments regarding any person simply because these comments are made at a public meeting.

#### **SESSION FIVE**

##### **5.0 *Reports and Comments***

**7:30 pm**

##### **5.1 Report by San Bernardino Teachers Association**

##### **5.2 Report by California School Employees Association**

##### **5.3 Report by Communications Workers of America**

##### **5.4 Report by San Bernardino School Police Officers Association**

##### **5.5 Report by San Bernardino School Managers**

##### **5.6 Comments by Board Members**

Individual Board members may wish to share a comment, concern, and/or observation with other Board members and/or staff about a topic not on the agenda. In addition, individual Board members may wish to suggest items to be scheduled on a future agenda.

##### **5.7 Comments by Superintendent and Staff Members**

The Superintendent and other members of the management staff may discuss events and future activities significant to the school district.

**SESSION SIX**

**6.0 Consent Calendar**

**8:15 pm**

*(When considered as a group, unanimous approval is advised.)*

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

It is recommended that the following resolutions be adopted:

***BOARD OF EDUCATION***

**6.1 Approval of Minutes**

(Prepared by Superintendent's Office)

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on May 2, 2017 be approved as presented.

***DEPUTY SUPERINTENDENT***

**6.2 Compensation for School Board Member**

(Prepared by Superintendent's Office)

BE IT RESOLVED that Board President Margaret Hill will be attending the National Sorority of Phi Delta Kappa's Educators Conference in Little Rock, AR; therefore, she is unable to attend the July 18, 2017 School Board meeting. Using District Board Policy No. 9250 and Education Code 35120(a) as a guideline, it is recommended that the following resolution be adopted:

BE IT FURTHER RESOLVED that the Board of Education approves compensation for Board President Margaret Hill for the July 18, 2017 School Board meeting.

**6.3 Facilities Use Agreement with the National Orange Show, San Bernardino, CA, for the Annual Employee Gathering for Excellence Event, July 31, 2017**

(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the National Orange Show, San Bernardino, CA, for the Annual Employee Gathering for Excellence event to be attended by approximately 800 District employees on July 31, 2017. The fee, not to exceed \$34,632.33, will be paid from the Unrestricted General Fund – Community Engagement Plan, Account No. 094.

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

Requester: Director, Communications/Community Relations  
 Approver: Deputy Superintendent

***BUSINESS SERVICES***

6.4 Acceptance of Gifts and Donations to the District  
 (Prepared by Business Services)

BE IT RESOLVED that the Board of Education acknowledges receipt of the following gifts or donations:

| SITE                         | DONOR   | DONATION AND PURPOSE               | AMOUNT   |
|------------------------------|---|------------------------------------|----------|
| North Park Elementary School | Thinkwise Credit Union, San Bernardino, CA                  | To sponsor incentives for students | \$250.00 |
| Richardson PREP HI           | San Bernardino County School Boards Assoc., San Jacinto, CA | To sponsor the Fall Joint Meeting  | \$150.00 |

The acceptance of these donations meets all requirements of Board Policy 3290, Gifts, Donations, Grants, and Bequests.

Requester: Various  
 Approver: Chief Business Officer, Business Services

6.5 Closure of School Facility Program Projects  
 (Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves the School Facilities Projects identified be closed to further activity and related Sub Funds in Fund 35. The following Projects have been closed or reduced to costs incurred by the California Department of General Services, Office of Public School Construction.

| <u>Project Number</u> | <u>Fund and Resource</u>      | <u>Reason</u>        |
|-----------------------|-------------------------------|----------------------|
| 57/67876-00-079       | 35-9979 Alessandro Elementary | Completed and Closed |
| 57/67876-00-100       | 35-9798 Del Vallejo Middle    | Completed and Closed |

Requester: Director, Fiscal Services  
 Approver: Chief Business Officer, Business Services



Board of Education Meeting  
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6.6 Ratification of Approved Change Orders from May 1 – May 31, 2017  
(Prepared by Facilities/Operations)

BE IT RESOLVED that the Board of Education approves ratifying the District approved change orders from May 1 – May 31, 2017, for the District construction projects noted below as recommended by County Counsel.

Bid No. F17-02, Chavez Middle School Portable Relocation  
Bid No. F16-06R, Prop 39 - EEP1 Six (6) School Sites and at Two (2) School Sites

Requester: Director, Facilities Planning and Development  
Approver: Chief Business Officer, Business Services

***EDUCATIONAL SERVICES***

6.7 Facilities Use Agreement with La Quinta Resort & Club, La Quinta, CA, for a Two-Day Professional Development Workshop for Warm Springs Elementary School Staff  
(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with La Quinta Resort & Club, La Quinta, CA, for a two-day professional development workshop to be facilitated by Dr. Lindsey Gunn for 50 staff which includes rooms, food and beverage, and equipment rental, effective July 21 – 23, 2017. The total cost, not to exceed \$13,900.00, will be paid from the Unrestricted General Fund – Targeted Student Support Plan, Account No. 243.

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

Requester: Director, Categorical Programs  
Approver: Assistant Superintendent, Educational Services

***STUDENT SERVICES***

***Youth Services***

6.8 Student(s) Recommended for Suspension, but Remanded Back to School Sites or had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction  
(Prepared by Youth Services)

BE IT RESOLVED that the following student(s) were recommended for suspension, but suspension is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with Education Code

Board of Education Meeting  
July 11, 2017

Section 48900. Therefore, although they were recommended for suspension, the suspension was reversed or modified.

**03/29/2002 12/21/1999**

6.9 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction

(Prepared by Youth Services)

BE IT RESOLVED that the following student(s) were recommended for expulsion, but expulsion is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with the Education Code section 48900. Therefore, although they were recommended for expulsion, the expulsion is not granted:

**04/25/2004 05/17/2004 03/20/2001**

**SESSION SEVEN**

**7.0 Action Items**

**8:20 pm**

**7.1 Personnel Report #1, Dated July 11, 2017**  
(Prepared by Human Resources)

It is recommended that the following resolution be adopted:

BE IT RESOLVED that Personnel Report #1, dated July 11, 2017, which contains actions such as hiring, retirements, resignations, promotions, and terminations involving certificated, classified, and other employees in the categories of noon duty aides, recreational supervisors, substitute employees, and others, be ratified and/or approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

**7.2 Conditionally Approve the Entrepreneur Charter Petition and Adopt Board Resolution Effectuating that Action**  
(Prepared by Educational Services)

WHEREAS, pursuant to Education Code Section 47605 et seq., the Governing Board of the San Bernardino City Unified School District (“SBCUSD” and/or “District”) is required to review and consider authorization of charter schools; and

WHEREAS, on or about March 16, 2017, Real Journey Academy (“RJA”) submitted to SBCUSD a charter school petition (“Charter”) for the proposed Entrepreneur High School (“Entrepreneur” and/or “Charter School”); and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Charter Petition was brought to the SBCUSD Governing Board meeting of April 4, 2017, at which time it was received by the SBCUSD Governing Board, thereby commencing the timelines for SBCUSD Governing Board action thereon; and

WHEREAS, a public hearing on the provisions of the Charter was conducted on May 16, 2017, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents; and

WHEREAS, at that public hearing, the petitioners and several parents/guardians spoke on behalf of Entrepreneur, and no District teachers, other District employees, or other members of the public spoke in support of Entrepreneur, nor did anyone speak against Entrepreneur;

WHEREAS, in reviewing the Charter Petition for Entrepreneur, the Governing Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, the District staff and District legal counsel, have reviewed and analyzed all of the information received with respect to the Charter Petition, including information related to the operation and potential effects of Entrepreneur, and based on that review has noted various issues and concerns in the Charter and supporting documents; and

WHEREAS, after being made aware of the deficiencies by the District staff, the Petitioners agreed to revise the Charter, bylaws and conflict of interest policy, to address the deficiencies identified to support the approval. The District administration is pursuing the implementation of such changes and revisions. Such changes and revisions are to be made and the Charter Petition, bylaws and conflict of interest policy and brought to the Superintendent or designee on or before September 19, 2017, for final approval; and

WHEREAS, the SBCUSD Governing Board has fully considered the Charter Petition submitted for the establishment of Entrepreneur and the information provided by District staff;

WHEREAS, the SBCUSD Governing Board finds that certain changes and revisions to the Charter Petition are necessary to support approval of the Charter.

WHEREAS, the SBCUSD Governing Board further finds certain conditions as specified in this Resolution, must be satisfactorily fulfilled prior to the School commencing operations and providing instruction.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:

1. That the Governing Board of SBCUSD finds the above listed recitals to be true and correct and incorporates them herein by this reference.
2. That that the Governing Board of the SBCUSD, having fully considered and evaluated the Charter Petition for the establishment of Entrepreneur, hereby conditionally approves the Charter Petition, subject to necessary changes being made to the Charter, bylaws and conflict of interest policy, and brought back to the SBCUSD Governing Board for final consideration by September 19, 2017, for a term from July 1, 2017, through and including June 30, 2020.
3. The SBCUSD Governing Board determines that should the changes not be made to the District's satisfaction and brought back to the SBCUSD Governing Board for final consideration by September 19, 2017, the approval is terminated, unless the SBCUSD Governing Board, in its sole discretion, deletes the condition or extends the deadline for

compliance therewith and the School cannot open for the 2018-2019 school year or any time thereafter unless the District Board deletes the condition or extends the deadline for compliance therewith. In the event that the conditions specified by the Superintendent or designees are not timely fulfilled and the Charter is deemed terminated and denied by the District Board, Petitioners expressly waive their right to pursue any judicial review of the termination of the Charter by the District Board and will instead, submit a new charter petition should they desire to open and operate another charter school authorized by the District Board.

4. In order for the SBCUSD Governing Board to consider the revised Charter by September 19, 2017, the revised Charter Petition must first be submitted for administrative review and consideration on or before August 15, 2017. RJA/Entrepreneur shall submit five (5) clean and redlined versions of the Charter Petition, (indicating all revisions made to the Charter Petition from that being conditionally approved) as well as an electronic (Microsoft Word format) version of the revised Charter Petition. The final revised renewal Charter Petition shall be submitted to the District in accordance with a timeline established by the Superintendent or designee. The Superintendent or designee is authorized to work with RJA to revise and modify the specifics and details of the required revisions prior to bringing the revised Charter back for SBCUSD Governing Board for final approval.

The foregoing resolution was considered, passed, and adopted by this Board at its regular meeting of July 11, 2017.

7.3 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Dana Chapman  
(Prepared by Human Resources)

It is recommended that the following resolution be adopted:

Human Resources requests Board approval of the Exemption to the Separation-From-Service Requirement for retired teacher DANA CHAPMAN.

WHEREAS, pursuant to Education Code section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and,

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, during the first 180 calendar days after their most recent retirement; and,

WHEREAS, there is an exemption from the 180 calendar day separation-from-service

requirement for a member or participant who retires for service and is at or above normal retirement age; and,

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the governing body of the employer in a public meeting as reflected in a resolution; and,

WHEREAS, this approval by the governing body of the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and,

WHEREAS, the San Bernardino City Unified Superintendent must complete the *Request for Separation-from-Service Requirement Exemption* form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the district is in critical need of substitute teachers to provide daily coverage for teacher absences. The daily average substitute need for San Bernardino City Unified, is 400 substitute teachers.

AND BE IT FURTHER RESOLVED that the Board wishes to help meet this critical need by hiring DANA CHAPMAN, a member or participant who retired 180 days ago;

AND BE IT FURTHER RESOLVED that this appointment is needed to fill this critical need before the 180 day separation-from-service requirement is fulfilled;

AND BE IT FURTHER RESOLVED that DANA CHAPMAN did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED that the retired member or participant termination of employment is not the basis for the need to acquire her services;

AND BE IT FURTHER RESOLVED that the earnings for retired member activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND BE IT FURTHER RESOLVED, that member or participant will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the San Bernardino City U.S.D. in a public meeting as reflected in a resolution and received by CalSTRS;

AND BE IT FURTHER RESOLVED that DANA CHAPMAN will not commence to

perform retired member or participant activities before the San Bernardino City Unified Superintendent completes the *Request for Separation-from-Service Requirement Exemption* form and this is transmitted to and received by CalSTRS.

7.4 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Dennis Nellany  
(Prepared by Human Resources)

It is recommended that the following resolution be adopted:

Human Resources requests Board approval of the Exemption to the Separation-From-Service Requirement for retired teacher DENNIS NELLANY.

WHEREAS, pursuant to Education Code section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and,

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, during the first 180 calendar days after their most recent retirement; and,

WHEREAS, there is an exemption from the 180 calendar day separation-from-service requirement for a member or participant who retires for service and is at or above normal retirement age; and,

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the governing body of the employer in a public meeting as reflected in a resolution; and,

WHEREAS, this approval by the governing body of the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and,

WHEREAS, the San Bernardino City Unified Superintendent must complete the *Request for Separation-from-Service Requirement Exemption* form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the district is in critical need of substitute teachers to provide daily coverage for teacher absences. The daily average substitute need for San Bernardino City Unified, is 400

substitute teachers.

AND BE IT FURTHER RESOLVED that the Board wishes to help meet this critical need by hiring DENNIS NELLANY, a member or participant who retired 180 days ago;

AND BE IT FURTHER RESOLVED that this appointment is needed to fill this critical need before the 180 day separation-from-service requirement is fulfilled;

AND BE IT FURTHER RESOLVED that DENNIS NELLANY did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED that the retired member or participant termination of employment is not the basis for the need to acquire her services;

AND BE IT FURTHER RESOLVED that the earnings for retired member activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND BE IT FURTHER RESOLVED, that member or participant will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the San Bernardino City U.S.D. in a public meeting as reflected in a resolution and received by CalSTRS;

AND BE IT FURTHER RESOLVED that DENNIS NELLANY will not commence to perform retired member or participant activities before the San Bernardino City Unified Superintendent completes the *Request for Separation-from-Service Requirement Exemption* form and this is transmitted to and received by CalSTRS.

7.5 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Carol Waitman

(Prepared by Human Resources)

Human Resources requests Board approval of the Exemption to the Separation-From-Service Requirement for retired teacher CAROL WAITMAN.

WHEREAS, pursuant to Education Code section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and,

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, during the first 180 calendar days after their most recent retirement; and,



WHEREAS, there is an exemption from the 180 calendar day separation-from-service requirement for a member or participant who retires for service and is at or above normal retirement age; and,

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the governing body of the employer in a public meeting as reflected in a resolution; and,

WHEREAS, this approval by the governing body of the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and,

WHEREAS, the San Bernardino City Unified Superintendent must complete the *Request for Separation-from-Service Requirement Exemption* form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the district is in critical need of substitute teachers to provide daily coverage for teacher absences. The daily average substitute need for San Bernardino City Unified, is 400 substitute teachers.

AND BE IT FURTHER RESOLVED that the Board wishes to help meet this critical need by hiring CAROL WAITMAN, a member or participant who retired 180 days ago;

AND BE IT FURTHER RESOLVED that this appointment is needed to fill this critical need before the 180 day separation-from-service requirement is fulfilled;

AND BE IT FURTHER RESOLVED that CAROL WAITMAN did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED that the retired member or participant termination of employment is not the basis for the need to acquire her services;

AND BE IT FURTHER RESOLVED that the earnings for retired member activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND BE IT FURTHER RESOLVED, that member or participant will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the San Bernardino City U.S.D. in a public meeting as reflected in a resolution and received by CalSTRS;

AND BE IT FURTHER RESOLVED that CAROL WAITMAN will not commence to perform retired member or participant activities before the San Bernardino City Unified Superintendent completes the *Request for Separation-from-Service Requirement Exemption* form and this is transmitted to and received by CalSTRS.

7.6 San Bernardino City U.S.D. Resolution for Exemption to the Separation-From-Service Requirement Pursuant to Section 24214.5 or 26812 of the Education Code – Linda Williams  
(Prepared by Human Resources)

Human Resources requests Board approval of the Exemption to the Separation-From-Service Requirement for retired teacher LINDA WILLIAMS.

WHEREAS, pursuant to Education Code section 24214.5 and 26812, there is a 180 calendar day separation-from-service requirement for all retired CalSTRS members and participants; and,

WHEREAS, all retired CalSTRS members and participants are subject to a restriction if they perform retired member activities as defined by section 22164.5 of the Education Code or retired participant activities as defined by section 26135.7 of the Education Code, during the first 180 calendar days after their most recent retirement; and,

WHEREAS, there is an exemption from the 180 calendar day separation-from-service requirement for a member or participant who retires for service and is at or above normal retirement age; and,

WHEREAS, in order to qualify for this narrow exemption, the employer must appoint the retired member or participant to a critically needed position that has been approved by the governing body of the employer in a public meeting as reflected in a resolution; and,

WHEREAS, this approval by the governing body of the employer in a public meeting as reflected in a resolution must be finalized and communicated to CalSTRS before the member or participant commences to perform retired member or participant activities; and,

WHEREAS, the San Bernardino City Unified Superintendent must complete the *Request for Separation-from-Service Requirement Exemption* form, which must be submitted to CalSTRS and received by CalSTRS before the member or participant commences to perform retired member or participant activities,

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the district is in critical need of substitute teachers to provide daily coverage for teacher absences. The daily average substitute need for San Bernardino City Unified, is 400

substitute teachers.

AND BE IT FURTHER RESOLVED that the Board wishes to help meet this critical need by hiring LINDA WILLIAMS, a member or participant who retired 180 days ago;

AND BE IT FURTHER RESOLVED that this appointment is needed to fill this critical need before the 180 day separation-from-service requirement is fulfilled;

AND BE IT FURTHER RESOLVED that LINDA WILLIAMS did not receive a retirement incentive or any financial inducement to retire from any public employer;

AND BE IT FURTHER RESOLVED that the retired member or participant termination of employment is not the basis for the need to acquire her services;

AND BE IT FURTHER RESOLVED that the earnings for retired member activities during the 180 calendar days will still be subject to the annual postretirement earnings limit for the Defined Benefit Program;

AND BE IT FURTHER RESOLVED, that member or participant will not commence to perform retired member or participant activities before this approval is authorized by the governing body of the San Bernardino City U.S.D. in a public meeting as reflected in a resolution and received by CalSTRS;

AND BE IT FURTHER RESOLVED that LINDA WILLIAMS will not commence to perform retired member or participant activities before the San Bernardino City Unified Superintendent completes the *Request for Separation-from-Service Requirement Exemption* form and this is transmitted to and received by CalSTRS.

Board of Education Meeting  
July 11, 2017



Board of Education Meeting  
July 11, 2017

Affirmative Action Office  
777 North F Street  
San Bernardino, CA 92410  
(909) 381-1122  
(909) 381-1121 fax  
Office Hours: Monday - Friday, 8 a.m.-4:30 p.m.

Requests for reasonable accommodations must be received by the Affirmative Action Office no later than five working days before the public meeting so that an interactive process can be effectuated to determine an effective accommodation that would best serve the needs of the individual with a disability.

Posted: July 7, 2017