

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

June 22, 2021

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Agreement with Five Keys Charter School to Provide Inmate Education Programs

RECOMMENDATION(S)

Approve **Agreement No. 21-500** with Five Keys Charter School to provide inmate education programs for the Sheriff/Coroner/Public Administrator's detention facilities, for the period of July 1, 2021 through June 30, 2024, at no cost to the County.
(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.
Provide for the Safety, Health and Social Service Needs of County Residents.
Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

This item will not result in the use of additional Discretionary General Funding (Net County Cost). There is no financial impact resulting from this agreement. Five Keys Charter School (Five Keys) is providing its educational programs at no cost to the County. Five Keys receives funding through the Average Daily Attendance apportionment from the California Department of Education.

BACKGROUND INFORMATION

Five Keys is a charter management (non-profit) corporation that operates charter schools in partnership with the reentry and workforce development community. Five Keys was established in 2003 by the San Francisco Sheriff's Department as the first charter school to operate in a county jail and provide tailored curriculum to meet the needs of incarcerated individuals. Five Keys has provided educational programs for inmates at the County's detention facilities since 2016.

The proposed agreement would provide continued specialized educational programs such as: General Education Development (GED) test preparation, High School Diploma, English As a Second Language (ESL), and Adult Basic Education (ABE) classes to inmates at County detention facilities. The proposed contract term is July 1, 2021 through June 30, 2024, with two additional one-year or one additional two-year extension, by mutual agreement of both parties.

The contract with Five Keys contains terms and conditions that differ from the standard County contract, including but not limited to the following:

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1. Indemnification

- The County standard contract requires the Contractor to indemnify the County in accordance with County Policy 11-07.
- The contract with Five Keys allows for mutual indemnification.
- Potential Impact: The agreement will require the County, a public entity, and Five Keys, a non-profit corporation to indemnify each for their own negligence, as well as their own comparative fault.

While this is a notable exception to the County's standard contract language, the Sheriff/Coroner/Public Administrator recommends approval because it facilitates the requirement to provide for the welfare of inmates and aligns with the County goals and objectives by working with other agencies and providing for the safety, health and social service needs of County residents. County Counsel and Risk Management have reviewed and provided input on the proposed contract with Five Keys.

PROCUREMENT

On June 14, 2016 (Item No. 118), the Board of Supervisors (Board) approved Agreement No. 16-449 between the Sheriff/Coroner/Public Administrator (Department) and Five Keys to provide education programs for inmates at the County's detention facilities through June 30, 2019. Subsequently, the Board approved two amendments to the Contract with the most recent being June 2, 2020 (Item No. 41) to extend the term of the current agreement through June 30, 2021. Purchasing concurs with the non-competitive Agreement with Five Keys based on specialized curriculum tailored to meet the needs of incarcerated individuals.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on May 24, 2021; Risk Management (LeAnna Williams, Director, 386-8655) on June 1, 2021; Purchasing Department (Michael Candelaria, Lead Buyer, 387-2060) on June 1, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on June 1, 2021.

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Programs
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Dawn Rowe
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 22, 2021



cc: Sheriff - Ades w/agree
Contractor - C/O Sheriff w/agree
File - w/agree
CCM 06/30/2021