



ADDENDUM

(Noted in Red on Page 9)

January 22, 2010

**BOARD OF EDUCATION
REGULAR MEETING**
2309 TULARE STREET
BOARD ROOM, SECOND FLOOR
FRESNO, CA 93721-2287
<http://www.fresnounified.org/board>

AGENDA

WEDNESDAY, JANUARY 27, 2010, 3:00 P.M.

PLEASE NOTE: PARKING WILL BE AVAILABLE ON THE NORTHEAST CORNER OF TULARE & N STREETS BEHIND THE FRESNO COUNTY LIBRARY IN LOT-T AFTER 5:00 P.M. Also, the City of Fresno will not enforce the street meters in this area **after 6:00 p.m.**, Monday through Saturday.

PLEASE NOTE: *DESIGNATED TIMES FOR CONFERENCE/DISCUSSION ITEMS ARE ESTIMATES

In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board President or Board Secretary, Elizabeth Quijano at 457-3938. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

Public materials are available for public inspection at the Fresno Unified School District Education Center, 2309 Tulare Street, 2nd Floor or visit our website at: www.fresnounified.org.

TRANSLATION SERVICES: Available in Spanish and Hmong in the Board Room upon request.

***3:00 P.M., CALL TO ORDER** by the President; **RECESS** to Cabinet Room for Closed Session to discuss the following:

1. Student Expulsions pursuant to Education Code Section 35146
2. Conference with Labor Negotiator - Government Code Section 54957.6; FUSD Negotiator(s): Kim Mecum; Employee Organization(s): FTA, CSEA, Chapter 125, CSEA, Chapter 143, SEIU, Local 521, FASTA/SEIU, Local 521/CTW, CLC, Building & Construction Trades Council of Fresno, Madera, Kings, and Tulare Counties/AFL-CIO; Unrepresented Employees: All Management, Confidential, and Supervisory Employees
3. Public Employee Discipline/Dismissal/Release/Reassignment/Resignation
4. Public Employment/Appointment: - Government Code Section 54957
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
 - a. *Michael Tomazian vs. Fresno Unified School District Workers' Compensation Settlement – Case No. 2005-0922*
6. Real Estate Negotiations
District Negotiator: Daryl Balch, Balch Land Services and Legal Counsel:
Parcel Nos. 471-132-01 – 8, 13, 16, 17, 20 – 26, 28 & 29; 481-020-01, 31, 47; 481-090-05, 07, 09, 10, 11, 13, 16, 18, 22, 24 - 28, 23ST (FUSD, 481-090-03, 16, 18, 27, 28, 23ST (FUSD; 479-050-03; 477-023-10; 477-060-94T; 477-162-01 - 05; 477-182-01 – 8, 10, 12 – 20; S ½ Blk 142; E 625' Blk 144.

**All times are approximate and subject to change*

7. Conference with Legal Counsel - Anticipated Litigation
(Government Code Section 54956.9(b).)
 - a. Significant Exposure to Litigation: (1) potential case.

5:30 P.M., RECONVENE and report action taken during Closed Session, if any.

Pledge of Allegiance

Ms. Connie Bolanos, a Parent at Wawona Middle School, will be leading us in the Pledge of Allegiance. Mrs. Bolanos has given her time and energy towards engaging other parents at Wawona Middle School.

APPROVE Minutes

Included in the Board binders are the draft minutes for August 27, 2009, Special Meeting, September 9, 2009, Regular Meeting, September 23, 2009, Regular Meeting, and October 4, 2009, Special Meeting. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3882.

HEAR Reports from Student Board Representatives

An opportunity is provided to hear comments/reports from Student Board Representatives from DeWolf High School. Contact person: Chris Evans, telephone 457-3935.

HEAR Report from Superintendent

ALL CONSENT AGENDA items are considered to be routine by the Board of Education and will be enacted by one motion. There will be no separate discussion of items unless a Board member or member of the community so requests, in which event, the item(s) will be considered following approval of the Consent Agenda. The Superintendent recommends approval or adoption of the following, with a roll call vote:

A. CONSENT AGENDA

A-1, APPROVE Personnel List

Included in the Board binders is the Personnel List, Appendix A, as submitted. The Superintendent recommends approval. Contact person: Kim Mecum, telephone 457-3593.

A-2, ADOPT Findings of Fact and Recommendations of District Administrative Board

The Board of Education received and considered the Findings of Fact and Recommendations of District Administrative Panels resulting from hearings on expulsion and readmittance cases conducted during the period since the January 13, 2010, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Cindy Tucker, telephone 457-3874.

A. CONSENT AGENDA – continued

A-3, RATIFY Contract with Pivot Learning (formerly known as Springboard, Southern California) for McLane High School

Included in the Board binders is a request to ratify a contract for Pivot Learning (formerly known as Springboard, Southern California). This contract will provide the school with an assessment of their current administrative and instructional practices and provide support towards QEIA targets. Since McLane is a school receiving QEIA resources, it has increased accountability measures. As shared in prior Board communications, if McLane High School does not meet or exceed its QEIA requirements at the end of 2009/10 school year, it may lose the QEIA funding for the 2010/11 school year. The Superintendent recommends ratification. Fiscal Impact: This contract will utilize a not to exceed total of \$70,000 from McLane's QEIA resources. Contact person: Chris Evans, telephone 457-3887.

A-4, RATIFY Independent Contractor Services Agreement with Saltzman & Johnson

Included in the Board binder is an Independent Contractor Services Agreement with Saltzman & Johnson to provide consulting legal services to the Joint Health Management Board. As there is a need for ongoing legal consultation to promote and support the Joint Health Management Board goals and responsibilities, the District and the Joint Health Management Board desire to renew the agreement with Saltzman and Johnson. The term of the agreement is for the period effective July 1, 2009 through June 30, 2010. The Superintendent recommends ratification. Fiscal Impact: Sufficient Funds are available in the Health Internal Service Fund. The annual contract expense is \$66,000.00. Contact person: Ruth F. Quinto, telephone 457-6226.

A-5, APPROVE Representation Agreement with Fagen Friedman & Fulfrost LLP

Included in the Board binders is a Representation Agreement with Fagen Friedman & Fulfrost LLP to provide legal services to Fresno Unified School District for the period February 1, 2010 through June 30, 2010. The agreement with Fagen Friedman & Fulfrost LLP is being recommended for approval at this time because it recently came to staff's attention that Rob Piacente, formerly with Fresno County Office of Education, has moved over to this firm. Mr. Piacente has worked extensively with Human Resources and is involved in numerous ongoing HR legal issues. The Superintendent recommends approval. Fiscal Impact: Sufficient funds will be available in the 2009/10 legal services budget. The firm's hourly rate for school districts is \$110 - \$180 depending on the nature of the work. Contact person: Ruth F. Quinto, telephone 457-6226.

A-6, RATIFY Facilities and Operations Agreement By and Between Fresno Unified and Edison-Bethune Charter Academy

Included in the Board binders is a copy of the Facilities and Operations Agreement By and Between Fresno Unified and Edison-Bethune Charter Academy. Edison-Bethune submitted its facility request to the district and the attached "Agreement" represents both parties' desire to set forth the terms and conditions under which Edison-Bethune will occupy and use the site at 1616 S. Fruit Avenue for the next five years. The term of the agreement commenced July 1, 2009 and will end on June 30, 2014. The Superintendent recommends ratification. Fiscal Impact: The facilities cost to be paid by the Edison-Bethune Charter Academy to the District is estimated at \$123,000 per fiscal year. Contact person: Barbara Bengel, telephone 457-3843.

A. CONSENT AGENDA – continued

A-7, APPROVE Article 20 Waiver for Southeast Elementary School for the 2009/2010 School Year

Included in the Board binders are copies of the letters from FTA Executive Board approving the requests from Southeast Elementary School who wish to waive Article 20 – Hours to allow prep time to move to the work day instead of the duty day. Southeast Elementary School is requesting approval to move the 45 minute block of preparation time within the Duty Day (as stated in contract) to preparation time within the Work Day. The Superintendent recommends approval. Fiscal Impact: There is no financial impact. Contact person: Rosario Sanchez, telephone 457-3754.

A-8, APPROVE Submission of After School Education and Safety Program Grant to the California Department of Education

Included in the Board binders is application material for the After School Education and Safety (ASES) Program grant. Fresno Unified currently has ASES funding for its 31 eligible schools and are now on recurrent three-year funding cycle. In addition, Fresno County Office of Education (FCOE) currently funds 40 FUSD elementary and middle schools through the ASES Program. The ASES program provides funding for schools to provide literacy, academic enrichment, and safe, constructive alternatives for students in grades K-9 during the critical hours after school. The Superintendent recommends approval. Fiscal Impact: Grant funds will cover all program costs for a funding request of \$1,537,500. Contact person: Barbara Bengel, telephone 457-3843.

A-9, RATIFY Submission of Kaiser Permanente Grant Application

Ratification is requested for the Kaiser Permanente Grant to improve access to health services for underserved populations. FUSD Department of Health Services has prepared an application to support the Mobile Health Unit. One of the main objectives of the Mobile Health Unit (MHU) is to target students enrolling in kindergarten and high risk adolescents by improving access to health care, providing kindergarten physical examinations and immunizations, and providing appropriate services to high risk adolescents. The Superintendent recommends ratification. Fiscal Impact: Grant funds will cover all program costs. \$20,000 is being requested for the one-year funding period. Contact person: Barbara Bengel, telephone 457-3843.

A-10, APPROVE Submission of Sprint Character Education Grant Application

The purpose of the Sprint Character Education Program is to provide funding to support school district programs that promote youth leadership, youth volunteerism, and mentoring. An application has been prepared to support District mentoring activities using the Character Counts program. Mentors will be trained in using the six pillars of the Character Counts program to enhance and extend their mentoring activities. The program will also support community activities and special events for the mentees. Grant funds will be used for curriculum materials, community service supplies, transportation, and training. The Superintendent recommends approval. Fiscal Impact: Grant funds will cover materials to support the District's Character Counts program. A maximum of \$25,000 is available for a one-year grant period. Contact person: Barbara Bengel, telephone 457-3843.

A. CONSENT AGENDA – continued

A-11, APPROVE 2009/10 Application to the California Department of Education (CDE) for Funding Consolidated Categorical Aid Programs, Part II

Included in the Board binders is background information related to the Consolidated Application to CDE to fund categorical programs. Part I of the Consolidated Application was approved by the Board on June 17, 2009 and submitted to CDE. Part I included descriptions of 2009/10 activities, services and legal assurances of compliance. Part II contains actual entitlements, allocations, expenditures, and data toward progress in meeting NCLB Teacher Quality requirements. The Superintendent recommends approval. Fiscal Impact: The District is applying for a total of \$74,479,389 in this Consolidated Application. Contact person: Barbara Bengel, telephone 457-3843.

A-12, APPROVE Appointment to the Facilities Ad hoc Advisory Committee

Board approval of the Facilities Master Plan on April 29, 2009 included extending the Facilities Ad hoc Advisory Committee (FAAC) to assist with prioritization of projects within high school areas; community outreach/leadership; and planning facilities for adult education, career technical education, special education, alternative education and community day school. Superintendent Hanson has nominated Amy Arambula for appointment to the FAAC. The Superintendent recommends approval. Fiscal Impact: There is no financial impact. Contact person: Karin Temple, telephone 457-3134.

A-13, APPROVE Reappointment to Measure K Oversight Committee

Trustee Davis is recommending that Al Heers be reappointed to the Measure K Oversight Committee. Col. Heers has served one term on the Committee and, therefore, is eligible for reappointment. Approval of this reappointment will ensure membership continuity for the Oversight Committee. The Superintendent recommends approval. Fiscal Impact: No financial impact. Contact person: Karin Temple, telephone 457-3134.

A-14, ADOPT Updated Recommendations to Board Policy 7310 Facilities – Naming of Facility

Included in the Board binders is the proposed updated Board Policy 7310 Facilities – Naming of Facilities. The proposed policy will update the process for naming existing and new district facilities. This item was submitted for Board review on December 9 and is being resubmitted for adoption. Upon adoption of this practice, staff will develop an Administrative Regulation that supports this policy. The Superintendent recommends adoption. Upon adoption of this practice, staff will develop an Administrative Regulation that supports this policy. Contact person: Miguel Arias 457-3566.

A. CONSENT AGENDA – continued

A-15, ADOPT Resolution 09-37, Support of State Building Funds Application for Overcrowding Relief Grant (ORG)

Included in the Board binders is Resolution No. 09-37, Support of State Building Funds Application for Overcrowding Relief Grant (ORG) for Mayfair Elementary School. This program provides the District an opportunity to move toward implementing one of the Facilities Master Plan priorities to reduce the number of portable classrooms district-wide. The ORG program requires a 50% match from the District. It is anticipated that the local match will be identified from savings recognized from other capital projects. Facilities staff will continue to provide updates to the Board on the progress of the funding application and additional efforts made to implement the Facilities Master Plan. The Superintendent recommends adoption. Fiscal Impact: There is no financial impact to adoption of this resolution. A funding source for the District's match for the grant will be recommended after approval of the funding application. Contact person: Karin Temple, telephone 457-3134.

A-16, APPROVE Request for Qualifications (RFQ) #091017, Social Emotional Support Services

Included in the Board binders is information on RFQ #091017, to provide a pool of qualified Agencies as providers for Student Social Emotional Support Services. Responses were evaluated on each proposer's ability to meet or exceed the requirements set forth in the Request For Qualifications. Based on an extensive review, The Superintendent recommends approval of the following four (4) qualified respondents to provide professional services, on an as-needed basis, for a three (3) year period:

Comprehensive Youth Services (Fresno, CA)
H & H Mental Health Services (Fresno, CA)
Kristine E. Wallace (Fresno, CA)
On Site Counseling (Fresno, CA)

Fiscal Impact: Funding will be established on an as needed basis. Contact person: Karin Temple, telephone 457-3134.

A-17, RATIFY Change Order for the Project Listed Below

Included in the Board binders is a Change Order and backup information for the following project:

Bid #2935, Modernization of Bullard High School, Phase E
Change Order #4: \$4,229.00
The new contract amount: \$3,991,801.00

The Superintendent recommends ratification. Fiscal Impact: Sufficient funds of \$4,229.00 are available in the Measure K budget. Contact person: Karin Temple, telephone 457-3134.

A. CONSENT AGENDA – continued

A-18, RATIFY the Filing of the Notice of Completion for Bid #2950, Boiler Replacement at Calwa Elementary School

Included in the Board binders is a Notice of Completion for the following project, which has been completed according to plans and specifications:

Bid #2950, Boiler Replacement at Calwa Elementary School

The Superintendent recommends ratification. Fiscal Impact: The 10% retention will be released after ratification of the Notice of Completion. Sufficient funds are available in the 2009/10 Measure K budget. Contact person: Karin Temple, telephone 457-3134.

A-19, DENY Claim #09-0820-0256 on Patrick Evans, Case No. 09-0820-0256

Included in the Board binders is a Claim for Damages on Patrick Evans, case #09-0820-0256. The Superintendent recommends that the Claim be denied and the matter referred to the District's Director of Benefits and Risk Management for further handling. Contact person: Ruth F. Quinto, telephone 457-6226.

A-20, DENY Claim #09-1012-0363 on Pamela M. Dixon, Case No. 09-1012-0363

Included in the Board binders is a Claim for Damages on Pamela M. Dixon, case #09-1012-0363. The Superintendent recommends that the Claim be denied and the matter referred to the District's Director of Benefits and Risk Management for further handling. Contact person: Ruth F. Quinto, telephone 457-6226.

A-21, RATIFY Purchase Orders from October 26, through December 11, 2009

Included in the Board binders is a list of Purchase Orders in excess of \$10,000 submitted for ratification by the Board. Purchase Orders/contracts that are required by law to be competitively bid will be submitted as separate agenda items. The Superintendent recommends ratification. Fiscal Impact: Funding is noted on the attached pages. Contact person: Karin Temple, telephone 457-3134.

**END OF CONSENT AGENDA
(Roll Call Vote)**

UNSCHEDULED ORAL COMMUNICATIONS

At this time, an opportunity is provided for individuals to address the Board on topics within the subject matter jurisdiction of the Board not listed on this agenda. If you wish to address the Board on an agenda item, please do so when that item is called. Presentations will be limited to a maximum of three (3) minutes, with a total of thirty (30) minutes designated for this portion of the agenda. Time limitations are at the discretion of the President of the Board. Individuals with questions on school district issues may submit them in writing. The Board will automatically refer to the Superintendent any formal requests that are brought before them at this time. The appropriate staff member will furnish answers to questions.

B. CONFERENCE/DISCUSSION AGENDA

6:30 P.M.

B-22, PRESENT Update on the Schools Receiving Quality Education Investment Act (QEIA) Funds

An opportunity will be provided for K-12 Leadership to present to the Board of Education an update on the performance of the schools currently receiving Quality Education Investment Act (QEIA) funds. Contact person: Cindy Tucker, telephone 457-3874.

7:00 P.M.

B-23, DISCUSS and APPROVE Appointments of Board Members to Committees and Organizations

Included in the Board binders is a roster of organizations and committees to which Board Members are appointed each year. The Board President has solicited input from members as to their preferences and will take this opportunity to announce the appointments. Any organization or committee appointments that are contested by a Board Member will be brought to a vote if needed. The Board President recommends approval. Contact person: Valerie F. Davis, telephone 457-3727.

7:20 P.M.

B-24, HOLD a Public Hearing in the Matter of the Charter School Petition for Morris E. Dailey International Studies Academy

The charter petition to establish the Morris E. Dailey International Studies Academy was received by the Board on 1/13/10. Key elements of the proposed charter include: Educational program based on the International Baccalaureate Organization's Primary Years Program; Services to students K through 5th grade; Opening August 2010 with grades K through 3rd and expanding to 4th and 5th grades over the next two school years; and Operation as a district-wide magnet school. The charter will be established by a non-profit public benefit corporation. This item will be submitted for approval on February 10, 2010. Fiscal Impact: ADA generated by the charter school will cover operating costs. Grants will be submitted to enhance professional learning opportunities for staff and to purchase equipment and instructional supplies to enhance the educational program. (e.g., State Charter School Implementation Grants, Federal Magnet School Assistance Grant, etc.) Contact person: Barbara Bengel, telephone 457-3843.

7:40 P.M.

B-24a PRESENT on the Process for School Site Selection and Acquisition

In this informational presentation, staff will discuss the processes involved in selecting and acquiring a site for a new school. Topics include the role of the various regulatory agencies, site selection standards, evaluation of safety factors, and observance of California Environmental Quality Act (CEQA) requirements, local land use issues, and identification of a preferred site by the governing board. Contact person: Karin Temple, telephone 457-6226.

C. RECEIVE INFORMATION & REPORTS

C-25, RECEIVE Mid-Cal Entrepreneurial and Mathematics Charter Petition

Included in the Board binders is a copy of the Mid-Cal Entrepreneurial and Mathematics Charter Petition delivered to the District on December 16, 2009 by Maureen Moore, the applicant's designated representative. The charter petition will be presented to the Board for a public hearing on February 24, followed by a request for a decision at the March 24 Board meeting. These dates meet the established timeline for the *Establishment of Charter Schools* found in EC 47605(a) and (b). The charter applicant proposes to offer a middle school educational program in the West Fresno area, at 1825 S. Delno Avenue. Mid-Cal intends to initially serve 150 underserved and academically low-achieving students in grades 6 through 8. Fiscal Impact: For the 2010/11 school year, it is estimated that the fiscal impact of the Mid-Cal Charter on Fresno Unified would be \$442,028. This is calculated by multiplying the estimated revenue per ADA (\$5,225) times the estimated ADA (143) for a total revenue of \$747,175, then subtracting the estimated cost of teacher salaries (\$305,147), for a total impact of \$442,028. Contact person: Cindy Tucker, telephone 457-3874.

BOARD/SUPERINTENDENT COMMUNICATIONS

D. ADJOURNMENT

**NEXT REGULAR MEETING:
WEDNESDAY, FEBRUARY 10, 2010 – OPEN SESSION AT 5:30 P.M.**