

ADDENDUM

August 8, 2008
(Page 1 – noted in Red)

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

AGENDA WEDNESDAY, AUGUST 13, 2008, 4:30 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 material 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.

***4:30 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
 - a. *Administrative Analyst*
 - b. *Administrator*
 - c. *Counselors*
 - d. *Managers*
 - e. *Principal III*
 - f. *Program Manager*
 - g. *Project Manager*
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
 - a. *Irola-Pishione vs. Fresno Unified School District*
Case No.: 08 CE CG 02014

**All times are approximate and subject to change*

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

Pledge of Allegiance

APPROVE Minutes

Included in the Board binders are the draft minutes for June 4 and 18, 2008, Regular Meetings. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3882.

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 citizen 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 April 23, 2008, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Peter Summers, telephone 457-3340.

A-3, APPROVE Variable Term Waiver in Hard to Fill Teaching Area

Included in the Board binders is (1) one Variable Term Waiver request to hire Erin Kettner as a Speech Therapist. Erin Kettner is recommended for hire on a Variable Term Waiver in the area of Speech Therapy to serve students through Special Education. Ms. Kettner has completed all necessary coursework and will complete her comprehensive exit exam in October, 2008. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the District. Contact person: Kim Mecum, telephone 457-3593.

A-4, APPROVE an Annual Renewal Independent Contractor Services Agreement with Konsult Slagle-Garcia for Cooper Middle School

Included in the Board binders is an Independent Contractor Services Agreement with Konsult Slagle-Garcia to provide professional development for thirteen (13) Social Science, ELA, and Special Education teachers at Cooper Middle School. Progress will be monitored through classroom observations, shared learning discussions, and frequent formative assessments. Training will take place during and after school. The agreement will commence on August 26, 2008 and will end May 14, 2009. Fiscal Impact: Funding will be provided through site categorical funds under the School Compensatory Education for a total of \$28,800.00. Contact person: Mabel Franks, telephone 457-3678.

A. CONSENT AGENDA – continued

A-5, RATIFY an Annual Renewal Independent Contractor Services Agreement with Blattner and Associates for Legislative and Categorical Management Services

Included in the Board binders is an Independent Contractor Services Agreement with Blattner and Associates for legislative and categorical management services. The firm assists in developing, analyzing, and advocating for legislation that will benefit Fresno Unified. In addition, Mr. Blattner provides budget updates and analysis of how different budget scenarios would affect the District, which is critical during these uncertain times. This expertise and accessibility is an additional tool available to the District to help us maximize our financial resources for the betterment of students and the learning environment. The agreement commenced on July 1, 2008 and will end June 30, 2009. The Superintendent recommends ratification. Fiscal Impact: Funding will be provided through the 2008/09 Administrative Services unrestricted general fund budget in the amount of \$43,000.00. Contact person: Ruth Quinto, telephone 457-6226.

A-6, APPROVE an Independent Contractor Services Agreement with SpeakTech

Included in the Board binders is an Independent Contractor Services Agreement with SpeakTech to provide specialized Sharepoint development for our Student Sites as part of the Digital Portfolio Initiative in addition to Web Parts that will be utilized on multiple sites. The agreement will commence upon Board approval and continue through December 2008 unless the project is completed prior to that time. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through Microsoft Vouchers for a total cost of \$85,000. Contact person: Kurt Madden, telephone 457-6228.

A-7, APPROVE an Independent Contractor Services Agreement with Michael Zachry

Included in the Board binders is an Independent Contractor Services Agreement with Michael Zachry to provide project management and programming services with our Student Information Datawarehouse, EmpowerNet and other Sharepoint projects. Mr. Zachry has extensive background and expertise in PC/Server/Web-based software development management and programming. This contract is short-term (less than 6 months), because Information Technology expects to fill two open positions which are currently being advertised to external candidates within that time period. The agreement will commence on August 15, 2008 and will end February 15, 2009. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Information Technology funds in the amount of \$46,800.00. Contact person: Kurt Madden, telephone 457-6228.

A-8, DENY the Charter Petition for Ambassador Phillip V. Sanchez School

Included in the Board binders is a copy of the revised Charter Petition submitted on July 21, 2008. The petitioner's public hearing was held on June 18, 2008. The Sanchez Charter proposes to operate a program designed for Personalized Learning, utilizing the independent study format. Based on the revised Sanchez Charter Petition, the District Charter Review Team submits its final report of findings recommending denial of the Charter Petition. The Superintendent recommends that the Petition be denied. Fiscal Impact: Noted in the backup material. Contact person: Cindy Tucker, telephone 457-3874.

A. CONSENT AGENDA – continued

A-9, AWARD Bid #2901, Stucco Replacement at Storey Elementary School

Included in the Board binders is information on Bid #2901, for stucco replacement at Storey Elementary School. This bid is for stucco replacement at Storey Elementary School. The bid was advertised as required by law on June 23, 2008, and June 30, 2008. The bid was opened on July 14, 2008. Bid specifications were sent to six (6) vendors and the District received one (1) response. The Superintendent recommends award be to the following lowest responsive, responsible bidder:

- Tarlton & Son, Inc. \$72,211

Fiscal Impact: Sufficient funds (\$72,211) are available in the 2008/09 Maintenance budget.
Contact person: Deo Persaud, telephone 457-3134.

A-10, RATIFY Change Orders for the Projects Listed Below

Included in the Board binders are change orders and backup information for the following bids:

1. **Bid #2623, Construction of Nutrition Center**

Package 05- Metal Stud Framing

Change Order #3 for \$17,264.00. The new contract amount is \$962,588.88. This change order includes, but may not be limited to, additional fireproofing not shown on plans.

Fiscal Impact: *Central Valley Support Services Joint Powers Agency Lease Revenue Bonds.*

2. **Bid #2823 A, Education Center Paving Project**

Change Order #1 for \$14,404.09. The new contract amount is \$70,704.09. This change order includes, but may not be limited to, modifications made to preserve the layout of the existing quantity of parking stalls and meet Americans with Disabilities Act compliance on the ramp.

Fiscal Impact: *Routine Restricted Maintenance Funds.*

The Superintendent recommends ratification. Contact person: Deo Persaud, telephone 457-3134.

A-11, RATIFY the Filing of the Notice of Completions for the Projects Listed Below

Included in the Board binders are Notice of Completions for projects that have been completed according to plans and specifications:

1. Bid #2623, Construction of Nutrition Center (Multiple Prime)

Package 5 – Metal Stud Framing

Package 9 – Painting

Package 12 – General, Specialties

Package 18 – Paving

Fiscal Impact: *2008/09 Central Valley Support Services Joint Powers Agency Lease Revenue Bonds.*

2. Bid #2726 A & B, Modernization of Dailey and Fremont Elementary Schools

Fiscal Impact: *2008/09 Measure K and State Facility funds.*

A. CONSENT AGENDA – continued

A-11, RATIFY the Filing of the Notice of Completions for the Projects Listed Below- continued

3. Bid #2811 D, F, & H, Asphalt Reconstruction at Jefferson, Lane and Academy for New Americans Elementary Schools.
4. Bid #2811 G, Asphalt Reconstruction at Sequoia Middle School
Fiscal Impact: *Bids #2811 D, F, G & H, from the 2008/09 Deferred Maintenance funds.*
5. Bid #2823 A, Asphalt Reconstruction at the Education Center
Fiscal Impact: *2008/09 Routine Restricted Maintenance funds.*

The Superintendent recommends ratification. Contact person: Del Persaud, telephone 457-3134.

A-12, DENY Claim #08-0616-0210 for (Minor)

Included in the Board binders is a Claim for Damages for Minor, #08-0616-0210. 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. Fiscal Impact: There is no fiscal impact to the District. Contact person: Ruth Quinto, telephone 457-6226.

A-13, DENY Claim #08-0721-0226 for Monsanto Company

Included in the Board binders is a Claim for Damages for Monsanto Company, #08-0721-0026. 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. Fiscal Impact: There is no fiscal impact to the District. Contact person: Ruth Quinto, telephone 457-6226.

**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

6:00 P.M.

B-14, PRESENT Opening of School

Fresno Unified School District staff have been working collaboratively with site leaders to continually improve upon and systematize routine processes for closing out one school year and opening up the next. In doing so, district and site leaders are creating an orderly context in which to accomplish the core work detailed in the Board's Theory of Action and the District Goals. The purpose of this presentation is to update Board members on work underway related to the closing of the 2007/08 school year and the opening of the current year. District level initiatives aimed at providing both academic and social emotional supports for students will be described, along with specific operational "nuts and bolts" tasks whose completion has served as an on-ramp to the impactful work focused on student achievement and school safety. Contact person: Cindy Tucker, telephone 457-3874.

6:20 P.M.

B-15, OPPORTUNITY for Public Discussion and ACKNOWLEDGEMENT of Receipt of the Fresno Area Substitute Teachers Association (FASTA), SEIU, CTW/CLC, Local 521 Proposal for the 2008-2009 School Year

In accordance with Section 3547 of the Government Code, all initial proposals of exclusive representatives are to be presented at a public meeting of the public school employer. The Fresno Area Substitute Teachers Association (FASTA), SEIU, CTW/CLC, Local 521 negotiations proposal was initially made public at the July 30, 2008 meeting of the Board of Trustees. This proposal is hereby returned to this agenda for formal presentation, public hearing and acknowledgement of receipt. Contact person: Kim Mecum, telephone 457-3593.

6:30 P.M.

B-16, OPPORTUNITY for Public Discussion and ADOPT the Fresno Unified School District's Proposal to the Fresno Area Substitute Teachers Association (FASTA), SEIU, CTW/CLC, Local 521 for the 2008-09 School Year

In accordance with Public Notice Section 3547 of the Government Code, all initial proposals of public school employers and employee bargaining units are to be presented at a public meeting of the public school employer, and thereafter shall be public record. Included in the Board binders is the Fresno Unified School District's initial proposal to the Fresno Area Substitute Teachers Association (FASTA), SEIU, CTW/CLC, Local 521 for the 2008-2009 school year presented at the July 30, 2008 meeting of the Board of Education and returned to this agenda for public discussion and Board adoption. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3593.

C. RECEIVE INFORMATION & REPORTS

C-17, RECEIVE Fresno Unified School District's Fourth Quarterly Investment Report for Fiscal Year 2007/08

Included in the Board binders is the fourth quarter investment report for the period ending June 30, 2008. Board Policy 3430(a) requires the Superintendent, or designee, to supply the Board of Education with quarterly and annual reports on District investments.

As of June 30, 2008, Fresno Unified School District is in compliance with Board Policy 3430(a) for investments. District funds are invested in a manner that meets the primary objective of safeguarding the principal of the funds and serving the District's liquidity needs. District funds are invested as follows:

County Treasury Investment Pool	\$273,718,631
Certificates of Participation	\$180,696,664 **

*** This amount represents escrow funds held by trustees at U.S. Bank. These funds are invested in United States Treasury Bills and Notes, which are backed by U.S. Federal Government.*

In accordance with law and administrative regulations, this investment report also certifies that the Fresno Unified School District has sufficient cash on hand to meet the District's cash requirements for the next six months. Contact person: Ruth Quinto, telephone 457-6226.

BOARD/SUPERINTENDENT COMMUNICATIONS

D. ADJOURNMENT

**NEXT REGULAR MEETING:
WEDNESDAY, AUGUST 27, 2008 - OPEN SESSION AT 5:30 P.M.**