

**AGENDA**  
**WEDNESDAY, MAY 14, 2008, 3:30 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.

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

**\*3:30 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. *Computer User Support Supervisor*
  - b. *Head Counselor*
  - c. *Principal II*
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a.)
  - a. *FURA vs. Fresno Unified School District – Case No. 06-CE-CG 03088*
  - b. *Fresno Unified School Districts vs. State Allocation Board and Office of Public Schools – Case No. 08-CECG01393*
  - c. *James Wallace vs. Fresno Unified Workers' Compensation Settlement Case No.'s. 202-0040; 203-0155; and 99-0767*
6. Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9(b).)
  - a. Significant Exposure to Litigation: (1) potential case.

*\*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**

Storey Elementary parent, Graciela Castillo will lead us in the Pledge of Allegiance. Ms. Castillo is a star parent and a valuable member of the Storey family. Ms. Castillo volunteers regularly and is the chairperson of the School Site Council.

**HEAR Reports from Student Board Representatives**

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

**ADOPT Resolution Declaring May 7, 2008, as National School Nurse Day**

Included in the Board binders is a resolution declaring May 7, 2008 as National School Nurse Day. School nurses provide for students' immediate health needs, promote healthy lifestyles and teach students how to strengthen their physical and emotional well-being. The Superintendent recommends adoption. Contact person: Peri Lynn Turnbull, telephone 457-3904.

**ADOPT Resolution Declaring Proclaiming May 14, 2008 as Day of the Teacher**

Included in the Board binders is a resolution proclaiming May 14, 2008, as the Day of the Teacher. Teachers provide valuable instruction and support to students, faculties and schools in Fresno Unified School District. The Superintendent recommends adoption. Contact person: Peri Lynn Turnbull, telephone 457-3904.

**ADOPT Resolution Recognizing Classified Employees Week, May 18-24, 2008**

Included in the Board binders is a Resolution recognizing Classified Employees Week, May 18-24, 2008. Classified employees provide valuable services to the schools and students; contribute to the establishment and promotion of a positive and safe instructional environment, serve a vital role in providing for the welfare and safety of Fresno Unified School District's students; and strive for excellence in all areas relative to the educational community. The Superintendent recommends adoption. Contact person: Peri Lynn Turnbull, telephone 457-3904.

**RECOGNIZE the Cesar Chavez Planning Committee for the Work and Support of Senate Bill 984**

The Board and Superintendent wish to recognize the Cesar E. Chavez Planning Committee and our schools for the activities in support of SB 984 for the 2007/2008 school year. These activities were in support to the Chavez Resolution adopted in September 2007. Contact person: Cindy Tucker, telephone 457-3874.

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, RATIFY an Independent Contractor Services Agreement with Astone Marketing and Advertising for Tioga Middle School**

Included in the Board Binders is an Independent Contractor Service Agreement with Astone Marketing and Advertising to provide recruitment materials that include a school logo for the MicroSociety program, a program brochure that includes photography and graphics, web support services that includes an electronic toolkit of materials to support the program outreach goals, and a media marketing campaign at Tioga Middle School. This agreement began on May 1, 2008 and will end on June 30, 2008. The Superintendent recommends ratification. Fiscal Impact: Funding for these services will be provided by the Magnet School Assistance Program grant for a total of \$25,000. Contact person: Cindy Tucker, telephone 457-3874.

**A-4, APPROVE the Submission of Special Education Teacher Professional Development Pilot Program Grant Application to the California Department of Education**

Included in the Board binders is an application material for the Special Education Teacher Professional Development Pilot Program to provide professional development to special education teachers who provide intensive reading intervention programs to special education students in grades K-12 using State Board of Education adopted reading/language arts instructional programs. The program will serve a maximum of 300 special education teachers throughout the District. Based upon 300 teachers, the maximum request for each year of the three year grant will be \$2.4 million. Professional development will focus on full implementation of *Language!* and *SRA Reach* in SDC and RSP classes. The Superintendent recommends approval. Fiscal Impact: The program will be funded for three years at a rate of \$6,500 per teacher per year. Based upon special circumstances, grants may be calculated at a rate per teacher of up to \$8,000. Contact person: Barbara Bengel, telephone 457-3661.

A. CONSENT AGENDA – continued

**A-5, RATIFY Submission and ADOPT Board Resolution for the District to Make Application and Administer the Lower-Emission School Bus Program Retrofit Component-Heavy Duty Engine Incentive Program**

Included in the Board binders is an application material for the Lower-Emission School Bus Program Retrofit Component-Heavy Duty Engine Incentive Program to the San Joaquin Valley Air Pollution Control District to reduce school children's exposure to pollution. All school buses will be required to be retrofitted or replaced by 2013 to comply with federal and state air quality standards. The Superintendent recommends ratification of the application and adoption of the resolution. Fiscal Impact: Grant funds will be used to purchase and install Air Resource Board (ARB)-verified, Level 3 retrofit technologies for up to 82 eligible diesel school buses. The maximum grant award is \$1,640,000. Contact person: Barbara Bengel, telephone 457-3661.

**A-6, RATIFY Submission and ADOPT Board Resolution for the District to Make Application and Administer the Lower-Emission School Bus Program Replacement Component-Heavy Duty Engine Incentive Program**

Included in the Board binders is an application material for the Lower-Emission School Bus Program Replacement Component-Heavy Duty Engine Incentive Program to the San Joaquin Valley Air Pollution Control District to support the District's long range plan of replacing older diesel buses with cleaner burning compressed natural gas (CNG) and vehicle retrofitting newer diesel buses to produce lower emissions. The Superintendent recommends ratification of the application and adoption of the resolution. Fiscal Impact: Maximum required match of \$1,414,127 will be covered by the Transportation Department budget. Contact person: Barbara Bengel, telephone 457-3661.

**A-7, ADOPT the recommendation for the Kindergarten through Algebra Baseline Mathematics Instructional Materials**

Available in the Board office is the recommendation for the Kindergarten through Algebra Baseline Mathematics Instructional Materials. Publishers provided grade level samples of the Teacher Edition, Student Edition, and ancillary materials.

Recommended programs are:

- Grades K through 6 – *California enVisionMath* by Scott Foresman-Addison Wesley
- Grade 7 Foundations – *California Mathematics: Course 2* by Holt, Rinehart and Winston
- Grade 8 Algebra Readiness – *Ramp-Up to Algebra* by America's Choice, Inc.
- Algebra – *California Mathematics: Algebra* by Holt, Rinehart and Winston

The Mathematics Curriculum Selection Process, including the selection of special education materials, along with information on our ongoing **pilot of intervention** math materials. The Superintendent recommends adoption. Fiscal Impact: Funding will be provided through textbook allocation and categorical budgets. Contact person: Cindy Tucker, telephone 457-3874.

A. CONSENT AGENDA – continued

**A-8, APPROVE Additional Costs for 2007/08 External Audit Work**

At the April 8, 2008, Audit Committee meeting, Perry-Smith, Inc., the District's external auditing firm, presented justification for increasing their contract for external auditing fees from \$116,000 to \$125,000, a 7.2% increase. This increase is due to new auditing standards for assessing risk and controls in preparing financial statement audits. The Audit Committee approved this increase by a unanimous vote at their April 8, 2008, meeting. New audit risk standards require the auditor to understand and respond to risks of material mis-statement, whether due to errors or fraud. In assessing the effectiveness of internal controls, the auditors will focus on the documentation of processes, and staff qualifications to adhere to accounting regulations and prepare the financial statements. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the District's Unrestricted General Fund for a total of \$9,000. Contact person: Ruth Quinto, telephone 457-6226.

**A-9, DENY Claim #07-1113-0437, 21<sup>st</sup> Century as Subrogee for Lydia Parker**

Included in the Board binders is a Claim for Damages from 21<sup>st</sup> Century as Subrogee for Lydia Parker, #07-1113-0437. 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 Quinto, telephone 457-6226.

**A-9a, APPROVE the Opportunity for Public Disclosure and Adoption of Changes in Wages and Health Benefits Applicable to Bargaining Unit Members be Applicable to Non-Represented, Management, Confidential, and Supervisory Employees**

Changes in wages and health benefits applicable to bargaining unit members shall be applicable to non-represented, Management, Confidential, and Supervisory employees. The Superintendent recommends approval. Fiscal Impact: The fiscal impact combined with SEIU is approximately \$1,551,758 annually in ongoing costs. Funds have been appropriated in the General Fund. Contact person: Kim Mecum, telephone 457-3593.

**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-10, PRESENT Information on Project S.U.C.C.E.E.D. ( Students Understand Career Choices, Employment, and Educational Development) Pilot Program**

Included in the Board binders is background information on an academic pilot program, Project S.U.C.C.E.E.D. (Students Understand Career Choices, Employment, and Educational Development). The purpose of the proposed pilot K-13 program is to provide Edison High School and feeder school students with a variety of career-related experiences necessary for success in postsecondary education – including community colleges, four-year colleges, trade schools, technical colleges, apprenticeships, and career development. Project S.U.C.C.E.E.D. is uniquely linked to the world of work through partnerships with business, industry, and labor. The technology-integrated math-science program emphasizes the “green sciences,” engages students in real world ecological problems, and helps students build relevancy and make connections to new information. Age appropriate career-related experiences provide an opportunity for all students to explore, plan, manage, and create solutions. Overarching outcomes are to provide a challenging K-13 academic program, help students develop important character and workforce skills, and increase the high school graduation rate. Contact persons: Mabel Franks, telephone 457-3678 or Kurt Madden, telephone 457-6228.

### **7:00 P.M.**

#### **B-11, DISCUSS and HOLD a Public Hearing for New Millennium Institute of Education (NMIE) Charter Renewal Petition (2008-2013)**

Included in the Board binders is the Charter Renewal petition from New Millennium Institute of Learning (NMIE), for an additional five years commencing July 1, 2008/2013. District Team members currently reviewed the documents submitted on April 10 to ensure all questions have been answered; concerns addressed; and that past practices, as well as future operations are compliant. The final renewal petition is scheduled to return for a decision by the Board on June 18, 2008. Fiscal Impact: The estimated fiscal impact for 2008/2009 is \$847,145. This assumes that all 221 students are from Fresno Unified. Contact person: Cindy Tucker, telephone 457-3874.

### **7:20 P.M.**

#### **B-12, HOLD Public Hearing and ADOPT Resolution 2008-01, Increase of Developer Fees**

Included in the Board binders is Resolution 2008-01, Increase of Developer Fees. Pursuant to Government Code 53080, the District currently collects fees of \$2.63 per square foot for residential development and \$0.42 per square foot for commercial development. In January 2008, the State Allocation Board approved an increase in developer fees based upon increases in the consumer price index over the past two years. The new justifiable fees are \$2.97 per square foot residential and \$.47 per square foot commercial. Failure to assess the maximum allowable fee can jeopardize certain matching funds from the State for District capital projects. In order to collect the increased fee, the District is required to justify the need for the fee. A justification study prepared by Paoli & Dell was received by the Board of Education on April 23, 2008. In order to collect the increased fee, the District is required to justify the need for the fee. A justification study prepared by Paoli & Dell was received by the Board of Education on April 23, 2008. The Superintendent recommends adoption. Fiscal Impact: Developer Fee revenue may change as a result of the increase. Contact person: Deo Persaud, telephone 457-3134.

B. CONFERENCE/DISCUSSION AGENDA – continued

7:45 P.M.

**B-13, OPPORTUNITY for Public Disclosure and ADOPT the 2007/2008 Collective Bargaining Agreement between the Fresno Unified School District and the Service Employees International Union CTW/CLC, Local 521**

Included in the Board binders is the Tentative Agreement between the District and the Service Employees International Union CTW/CLC, Local 521. In accordance with Government Code 3547.5, all major provisions of collective bargaining agreements are to be presented at a public meeting of the public school employer before they enter into a written agreement. The Superintendent recommends adoption. Fiscal Impact: Approximately \$622,158 annually in ongoing costs. Funds have been appropriated in the General Fund. Contact person: Kim Mecum, telephone 457-3593.

C. RECEIVE INFORMATION & REPORTS

**C-14, RECEIVE Fresno Unified School District's Third Quarterly Investment Report for Fiscal Year 2007/08**

Included in the Board binders is the third quarter investment report for the period ending March 31, 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 March 31, 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:

<b>County Treasury Investment Pool</b>	<b>\$314,924,377</b>
<b>Certificates of Participation</b>	<b>\$192,085,503**</b>

\*\* 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.

## C. RECEIVE INFORMATION & REPORTS – continued

### **C-15, RECEIVE the District’s Technology Acceptable Use Policy**

Included in the Board binders is the Technology Acceptable Use Policy (AUP) that has not been updated for several years, meanwhile many new types of technology “misuse” have been created which are not in our existing policy. The goal of the AUP is to increase the safety of students and provide ethical and appropriate guidelines for the use of the District’s technology. The proposed AUP was created through the following process:

1. Review our existing AUP
2. Research other AUP documents from best-practice districts around the country
3. Develop a new AUP through a subcommittee of the FUSD Technology Advisory Committee (TAC)
4. The whole TAC, which includes five principals, five teachers, two additional school leaders, and the IT staff, reviewed the AUP and recommended that it be forwarded to the Executive Cabinet
5. It was approved by the Executive Cabinet with recommendation that it be submitted to the Board for approval.

This policy, if approved, will then be included in new employee packets as well as the “Beginning of the School Year” packet that is sent home for parent signatures. Contact person: Kurt Madden, telephone 457-6228.

## **BOARD/SUPERINTENDENT COMMUNICATIONS**

## **D. ADJOURNMENT**

**NEXT REGULAR MEETING:  
WEDNESDAY, MAY 28, 2008 - OPEN SESSION AT 5:30 P.M.**

**BOARD MEETINGS FOR JUNE  
June 4, 2008 and June 18, 2008**