

AGENDA WEDNESDAY, AUGUST 12, 2009, 4:00 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.

***4:00 P.M., CALL TO ORDER** by the President; **RECESS** to Cabinet Room for Closed Session to discuss the following:

1. Student Waivers for California High School Exit Exam for Special Education and 504 Students 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. *Chief Information Officer*
 - b. *Counselors*
 - c. *Executive Director*
 - d. *Head Counselors*
 - e. *Principal II*
 - f. *Project Coordinator*
 - g. *Vice Principals – all levels*
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
 - a. *Ray Pittman vs. FUSD Workers' Compensation Settlement*
Case No's: 2006-0444; 201-0882; 2006-0443; and 203-0109

**All times are approximate and subject to change*

5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).) – *continued*
 - b. *Barbara Sause vs. FUSD Workers’ Compensation Settlement*
Case No. 2005-0137
 - c. *Betty Flambures vs. FUSD Workers’ Compensation Settlement*
Case No. 203-0150
 - d. *John “Tim” Thomas vs. FUSD Workers’ Compensation Settlement*
Case No’s: 92-5675; 95-1152; and 98-0696

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 April 29, 2009, Regular Meeting. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3882.

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 457-3548.

A-2, APPROVE Waiver Requests for a Group of Special Education and 504 Students for the California High School Exit Exam (CAHSEE)

The Board of Education received a group of waiver requests from District administration on the certification for accommodations/modifications for Special Education and 504 students for the California High School Exit Exam as per Board Policy 6162.52. A list of pupils, their identifying number, and supporting evidence is maintained in the Board of Education Office. The Superintendent recommends approval. Contact person: Chris Evans, telephone 457-3908.

A-3, APPROVE Provisional Internship Permits in Hard-To-Fill Areas

Included in the Board Binders are three (3) Provisional Internship Permits (PIP) to rehire Sara Castillo, Dana Tockey, and Kimberly Hedgpath. The Department is recommending the rehire of three this year, based upon the observed good performance of these teachers in the classroom during the 2008/2009 school year. The Superintendent recommends approval. Fiscal Impact: There is no financial impact to the District. Contact person: Kim Mecum, telephone 457-3593.

A. CONSENT AGENDA – continued

A-4, APPROVE Renewal Agreements with Learning for Living for High School Education

Included in the Board binders is a matrix listing renewal contracts with Learning for Living, Inc. to offer the fourth year of Breaking Down the Walls Program at Bullard, Duncan, McLane, Sunnyside, Fresno, Roosevelt, Hoover, and Edison high schools, and the second year at Cambridge and DeWolf high schools. The term of the contract will commence August 31, 2009 and will end on January 30, 2010. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Carl Washington funds for a cost of \$61,105. Contact person: Chris Evans, telephone 457-3908.

A-5, APPROVE Renewal of License Contract with Red Schoolhouse for School-Based Formative Assessment System

Included in the Board binders is a renewal License Contract with Red Schoolhouse for the use of a formative assessment and school-based scanning system. Fresno Unified schools have used the system during the previous two years, and have benefitted from being able to create standards-based quizzes for students in a variety of formats. The term of the contract will commence on August 17, 2009 and will end June 30, 2010. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Title I funds for the third year license cost of \$155,390. Contact person: Cindy Tucker, telephone 457-3874.

A-6, APPROVE a Renewal Agreement with the College Board for the PSAT Early Participation Program

Included in the Board binders is a renewal Agreement with the College Board to allow all Fresno Unified high schools to participate in the PSAT Early Participation Program. The PSAT assessment facilitates early identification of students eligible to take Honors and Advanced Placement courses and allows the District to focus on providing more opportunities for students. The term of the agreement will commence August 30, 2009 and will end June 30, 2010. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Secondary Division's General Fund budget for a cost of \$54,843.75. Contact person: Cindy Tucker, telephone 457-3874.

A-7, APPROVE Renewal of an Agreement with the City of Fresno Police Department for Fresno Unified School District High Schools

Included in the Board binders is a renewal of the Agreement with the City of Fresno Police Department to provide daily regular duty law enforcement services at nine FUSD high schools (Bullard, Cambridge, DeWolf, Edison, Fresno, Hoover, McLane, Roosevelt, and Sunnyside) during the school year, including summer school. The term of the contract will commence after Board approval and will end June 30, 2012. The Superintendent recommends approval. Fiscal Impact: Funding will be provided by both Safety Office and Carl Washington budgets for a total cost of \$2,309,612. The District share of costs listed in the support material includes a percentage of salaries and fringe benefits and vehicle operation/maintenance. Contact person: Barbara Bengel, telephone 457-3661.

A. CONSENT AGENDA – continued

A-8, RATIFY an Annual Agreement with Hands On Central California and Fresno Unified School District

Included in the Board binders an annual Agreement with Hands On Central California to provide adult volunteer school crossing guards at mutually agreed upon FUSD schools. Hands On Central California was previously known as *The Volunteer Center of Fresno County*. The term of the agreement commenced July 1, 2009 and will end June 30, 2010. The Superintendent recommends ratification. Fiscal Impact: Funding will be provided through the Safety Office funds for a total cost of \$45,000 for the 2009/2010 school year. Contact person: Ruth F. Quinto, telephone 457-6226.

A-9, APPROVE Article 20 Waiver for Muir and Wolters Elementary Schools for the 2009/2010 School Year

Included in the Board binders are copies of the letters from FTA Executive Board approving the requests for Wolters and Muir Elementary schools who wish to waive Article 20 – Hours to allow prep time to move to the work day instead of the duty day. Muir and Wolters are 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. Movement of preparation time to the Work Day would occur on the days called or approved by site administration as faculty meetings, grade level collaboration or departmental meetings during the Work Day and as part of the twenty-seven (27) hours per semester or fifty-four (54) hours per year. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the District. Contact person: Elva Coronado, telephone 457-3754.

A-10, APPROVE Course Title Offerings for the 2009/2010 School Year for Fresno Adult School

Included in the Board binder is a request for approval of Adult Education Course Offerings for the 2009/10 school year for Fresno Adult School. Course titles and content have not changed from 2008/09. The CDE Adult Education Division requires annual approval by both State Department and the local Board of Education. Course outline for all classes are on file and available for review at the Adult School. The Superintendent recommends approval. Fiscal Impact: There is no financial impact to the District. Contact person: Tracewell Hanrahan, telephone 457-3901.

A-11, ADOPT Resolution 09-26 Authorizing Inter-Fund Loans for Cash Flow Purposes

Included in the Board binders is Resolution 09-26 for adoption to authorize Fresno Unified School District to transfer funds as needed for cash-flow purposes and to reverse those transfers as funds become available for the 2009/10 fiscal year. Education Code Section 42603 authorizes inter-fund loans to cover such temporary cash transfers. The Superintendent recommends adoption. Fiscal Impact: There is no financial impact to the District. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

A-12, ADOPT Resolutions 09-27 through 09-33 Delineating Authorized District Agents to Sign on Behalf of Fresno Unified School District

Included in the Board binders are Resolutions 09-27 through 09-33 presented for adoption to update the roster of officials authorized to sign various business transactions on behalf of the District. All resolutions will be effective beginning August 12, 2009, until revoked or superseded. The Superintendent recommends adoption. Fiscal Impact: There is no financial impact to the District. Contact person: Ruth F. Quinto, telephone 457-6226.

A-13, APPROVE Request for Qualifications (RFQ) #2943, Electrical Engineering Services

Included in the Board binders is information on RFQ #2943, to provide a pool of qualified firms/individuals for use in support of the district's new construction, modernization and deferred and general maintenance projects. Based on an extensive review, staff recommends approval of the following five (5) qualified respondents to provide professional services, on an as-needed basis, for a three (3) year period:

- Borrelli and Associates (Fresno, CA)
- DPG Engineering (Fresno, CA)
- Hardin Engineering (Clovis, CA)
- Taylor Teter Partnership (Fresno, CA)
- 2H Engineering (Fresno, CA)

The Superintendent recommends approval. Fiscal Impact: Funding will be established on a project by project basis. Contact person: Ruth F. Quinto, telephone 457-6226.

A-14, APPROVE Request for Qualifications (RFQ) #2944, Structural Engineering Services

Included in the Board binders is information on RFQ #2944, to provide a pool of qualified firms/individuals for use in support of the district's new construction, modernization and deferred and general maintenance projects. Based on an extensive review, the Superintendent recommends approval of the following three (3) qualified respondents to provide professional services, on an as-needed basis, for a three (3) year period:

- Brooks-Ransom Associates (Fresno CA)
- Parrish Hansen Incorporated Structural (Clovis CA)
- Taylor Teter Partnership (Fresno CA)

The Superintendent recommends approval. Fiscal Impact: Funding will be established on a project by project basis. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

A-15, APPROVE Request for Qualifications (RFQ) #2946, Civil Engineering Services

Included in the Board binders is information on RFQ #2946, to provide a pool of qualified firms/individuals for use in support of the district’s new construction, modernization and deferred and general maintenance projects. Based on an extensive review, the Superintendent recommends approval of the following twelve (12) qualified respondents to provide professional services, on an as-needed basis, for a three (3) year period:

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| AECOM (Fresno, CA) | MVE Civil Solutions (Modesto, CA) |
| Alan Mok Engineering (Fresno, CA) | Precision Civil Engineering (Fresno, CA) |
| BKF Engineers (Pleasanton, CA) | Provost & Pritchard Consulting (Fresno, CA) |
| Blair Church & Flynn (Clovis, CA) | Quad Knopf (Fresno, CA) |
| Gateway Engineering (Clovis, CA) | TMAD Taylor & Gaines (San Francisco, CA) |
| Lars Anderson & Associates (Fresno, CA) | Yamaha & Horn Engineering (Fresno, CA) |

The Superintendent recommends approval. Fiscal Impact: Funding will be established on a project by project basis. Contact person: Ruth F. Quinto, telephone 457-6226.

A-16, APPROVE Request for Qualifications (RFQ) #2954, Mechanical Engineering Services

Included in the Board binders is information on RFQ #2954, to provide a pool of qualified firms/individuals for use in support of the district’s new construction, modernization and deferred and general maintenance projects. Based on an extensive review, the Superintendent recommends approval of the following six (6) qualified respondents to provide professional services, on as-needed basis, for a three (3) year period:

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| ALPA Tech (San Jose, CA) | Mechanical Design Concepts (Fresno, CA) |
| Lawrence-Nye-Anderson Associates (Fresno, CA) | Taylor Teter Partnership (Fresno, CA) |
| LP Consulting Engineers (Clovis, CA) | TMAD Taylor & Gaines (Pasadena, CA) |

The Superintendent recommends approval. Fiscal Impact: Funding will be established on a project by project basis. Contact person: Ruth F. Quinto, telephone 457-6226.

A-17, APPROVE Request for Qualifications (RFQ) #2956, Landscape Architectural/Engineering Services

Included in the Board binders is information on RFQ #2956, to provide a pool of qualified firms/individuals for use in support of the district’s new construction, modernization and deferred and general maintenance projects. Based on an extensive review, the Superintendent recommends approval of the following five (5) qualified firms/individuals to provide professional services, on an as-needed basis, for a three (3) year period:

- Blair, Church & Flynn Consulting Engineers (Clovis, CA)
- Broussard Associates Landscape Architects (Clovis, CA)
- David Bigler Associates Landscape Architects (Fresno, CA)
- Robert Boro Landscape Architect (Fresno, CA)
- Saito Associates (Fresno, CA)

The Superintendent recommends approval. Fiscal Impact: Funding will be established on a project by project basis. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

A-18, 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 #2829, Modernization of Yosemite Middle School
Change Order #2: \$22,350.30. The new contract amount: \$1,532,516.23. This change order includes, but may not be limited to, replace two (2) bypass timers, one (1) electric thermostat, and miscellaneous conduit in the girls coaches area; replace light fixtures at covered walkways; add two (2) exterior drinking fountains at Building N; revise stairs and landing at girls locker room per DSA; extra plaster work around drinking fountains in boys and girls locker rooms; new floor drain at boys Building I, re-route water and waste for drinking fountain; repair severed water line at janitorial Building J; install seismic wire for electrical and mechanical wires at Building L & K; repair public address system; replace fire alarm devices in Building J.
Fiscal Impact: Sufficient funds are available in the Measure K and/or State Modernization Funds.
2. Bid #2917, Electrical Upgrades at Kirk and Heaton Elementary Schools
Change Order #1: \$12,100.00. The new contract amount: \$110,000.00. This change order includes, but may not be limited to, furnish and install a 4” bore lock # 40 PVC conduit by directional boring from the existing transformer pad location to PG&E utility pole.
Fiscal Impact: Sufficient funds are available in the Measure K Fund.
3. Bid #2921-A, Automatic Irrigation Systems at Holland and Manchester Elementary Schools and Sequoia Middle School
Change Order #1: \$4,875.00. The new contract amount: \$136,678.00. This change order includes, but may not be limited to, an additional six (6) weeks added to completion time (scheduled to minimize site disruption); rental of equipment for an additional six (6) weeks; maintenance agreement; crew and supplies; deduct for the elimination of asphalt boring.
Fiscal Impact: Sufficient funds are available in the Measure K Fund.
Contact person: Ruth F. Quinto, telephone 457-6226.

A-19, RATIFY the Filing of the Notices of Completion for the Projects Listed Below

Included in the Board binders are Notices of Completion for the following projects, which have been completed according to plans and specifications:

1. Bid #2623-13, Construction of Nutrition Center – Food Service Equipment
Fiscal Impact: Central Valley Support Services Joint Powers Agency Lease Revenue Bonds. A portion of the 10% retention will be retained pending the exceptions in the Notice of Completion.
 2. Bid #2924, Ceramic Tile Installation at Chavez Adult School
Fiscal Impact: Chavez Adult School Direct Maintenance Budget. The 10% retention will be released after ratification of the Notice of Completion.
- The Superintendent recommends ratification. Fiscal Impact: The 10% retention will be released after ratification of the Notices of Completion. Sufficient funds are available in the 2009/10 budgets as noted. Contact person: Ruth F. 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-20, 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 2008/09 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.

6:45 P.M.

B-21, OPPORTUNITY for Public Discussion of the Fresno Area Substitute Teachers Association (FASTA), SEIU, CTW/CLC, Local 521 Proposal for the 2009/2010 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 29, 2009 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 457-3548.

C. RECEIVE INFORMATION & REPORTS

C-22, RECEIVE Fresno Unified School District's Fourth Quarterly Investment Report for Fiscal Year 2008/09

Included in the Board binders is the fourth quarter investment report for the period ending June 30, 2009. 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, 2009, 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	\$ 233,365,289
Certificates of Participation	\$ 140,156,095 **

** 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 F. Quinto, telephone 457-6226.

BOARD/SUPERINTENDENT COMMUNICATIONS

D. ADJOURNMENT

**NEXT REGULAR MEETING:
WEDNESDAY, AUGUST 26, 2009 - OPEN SESSION AT 5:30 P.M.**