

**AGENDA
WEDNESDAY, FEBRUARY 25, 2009, 2:00 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 Friday.

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.

***2:00 P.M., CALL TO ORDER** by the President

**2:00 P.M. to 4:00 P.M.
PRESENT and DISCUSS the
Board Workshop on School Choice**

This workshop will include a presentation by the School Choice staff on School Choice programs and processes offered by our District. The topics covered during the presentation portion of the agenda are:

- What is School Choice in Fresno Unified?
- What are our District's School Choice Offerings?
- What are the Funding Sources?
- Student Demographics and Progress

Contact person: Cindy Tucker, telephone 457-3874.

**All times are approximate and subject to change*

***4:15 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. *Assistant Superintendent*
 - b. *Vice Principal I/Program Manager*
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
 - a. *John Gayer vs. FUSD Workers' Compensation Settlement, Case No. 2006-0544*

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

Pledge of Allegiance

Debbie Quinn, the PTA president from Baird Middle School will lead us in the Pledge of Allegiance. Mrs. Quinn's creativity and dedication has had a huge impact in the Baird community.

HEAR Reports from Student Board Representatives

An opportunity is provided to hear comments/reports from Student Board Representatives from Ducan Polytechnical High School. Contact person: John Marinovich, 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 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. CONSENT AGENDA – continued

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 February 11, 2009, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Peter Summers, telephone 457-3340.

A-3, RATIFY Renewal Agreement with Fresno County Office of Education CalWORKs Management Services for Fresno Adult School

Included in the Board binders is a renewal Agreement with Fresno County Office of Education (FCOE) CalWORKs Management Services who contracts yearly with Fresno Adult School to provide Basic Education and Skills Training Services to Human Services System (HSS) referred CalWORKs clients. The HSS funds allocated to Fresno Adult School in this agreement are for the reimbursement of “excess costs” including attendance accounting, textbook and testing fees of CalWORKs clients, as well as other costs related to the operation of Fresno Adult School’s CalWORKs programs. This contract began July 1, 2008 and will be in effect until June 30, 2009. The Superintendent recommends ratification. Fiscal Impact: Total cost and reimbursement amount, \$219,065.00, will affect only the Fresno Adult School adult education apportionment fund. Contact person: John Marinovich, telephone 457-3887.

A-4, APPROVE the Special Education Annual Budget Plan, Annual Service Plan, and the California Special Education Management Information System (CASEMIS) Service Descriptions for 2008/2009

Included in the Board binders is the 2008/2009 Special Education Annual Budget Plan, the Annual Service Plan, and the CASEMIS description of services. Each SELPA will develop/revise and adopt the Annual Budget and Service Plans including CASEMIS description of services to be provided by the district, the nature of the services and the physical location where the services will be provided. Annual Budget and Service Plans cover the period July 1, 2008 through June 30, 2009. The Superintendent recommends approval. Fiscal Impact: The total SELPA budget for 2008/2009 is \$105,453,152.00 and is funded through multiple sources. Please see the attached Annual Budget for Local Plan Revenue Sources. Contact person: Mabel Franks, telephone 457-3678.

A-5, APPROVE Submission of Improving Literacy Through School Libraries Grant Application to the U.S. Department of Education

Included in the Board binders is application material for the Improving Literacy Through School Libraries grant. The grant promotes comprehensive local programs to improve student reading achievement by improving school library services. Funding can be used to update the library collection, expand internet connections, purchase new technology, provide professional learning, and extend library hours beyond the school day. Edison, Computech and Carver are collaborating to enhance library services. The Superintendent recommends approval. Fiscal Impact: Maximum grant amount is \$500,000 for one year. Grant funds will cover all costs. Contact person: Barbara Bengel, telephone 457-3661.

A. CONSENT AGENDA – continued

A-6, APPROVE Submission of Fresno Community Benefit Program Grant Application to Kaiser Permanente

Fresno Unified Health Services has prepared an application for funding from Kaiser Permanente to: 1) improve access to preventive health care and treatment, and 2) improve healthy lifestyles for children. The grant application includes: Mobile Health Unit (MHU): \$15,000 to partially fund the driver, maintenance costs, fuel, and medical supplies for the MHU and satellite clinic(s); Certified Diabetic Educator Nurse: \$54,000 to fund part time to case manage diabetic students; and *Kickin' Asthma* Classes: \$6,000 to supplement the current Centers for Disease Control Asthma Prevention grant by providing lunches and other incentives to 7th grade students diagnosed with asthma attending the classes. The Superintendent recommends approval. Fiscal Impact: Grant funds will cover all program costs. Contact person: Barbara Bengel, telephone 457-3661.

A-7, APPROVE Submission of Grant Application to the Central Valley Foundation

The Central Valley Foundation (CVF) has invited Fresno Unified School District to submit an application for the New Grant Initiative program. The New Grant Initiative represents a significant commitment by the Central Valley Foundation to contribute to services to English Learners (ELs) and to the research about best practices for ELs. Based upon percentage of ELs and API performance, CVF identified the following FUSD schools for participation in this grant: Aynesworth, Burroughs, Ewing, Jefferson, Norseman, and Storey. The Superintendent recommends approval. Fiscal Impact: Grant funds will cover all costs. Central Valley Foundation has allocated \$1 million to support EL programs in Fresno County and has invited FUSD, Kerman Unified and Sanger Unified to apply. Contact person: Barbara Bengel, telephone 457-3661.

A-8, APPROVE Submission of Carol M. White Physical Education Program to the United States Department of Education

Included in the Board binders is application material for the Carol M. White Physical Education Program (PEP) to establish, expand or enhance physical education programs that help students meet state standards for physical education and develop lifelong habits of wellness. The District application will enhance the physical education and wellness components of the After School Education and Safety (ASES) and 21st Century Community Learning Center (21st CCLC) programs at FUSD elementary schools. The Superintendent recommends approval. Fiscal Impact: Non-Federal matching funds are required: 10% in year 1 and 25% in years 2 and 3. Matching funds may be provided as in-kind. This requirement will be satisfied through contribution of time by the district P.E. Coordinator and state after school grant funding. Contact person: Barbara Bengel, telephone 457-3661.

A-9, APPROVE Budget Revision No. 4 for Fiscal Year 2008/09

Included in the Board binders is Budget Revision No. 4 for fiscal year 2008/09. Periodic updates to the district's budget are presented to the Board for approval. Budget Revision No. 4 includes necessary adjustments to support the acceptance of various grant awards and other fund adjustments. The Superintendent recommends approval. Fiscal Impact: Noted in the backup material. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

A-10, APPROVE Retention of Unmatched District Funds in the Deferred Maintenance Fund

Included in the Board binders is the 2007/08 Deferred Maintenance Certification. Each year the district contributes funds to the Deferred Maintenance Fund in order to qualify for and receive state matching funds. For the past several years, the state budget has not been sufficient to provide 100% matching funds. As a result, the district is allowed to carryover unmatched funds to qualify for matching funds in the following year. Board action is required to approve retention of unmatched funds in the Deferred Maintenance Fund for more than one year. The Superintendent recommends approval. Fiscal Impact: The 2007/08 Deferred Maintenance carryover is approximately \$295,468, which together with the district's \$3.3 million contribution will maximize the amount of the eligible state funds due the district. The district's contribution is made from Measure K proceeds. Contact person: Ruth F. Quinto, telephone 457-6226.

A-11, AWARD of Bid #2916, Motorized Stage Curtain Installation at Sunnyside High School

Included in the Board binders is information on Bid #2916 to provide and install a cyclorama curtain for Sunnyside High School, parallel to the back wall of the stage area in the theater. A cyclorama curtain is used as a neutral backdrop for stage settings and it is usually lit with colored lights for different background affects. The request for bid was lawfully advertised on December 9, 2008, and December 16, 2008. The bids were opened on January 6, 2009. Bid specifications were sent to six (6) vendors, and the district received two (2) responses. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- Decorator Draperies, Friant California \$17,910.00

Fiscal Impact: Sufficient funds of \$17,910.00 are available in Sunnyside High School's 2008/09 Visual and Performing Arts Grant budget. Contact person: Deo Persaud, telephone 457-3134.

A-12, AWARD of Bid #2917, Electrical Upgrades at Heaton and Kirk Elementary Schools

Included in the Board binders is information on Bid #2917 to provide utility power upgrades. The request for bid was lawfully advertised on December 11, 2008, and December 18, 2008. The bids were opened on January 5, 2009. Bid specifications were sent to fourteen (14) vendors, and the district received seven (7) responses. The low bidder for Item B (Heaton Elementary), Best Electric, has withdrawn their bid due to a clerical error in filling out the bid form. It is recommended that low bidder Lane Electric for Items A and B be rejected and found to be non-responsive, as they failed to specify a subcontractor for independent electrical testing. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- A-C Electric, Fresno California \$150,100.00

Fiscal Impact: Sufficient funds of \$150,100.00 are available in the 2008/09 Measure K budget. Contact person: Deo Persaud, telephone 457-3134.

A. CONSENT AGENDA – continued

A-13, AWARD of Bid #2920, Restroom Building Addition at Fresno High School

Included in the Board binders is information on Bid #2920 to construct a new restroom building at Fresno High School to serve the ninth grade Warrior Academy. The request for bid was lawfully advertised on January 9, 2009, and January 16, 2009. The bids were opened on February 6, 2009. Bid specifications were sent to nineteen (19) vendors, and the district received fifteen (15) responses. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- BVI Construction, Selma California \$344,800.00

Fiscal Impact: Sufficient funds of \$344,800.00 are available in the 2008/09 Quality Education Investment Act (QEIA) budget. Contact person: Deo Persaud, telephone 457-3134.

A-14, AWARD of Bid #2922, All-Weather Track Improvements at McLane and Fresno High Schools

Included in the Board binders is information on Bid #2922 will replace all-weather track surfaces and provide irrigation improvements on field tracks at McLane and Fresno High Schools. The request for bid was lawfully advertised on January 21, 2009, and January 27, 2009. The bids were opened on February 10, 2009. Bid specifications were sent to twenty-five (25) vendors, and the district received eight (8) responses. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- Witbro Inc., DBA Seal Rite Paving & Grading, Clovis California \$933,335.00

Fiscal Impact: Sufficient funds of \$933,335.00 are available in the 2008/09 Unrestricted General Fund budget. Contact person: Deo Persaud, telephone 457-3134.

A-15, RATIFY the Change Orders for the Projects Listed Below

Included in the Board binders are Change Orders and backup information for the following bids:

1. Bid #2815, Modernization of Bullard High School
Change Order #2: \$120,232.00. The new contract amount: \$3,092,777.00. This change order includes, but may not be limited to, revised cost adjustments in marker board changes, credit for door project, two (2) new required fire lanes, additional hardware for HVAC units, shut off valve for restroom, and additional cost to furnish and install fire/smoke dampers.
Fiscal Impact: Sufficient funds are available in the 2008/09 budget as follows: Measure K and State Facility Program Funds.
2. Bid #2623-17, Nutrition Center - Electrical/Telecommunications/Low Voltage
Change Order #3: \$59,355.36. The new contract amount: \$2,030,432.38. This change order includes, but may not be limited to, providing power for new power supply units; hardware to make circuit breakers lockable; necessary modules to connect to existing addressable loop; updated panel directory; GRC conduit between horn/strobe and exposed ceiling; installation of copper conductors and smoke detectors; and synchronizing for strobes and horns.
Fiscal Impact: Sufficient funds are available in the 2008/09 budget as follows: Central Valley Support Services Joint Powers Agency Leave Revenue Bonds.

Contact person: Deo Persaud, telephone 457-3134.

A. CONSENT AGENDA – continued

A-16, RATIFY the Filing of the Notices of Completion for 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 #2810, Modernization for Burroughs Elementary School

Fiscal Impact: Sufficient funds are available in the 2008/09 budget as follows:
Measure K and State Facility Program Funds

2. Bid #2623-17, Electrical/Telecommunications/Low Voltage work for the Nutrition Center

Fiscal Impact: Sufficient funds are available in the 2008/09 budget as follows:
Central Valley Support Services Joint Powers Agency Leave Revenue Bonds.

The 10% retention will be released after ratification of the Notices of Completion. The Superintendent recommends ratification. Contact person: Deo Persaud, telephone 457-3134.

A-17, DENY Claim #09-0123-0013 for Minor

Included in the Board binders is a Claim for Damages for Minor, #09-0123-0013. 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 financial impact. Contact person: Ruth F. Quinto, telephone 457-6226.

A-18, RATIFY Purchase Orders from December 17, 2008, through January 12, 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. Beginning on the bottom of page three (3) is a list of Purchase Orders issued from December 17, 2008, through January 12, 2009. These Purchase Orders have been previously authorized and awarded by the Board of Education. The Purchase Orders are submitted for information only and are not included for ratification. The Superintendent recommends ratification. Fiscal Impact: Funding is noted on the attached pages. Contact person: Deo Persaud, 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-19, APPROVE the Academic District Calendar Recommendation for 2009/10 and 2010/2011

Included in the Board binders is the Academic District Calendar Recommendation for 2009/10 and 2010/2011. The Calendar Committee met on Thursday, January 15, 2009 to discuss the calendar for 2009/10 and voted unanimously to recommend to the Board of Education a two-year academic calendar that is similar to the previously adopted 2008/09 calendar. The committee also discussed the secondary semester start and end dates as well as the three-week winter break. On both issues, the Committee voted unanimously to maintain the end of the first semester prior to winter break followed by a three-week winter break. The Superintendent recommends approval. Fiscal Impact: There is no financial impact to the District. Contact person: Peri Lynn Turnbull, telephone 457-3904.

6:50 P.M.

B-20, DISCUSS and CAST Votes for the 2009 California School Boards Association Delegate Assembly, Subregion 10-B

Included in the Board binders are the region/subregion's ballot, biographical sketches, and if submitted, resumes for the candidates running for the Delegate Assembly for the vacancy in Subregion 10-B. An opportunity is provided for Board discussion and cast a vote for 3 candidates who will serve two-year terms beginning April 1, 2009 through March 31, 2011.

- Seth N. Bowles (Golden Plains USD)
- Oscar Sablan (Firebaugh-Las Deltas USD)*
- Randle M. Yano (Clay Joint ESD)*
- James D. Karle (Sanger USD)
- Kathy Spate (Caruthers USD)*

**Denotes incumbent*

The Board President recommends casting vote for 3 candidates. Fiscal Impact: None. Contact person: Valerie F. Davis, telephone 457-3727.

C. RECEIVE INFORMATION & REPORTS

C-21, RECEIVE Fresno Unified School District's Second Quarterly Investment Report for Fiscal Year 2008/09

Included in the Board binders is the second quarterly investment report for the period ending December 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 December 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:

County Treasury Investment Pool	\$309,701,089
Certificates of Participation	\$188,365,055 **

** 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 the 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, MARCH 11, 2009 - OPEN SESSION AT 5:30 P.M.**