

AGENDA
WEDNESDAY, MAY, 13, 2009, 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.

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.

***3:30 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. *Associate Superintendent*
 - b. *Chief Academic Officer*
 - c. *Principal II's*
 - d. *Principal III's*
 - e. *Principal IV's*
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
 - a. *Ernestine Carrasco vs. FUSD Workers' Comp. Settlement - Case #2005-0389*
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

Ms. Delia Pizano will lead us in the Pledge of Allegiance. Ms. Pizano is a dedicated mother who volunteers her time in fundraising activities, chaperon's field trips, and helps to build relationships between the community and Fort Miller School.

HEAR Reports from Student Board Representatives

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

RECOGNIZE Fresno Unified School District Spring Athletic Champions

The Board and Superintendent wish to honor and recognize the student athletes and coaches that finished an outstanding sports season:

- Coach Arturo Ormond
 - *Edison Boys Basketball, Central Section Division 1 Championship.*
- Coach Mark Gradoville
 - *Roosevelt Girls Basketball, Central Section Division 3 Championship.*
- Coach Joey Munoz
 - *Roosevelt Boys Soccer, Central Section Division 4 Championship.*
- Coach Igal Francis
 - *Bullard Boys Soccer, Central Section Division 1 Championship.*

Contact person: Peri Lynn Turnbull, telephone 457-3904.

RECOGNIZE the 2009 Fresno Unified School District Scholarship Recipients

The Board and Superintendent wish to recognize and honor the 2009 Fresno Unified School District Scholarship Recipients. A scholarship is being awarded to at least one recipient from every high school in Fresno Unified School District to support deserving FUSD students who might not otherwise have the financial means to attain their education goals beyond high school. The FUSD Scholarship Fund is part of the newly formed FUSD Education Foundation through the Fresno Regional Foundation, and is supported by community and employee donations.

BULLARD – *Michael Todd Prieto*
DESIGN SCIENCE – *Vitaliy Kuchkovskiy*
DUNCAN POLYTECHNICAL – *Kao Lee*
FRESNO – *Alejandra Niebla*
J.E. YOUNG – *Victoria Perez*
ROOSEVELT – *Alvaro Sosa*

CAMBRIDGE – *Jasmin Camacho*
DEWOLF – *Naomi Jacobson*
EDISON – *Ashley Reid*
HOOVER – *Kaozong Mouavangso*
MCLANE – *Kimberly Souvanvixay*
SUNNYSIDE – *April Vercellini*

AT-LARGE RECIPIENTS:

ROOSEVELT – *Ricardo Arriaga*

SUNNYSIDE – *Marleen Martinez*

Contact person: Peri Lynn Turnbull, telephone 457-3904.

ADOPT Resolution Proclaiming May 13, 2009, as Day of the Teacher

Included in the Board binders is a Resolution proclaiming May 13, 2009, as the “Day of the Teacher” with this year’s theme “*California Teachers: Standing Up for a Better Tomorrow.*” 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 17-23, 2009

Included in the Board binders is a Resolution recognizing Classified Employees Week, May 17-23, 2009. 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.

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-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 15, 2009, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Peter Summers, telephone 457-3340.

A-3, APPROVE Appointments to Measure K Oversight Committee

Included in the Board binders is a Measure K Oversight Committee nomination form submitted by Trustee Asadoorian. Trustee Mills also has requested an appointment to the Oversight Committee, and that nomination form will be provided to the Board prior to the Board meeting. These appointments fill vacancies on the Oversight Committee resulting from expiration of the terms of previous Committee members. The Superintendent recommends approval. Fiscal Impact: There is no financial impact. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

A-4, RATIFY Independent Contractor Services Agreement to Retain Ron Fortson for Transition Assistance in Operational Services

Included in the Board binders is an Independent Contractor Services Agreement to retain the services of Ron Fortson to assist with the transition of permanent leadership in the Operational Services Division. As the Board was recently notified, Deo Persaud, the incumbent Associate Superintendent for Operational Services, will be leaving the district. Mr. Fortson has previously assisted Fresno Unified upon multiple occasions. The contract began May 4 and will end June 30, 2009. The Superintendent recommends ratification. Fiscal Impact: Funding is available in the unrestricted General Fund and will not exceed \$41,000. Contact person: Ruth F. Quinto, telephone 457-6226.

A-5, RATIFY Amendment to Independent Contractor Services Agreement with Rael & Letson Consultants

Included in the Board binders is an amendment to the agreement with Rael & Letson Consulting for health benefit consulting services. The amendment provides for an extension of the contract term effective January 1, 2009 through December 31, 2009. The original agreement was effective through December 31, 2008. The Superintendent recommends ratification. Fiscal Impact: Sufficient funds are available in the Health Internal Service Fund. The monthly fee for services remains at \$11,666.66 or \$140,000.00 annually. Contact person: Ruth F. Quinto, telephone 457-6226.

A-6, RATIFY Submission of the American Recovery and Reinvestment Act (ARRA) Local Youth Mentoring Initiative

Included in the Board binders is application material for the ARRA Local Youth Mentoring Initiative to reduce juvenile delinquency, violence, gang participation, school failure, and dropouts. The following middle schools were identified based upon high percentages of at risk students and high African American male student enrollment: Cooper, Fort Miller, Scandinavian, Tehipite and Yosemite. The Superintendent recommends ratification. Fiscal Impact: All program costs will be covered by grant funds of a maximum of \$500,000 over a four year period. The potential grant award is supported by the American Recovery and Reinvestment Act. Contact person: Barbara Bengel, telephone 457-3661.

A-7, RATIFY Secondary and Adult School Final Carl D. Perkins Career Technical Education Allocation Funding for the 2009/2010 School Year

Included in the Board binders are copies of the revised 2009/2010 Carl D. Perkins Applications for funding with the adjusted final allocation amounts for secondary and postsecondary Career Technical Education (CTE) programs. The Superintendent recommends ratification. Fiscal Impact: Perkins Funding is received as a result of the Perkins yearly application process. Secondary will receive an allocation of \$978,286 (a \$36,659 reduction from original application) and Adult School will receive \$488,648 (a \$23,715 increase from original application) for the 2009/2010 school year. Contact person: Tracewell Hanrahan, telephone 457-3901.

A. CONSENT AGENDA – continued

A-8, RATIFY Change Order #2 for Bid #2833, Portable Relocation Project

Included in the Board binders is Change Order and backup information for Bid #2833, Portable Relocation Project, for the facility improvements related to implementation of the Quality Education Investment Act (QEIA) program at Fresno Unified campuses. This project includes the creation of ninth grade academies at Fresno High School, McLane High School and Roosevelt High School, and relocating portable classrooms at middle school and elementary school QEIA sites. The Superintendent recommends ratification. Fiscal Impact: Change Order #2 totals \$91,196.92. Funding is available in the 2008/09 QEIA first-year budget. The original contract amount was \$2,478,329. The new contract amount, including Change Order #2, will be \$2,687,901.92. Contact person: Deo Persaud, telephone 457-3134.

A-9, APPROVE Award of Request for Proposal (RFP) #2927 District-wide Copier Contract

Included in the Board binders is information on RFP #2927 for the acquisition of copiers district-wide. The awarded vendor will have exclusive rights to replace the district's approximately 460 copiers for a period of five (5) years. All the copiers, at school sites and administrative offices, will be replaced during the next five years due to expiration of the current leases. RFP #2927 was lawfully advertised on February 12, 2009, and February 19, 2009. The proposals were opened on February 26, 2009. Request for Proposals were sent to nine (9) vendors, and the district received nine (9) responses. The Superintendent recommends award be to the best value bidder:

- IKON Office Solutions Inc. Malvern Pennsylvania \$715,566.00

Fiscal Impact: Sufficient funding of \$715,566 is available in the 2009/10 Purchasing Department budget for the 96 centrally funded machines. Other machines will be replaced using various funding sources as their contract term expires or when in the best interest of the district. The total estimated annual value of copier leases district-wide is \$1,897,137. Contact person: Deo Persaud, telephone 457-3134.

A-10, APPROVE Award of Bid #2931 Phase 35A, Reroofing at Gibson Elementary School and Phase 35B, Polyurethane Foam Roofing System on Portable Buildings at Various School Sites

Included in the Board binders is information on Bid #293 to provide shingle reroofing and build-up at Gibson Elementary School, and provide polyurethane foam roofing system on 89 portables at various school sites. The request for bid was lawfully advertised on February 27, 2009, and March 6, 2009. The bids were opened on March 19, 2009. Bid specifications were sent to eighteen (18) vendors, and the district received eight (8) responses for Phase 35A and three (3) responses for Phase 35B. The Superintendent recommends awards to the lowest responsive, responsible bidders:

- Phase 35A Williamson Roofing, Inc. DBA \$122,970.00
Williamson Construction Group, Fresno CA
- Phase 35B Universal Coatings, Inc., \$485,225.00
Fresno, CA

Fiscal Impact: Sufficient funds of \$122,970.00 for Phase 35A and \$485,225.00 for Phase 35B are available in the 2008/09 Deferred Maintenance budget (Measure K portion). Contact person: Deo Persaud, telephone 457-3134.

A. CONSENT AGENDA – continued

A-11, APPROVE Award of Bid #2934, Lighting Upgrade at Balderas Elementary School

Included in the Board binders is information on Bid #2934 to replace T12 lighting with energy efficient T8 lighting in all permanent buildings at Balderas Elementary. This is a Measure K project. The request for bid was lawfully advertised on March 6, 2009, and March 13, 2009. The bids were opened on March 27, 2009. Bid specifications were sent to twenty-six (26) vendors, and the district received eight (8) responses. Labor Unlimited, the low bidder, has asked to be relieved of their bid due to a labor cost error in their submission. Staff is recommending that Labor Unlimited be relieved of their bid. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- Electric Motor Shop, Fresno California \$24,240.00

Fiscal Impact: Sufficient funds of \$24,240.00 are available in the 2008/09 Measure K Fund. Contact person: Deo Persaud, telephone 457-3134.

A-12, 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:

- Bid #2623-15, Construction of Nutrition Center Plumbing, Building and Site
Fiscal Impact: Central Valley Support Services Joint Powers Agency Lease Revenue Bonds
- Bid #2819 A & B, Fire Alarm System Upgrade and Fire Suppression System at the Education Center
Fiscal Impact: General Unrestricted and Routine Restricted Maintenance Funds

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 2008/09 budget as listed above. Contact person: Deo Persaud, telephone 457-3134.

A-13, DENY Claim #08-0911-0273 for Jeff Powell

Included in the Board binders is a Claim for Damages for Jeff Powell, #08-0911-0273. 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-14, DENY Claim #09-0409-0138 for USA Wrestling, Inc.

Included in the Board binders is a Claim for Damages for USA Wrestling, Inc., #09-0409-0138. 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.

**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-15, HOLD Public Hearing for KIPP (Knowledge is Power Program) Academy Fresno Charter Renewal Petition

Included in the Board Binders is the Charter renewal petition from KIPP Academy Fresno for five years commencing July 1, 2009 through June 30, 2014. The renewal petition is being submitted for public hearing. The following has taken place during the renewal process:

- August 16, 2008 - District Charter Review Team made a comprehensive site review of the charter.
- October 20, 2008 - District Staff completed the Report of Findings based on the site visit and forwarded report to KIPP Administration.
- November 14, 2008 - District issued the Notice to Cure and Correct document to KIPP California Schools, the holder of the KIPP Academy Fresno Charter.
- April 13, 2009 - KIPP submitted the Final Renewal Petition for 2009/2014.

District team members are currently reviewing the document submitted on April 13 to ensure that 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 in June, 2009. Fiscal Impact: Noted in the backup material. Contact person: Cindy Tucker, telephone 457-3874.

C. RECEIVE INFORMATION & REPORTS

C-17, RECEIVE Fresno Unified School District's Third Quarterly Investment Report for Fiscal Year 2008/09

Included in the Board binders is the third quarterly investment report for the period ending March 31, 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 March 31, 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	\$ 268,698,136
Certificates of Participation	\$145,299,960 **

** 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.

Contact person: Ruth F. Quinto, telephone 457-6226.

BOARD/SUPERINTENDENT COMMUNICATIONS

D. ADJOURNMENT

**NEXT REGULAR MEETING:
WEDNESDAY, MAY 27, 2009 - OPEN PUBLIC SESSION AT 5:30 P.M.**