

**AGENDA**  
**WEDNESDAY, NOVEMBER 12, 2008, 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 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, 2<sup>nd</sup> Floor or visit our website at: [www.fresnounified.org](http://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; **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. *Counselor*
  - b. *District Coordinator*
  - c. *Food Service Operations Manager*
  - d. *Guidance/Categorical Learning Coordinators*
  - e. *Project Managers*
  - f. *Principal II*
  - g. *Principal IV*
  - h. *Regional Instructional Specialist/Principal I*
  - i. *Vice Principal/Program Manager*
5. Public Employee Performance Evaluation – Government Code Section 54957
  - a. *District Superintendent*

*\*All times are approximate and subject to change*

6. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
  - a. *Irola-Pishione vs. FUSD, Case No. 08- CE CG 02014*
7. Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9(b).)  
Significant Exposure to Litigation: (1) potential case.

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

**Pledge of Allegiance**

Wilson parent, Amy Reyes will lead us in the Pledge of Allegiance. Mrs. Reyes is a dedicated parent with a "Can do" attitude. She has served on many committees and now works at Wilson.

**HEAR Reports from Student Board Representatives**

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

**APPROVE Minutes**

Included in the Board binders are the draft minutes for September 10 and 24, 2008, regular meetings and September 30, 2008, special meeting. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3882.

**HEAR Reports from Board President and 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 October 15, 2008, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Peter Summers, telephone 457-3340.

A. CONSENT AGENDA – continued

**A-3, ADOPT Resolution Ordering the Date of the Annual Organizational Meeting of the Board**  
Included in the Board binders is a Resolution Ordering the Date of the Annual Organizational Meeting of the Board as December 10, 2008. Pursuant to Section 35143 of the Education Code of the State of California, the governing board of each district shall hold an annual organizational meeting on a day within a 15-day period which commences on the first Friday of December and requires that the annual organizational meeting date be selected at a regular meeting before the 15-day period. The Superintendent recommends adoption. Fiscal Impact: There is no cost to the District. Contact person: Michael E. Hanson, telephone 457-3884.

**A-4, APPROVE Renewal of IBM Mainframe Software License and Maintenance**  
Recommend renewal of “Sole Source” software maintenance renewal of IBM (International Business Machines) mainframe software. The cost is \$83,283 for the remainder of the current fiscal year. This has been an ongoing license for products or similar mainframe products since the District installed the IBM mainframe. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through Information Technology funds in the amount of \$83,283.00. Contact person: Kurt Madden, telephone 457-3868.

**A-5, Approve the 2008/09 Operations Application for the K-3 Class Size Reduction (CSR) Funding Program**  
Included in the Board binders for Board certification and approval is the 2008/09 K-3 CSR Operations Application. As a condition for applying to receive K-3 CSR program funds, the Board must certify that the district intends to participate in the 2008/09 CSR program (SB-1777) and will implement the program in compliance with statutes and administrative provisions of the California Department of Education. For the 2008/09 K-3 CSR program, the district is eligible to apply utilizing last year’s CBED’s CSR program enrollment which equates to \$25.2 million based on \$1,071 per student as shown on the attached application. The Superintendent recommends approval. Fiscal Impact: The 2008/09 Unrestricted General Fund budget includes \$20.5 million in K-3 CSR state revenue. Contact person: Ruth Quinto, telephone 457-6226.

**A-6, APPROVE Award of RFP #2906, Design and Build a Ropes Challenge Course at DeWolf High School**  
Included in the Board binders is information on RFP #2906, Design and Build a Ropes Challenge Course at DeWolf High School. A ropes course is a challenging outdoor personal development and team building activity consisting of high and low elements including special safety features. DeWolf previously had a ropes course, which was considered a component of its educational program. The request for proposal was lawfully advertised on August 20, 2008, and August 27, 2008. The bids were opened on September 17, 2008. Bid specifications were sent to five (5) vendors, and the district received two (2) responses. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- Signature Research Inc., Douglas, GA                      \$54,500.00

Fiscal Impact: Sufficient funds of \$54,500.00 are available in the 2008/09 Unrestricted General Fund budget. Contact person: Deo Persaud, telephone 457-3134.

A. CONSENT AGENDA – continued

**A-7, APPROVE Request for Qualifications (RFQ) #2907, School Facility Planning/Land Acquisition/Disposition and Relocation Consulting Firms**

Included in the Board binders is information on RFQ #2907. The RFQ was issued to establish a list of qualified companies to provide comprehensive professional property negotiation, land acquisition, land disposition, school planning and relocation advisory services in accordance with state and federal regulations applicable to school districts. Sixteen (16) firms were sent invitations to respond; nine (9) submitted qualification statements. Responses were evaluated on each proposer's ability to meet or exceed the requirements set forth in the RFQ. Based on an extensive review, staff recommends approval of the following five (5) firms to provide professional services, on an as-needed basis, for a three (3) year period. The Superintendent recommends approval of the following best qualified respondents:

- Balch Land Services
- Oxbridge Development
- School Facilities Consultants
- Overland Pacific & Cutler, Inc.
- Paoli & O'Dell

Fiscal Impact: Funding will be established on a project by project basis. Contact person: Deo Persaud, telephone 457-3134.

**A-8, 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 #1: \$38,645.00. The new contract amount: \$2,972,545.00.  
This change order includes, but may not be limited to, unforeseen hazardous material abatement on Building "W", additional tack board, changes and modifications in finishes for the classrooms, and a credit for the deletion of countertops and casework painting.
2. Bid #2819 A, Fire Alarm System Upgrade at the Education Center  
Change Order #1: \$3,575.00. The new contract amount: \$118,575.00.  
This change order includes, but may not be limited to, furnish and install adaptor skirts for all audio/visual maintenance device boxes.

The Superintendent recommends ratification. Fiscal Impact: Sufficient funds are available in the 2008/09 budget: Bid #2815, Modernization of Bullard High School - Measure K and State Facility Fund: \$2,972,545.00 and Bid #2819 A, Fire Alarm System Upgrade at the Education Center Routine Restricted Maintenance Fund: \$118,575.00. Contact person: Deo Persaud, telephone 457-3134.

A. CONSENT AGENDA – continued

**A-9, 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 #2831 A, Asphalt Rehabilitation at Scandinavian Middle School
2. Bid #2831 B, Asphalt Rehabilitation at Mayfair Elementary School

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 Deferred Maintenance budget. Contact person: Deo Persaud, telephone 457-3134.

**A-10, DENY Claim #08-0409-0329 for Chloe Miller**

Included in the Board binders is a Claim for Damages for Chloe Miller, #08-0409-0329. The Superintendent recommends that the Claim be denied and the matter be referred to the District's Director of Benefits and Risk Management for further handling. Fiscal Impact: There is no financial impact. Contact person: Ruth Quinto, telephone 457-6226.

**A-11, DENY Claim #08-1008-0328 for Junus and Andrea Perry**

Included in the Board binders is a Claim for Damages for Junus and Andrea Perry, #08-1008-0328. The Superintendent recommends that the Claim be denied and the matter be referred to the District's Director of Benefits and Risk Management for further handling. Fiscal Impact: There is no financial impact. 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**

### **6:30 P.M.**

#### **B-12, APPROVE Funding for High Priority Athletic Facility Projects**

Included in the Board binders is a chart showing the high priority athletic facility projects for each of Fresno Unified's comprehensive high schools including the timeline and estimated costs. The Board is requested to approve \$4 million in additional funding to support completion of the projects, which were approved by the Board on March 12, 2008. When the Board approved the projects, \$9.7 million in funding was identified. Updated cost estimates for the projects indicate that a total of \$13.7 million will be required to fund the projects requested; therefore, additional funding is needed. When the bid awards for each project are presented to the Board for approval, construction costs will be confirmed. Sources of funding for the additional \$4 million have been identified and are recommended as shown in this table:

\$1,900,000	Tax Override Bond Fund
\$1,119,000	Measure K (School Facilities Fund)
\$777,000	Sale of Surplus Property (School Facilities Fund)
\$154,000	Unrestricted General Fund
\$50,000	Routine Restricted Maintenance Fund

The Superintendent recommends approval. Fiscal Impact: Funding of \$4,000,000 will be available in the 2008/09 budget – as noted in the table above. Contact person: Ruth Quinto, telephone 457-6226.

### **6:50 P.M.**

#### **B-13, PRESENT and APPROVE the Software System Implementation for Human Resources, Benefits and Payroll**

Available for review in the Board Office is a contract between Fresno Unified and Lawson Professional Services and Apriant Inc. for implementation services related to the Lawson enterprise resource planning (ERP) software approved by the Board for purchase on July 24, 2008. The ERP software for human capital management will upgrade and modernize the district's Human Resources, Benefits and Payroll software, and support our objectives to: streamline and automate business processes currently done manually; increase the reliability and accuracy of our data; and, provide the opportunity for self-service options for employees. The Board is requested to approve \$3.34 million in funding to support implementation of the software. The recommendation includes the following components:

Implementor – Lawson Professional Services	\$2,350,000
Project Manager – Apriant Inc.	\$507,000
4 FUSD positions	\$450,000
System performance testing	<u>\$35,000</u>
	\$3,342,000

The Superintendent recommends approval. Fiscal Impact: Total implementation cost is estimated at \$3.34 million. In addition, \$235,000 in contingency funds may be required. The 2008/09 budget includes \$1.2 million for this project in the Coregis reserve; additional funds will be budgeted for 2009/2010. Contact person: Kurt Madden, telephone 457-3868.

B. CONFERENCE/DISCUSSION AGENDA – continued

**7:15 P.M.**

**B-14, PRESENT the 2007/2008 Annual Report for the Community Advisory Committee (CAC) for Special Education**

Included in the Board binders is the 2007/2008 Annual Report for the Community Advisory Committee (CAC) for Special Education. An opportunity will be provided for the Assistant Superintendent and committee members to present the annual report to the Board of Education with regards to the development, amendment, review, and implementation of the Local Plan. The Local Plan serves as a legal document that describes how Fresno Unified provides services to students with exceptional needs. Contact person: Doug Jones, telephone 457-3226.

**7:30 P.M.**

**B-15, HOLD Public Hearing for Proposed Big Picture High School Charter**

Included in Board binders is a copy of the charter petition submitted on September 24, 2008, by lead developer Mr. Jon Morse, Sr. for a proposed Big Picture High School Charter. The Big Picture High School Charter proposes to target a wide range of students, including those who are at-risk, high-achieving, special education, English Language Learners or academically average. The targeted geographic area is West Central Fresno, which encompasses the Fresno High School attendance area. The charter high school proposes to serve students in grades 9-12, starting with approximately 120 students in grades 9 and 10 the first year and adding a grade in each of the next two years, to reach a maximum enrollment of 200 students by 2012/13. The proposed location for the charter is St. Therese Catholic Church, located at Wishon and Floradora Avenues. Fiscal Impact: The estimated fiscal impact for 2009-10 is \$554,484. Based on the assumption that all 120 students reside within Fresno Unified boundaries, fiscal impact was calculated based on total potential revenue limit income (\$781,546) minus the cost of teacher salaries (\$227,062). Contact person: Cindy Tucker, telephone 457-3874.

**7:50 P.M.**

**B-16, HOLD Public Hearing for Proposed MID-CAL Entrepreneurial and Mathematics Charter School (MID-CAL)**

Included in the Board binders is a copy of the charter petition submitted on October 9, 2008, by lead developer Doris Sims on behalf of MID-CAL Entrepreneurial and Mathematics Charter School, Inc. The local contact for MID-CAL is Mr. Samuel Doyle. The key component of the proposed MID-CAL charter educational program is entrepreneurial (economics) and mathematics education. The educational program seeks to enhance students' sense of empowerment and self-sufficiency and prepare students to "make a job" rather than simply "take a job". The charter will start with approximately 200 students in grades K-3 the first year; adding a grade in each of the next two years to reach a maximum enrollment of 390 students. The school will serve students in grades K-5 in the 93706 zip code in southwest Fresno at the proposed location at 1825 S. Delno Avenue. Fiscal Impact: The estimated fiscal impact for 2009/10 is \$514,394. Based on the assumption that all 200 students reside within Fresno Unified boundaries, fiscal impact was calculated based on total potential revenue limit income (\$1,131,844) minus the cost of teacher salaries (\$617,450). Contact person: Cindy Tucker, telephone 457-3874.

## **C. RECEIVE INFORMATION & REPORTS**

### **C-17, RECEIVE the Service Employees International Union (SEIU) CTW/CLC, Local 521 Proposal to Fresno Unified School District for the 2008/09 School Year**

In accordance with Government Code 3547, all initial proposals of the exclusive representative shall be presented at a public meeting of the public school employer, and thereafter shall be public record. Service Employees International Union (SEIU) CTW/CLC, Local 521 is herewith submitting its negotiations proposal for the 2008/09 school year. This proposal shall be available for public view in the Board of Education Office from November 12, 2008 to November 19, 2008. This proposal will be returned to the next agenda for public hearing and acknowledgement of receipt by the Fresno Unified Board of Education. Contact person: Kim Mecum, telephone 457-3548.

### **C-18, RECEIVE the Fresno Unified School District 2008/2009 Negotiations Proposal to Service Employees International Union (SEIU), CTW/CLC, Local 521**

In accordance with Government Code 3547, all initial proposals of the public school employers shall be presented at a public meeting of the public school employer, and there after shall be public record. The Fresno Unified School District is herewith submitting its negotiations proposal to Service Employees International Union (SEIU), CTW/CLC, Local 521 for the 2008/2009 school year. This proposal shall be available for public review in the Board of Education Office from November 12, 2008 to November 19, 2008. This proposal will be returned to the next agenda for a public hearing and adoption by the Fresno Unified Board of Education. Contact person: Kim Mecum, telephone 457-3548.

### **C-19, RECEIVE the Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare counties/AFL-CIO proposal to Fresno Unified School District for the 2008/2009 School Year**

In accordance with Government Code 3547, all initial proposals of the exclusive representative shall be presented at a public meeting of the public school employer, and thereafter shall be public record. The Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare counties/AFL-CIO is herewith submitting its negotiations proposal for the 2008/09 school year. This proposal shall be available for public view in the Board of Education Office from November 12, 2008 to November 19, 2008. This proposal will be returned to the next agenda for public hearing and acknowledgement of receipt by the Fresno Unified Board of Education. Contact person: Kim Mecum, telephone 457-3548.

### **C-20, RECEIVE Fresno Unified School District 2008/09 Negotiations Proposal to Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare Counties/AFL-CIO**

In accordance with Government Code 3547, all initial proposals of the public school employers shall be presented at a public meeting of the public school employer, and thereafter shall be public record. The Fresno Unified School District is herewith submitting its negotiations proposal to Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare counties/AFL-CIO for the 2008/2009 school year. This proposal shall be available for public review in the Board of Education Office from November 12, 2008 through November 19, 2008. This proposal will be returned to the next agenda for a public hearing and adoption by the Fresno Unified Board of Education. Contact person: Kim Mecum, telephone 457-3548.

C. RECEIVE INFORMATION & REPORTS – continued

**C-21, RECEIVE the Fresno Unified School District 2008/2009 Negotiations Proposal to California School Employees Association (CSEA), Chapter 125, White Collar Unit**

In accordance with Government Code 3547, all initial proposals of the public school employers shall be presented at a public meeting of the public school employer, and thereafter shall be public record. The Fresno Unified School District is herewith submitting its negotiations proposal to California School Employees Association (CSEA), Chapter 125, White Collar Unit for the 2008/2009 school year. This proposal shall be available for public review in the Board of Education Office from November 12, 2008 through November 19, 2008. This proposal will be returned to the next agenda for a public hearing and adoption by the Fresno Unified Board of Education. Contact person: Kim Mecum, telephone 457-3548.

**C-22, RECEIVE the Fresno Unified School District 2008/2009 Negotiations Proposal to California School Employees Association (CSEA), Chapter 143, Food Service Unit**

In accordance with Government Code 3547, all initial proposals of the public school employers shall be presented at a public meeting of the public school employer, and thereafter shall be public record. The Fresno Unified School District is herewith submitting its negotiations proposal to California School Employees Association (CSEA), Chapter 143, Food Service Unit for the 2008/2009 school year. This proposal shall be available for public review in the Board of Education Office from November 12, 2008 through November 19, 2008. This proposal will be returned to the next agenda for a public hearing and adoption by the Fresno Unified Board of Education. Contact person: Kim Mecum, telephone 457-3548.

**C-23, RECEIVE Fresno Unified School District's First Quarterly Investment Report for Fiscal Year 2008/09**

Included in the Board binders is the first quarterly investment report for the period ending September 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 September 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:

<b>County Treasury Investment Pool</b>	\$ 247,228,170
<b>Certificates of Participation</b>	\$ 176,154,104 **

\*\* 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 Quinto, telephone 457-6226.

**BOARD/SUPERINTENDENT COMMUNICATIONS**

**D. ADJOURNMENT**

**NEXT REGULAR MEETING:  
WEDNESDAY, NOVEMBER 19, 2008 - OPEN SESSION AT 5:30 P.M.**