

AGENDA

WEDNESDAY, NOVEMBER 19, 2008, 12:00 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.

***12:00 P.M., CALL TO ORDER** by the President; **RECESS** to Cabinet Room for Closed Session to discuss the following:

1. Public Employee Performance Evaluation – Government Code Section 54957
 - a. *District Superintendent*
2. Student Expulsions pursuant to Education Code Section 35146
3. 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
4. Public Employee Discipline/Dismissal/Release/Reassignment/Resignation
5. Public Employment/Appointment: - Government Code Section 54957
 - a. *Counselors*
 - b. *District Coordinators*
 - c. *Vice Principal/Program Manager*
6. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
 - a. *Fresno Unified School District vs. State Allocation Board and Office of Public Schools – Case No. 08-CECG01393*

**All times are approximate and subject to change*

3:15 P.M., RECONVENE in Open Session to **PRESENT** and **DISCUSS** the following:

3:15 P.M. to 5:15 P.M.
PRESENT and DISCUSS the
Board Workshop on Facilities Master Plan

This workshop will include a presentation by staff and the consultant Jacobs, on the Facilities Master Plan, followed with a discussion by the Board and staff on any topics contained in the presentation or related to the Facilities Master Plan. The topic to be covered during the presentation portion of the agenda is:

- Update on Facilities Master Plan Progress

Contact person: Ruth Quinto, telephone 457-6226.

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

Pledge of Allegiance

Mrs. Nellie Orona will lead us in the Pledge of Allegiance. Mrs. Orona is a grandparent and a dedicated volunteer crossing guard at Addams Elementary 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 Director of Student Activities Julie Peterson from Edison High School

The Board and Superintendent would like to recognize Julie Peterson, Director of Student Activities from Edison High School for being honored by the Carlston Family Foundation as Outstanding Teacher of the Year. The Carlston Family Foundation recognizes educators nationally who demonstrate the value of knowledge through their commitment to their students' academic successes. Tim Allen, Executive Director of the Carlston Family Foundation will present Ms. Peterson with a check to Edison High School in honor of her outstanding service to students. Contact person: Peri Lynn Turnbull, telephone 457-3904.

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 November 12, 2008, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Peter Summers, telephone 457-3340.

A-3, APPROVE Certificated Retiree Contract with Al Sanchez for Tioga Middle School

Included in the Board binders is a Certificated Retiree Contract with Al Sanchez to work with parents of Far Below Basic, Below Basic and English Learner students in regard to magnet program activities and setting and monitoring academic goals at Tioga Middle School. Mr. Sanchez has an existing Certificated Retiree Contract, in the amount of \$13,500. This contract is to mentor new Principals. The contract period is August 1, 2008 through June 30, 2009. That contract did not need Board approval since it was less than \$15,000. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Magnet Grant Funds in the amount of \$14,000.00. Contact person: Cindy Tucker, telephone 457-3874.

A-4, APPROVE Three Contracts with Various Clinical Sites for Fresno Adult School

Included in the Board binders are three Contracts for facility usage/training sites for Fresno Adult School's Medical Assistant Clinical and Administrative students. Students working at a clinical site will gain experience in terms of patient related instruction, and will progress substantially in performance. The clinical sites included are:

- Concentra Medical Centers, contract period November 19, 2008 through November 19, 2009
- N. S. Bala, M.D., contract period November 19, 2008 through June 30, 2011
- Vasanth M. Vishwanath, M.D., contract period November 19, 2008 through June 30, 2011

The Superintendent recommends approval. Fiscal Impact: There is no cost to the district. Contact person: John Marinovich, telephone 457-3887.

A. CONSENT AGENDA – continued

A-5, RATIFY an Independent Contractor Services Agreement with Springboard Schools for McLane, Fresno and Roosevelt High Schools

Included in the Board binders is an agreement with Springboard Schools to coach English Language Learner teachers and administrators at McLane, Fresno and Roosevelt High Schools. Each school will receive services that include: EL Secondary Network; collaborative development of a site work plan; participation in quarterly, day-long network meetings; and support for implementation of the Secondary English Learner student placement system. The contract began on October 1, 2008 and will end June 30, 2009. The Superintendent recommends ratification. Fiscal Impact: Funding will be provided through QEIA Funds at \$22,500 for each school site for a total cost of \$67,500.00. Contact person: Chris Evans, telephone 457-3728.

A-6, APPROVE Independent Contractor Services Agreement with Nancy Gray for Evaluation of the Magnet School Assistance Program Grant and Smaller Learning Communities Program Grants for Duncan, Hoover, and McLane High Schools

Included in the Board Binders is an Independent Contractor Services Agreement with Nancy Gray to conduct an in depth evaluation of four currently funded federal grants. This contract provides for evaluation of the 2007/2010 Magnet School Assistance Program grant and three Smaller Learning Communities grants, including those at Hoover, McLane and Duncan High Schools. The contract will commence on November 20, 2008 and will end on June 30, 2009. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Magnet School Assistance Program grant (\$18,000) and the Smaller Learning Communities Program grants (Hoover, \$24,000; McLane, \$10,000; and Duncan, \$10,000). Contact person: Cindy Tucker, telephone 457-3874.

A-7, APPROVE a Contract between Fresno Unified School District and Goodfellow Occupational Therapy Services

Included in the Board binders is a copy of the Contract with Goodfellow Occupational Therapy Services to provide Occupational Therapy (OT) services to students with IEPs who require the service to make progress in their academic program. Goodfellow Occupational Therapy Services has staff available to provide services (up to 4 days per week with 2 OTs) for the duration of the school year. The contract will commence on November 20, 2008 and will end on June 12, 2008.

The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Special Education budget in the amount of \$160,000.00. Contact person: Doug Jones, telephone 457-3226.

A-8, APPROVE a Renewal Contract Microsoft Annual Premier Support Plan

Included in the Board binders is a proposal from Microsoft for the renewal of the Premier Support Plan service for the district. This contract is for annual Microsoft product support. This is Microsoft's base support package for districts and government agencies, and is critical to Fresno Unified staff being able to support the district's technology. Under the proposed Premier Support agreement, Microsoft will resolve specific technical issues; provide advice and guidance on operational and product topics. This contract will commence on December 17, 2008 and will end December 16, 2009. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Information Technology Funds for total cost of \$57,160.00. Contact person: Kurt Madden, telephone 457-3868.

A. CONSENT AGENDA – continued

A-9, APPROVE Adoption Agreement for the 403(b) Plan Document

Included in the Board binders is Fresno Unified's 403(b) Adoption Agreement, which includes the Plan Document describing the 403(b) plan offered to district employees. IRS Regulations that become effective January 1, 2009 impose additional recordkeeping requirements and fiduciary responsibilities on educational and non-profit employers that provide 403(b) tax deferred compensation plans to their employees. The regulations require employers to: maintain a legally binding Plan Document; more closely monitor employee contributions and investment providers; and, approve transfers and distributions, and certain loans, from employees' 403(b) accounts. The Superintendent recommends approval. Fiscal Impact: There is no financial impact. Contact person: Ruth Quinto, telephone 457-6226.

A-10, APPROVE Out of State Field Trip Requests for Various High Schools

Included in the Board binders are requests for out of state field trips for the following sites.

- Roosevelt High School
 - Las Vegas, Nevada to allow boys' basketball to attend a basketball tournament (December 25 – 30, 2008)
 - Ashland, Oregon to allow the drama class to attend the Shakespeare Festival (March 5 – 8, 2009)
- Edison High School: Reno, Nevada to allow the wrestling team to attend a wrestling tournament (December 27 – 30, 2008)
- Sunnyside High School: Ivy League Tour (April 1 – 10, 2009)
- Bullard Band: New York for National Festival of the States (April 2 – 7, 2009)

The Superintendent recommends approval. Fiscal Impact: Total cost of each of the field trips will be paid through fundraising efforts and personal donations. Contact person: John Marinovich, telephone 457-3887.

A-11, APPROVE a Five-Year Carl D. Perkins Career Technical Education Plans for Secondary and Postsecondary (Adult School)

Included in the Board Binder are copies of the 2008/2012 Five-Year Perkins Plans for the secondary and postsecondary (Adult School) Career Technical Education (CTE) programs. The Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 (Perkins IV) authorizes federal funding assistance to secondary and postsecondary career technical education programs. As a condition of receiving these funds, eligible recipients must submit a Five-Year Perkins Plan that provides required descriptions and assurances related to the administration and use of these funds. The Superintendent recommends approval. Fiscal Impact: There is no financial impact to the District related to these plans. Contact person: Tracewell Hanrahan, telephone 238-5588.

A. CONSENT AGENDA – continued

A-12, APPROVE Submission of Edison High School’s Specialized Secondary Program (SSP) Grant Application to the California Department of Education

Included in the Board binders is application material for the California Department of Education Specialized Secondary Program (SSP) Grant. The purpose of the program is to develop new rigorous courses that emphasize advanced, in-depth study of a targeted content area and to create new engineering and technology courses that would enhance the school’s current magnet program. The Superintendent recommends approval. Fiscal Impact: Grant funds will cover all program costs. Funding is for four years: Year 1 – Planning Grant (\$35,000); Year 2 – Implementation (\$125,000); Year 3 – Implementation (\$75,000); and Year 4 – Implementation (\$50,000) for a total funding of \$285,000. Contact person: Barbara Bengel, telephone 457-3843.

A-13, ADOPT Resolution 2008-24, Support of Applications Requesting Grant Funding for Modernization Projects

Included in the Board binders is Resolution 2008-24, Support of Applications Requesting Grant Funding for Modernization Projects, which the Board is requested to adopt. Facilities staff is in the process of submitting several funding applications to the State Building Program for modernization funding, and adoption of this resolution is required as part of the application process. As a result of the district’s loss of self-certification, the State Office of Public School Construction is applying a higher level of scrutiny to Fresno Unified’s applications and has requested a Board resolution confirming that there have been no additional classrooms added. The Superintendent recommends adoption. Fiscal Impact: There is no financial impact. Contact person: Deo Persaud, telephone 457-3134.

A-14, ADOPT Resolution 2008-25, Health Care for All

Included in the Board binders is Resolution 2008-25 which supports *health care for all*. The Board of Trustees’ Legislative Committee has discussed certain specific legislation related to health care including the concepts of universal health care and a single-payer health care financing system. It was noted that Health Care Reform is addressed in the Board’s 2008/09 Legislative Platform (unanimously adopted April 9, 2008). It states “*The district supports legislation that would promote the efficient and cost effective delivery of health care services, while maintaining the district’s authority to negotiate all aspects of health care benefits with its employee representatives.*” The Superintendent recommends adoption. Fiscal Impact: There is no financial impact. Contact person: Ruth Quinto, telephone 457-6226.

A-15, ADOPT Resolutions 2008-26, 2008-27, 2008-28, 2008-29, 2008-30 and 2008-31, Amendments to General Obligation Bond Resolutions

Included in the Board binders are resolutions amending Fresno Unified’s existing General Obligation Bond Resolutions for the following bond issuances: 1995 Series D, E, G, H; and, 2001 Series B and C. Kinsell, Newcomb & De Dios, Inc., the Underwriter for these issuances, recommends amending the resolutions to provide an alternative procedure for exercising the optional redemption rights. The Superintendent recommends adoption. Fiscal Impact: Fiscal Impact: There is no financial impact. Contact person: Ruth Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

A-16, RATIFY Change Order #1 to Bid #2830, Structural Repair/Restoration of J.E. Young Academic Center

Included in the Board binders is a Change Order and backup information for the following bid:

- Bid #2830, Structural Repair/Restoration of J.E. Young Academic Center. Change Order #1: \$38,625.70. The new contract amount: \$831,625.70. This change order includes, but may not be limited to, additional power outlets for projectors and motorized screens, remove and infill two existing doors and frames, provide new waste line connection, re-route electrical conduits to accommodate new roof structure, provide new signage and numerous modifications for structural soundness.

The Superintendent recommends ratification. Fiscal Impact: Sufficient funds of \$831,625.70 are available in the 2008/09 Deferred Maintenance and Routine Restricted Maintenance budgets. Contact person: Deo Persaud, telephone 457-3134.

A-17, REJECT Bid #2910, Wheel Chair Lift Installation at Fresno High School

Included in the Board binders is information on Bid #2910, Wheel Chair Lift Installation at Fresno High School. This bid is to provide and install a wheel chair lift in Royce Hall Auditorium at Fresno High School. The bid was advertised as required by law on September 25, 2008, and October 2, 2008. The bids were opened on October 23, 2008. Bid specifications were sent to five (5) vendors and the district received two (2) responses. The Superintendent recommends all bids be rejected. Contact person: Deo Persaud, telephone 457-3134.

A-18, 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 #2814, Re-Roofing of Bullard High School
Fiscal Impact: Measure K and State Facility Program
2. Bid #2830, Structural Repair/Restoration of J.E. Young Academic Center
3. Bid #2831C, Asphalt Rehabilitation at Wishon Elementary School
4. Bid #2838 B, Asphalt Rehabilitation at Pyle Elementary School
Fiscal Impact: Deferred Maintenance for Bids 2830, 2831C, and 2838B.

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 noted. Contact person: Deo Persaud, telephone 457-3134.

A-19, DENY Claim #08-0923-0302 for Gina Pruneda

Included in the Board binders is a Claim for Damages for Gina Pruneda, #08-0923-0302. 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. CONSENT AGENDA – continued

A-20, RATIFY Purchase Orders from September 16, 2008, through October 20, 2008

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 four (4) is a list of Purchase Orders issued from September 16, 2008, through October 20, 2008. 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. 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-21, DISCUSS and HOLD a Public Hearing to APPROVE AB430 Waiver Submission to the California State Board of Education at its January 2009 Meeting

The purpose of this item is for the board to approve a waiver submission to the California State Board of Education regarding AB 430 funding. Fresno Unified School District requests that, in addition to Principals and Assistant Principals being involved in AB430 training during the 2008/2010 funding cycle the positions of Guidance Learning Coordinator and Program Manager also be eligible for the training and reimbursement. The Superintendent recommends approval. Fiscal Impact: \$98,000 of training costs would be funded through AB430. Contact person: Cindy Tucker, telephone 457-3874.

B. CONFERENCE/DISCUSSION AGENDA

6:50 P.M.

B-22, OPPORTUNITY for Public Discussion of the Service Employees International Union (SEIU), CTW/CLC, Local 521 Proposal for the 2008/2009 School Year and ACKNOWLEDGEMENT of Receipt

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 Service Employees International Union (SEIU), CTW/CLC, Local 521 negotiations proposal was initially made public at the November 12 meeting of the Board of Education. This proposal is hereby returned to this agenda for formal presentation, public hearing and acknowledgement of receipt. Contact person: Kim Mecum, telephone 457-3548.

6:55 P.M.

B-23, OPPORTUNITY for Public Discussion and ADOPT the Fresno Unified School District's Proposal to the Service Employees International Union, (SEIU), CTW/CLC, Local 521 for the 2008/09 School Year

In accordance with Public Notice Section 3547 of the Government Code, all initial proposals of public school employers and employee bargaining units are to be presented at a public meeting of the public school employer, and thereafter shall be public record. Included in the Board binders is the Fresno Unified School District's initial proposal to the Service Employees International Union, (SEIU), CTW/CLC, Local 521 for the 2008-2009 school year presented at the November 12, 2008 meeting of the Board of Education and returned to this agenda for public discussion and Board adoption. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3548.

7:00 P.M.

B-24, OPPORTUNITY for Public Discussion and ADOPT the Fresno Unified School District's Proposal to California School Employees Association (CSEA), Chapter 125, White Collar Unit for the 2008/09 School Year

In accordance with Public Notice Section 3547 of the Government Code, all initial proposals of public school employers and employee bargaining units are to be presented at a public meeting of the public school employer, and thereafter shall be public record. Included in the Board binder is the Fresno Unified School District's initial proposal to California School Employees Association (CSEA), Chapter 125, White Collar Unit for the 2008-09 School Year presented at the November 12, 2008 meeting of the Board of Education and returned to this agenda for public discussion and Board adoption. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3548.

B. CONFERENCE/DISCUSSION AGENDA

7:05 P.M.

B-25, OPPORTUNITY for Public Discussion and ADOPT the Fresno Unified School District's Proposal to California School Employees Association (CSEA), Chapter 143, Food Service Unit for the 2008/09 School Year

In accordance with Public Notice Section 3547 of the Government Code, all initial proposals of public school employers and employee bargaining units are to be presented at a public meeting of the public school employer, and thereafter shall be public record. Included in the Board binder is the Fresno Unified School District's initial proposal to California School Employees Association (CSEA), Chapter 143, Food Service Unit for the 2008-09 School Year presented at the November 12, 2008 meeting of the Board of Education and returned to this agenda for public discussion and Board adoption. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3548.

7:10 P.M.

B-26, OPPORTUNITY for Public Discussion of the Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare Counties/AFL-CIO Proposal for the 2008/2009 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 Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare Counties/AFL-CIO negotiations proposal was initially made public at the November 12 meeting of the Board of Education. This proposal is hereby returned to this agenda for formal presentation, public hearing and acknowledgement of receipt. Contact person: Kim Mecum, telephone 457-3548.

7:15 P.M.

B-27, OPPORTUNITY for Public Discussion and ADOPT the Fresno Unified School District's Proposal to Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare Counties/AFL-CIO for the 2008/09 School Year

In accordance with Public Notice Section 3547 of the Government Code, all initial proposals of public school employers and employee bargaining units are to be presented at a public meeting of the public school employer, and thereafter shall be public record. Included in the Board binder is the Fresno Unified School District's initial proposal to Building and Construction Trades Council of Fresno, Madera, Kings, and Tulare Counties/AFL-CIO for the 2008-09 School Year presented at the November 12, 2008 meeting of the Board of Education and returned to this agenda for public discussion and Board adoption. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3548.

C. RECEIVE INFORMATION & REPORTS

C-28, RECEIVE Constituent Services Quarterly Reporting for the Period of August 1, 2008 through October 31, 2008

Included in the Board binders is the Constituent Services Quarterly Reporting for Constituent Services activities for the time period of August 1st, 2008 through October 31st, 2008. Also included is the Quarterly Reporting for the Valenzuela/ Williams Uniform Complaint Procedures reporting for August 1st, 2008 through October 31st, 2008 in accordance with Education Code §35186. Contact person: Miguel Arias, telephone 457-3736.

BOARD/SUPERINTENDENT COMMUNICATIONS

D. ADJOURNMENT

**NEXT REGULAR MEETING:
WEDNESDAY, DECEMBER 10, 2008 - OPEN SESSION AT 5:30 P.M.**