

## **AGENDA**

### **WEDNESDAY, NOVEMBER 4, 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, 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.

**\*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. *Principal*
5. Public Employee Performance Evaluation – Government Code Section 54957
  - a. *District Superintendent*
6. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
  - a. *Zepeda & De La Garza vs. Fresno Unified School District Risk Management Case No. 06CECG 02454 MWS*
7. 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**

Mrs. Gomez will lead us in the Pledge of Allegiance. Mrs. Gomez is currently a parent member on the School Site Council at Tehipite Middle School. She recently graduated from a nine weeks parent program provided by the Parent Institute for Quality Education (PIQE) to support and monitor her children's academic progress.

**APPROVE Minutes**

Included in the Board binders are the draft minutes for June 17, 2009, Regular Meeting, and June 29, 2009, Special Meeting. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3882.

**HEAR Reports from Student Board Representatives**

An opportunity is provided to hear comments/reports from Student Board Representatives from Fresno High School. Contact person: Chris Evans, 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 member of the community so requests, in which event, the item(s) will be considered following approval of the Consent Agenda. The Superintendent recommends approval or adoption of the following, with a roll call vote:

**A. CONSENT AGENDA**

**A-1, APPROVE Personnel List**

Included in the Board binders is the Personnel List, Appendix A, as submitted. The Superintendent recommends approval. Contact person: Kim Mecum, telephone 457-3593.

**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 21, 2009, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Cindy Tucker, telephone 457-3874.

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 9, 2009. 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 Creation of Capacity Building Sub-Committee**

The purpose of this item is to approve the creation of the Capacity Building Sub-Committee appointed by the Board President at the Special Board meeting held on October 4, 2009. The sub-committee will develop and implement protocols for new incoming board members and efficiently communicate key aspects of the district's prioritized focus areas and solicit input and support as appropriate. The sub-committee consists of Members Asadoorian, Moore, and Ryan. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the District. Contact person: Michael E. Hanson, telephone 457-3884.

**A-5, APPROVE Appointment to the Facilities Ad hoc Advisory Committee**

Board approval of the Facilities Master Plan on April 29, 2009 included extending the Facilities Ad hoc Advisory Committee (FAAC) for one year to assist with prioritization of projects within high school areas; community outreach/leadership; and planning facilities for adult education, career technical education, special education, alternative education and community day school. Trustee Moore has nominated Russell Minick for appointment to the FAAC. Mr. Minick's nomination form is attached. His residence is within Fresno Unified boundaries, and he is not an employee, vendor, or contractor of the district. Mr. Minick is a graduate of Hoover High School and UC Berkeley, and spent 20 years as a member of The Fresno Bee's editorial board. The Superintendent recommends approval. Fiscal Impact: There is no financial impact. Contact person: Karin Temple, telephone 457-3134.

**A-6, REJECT Bid #2925 A, All-Weather Track and Irrigation Improvements at Bullard High School**

Included in the Board binders is information on Bid #2925 A. This project is to construct all-weather track and irrigation improvements at Bullard High School. The request for bid was lawfully advertised on February 10, 2009, and February 17, 2009. The bids were opened on March 3, 2009. Bid specifications were sent to twenty-four (24) vendors, and the district received eleven (11) responses. The Superintendent recommends to reject all bids. Fiscal Impact: There is no fiscal impact to the District. Contact person: Karin Temple, telephone 457-3134.

A. CONSENT AGENDA – continued

**A-7, REJECT Bid #2942 D, Lighting Improvements at Bullard High School**

Included in the Board binders is information on Bid #2942 D. This project is to provide lighting improvements at the track facility at Bullard High School. The request for bid was lawfully advertised on April 6, 2009, and April 13, 2009. The bids were opened on April 23, 2009. Bid specifications were sent to eleven (11) vendors, and the district received nine (9) responses. The Superintendent recommends to reject all bids. Fiscal Impact: There is no fiscal impact to the District. Contact person: Karin Temple, telephone 457-3134.

**A-8, AWARD of Bid #090907, Modernization of Robinson and Figarden Elementary Schools**

Included in the Board binders is information on Bid #090907. This project is to remodel six classrooms and the faculty lounge at Figarden Elementary School; 22 classrooms and the administration building at Robinson Elementary School; and the boys and girls restrooms for compliance with the Americans with Disabilities Act at both schools. The request for bid was lawfully advertised on September 8, 2009, and September 15, 2009. The bids were opened on October 15, 2009. Bid specifications were sent to nineteen vendors (19), and the district received (12) responses. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- BVI Construction, Inc. (Selma, California) \$1,713,000.00

Fiscal Impact: Sufficient funds of \$1,922,000.00 are available in the 2009/10 Measure K budget. Contact person: Karin Temple, telephone 457-3134.

**A-9, AWARD of Bid #090909, Modernization of Starr Elementary School**

Included in the Board binders is information on Bid #090909. This project is to modernize 18 classrooms, the multi-purpose room, library, computer lab, school office, staff lounge, student restrooms and staff restrooms for compliance with the Americans with Disabilities Act at Starr Elementary School. The request for bid was lawfully advertised on September 10, 2009, and September 17, 2009. The bids were opened on October 8, 2009. Bid specifications were sent to seventeen (17) vendors, and the district received thirteen (13) responses. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- R.L. Crawford Construction Co., Inc. (Tulare, California) \$1,922,000.00

Fiscal Impact: Sufficient funds of \$1,922,000.00 are available in the 2009/10 Measure K budget. Contact person: Karin Temple, telephone 457-3134.

A. CONSENT AGENDA – continued

**A-10, RATIFY Change Orders for the Projects Listed Below**

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

**1. Bid #2923, Modernization of Yosemite Middle School, Phase 2**

**Change Order #1: \$18,463.10.** The new contract amount: \$716,058.10. This change order includes, but may not be limited to, patch stucco wall holes; remove chalkboard and floor tile and relocate cabinet; repair concrete holes on west wall; furnish and install light switches in storage rooms; furnish and install one door contact; furnish and install one smoke detector; furnish and install four attic heat detectors; furnish and install new light switch/control; relocate clock and light power circuits; plumbing work in boys restroom; and furnish and install new tactile exit sign. *Fiscal Impact: Sufficient funds are available in the 2009/10 in the Measure K budget.*

**2. Bid #2930, Modernization of Tioga Middle School**

**Change Order #1: \$68,636.32.** The new contract amount: \$3,040,736.32. This change order includes, but may not be limited to, furnish and install new window assembly in office building; relocate all existing electrical panels; replace entry walkway concrete in office building; replace window sills and door casings in various campus buildings; furnish and install substitute light fixtures in various campus buildings; install concrete mow strip around Americans with Disabilities Act compliance ramp; replace ceiling installation in Building “D”; floor preparation in Building “G”; and modify casework in Building “D.” *Fiscal Impact: Sufficient funds are available in the 2009/10 Measure K budget.*

**3. Bid #2932, Southeast Elementary Temporary Site Construction**

**Change Order #1: \$21,448.87.** The new contract amount: \$560,848.87. This change order includes, but may not be limited to, furnish and install chain link fence and gates at west parking area; additional drinking fountain and restroom site work for ADA compliance; furnish and install cable television wiring, paging system, and asphalt concrete to accommodate 21 portables; remove concrete footings; furnish and install chain link fence gate at west of play court area; and credit to remove exterior painting of portables and shade structure from scope of work. *Fiscal Impact: Sufficient funds are available in the 2009/10 Developer Fees budget.*

**4. Bid #2935, Bullard Modernization, Phase E**

**Change Order #2: \$5,156.00.** The new contract amount: \$3,915,481.00. This change order includes, but may not be limited to, new ceiling in Building “N” girls and boys restrooms; install attic heat detectors and ceiling heat detector in multi-use room and snack bar; install fire/smoke dampers in Building “K”; perform plumbing, mechanical, installation, flooring and window work on site; credit for speakers in Building “N”; and credit for exterior light fixtures at all corridors. *Fiscal Impact: Sufficient funds are available in the 2009/10 Measure K budget.*

A. CONSENT AGENDA – continued

**A-10, RATIFY Change Orders for the Projects Listed Below – *continued***

**5. Bid #2935, Bullard Modernization, Phase E**

**Change Order #3: \$72,091.00.** The new contract amount: \$3,987,572.00. This change order includes, but may not be limited to, provide mechanical, demolition and electrical work for buildings “N” and “O”; install new door and re-size entrance, and concrete sidewalk work at buildings ”O”, “K”, and “N”; install accessible ramps at north parking lot of Building “K”; provide acoustical ceiling work and paint windows; install darken drapes in Multi-purpose Building; re-size two door openings; demolition of electrical conduits in teachers lounge; install intrusion panel run from Building “K” to Building “L”; install type “H” fixtures in courtroom; install valve access panels in buildings “N” and “K” restrooms; trench and replace 3” gate valve; and credit for Building “K” sod. *Fiscal Impact: Sufficient funds are available in the 2009/10 Measure K budget.*

The Superintendent recommends ratification. Contact person: Karin Temple, 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**

**6:15 P.M.**

**B-11, PRESENT Update on the Implementation of the Recommendations of the Superintendent’s English Learners Task Force**

The purpose of this item is to provide an update on the implementation of the recommendations of the Superintendent’s English Learners Task Force to the Board of Education. This presentation will include an overview of the key recommendations currently being implemented in our district and their impact on student learning. Additionally, it will outline barriers and projected timelines. Contact person: Maria Maldonado, telephone 457-3916.

B. CONFERENCE/DISCUSSION AGENDA – continued

**6:40 P.M.**

**B-12, APPROVE Facilities Ad-hoc Advisory Committee Recommendation Regarding Facilities Master Plan Financing Strategy and Direct Staff to Proceed with Related Actions**

At the October 8, 2009 meeting of the Facilities Ad-hoc Advisory Committee (FAAC), the primary agenda topic was “discuss/approve recommendation for Facilities Master Plan funding sources.” The Committee received an overview of current district bond authorizations and alternatives for raising the estimated \$940 million needed for implementation of the Facilities Master Plan. Given the limited funding sources currently available, a local school facilities bond measure will be needed to provide the funds required for full implementation of Master Plan projects. The Superintendent recommends approval. Fiscal Impact: There is no financial impact of approving this recommendation. Contact person: Karin Temple, telephone 457-3134.

**C. RECEIVE INFORMATION & REPORTS**

**C-13, RECEIVE Revisions to Fresno Unified School District’s (Uniform Complaint and School Personnel Complaint Forms)**

Included in the Board binders are technical changes for the Constituent Services forms (E1312.3(a), E1312.3(b) and E1312.1(a) and E265(a), in order to facilitate communication with constituents. Changes are highlighted in yellow. Contact person: Teresa Plascencia, telephone 457-3736.

**C-14, RECEIVE Fresno Unified School District’s First Quarterly Investment Report for Fiscal Year 2009/10**

Included in the Board binders is the first quarter investment report for the period ending September 30, 2009. Board Policy 3430(a) requires the Superintendent, or designee, to supply the Board of Education with quarterly and annual reports on District investments. As of September 30, 2009, Fresno Unified School District is in compliance with Board Policy 3430(a) for investments. District funds are invested in a manner that meets the primary objective of safeguarding the principal of the funds and serving the District’s liquidity needs. District funds are invested as follows:

<b>County Treasury Investment Pool</b>	<b>\$ 203,995,199</b>
<b>Certificates of Participation</b>	<b>\$ 138,563,939 **</b>

\*\* This amount represents escrow funds held by trustees at U.S. Bank. These funds are invested in United States Treasury Bills and Notes, which are backed by U.S. Federal Government.

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

**BOARD/SUPERINTENDENT COMMUNICATIONS**

**D. ADJOURNMENT**

**NEXT REGULAR MEETING:  
WEDNESDAY, NOVEMBER 18, 2009 – OPEN SESSION AT 5:30 P.M.**