



**BOARD OF EDUCATION  
REGULAR MEETING**  
2309 TULARE STREET  
BOARD ROOM, SECOND FLOOR  
FRESNO, CA 93721-2287  
<http://www.fresnounified.org/board>

## **AGENDA WEDNESDAY, SEPTEMBER 23, 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 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

### **2:00 P.M. TO 4:00 P.M. DISCUSS the Board Self-Evaluation**

The Board of Trustees of Fresno Unified School District will have an opportunity to discuss the board's self-evaluation process to assess the governance team's performance in making decisions and setting policy that leads to systemwide improvement and in particular the achievement of the board-adopted Goals and Core Beliefs and Commitments. Contact Person: Valerie F. Davis, telephone 457-3727.

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

**\*4:30 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. *Financial Analyst*
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
  - a. *John “Tim” Thomas vs. FUSD Workers’ Compensation Settlement*  
*Case No’s: 91-0151; 92-5675; 95-1152; 98-0696*
6. Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9(b).)
  - a. Significant Exposure to Litigation: (1) potential case.

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

### **Pledge of Allegiance**

Mrs. JoAnn Lima, a grandparent from Addicott Elementary School will lead us in the Pledge of Allegiance. Mrs. JoAnn Lima is a parent who is very committed to all of the students she comes in contact with daily. Addicott is very pleased to have this wonderful parent as part of their school family.

### **ADOPT Resolution in Recognition of Hispanic Heritage Month from September 15 through October 15**

Included in the Board binders is a Resolution recognizing the month of September 15 through October 15, 2009, as Hispanic Heritage Month. All schools are encouraged to commemorate this time with appropriate instructional activities. The Superintendent recommends adoption. Contact person: Miguel A. Arias, telephone 457-3736.

### **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 August 26, 2009, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Cindy Tucker, telephone 457-3874.

### **A-3, APPROVE Two Services Agreements with MCF Consulting, Inc., and with CSBA's Practi-Cal for MAA and Medi-Cal Reimbursement Services**

Included in the Board binders are two Services Agreements with:

- MCF Consulting, Inc., to provide services related to reimbursement claiming for Medi-Cal Administrative Activities (MAA).
- CSBA's Practi-Cal for Medi-Cal billing services will provide Medi-Cal billing services through its Medi-Cal Services Program.

The term of the agreements will commence on September 25, 2009 and will end on June 30, 2010. The Superintendent recommends approval. Fiscal Impact: Funding will be provided through the Medi-Cal and Health Services budgets. The actual amount paid will be based on revenue generated in both programs. Based on last year's revenue earnings, MCF Consulting, Inc. would be paid \$105,000.00 and CSBA's Practi-Cal would be paid \$71,200.00 for contracted services. Contact person: Mabel Franks, telephone 457-3226.

### **A-4, APPROVE Six Independent Contractor Services Agreement with Collaborative Partners Participating in the Full Services Community Schools (FSCS) Grant Awarded in October 2008**

Included in the Board binders is a Matrix detailing Six Independent Contractor Services Agreements with various providers to improve educational and social outcomes for children and families by coordinating the delivery of comprehensive services at four school sites: Carver Academy, grades 5-8; King Elementary, grades K-4; Kirk Elementary, grades K-6; and Lincoln Elementary, grades K-6. The term of the agreements will commence upon Board approval and will end on September 30, 2010. The Superintendent recommends approval. Fiscal Impact: All program costs will be provided through the Full Services Community Schools grant for a total cost of \$271,663. A maximum of \$500,000 is available per year for the five year grant period. Contact person: Miguel A. Arias, telephone 457-3736.

A. CONSENT AGENDA – continued

**A-5, RATIFY Joint Apprenticeship Training Renewal Agreements for the Electrical Industries Training Program and the California Fire Fighters**

Included in the Board binders are the renewal agreements for allocation of apprenticeship training hours for the Joint Electrical Industries Training Trust: the Electrical Apprenticeship Training Program; the Sound and Communications Training Program; and the California Firefighters Joint Apprenticeship Committee. These agreements commenced on July 1, 2009 and will end June 30, 2010. The Superintendent recommends ratification. Fiscal Impact: The total allotment hours of 115,139 at \$5.06 per hour of training equates to a not-to-exceed amount of \$582,603.34. Contact person: Tracewell Hanrahan, telephone 238-5588.

**A-6, APPROVE Agreement with Facilities Inspection Services to Conduct School Facility Inspections in Compliance with the Williams Settlement**

For the Board's consideration is an agreement between Fresno Unified and Facilities Inspection Services to conduct school facility inspections to ensure the district complies with the "good repair" standard in the *Williams vs. California* (2004) settlement agreement. The agreement, which is available in the Board office, is effective September 28, 2009 through November 30, 2009 and is in the amount of \$25,000. The Superintendent recommends approval. Fiscal Impact: Sufficient funding of \$25,000 is available in the 2009/10 Unrestricted General Fund. Contact person: Karin Temple, telephone 457-3134.

**A-7, APPROVE Agreement with School Innovations & Advocacy for Services Related to Capital Improvement Program Implementation**

Included in the Board binders is an Agreement with School Innovations & Advocacy (SIA) to provide consultants that have significant expertise and experience in implementing large-scale capital improvement programs, including the coordination of project timelines with a variety of financing strategies, which are essential elements of the Facilities Master Plan. The term of the agreement will commence on September 24, 2009 and will end June 30, 2010. The Superintendent recommends approval. Fiscal Impact: Sufficient funds of \$106,000 are available in the 2009/10 General Fund and Developer Fees Fund. Contact person: Karin Temple, telephone 457-3134.

**A-8, APPROVE Appointment to the Facilities Ad hoc Advisory Committee, Phase II**

Trustee Ryan is nominating Nick Yovino for appointment to the FAAC. Mr. Yovino's nomination form is attached. He is former Director of Planning and Development for the City of Fresno, and is involved in a variety of community organizations. His residence is within Fresno Unified boundaries, and he is not an employee, vendor, or contractor of the district. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the District. Contact person: Karin Temple, telephone 457-3134.

A. CONSENT AGENDA – continued

**A-9, APPROVE Request for Bid #2945 Diesel Emissions Control – Particulate Matter Traps**

Included in the Board binders is information on Bid #2945 for the purchase of diesel emissions control particulate matter traps. The bid is for one year with the option of two additional one-year periods. The request for bid was lawfully advertised on June 10, 2009, and June 17, 2009. The bids were opened on June 25, 2009. Bid specifications were sent to twelve (12) vendors, and the district received seven (7) responses. This bid consists of two (2) groups: Bus Fleet and White Fleet. Staff recommends that all bids for the White Fleet be rejected. The Superintendent recommends award to the following lowest responsive and responsible bidder:

- Cummins West (Fresno, CA)                      \$139,914.00 (Bus Fleet only)

Fiscal Impact: Funding will be provided through a grant from the San Joaquin Valley Air Pollution Control District. Contact person: Karin Temple, telephone 457-3134.

**A-10, RATIFY Change Order for the Project Listed Below**

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

- Bid #2949 B (Birney), Automatic Irrigation Systems at Birney and Eaton Elementary Schools.  
Change Order #1: \$3,850.00. The new contract amount: \$233,550.00.  
This change order includes, but may not be limited to additional turf hydro-seeding to areas disturbed by previous construction and removal of temporary buildings. These areas were not included in the original bid.

Fiscal Impact: Sufficient funds of \$3,850.00, the amount of Change Order #1, are available in the Measure K budget. The total original contract amount was \$229,700.00. The new contract amount, including Change Order #1, will be \$233,550.00. Contact person: Karin Temple, telephone 457-3134.

**A-11, 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:

1. Bid #2920, Restroom Building Addition at Fresno High School.  
*Fiscal Impact: Quality Education Investment Act budget.*
2. Bid #2931 A, Phase 35A, Re-roofing at Gibson Elementary School.  
*Fiscal Impact: Deferred Maintenance budget (Measure K portion)*

The Superintendent recommends ratification. Fiscal Impact: The 10% retention will be released after ratification of the Notices of Completion and sufficient funds are available in the 2009/10 budgets as noted above. Contact person: Karin Temple, telephone 457-3134.

A. CONSENT AGENDA – continued

**A-12, RATIFY Purchase Orders from July 27, 2009, through August 20, 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 from July 27, 2009, through August 20, 2009. 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**

**6:30 P.M.**

**B-13, PRESENT the FUSD System of Support for Students: Major Academic Student Success Initiatives for the 2009/2010 School Year**

The purpose of this item is for staff to present to the Board of Education for its discussion the major academic student success initiatives for the 2009/2010 school year. This presentation will provide an overview of the key initiatives which will continue to drive student achievement and engagement. The Board will have an opportunity to “go deeper” in its understanding of the most important projects the District will be focused on this year, including mathematics, support for English Learners, and Advanced Placement. Contact person: Cindy Tucker, telephone 457-3874.

B. CONFERENCE/DISCUSSION AGENDA – continued

**7:15 P.M.**

**B-14, APPROVE Unaudited Actual Financial Report for Fiscal Year 2008/09, Year-End Budget Revision for 2008/09, and Gann Limit for 2009/10**

Included in the Board binders for the Board's consideration and approval are three reports: 2008/09 Unaudited Actual Financial Report, 2008/09 Year-End Budget Revision and the 2009/10 Gann Limit. The Superintendent recommends approval. Fiscal Impact: The year-end actual for 2008/09 shows that the District's reserve is significantly above the 1.33% required level. The chart on the following page illustrates the different components of the Unrestricted General Fund ending balance at June 30, 2009. Contact person: Ruth F. Quinto, telephone 457-6226.

**7:45 P.M.**

**B-15, HOLD Public HEARING and ADOPT (Ed Code 60119) Resolution in the Matter of Sufficiency of Instructional Materials**

Included in the Board binders is the Resolution in the Matter of Sufficiency of Instructional Materials. The governing Board of each school district is required to hold a public hearing and adopt a resolution stating whether each pupil, including English Learners, has standards – aligned textbooks and instructional materials in these subject areas: English Language Arts, Mathematics, History/Social Science, Science, Health (grades 7-12), Foreign Language (grades 7-12) and science equipment in grades 9-12. The Superintendent recommends adoption. Fiscal Impact: Funding will be provided by the State Instructional Realignment and Lottery allocation budgets. Contact person: Cindy Tucker, telephone 457-3874.

**7:50 P.M.**

**B-16, APPROVE an Independent Contractor Services Agreement with ViewPoint Learning, Inc.**

Included in the Board binders is an Independent Contractor Services Agreement with ViewPoint Learning, Inc. (VL) to assist in the district needs for an effective tool for understanding public priorities and engaging our entire district stakeholders in a way that is representative and effective. Facing difficult choices and rapidly shifting demographics, the district needs an effective tool for understanding public priorities and engaging the entire district in those tough decisions in a way that is representative and effective. The term of the agreement will commence upon Board approval and will end December 31, 2009. The Superintendent recommends approval. Fiscal Impact: Sufficient funds are available in the District Improvement funds for a total cost of \$165,000.00. Contact person: Miguel A. Arias, telephone 457-3736.

B. CONFERENCE/DISCUSSION AGENDA – continued

**8:10 P.M.**

**B-17, APPOINT Two Board Members and APPROVE Board Committee Assignments for Central Valley School Districts Financing Authority**

The title to the Clovis Unified Adult School property is owned by Central Valley Schools Financing Authority (CVSDF). This financing authority was active as a vehicle to assist members with certain finance and lease arrangements. According to the Lease Agreement for the Clovis Adult School, the title to the property should have been transferred to Clovis Unified after all the scheduled lease payments were made in 1992. All lease payments were made according to the lease schedule in 1992. CVSDF Authority Commission needs to conduct a meeting and transfer the Adult School property to CUSD. Therefore, the Fresno Unified Board of Education must appoint two new members to the Authority in order to replace former Board Members, Raymond Baker and David Wright. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the District. Contact person: Ruth F. Quinto, telephone 457-6226.

**8:20 P.M.**

**B-18, HOLD Public HEARING and DISCUSS Change to By-Trustee Area Method of Electing Board Members Effective for the November 2012 Election**

A public hearing will be held to discuss changing to the “by trustee area” method of election for Fresno Unified School District board members and initiating the process for that change to occur effective 2012. The discussion will include a review of the process the District will be required to follow to effectuate the change in the method of election including the procedure before the County Committee on School Organization, the demographic study and decennial census data necessary to prepare trustee area configurations and the waiver request process before the State Board of Education. Board action regarding the possible change to the by trustee area method of election will be scheduled for the October 14, 2009. Contact person: Miguel A. Arias, telephone 457-3736.

**C. RECEIVE INFORMATION & REPORTS**

**C-19, RECEIVE the Fresno Unified School District 2009/2010 Negotiations Proposal to the California School Employees Association, (CSEA), White Collar Unit, Chapter 125**

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 the California School Employees Association, (CSEA), White Collar Unit, Chapter 125. This proposal shall be available for public review in the Board of Education Office from September 23, 2009 to October 14, 2009. 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-20, RECEIVE the Fresno Unified School District 2009/2010 Negotiations Proposal to the California School Employees Association, (CSEA), Food Services Unit, Chapter 143**

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 the California School Employees Association, (CSEA), Food Services Unit, Chapter 143. This proposal shall be available for public review in the Board of Education Office from September 23, 2009 to October 14, 2009. 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-21, RECEIVE the Service Employees International Union, CTW/CLC, Local 521 (SEIU) Negotiations Proposal to Fresno Unified School District for the 2009/2010 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, CTW/CLC, Local 521 (SEIU) is herewith submitting its negotiations proposal for the 2009-10 school year. This proposal shall be available for public view in the Board of Education Office from September 23, 2009 to October 14, 2009. 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-22, RECEIVE the Fresno Unified School District 2009/2010 Negotiations Proposal to the Service Employees International Union, CTW/CLC, (SEIU), 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 thereafter shall be public record. The Fresno Unified School District is herewith submitting its negotiations proposal to the Service Employees International Union, CTW/CLC, (SEIU), Local 521. This proposal shall be available for public review in the Board of Education Office from September 23, 2009 to October 14, 2009. 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-23, RECEIVE the Fresno Unified School District 2009/2010 Negotiations Proposal to the 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 2009/2010 school year. This proposal shall be available for public review in the Board of Education Office from September 23, 2009 to October 14, 2009. 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.

**BOARD/SUPERINTENDENT COMMUNICATIONS**

**D. ADJOURNMENT**

**NEXT REGULAR MEETING:  
WEDNESDAY, OCTOBER 14, 2009 – OPEN SESSION AT 5:30 P.M.**