

## AMENDMENT

January 9, 2009

*(Page 3 – noted in Red)*

## AGENDA WEDNESDAY, JANUARY 14, 2009, 4:00 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.

**\*4:00 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. Assistant Superintendent
  - b. Associate Superintendent
  - c. Chief Academic Officer
  - d. Counselors
  - e. Executive Director
  - f. Food Services Operations Manager I
  - g. Purchasing Manager
  - h. Vice Principal I
  - i. Vice Principal III
5. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
  - a. *FURA vs. Fresno Unified School District – Case No 06 CE CG 03088.*
  - b. *Cynthia Wright vs. Fresno Unified’s Workers’ Comp Settlement Claim #201-0311*

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

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. Debra Delgado will lead us in the Pledge of Allegiance. Mrs. Debra Delgado is an outstanding member of the Wolters Community and deserves recognition. She is the PTA president and has tirelessly given of herself to the staff and students.

**HEAR Reports from Student Board Representatives**

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

**APPROVE Minutes**

Included in the Board binders are the draft minutes for October 8 and 15, 2008, Regular Meetings, October 27 and 30, 2008, Special Meetings, and November 12, 2008, Regular Meeting. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3882.

**HEAR Report from Superintendent**

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***RECESS for a Brief Reception Honoring the Outgoing and Incoming  
Board President and Board Clerk***

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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. CONSENT AGENDA – continued

**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 December 10, 2008, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Peter Summers, telephone 457-3340.

**A-3, ADOPT Proclamation of National Mentoring Month**

Included in the Board Binders is a proclamation declaring the month of January as National Mentoring Month. The Department of Prevention and Intervention, Mentoring Office would like to honor the dedication and commitment of volunteers (mentors) and community partners that are working to help our students fulfill their academic potential. The Superintendent recommends adoption. Fiscal Impact: There is no fiscal impact to the District. Contact person: Cindy Tucker, telephone 457-3874.

**A-4, ADOPT Resolutions 09-01 through 09-13 09-14 Delineating Authorized District Agents to Sign on Behalf of Fresno Unified School District**

Included in the Board binders are Resolutions 09-01 through 09-13 09-14 presented for adoption to update the roster of officials authorized to sign various business transactions on behalf of the District. All resolutions will be effective beginning January 14, 2009, until revoked or superseded. These Resolutions are updated from time to time depending on changes in Administrative Services, staff and/or Board of Education Members. At this time they are being updated due to Board Officers recently appointed. The Superintendent recommends adoption. Fiscal Impact: There is no cost to the District. Contact person: Ruth F. Quinto, telephone 457-6226.

**A-5, RATIFY Agreement with School Innovations & Advocacy for Facilities Consulting Services**

Included in the Board binders is an agreement between Fresno Unified and School Innovations & Advocacy (SIA) for assistance to the Facilities Planning and Management Department related to the Facilities Master Plan. The agreement is for the period of December 1, 2008 through June 30, 2009. The Superintendent recommends ratification. Fiscal Impact: Sufficient funds of \$52,500 are available in the 2008/09 General Fund budget. Contact person: Ruth F. Quinto, telephone 457-6226.

**A-6, RATIFY Submission of Fresh Fruit and Vegetable Program Grant Application to the California Department of Education**

Included in the Board binders is application material for the California Department of Education Fresh Fruit and Vegetable grant to provide all children in a participating school with a variety of free fresh fruit and vegetable snacks throughout the school day. Identified schools are: Anthony, Columbia, Greenberg, Lowell, Webster, Rowell, Hidalgo, Lincoln, Ewing, and Mayfair. The grant award period will be from January 1, 2009 through June 30, 2009. The Superintendent recommends ratification. Fiscal Impact: Grant funds will cover all program costs and selected schools will receive up to \$75 per student. Contact person: Barbara Bengel, telephone 457-3661.

A. CONSENT AGENDA – continued

**A-7, APPROVE Amendments to the Measure K Oversight Committee Bylaws**

The Measure K Oversight Committee Bylaws, with recommended amendments indicated in red, are included in the Board binders. The amendments have been approved by the Oversight Committee, and are now presented for Board approval as required by the Bylaws. The Bylaws as amended also state that the Chair is a voting member of the Committee, a point on which the current wording is unclear. Specifically, the Measure K Oversight Committee Bylaw amendments clarify:

- the number of Committee members needed to establish a quorum
- that the Chair is considered a member of the Committee

The Superintendent recommends approval. Fiscal Impact: There is no cost to the District. Contact person: Ruth F. Quinto, telephone 457-6226.

**A-8, APPROVE Authorization to Use the Waterford Unified School District Piggyback Contract for the Purchase of School Buses**

The Executive Director of Purchasing is requesting authorization to utilize the Waterford Unified School District contract to purchase Blue Bird buses from A-Z Bus Sales. These buses conform to the San Joaquin Valley Air Pollution Control District requirements for reduced exhaust emissions by using compressed natural gas. Use of the contract is in accordance with the provisions of Public Contract Code 20118. The Superintendent recommends approval. Fiscal Impact: Sufficient funds of \$56,353 are available in the 2008/09 Transportation budget. Contact person: Deo Persaud, telephone 457-3134.

**A-9, AWARD of Bid #2821, Lighting Retrofit at the Center for Professional Development**

Included in the Board binders is information on Bid #2821 to provide energy efficient lighting at the Center for Professional Development. The request for bid was lawfully advertised on October 28, 2008, and November 4, 2008. The bids were opened on November 18, 2008. Bid specifications were sent to seventeen (17) vendors, and the district received six (6) responses. It is recommended that low bidder Sargo Construction be rejected and found to be non-responsive, as they did not meet the licensing requirements. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- Fluoresco Lighting - Clovis, California                      \$31,900.00

Fiscal Impact: Sufficient funds of \$31,900.00 are available in the 2008/09 Deferred Maintenance budget. Contact person: Deo Persaud, telephone 457-3134.

**A-10, DENY Claim #08-1120-0376 for Minor**

Included in the Board binders is a Claim for Damages for Minor, Claim #08-1120-0376. The Superintendent recommends that the Claim be denied and the matter referred to the District's Director of Benefits and Risk Management for further handling. Fiscal Impact: There is no cost to the District. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA – continued

**A-11, RATIFY Purchase Orders from October 21, 2008, through November 17, 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. 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. Fiscal Impact: Funding is noted on the attached pages. 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-12, PRESENT an Update on District Support for Under Performing Schools**

Included in the board binders is a report outlining the District's response to underperforming schools in regards to QEIA. The presentation will include information on the development, implementation and refinement of actions to improve student learning at all nineteen QEIA schools. The QEIA grant provides the opportunity for the district to provide systemic and innovative solutions to solve longstanding issues. Contact person: Cindy Tucker, telephone 457-3874.

**6:50 P.M.**

**B-13, PRESENT an Overview of Governor's 2009/2010 Proposed State Education Budget**

Governor Schwarzenegger is scheduled to release his proposed 2009/2010 State Budget on January 9, 2009. Staff will attend a School Services of California workshop focused on the new budget on January 12, 2009, to receive the most updated information, which will then be presented to the Board at its January 14, 2009 meeting. The update will outline the Governor's preliminary 2009/2010 State Education Budget and how the proposal may affect Fresno Unified. Any backup material will be distributed to the Board at the January 14, 2009 meeting. Fiscal Impact: Will be included in support material. Contact person: Ruth F. Quinto, telephone 457-6226.

B. CONFERENCE/DISCUSSION AGENDA – continued

**7:20 P.M.**

**B-14, DISCUSS and APPROVE Appointments of Board Members to Committees and Organizations**

Included in the Board binders is a roster of organizations and committees to which Board Members are appointed each year. The Board President has solicited input from members as to their preferences and will take this opportunity to announce the appointments. Any organization or committee appointments that are contested by a Board Member will be brought to a vote if needed. The Board President recommends approval. Contact person: Valerie F. Davis, telephone 457-3727.

**C. RECEIVE INFORMATION & REPORTS**

**C-15, RECEIVE the California School Employees Association (CSEA), White Collar Unit, Chapter 125 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. California School Employees Association (CSEA), White Collar Unit, Chapter 125 is herewith submitting its negotiations proposal for the 2008-2009 school year. This proposal shall be available for public view in the Board of Education Office from January 14, 2009 to January 28, 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 457-3539.

**C-16, RECEIVE the California School Employees Association (CSEA), Food Service Unit, Chapter 143 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. California School Employees Association (CSEA), Food Service, Chapter 143 is herewith submitting its negotiations proposal for the 2008/2009 school year. This proposal shall be available for public view in the Board of Education Office from January 14, 2009 to January 28, 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 457-3539.

**BOARD/SUPERINTENDENT COMMUNICATIONS**

**D. ADJOURNMENT**

**NEXT REGULAR MEETING:  
WEDNESDAY, JANUARY 28, 2009 - OPEN SESSION AT 5:30 P.M.**