

MINUTES - BOARD OF EDUCATION REGULAR MEETING
Fresno Unified School District
April 15, 2009

Fresno, California
April 15, 2009

Office of the Board of Education, Fresno Unified School District, Education Center, 2309 Tulare Street, Fresno California 93721.

Regular Meeting

At a regular meeting of the Board of Education of Fresno Unified School District, held on April 15, 2009, there were present Members Asadoorian, Johnson, Mills, Ryan, Vang, and President Davis. Also present was Superintendent Hanson.

President Davis convened the meeting at 4:15 p.m. in the Board Room and immediately adjourned to Closed Session to address items 1 through 5. *Member Moore arrived at 4:35 p.m.* President Davis announced at 5:27 p.m. that the Board of Education will RECONVENE at 5:45 p.m. in the Board Room with Student Member Thomas present. *Student Member Facciani was absent.*

Staff Present

CFO Quinto, Associate Superintendents Aguilar, Marinovich, Mecum, Persaud, Tucker, CIO Turnbull, CTO Madden, Assistant Superintendents, Akhavan, Bengel, Coronado, Franks, Locker, Maldonado, and Smits. *Assistant Superintendent Evans was absent.*

Reporting Out of Closed Session

1. By a vote of 7-0-0, the Board took action in Closed Session to hire Brian Chiaito to Food Service Operations Manager I, Food Services department.

Pledge of Allegiance

Mr. Jeff Esraelian led the Pledge of Allegiance. He is a very active parent at Computech Middle School and is currently the PTSO President.

Reports from Student Board Representatives

Student Representative Katie Eleneke provided a report from Student Board Representatives meeting hosted by Hoover High School with Members Moore and Ryan present. Student Representative Eleneke introduced the student ambassadors' from Baird Middle School.

Minutes

APPROVED, as corrected by Members Mills and Ryan, the draft minutes for January 28, 2009, Regular Meeting and February 4, 2009, Special Meeting.

Member Mills noted two typographical corrections to page 17 of the January 28, 2009 draft minutes and with those noted corrections, moved for approval, seconded by Member Johnson.

Member Ryan noted a correction to the starting time of the draft minutes for February 4, 2009, special meeting.

President Davis stated a motion and a second have been made with noted corrections, which carried an 8-0-1 vote with *Student Member Facciani absent*.

Resolution in Recognizing the Month of April 2009 in Remembrance of Victims of Armenian Genocide

ADOPTED, as recommended, a Resolution recognizing April 2009, as remembrance of those who were victims of Armenian Genocide and urge all people to join in this important recognition. Schools throughout the district are encouraged to commemorate this occasion with instructional activities. Priest Aivazian of St. Paul Armenian Apostolic Church, Priest Gosdanian of Holly Trinity Armenian Apostolic Church and Senior Deacon Meher Checkerdemian of Holly Trinity Armenian Apostolic Church accepted the resolution.

Member Asadoorian moved for approval, seconded by Member Vang, which carried a roll call vote of 8-0-1 *with Student Member Facciani absent*.

Member Asadoorian read statement regarding the Armenian Genocide and through the opportunity of education that many generation of Armenian continue to grow and prosper.

Resolution Proclaiming Observance of April as School Library Media Month

ADOPTED, as recommended, Resolution calling for the observance of April as School Library Media Month in Fresno Unified School District. The theme this year is “*Worlds Connect @ Your Library*”. All schools are encouraged to celebrate this time with meaningful student activities. IMC/IMS Director Karen Tozlian and Librarian Liz Dodds accepted the resolution on behalf of all their colleagues and invited the Board to be a librarian for a day or an hour at Bullard High School.

Member Ryan moved for approval, seconded by Member Vang, which carried a roll call vote of 8-0-1 *with Student Member Facciani absent*.

Report from Superintendent Hanson

- Announced an Addendum to Agenda Items A-12 and A-13 and the Board is in receipt of the items and the material has been made available for the public.
- Announced the departure of Associate Superintendent Deo Persaud of Operational Services at the end of this school year to pursue a CBO position with Upland Unified School District in southern California.

Report from Superintendent Hanson – continued

- Recognized and Welcomed Associate Superintendent for Equity and Access Jorge Aguilar.
- Contract for Roosevelt High School – The Board approved a contract for Roosevelt High School as they pursue both the WASC and SAIT process. He introduced Mr. Fred VanLeuven who has been working with the secondary administration and thanked him for providing the work. He will provide the Board with periodical updates regarding the progress at Roosevelt.
- FUSD Receives Three California Distinguished School Awards
- FUSD’s Rosario Sanchez Finalist for 2009 County Administrator of the Year
- FUSD in Top 10 School Districts in Nation with Most Dell Scholarship Winners
- College Corps Kick Off Event this Saturday at Fresno State
- FUSD Schools Perform Well at Career Skills Challenge Event
- Roosevelt’s Virtual Enterprise Students Sweep Competition
- Upcoming Student Events:
 - The FFA State Conference will be held here in Fresno, where many of our students will be participating.
 - The Future Business Leaders of America State Conference will be held in Santa Clara April 23-26 and many of our students will be participating.
 - The Skills USA State Conference will also be held April 23-26 here in Fresno, where many of our Duncan High School students will participate.

On motion by Member Johnson, seconded by Member Vang, the Consent Agenda, exclusive of Agenda Items: A-8, A-11, and A-12, which were pulled for further discussion, was approved on a roll call vote of 8-0-1 as follows: Student Member Thomas, Members Asadoorian, Johnson, Mills, Moore, Ryan, Vang, and President Davis. *Student Member Facciani was absent.*

A. CONSENT AGENDA

A-1, Personnel List

APPROVED, as recommended, the Personnel List, Appendix A, as submitted.

A-2, Findings of Fact and Recommendations of District Administrative Board

ADOPTED, as recommended, the Findings of Fact and Recommendations of District Administrative Panels resulting from hearings on expulsion and readmittance cases conducted during the period since the March 25, 2009, Regular Board meeting.

A-3, Contract with UC Merced, Center for Educational Partnerships to Provide Research Services and Programming Support

APPROVED, as recommended, the Contract with UC Merced, Center for Educational Partnerships to provide data analysis and programming technical assistance and identify and measure the relationship between FUSD practices related to student achievement and the effect on creating equity and access for students. The contract will begin May 1, 2009 and will end June 30, 2009. The contract with UC Merced shall not exceed \$31,000.

A. CONSENT AGENDA – continued

A-4, Three-Year Extension of External Auditing Agreement with Perry-Smith, LLP

APPROVED, as recommended, a three-year contract extension for Perry-Smith, the District's external auditing firm, for audits for fiscal years 2008/09, 2009/10 and 2010/11. Fees for 2008/09 and 2009/10 will remain at the same rate as 2007/08 of \$125,000. Fees for 2010/11 will increase by five percent (5%) for a contract amount in 2010/11 of \$131,000. Funds are budgeted in the Unrestricted General Fund.

A-5, Change of Committee Name from Civic Capacity to the Civic Leadership Board Sub-Committee and Change in Composition of the Committee

RATIFIED, as recommended, the change the name of the committee from Civic Capacity to Civic Leadership Board Sub-Committee and to change the board members who will service on this sub-committee. Building civic leadership is a major part of the Board's ongoing sustainability work with the Center for the Reform of School Systems. Effective relationships with key community partners will enable the board to efficiently communicate key aspects of the district's prioritized focus areas and solicit input and support as appropriate. The board members nominated for this sub-committee are: Members Asadoorian, Ryan and President Davis.

A-6, Submission of the Readiness and Emergency Management for Schools Grant to the U. S. Department of Education

RATIFIED, as recommended, the application material for the Readiness and Emergency Management for Schools (REMS) grant will enable the District to continue and expand current preparation and training activities to ensure compliance with the National Incident Management System (required under Homeland Security State Plan). It will also fund an improved pandemic response plan; expand first aid and disaster relief training, refined parent notification systems, and evaluation of emergency drills and exercises. Districts with more than 75 schools are eligible to apply for up to \$500,000 to be spent over an 18-month period. All program costs will be covered by grant funds.

A-7, Change Order #2 to Bid #2820, Modernization of Calwa Elementary School

RATIFIED, as recommended, Change Order and backup information for the following bid:

- Bid #2820, Modernization of Calwa Elementary School. Change Order #2: \$57,000.72. The new contract amount: \$2,149,869.14. This change order includes, but may not be limited to, provide a "modesty" panel, a vinyl covered tackboard, additional plaster patching, demolition work to reposition restroom waste lines, additional electrical conduit work on the covered walkway roof, the repair of leaking pipes to drinking fountains, new framing to support existing soffit, replacement of countertop in the teachers' workroom, additional ceiling tile, additional heat detectors, new vertical blinds, and work to adapt classroom space for "Smart Boards."

Sufficient funds of \$57,000.72 are available in the 2008/09 Measure K budget. The original contract amount was \$2,024,500.00. The new contract amount, including this Change Order, will be \$2,149,869.14.

A-8, Award of Bid #2923, Phase 2, Modernization of Yosemite Middle School

PULLED for discussion.

A. CONSENT AGENDA – continued

A-9, Award of Bid #2924, Ceramic Tile Installation at Chavez Adult School

APPROVED, as recommended, Bid #2924 to remove and replace the existing vinyl tile in the first floor hallways with ceramic tile to the lowest responsive, responsible bidder:

- Visalia Ceramic Tile, Inc., Visalia California \$56,000.00

Sufficient funds of \$56,000.00 are available in the 2008/09 Chavez Adult School Direct Maintenance budget.

A-10, Award of Bid #2929, Storm Drainage Improvements at Fresno High School

APPROVED, as recommended, Bid #2929 to install an underground storm drain at Fresno High School to eliminate flooding that occurs in the area where the new girls' varsity softball field will be developed (east of the boys' baseball field) to the lowest responsive, responsible bidder:

- Witbro Inc. dba Seal Rite Paving & Grading, Clovis CA \$243,787.00

Sufficient funds of \$243,787.00 are available in the 2008/09 Measure K budget.

A-11, Award of Bid #2932, Relocatable Building Site Improvements at Southeast Elementary School

PULLED for discussion.

A-12, Award of Bid #2935 Phase E, Modernization of Bullard High School

PULLED for discussion.

A-13, Award of Bid #2939, Bleacher Improvements at Edison High School

APPROVED, as recommended, Bid #2939 to provide bleacher improvements at the Edison track, one of the district's high priority athletic facility projects. The existing portable bleachers are being replaced with metal bleachers on concrete risers to accommodate 500 spectators. The bleachers will have a wheelchair seating area and be 30 inches above the field to provide better visibility than the existing field-level bleachers. It is recommended that low bidder, The HC Brock Company, be rejected and found to be non-responsive as they did not meet the licensing requirements of holding a valid Class A, D-34 or D-48 Contractor's License. The Superintendent recommends award be to the lowest responsive, responsible bidder:

- Mass X, Inc., Fresno California \$246,600.00

Fiscal Impact: Sufficient funds of \$246,600.00 are already appropriated in the Board adopted 2008/09 Unrestricted General Fund budget.

A-14, Filing of the Notices of Completion for the Projects Listed Below

RATIFIED, as recommended, the Notices of Completion for the following projects, which have been completed according to plans and specifications:

1. Bid #2828, Construction of New Library/Media Center at Ericson Elementary School - BMY Construction Group, Inc. *Fiscal Impact: 2008/09 Measure K Funds.*
2. Bid #2834, Provide and Install Casework at Bullard High School - Emerzian Woodworking, Inc. *Fiscal Impact: 2008/09 Measure K Funds and State Modernization Funds.*

The 10% retention will be released after ratification of the Notices of Completion.

Student Member Thomas departed the Board meeting at 6:43 p.m.

President Davis stated The Brown Act requires the public be given an opportunity to speak on matters relating to the school district's business during Board meetings and this Board welcomes public comment as designated on the agenda. Matters presented during Public Comment will be referred to the Superintendent for appropriate follow up. The Board recognizes that Public comment speakers often have very strong feelings regarding school district issues, which may involve individual school district employees or other persons. However, the Board expects all speakers to appreciate the rights of others by conducting themselves in a civil and respectful manner at all times. As Board President, I cannot permit any speaker to discuss confidential information regarding a particular student or employee and must ensure that speakers abide by their obligation to respect the rights of others. The board appreciates your observance of these principles of civility, respect and order, which will best ensure that the right of public comment is safeguarded without compromising the efficient and effective conduct of Board meetings.

UNSCHEDULED ORAL COMMUNICATIONS

There were no speakers.

B. CONFERENCE/DISCUSSION AGENDA

A-8, Award of Bid #2923, Phase 2, Modernization of Yosemite Middle School

APPROVED, as recommended, Bid #2923 to provide remodeling of six (6) science classrooms, one (1) boys' restroom, and one (1) girls' restroom at Yosemite Middle School to the lowest responsive, responsible bidder:

- Lockwood General Engineering Inc., Visalia, California \$697,525.00

Sufficient funds of \$697,525.00 are available in the 2008/09 Measure K budget.

Member Vang stated he will address Agenda Item A-8 and A-11. He requested clarification why Agenda Item A-8 and A-11 have the same bid number.

Superintendent Hanson stated the bid numbers were different.

Member Vang expressed concerns with the cost of this item and with the bid process.

Executive Director Rosencrans stated that they want to be certain it's a fair bidding process and so the district has alternates and they make the bidders inform them of the upfront costs and there will be no changing of costs once the project has been started.

Member Vang moved for approval, seconded by Member Johnson, which carried an 8-0-1 vote *with Student Member Facciani absent.*

B. CONFERENCE/DISCUSSION AGENDA – continued**A-11, Award of Bid #2932, Relocatable Building Site Improvements at Southeast Elementary School**

APPROVED, as recommended, Bid #2932 to provide site improvements and utility connections for portable classrooms at the Southeast Elementary School. The district will lease 21 new classroom portables and purchase two restroom portables for the site to the lowest responsive, responsible bidder:

- Hobbs Construction, Fresno California \$539,400.00

Sufficient funds of \$539,400.00 are available in the 2008/09 Developer Fees budget.

Member Vang questioned the cost to convert the Academy for New Americans (ANA) to the new Southeast Elementary School.

Executive Director LeBlanc pointed out this particular item is for the site work concrete for the Southeast Elementary School and does not include the additional portables. The district will be leasing additional portables and placing on the concrete work that will be taking place.

Member Vang expressed concerns with the cost of moving portables from site-to-site and questioned if it actually cost \$100,000 to move the portables?

Executive Director LeBlanc stated the cost was not as much, but close to the dollar figure mentioned by Member Vang. She commented that the district will be leasing portables and there will be no need to buy any more portables.

Member Vang questioned if the cafeteria at the site is suitable for an elementary school and is there a library/computer lab at this site?

Executive Director LeBlanc stated there is a cafeteria that requires some minor work to be completed. The site has a library/computer lab located in portables. The site will be getting new place structures and will be ready for an elementary school site.

Member Vang moved for approval, seconded by Member Mills, which carried an 8-0-1 vote *with Student Member Facciani absent*.

A-12, Award of Bid #2935 Phase E, Modernization of Bullard High School

APPROVED, as recommended, Bid #2935 to modernize an additional 22 classrooms at Bullard and convert shop rooms to accommodate a courtroom with forensic lab space for the “Law and Social Justice” Magnet Program to the lowest responsive, responsible bidder:

- Zumwalt Construction, Inc., Fresno California \$3,893,000.00

Sufficient funds of \$3,893,000.00 are available in the 2008/09 Measure K budget.

B. CONFERENCE/DISCUSSION AGENDA – continued**A-12, Award of Bid #2935 Phase E, Modernization of Bullard High School – continued**

The following individual addressed the Board with his thoughts and concerns regarding this item.

- Tim Teare expressed concerns with irregularities with some of the bidders and requested the Board delay the award for 3 days to allow more investigation into this concern and read a statement on the definition of responsible bidders.

Executive Director Rosencrans stated that Administrative Regulations 3311 specify the bid protest procedures. There was a bid protest on this item and he was aware of the issues with the bidder. The main issue was the low bidder subcontractor made an error on the bid price that was very low. The bidder has two options: 1) the bidder can complete the project as specified in the bid; or 2) request for a remedy to be relieved of the low bid. If so, the district can determine if it was an honest mistake, they can issue the remedy and relieve them of the low bid and declare them non responsive, non responsible and award to the next low bidder. The protocol on the bid protest was followed in this case. He is fully confident that Zumwalt Construction can complete the project and are the lowest responsive, responsible bidder and recommends the Board move forward with the award.

Member Ryan moved for approval, seconded by Member Vang, which carried an 8-0-1 vote *with Student Member Facciani absent*.

B-15, Technology Update

PRESENTATION by Chief Technology Officer Madden provided the Board with an overview of the Technology updates that covered several of the major technology initiatives that are currently underway in Fresno Unified.

This presentation included:

- Digital Portfolio and Classroom Laptop Project
- Student MySites
- Lawson HR/Benefits/Payroll Project Update
- Microsoft District License Renewal
- E-Rate Wireless Access Deployment
- PerformancePoint Dashboard Project
- Powerschool Upgrade
- Cisco Telepresence Conferencing System
- Student Information System Data Warehouse

An opportunity was provided to hear questions/comments from Board members and staff was available to respond.

Comments and questions were made by Members Moore, Mills, Asadoorian, Vang, Ryan, President Davis, Superintendent Hanson, and CTO Madden.

A copy of the PowerPoint is available in the Board Office upon request.

B. CONFERENCE/DISCUSSION AGENDA – continued**B-16, Update on the Board Policy 5030, Student Wellness**

PRESENTATION by Associate Superintendent Tucker, Administrator Resciniti, Director Alvarado, and Physical Education Specialist Hartunian provided the Board with an update on Board Policy 5030 which recognized the link between student health and learning, and desires to provide a comprehensive program promoting healthy eating and physical activity for district students. Every two years an update is required on the implementation of the policy and any other Board policies related to nutrition and physical education. The members of the Wellness committee were introduced from the food services, nurses, and physical education staff.

The Student Wellness provided an overview on the following topics:

- Wellness Policy
- Physical Activity
- Food Services/Child Nutrition Program
- Nutrition/Health Education
- Next Steps

Director Alvarado invited the Board members to tour the Nutrition Center and the cook chill operation.

Member Moore requested further information on the data provided in the presentation and would like to see comparisons with other neighboring districts and where does the district rank nationwide.

President Davis requested data on what the neighboring districts are doing in physical education courses.

President Davis requested information on parent education through the Nutrition Center that the district committed to provide.

Director Alvarado will provide the Board members with the information through a Board Communication.

An opportunity was provided to hear questions/comments from Board members and staff was available to respond.

Comments/questions were made by Members Ryan, Asadoorian, Mills, Moore, Vang, Johnson, and President Davis.

A copy of the PowerPoint is available in the Board Office upon request.

C. RECEIVE INFORMATION & REPORTS

There are no items for receive.

BOARD/SUPERINTENDENT COMMUNICATIONS

There were no Board/Superintendent Communications.

President Davis RECESSED to Closed Session at 8:34 p.m.

Reporting Out of Closed Session – continued

President Davis stated there was no action to report out of Closed Session.

D. ADJOURNMENT

Meeting adjourned at 9:05 p.m.

With no further business to come before the Board of Education at this time, President Davis declared the meeting adjourned at 9:05 p.m.



MICHAEL E. HANSON, Secretary to the Board of Education

Board Approved: July 29, 2009