

MINUTES - BOARD OF EDUCATION REGULAR MEETING
Fresno Unified School District
March 25, 2009

Fresno, California

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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 March 25, 2009, there were present Members Asadoorian, Johnson, Mills, Moore, Ryan, Vang, and President Davis. Also present was Superintendent Hanson.

President Davis convened the meeting at 4:30 p.m. in the Board Room and immediately adjourned to Closed Session to address items 1 through 6.

Staff Present

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

The Board of Education reconvened at 5:30 p.m. in the Board Room with Student Members Facciani and Thomas present.

Reporting Out of Closed Session

1. By a vote of 7-0-0, the Board took action in Closed Session to promote Jose Alvarado to Director of Food Services.

Pledge of Allegiance

Mrs. Pascual led the Pledge of Allegiance. She is a very active parent at Carver and is presently serving as the School Site Council Chairperson.

Reports from Student Board Representatives

Student Representative Stephanie Vasquez reported out from the Student Board Representatives hosted by Sunnyside High School with Member Moore and President Davis present. Student Representative Vasquez acknowledged the student ambassadors' from Carver Middle School.

Minutes

APPROVED, as corrected by Members Vang and Asadoorian, the draft minutes for January 14, 2009, Regular Meeting.

Member Vang noted a correction to page 13 and 14 of the draft minutes and stated that he does not recall Member Asadoorian proposing to replace Member Vang on the Legislative Committee, but requesting to be a member of the committee.

Member Asadoorian stated she submitted corrections to the Board Secretary.

Member Vang moved for approval as corrected, seconded by Member Ryan, which carried unanimously.

Resolution Proclaiming March 1-7, 2009 as Week of the School Administrator

ADOPTED, as recommended, a resolution proclaiming March 1-7 as “Week of the School Administrator.” All School leaders in Fresno Unified are to be commended for the contributions they make to successful student achievement. ACSA Representative Checkerdamian and ACSA President Elect Benita Washington accepted the resolution.

Member Moore moved for approval, seconded by Member Mills, which carried unanimously on a roll call vote of 9-0-0.

Report from Superintendent Hanson

- Fresno Unified Hosts Central Valley Computer Using Educators Spring Conference
- ‘Dream Job’ Program Launched for Cambridge High School Students
- Four Fresno Unified Middle Schools Honored for Character Education Efforts
- Roosevelt Student Takes Top Honor at Poetry Out Loud Recitation Competition
- Nine FUSD Students Headed to State History Day Competition

Superintendent Hanson announced a revision to Agenda Item A-1 and informed the Board that Agenda Item A-10 has been pulled from the agenda due to the cancellation of the event.

On motion by Member Asadoorian, seconded by Member Vang, the Consent Agenda, exclusive of Agenda Items A-3, A-5, A-12, A-13, and A-16, which were pulled for further discussion, and Agenda Item A-10, which was pulled from consideration on this agenda, was approved on a roll call vote of 9-0-0 as follows: Student Members Facciani, Thomas, Members Asadoorian, Johnson, Mills, Moore, Ryan, Vang, and President Davis.

A. CONSENT AGENDA**A-1, Personnel List**

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

A. CONSENT AGENDA – continued

- 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 11, 2009, Regular Board Meeting.
- A-3, Resolution on the State’s Adopted 2009/10 Budget**
PULLED for discussion.
- A-4, Agreement for Continued Support with University of California, San Francisco for Continuance of Doctors Academy and Junior Doctors Academy**
RATIFIED, as recommended, an agreement with University of California, San Francisco, School of Medicine, and the UCSF Latino Center for Medical Education and Research to continue support of the Sunnyside Doctors Academy and Junior Doctors Academies at Kings Canyon, Sequoia, and Terronez. These programs provide unique opportunities for students from disadvantaged backgrounds to become better prepared for careers in health. This contract began July 1, 2008 and will continue for three years until June 30, 2011. Funding will be provided through the Targeted Instructional Improvement Grant in the amount of \$25,000.
- A-5, Independent Contractor Services Agreement with Springboard Schools to Provide Year 1 and 2 School Assistance and Intervention Team (SAIT) Program Implementation to Roosevelt High School**
PULLED for discussion.
- A-6, Local Agreement for Child Development Services Contract CRPM-8022 Facilities Renovation and Repair and Resolution with the California Department of Education**
RATIFIED and ADOPTED, as recommended, the local agreement for Child Development Services Contract CRPM-8022 Facilities Renovation and Repair with FUSD State Preschool and Child Development Program to provide renovation and repair to 21 sites at Addams, Aynesworth, Burroughs, Ericson, Fremont, Greenberg, Heaton, Hidalgo, Homan, Kirk, Lowell, Norseman, Roeding, Rowell, Slater, Storey, Webster, and Yokomi. Child Development Centers include: Heaton, King, and Webster. Funding will be provided through the California Department of Education Child Care and Development Fund in the amount of \$200,000.00.
- A-7, Child Development CIMS-8089 Contract for Instructional Materials and a Resolution with the California Department of Education**
RATIFIED and ADOPTED, as recommended, the local agreement for Child Development Services for the CIMS-8089 Instructional Materials to authorize the California State Department of Education (CDE) to provide instructional materials and supplies serving young children in the District’s Child Development programs. A Resolution has also been submitted for adoption to certify the approval of the Governing Board to enter into this transaction with CDE. The period for expenditures is effective from July 1, 2008 through June 30, 2009. Funding will be provided through the CDE Child Development Division. The funding of this contract is contingent upon the appropriation and availability of funds not to exceed \$3,506.00.

A. CONSENT AGENDA – continued

A-8, Individual Service Agreement for Nonpublic, Nonsectarian School/Agency Services between Fresno Unified School District and Creative Alternatives, Inc., Joseph Novack Academy/Reyn Franca School

RATIFIED, as recommended, an Individual Service Agreement between Fresno Unified School District and Creative Alternatives, Inc., Joseph Novack Academy/Reyn Franca School to provide education services to special education children in residential placements. The agreement The agreement commenced on September 4, 2008 and will end on June 30, 2009. Funding will be provided from the Special Education budget in the amount of \$19,101.72.

A-9, Independent Contractor Services Agreement with Frankie Kwok to Provide Programming Development in Support of CSIS Best Practices Cohort Deliverables

APPROVED, as recommended, an Independent Contractor Services Agreement with Mr. Frankie Kwok to provide programming support, programming development and other programming duties as assigned primarily for projects associated with the CDE's California School Information Services (CSIS) Best Practices Cohort (BP Cohort) deliverables and development of the Student Information System. This short term project (and the funding associated with it from the CDE) will begin March 26, 2009 and will end July 30, 2009. Funding will be provided primarily through the CDE CSIS Best Practices Cohort contract funds and is estimated to be no more than \$25,000.

A-10, Out of State Field Trip for Ahwahnee Middle School Student

PULLED from the Agenda for consideration.

A-11, Submission of California Partnership Academy Applications to the California Department of Education for Edison and McLane High Schools

APPROVED, as recommended, an application material for California Partnership Academy (CPA) for Edison and McLane High Schools to provide a structured school-within-a-school for grades 10 through 12 that includes a career technical education course and three core content area courses. The programs at Edison and McLane will be implemented in collaboration with business partners who will provide guidance in curriculum development, mentoring, and student internship opportunities. All costs covered by grant funds. District match will be covered by in-kind contributions at the school site. The maximum funding per year, per school, is as follows: Year 1, \$42,000; Year 2, \$72,000; Year 3, \$81,000.

A-12, Submission of Transcript Evaluation Service to MPR Associates

PULLED for discussion.

A-13, Property and Liability Insurance Placement for 2009/10

PULLED for discussion.

A. CONSENT AGENDA – continued

A-14, Bid #2916, Motorized State Curtain Installation at Sunnyside High School

REJECTED, as recommended, Bid #2916 to provide and install a cyclorama curtain for Sunnyside High School, parallel to the back wall of the stage area in the theater. A cyclorama curtain is used as a neutral backdrop for stage settings and it is usually lit with colored lights for different background affects. The request for bid was lawfully advertised on December 9, 2008, and December 16, 2008. The bids were opened on January 6, 2009. Bid specifications were sent to six (6) vendors, and the district received two (2) responses. There is no financial impact.

A-15, Award of Bid #2921, Automatic Irrigation Systems at Holland and Manchester Elementary Schools and Sequoia Middle School

APPROVED, as recommended, Bid #2921 for the replacement of the existing irrigation systems at Holland and Manchester Elementary Schools and Sequoia Middle School to the lowest responsive, responsible bidder:

- Odyssey Landscape Company, Inc., Lodi California \$487,000.00

Sufficient funds of \$487,000.00 are available in the 2008/09 Measure K budget.

A-16, Award of Bid #2928, Purchase of Athletic Lockers for Cooper, Fort Miller, Scandinavian, Sequoia and Tioga Middle Schools

PULLED for discussion.

A-17, Change Order #2 to Bid #2828, Construction of New Library/Media Center at Ericson Elementary School

RATIFIED, as recommended, Change Order and backup information for Bid #2828, Construction of New Library/Media Center at Ericson Elementary School Change Order #2: \$4,773.00. The new contract amount: \$810,302.00. This Change Order includes, but may not be limited to, replacing existing concrete walk; providing additional ceramic wall tile in bathroom; providing additional labor to paint sheet metal cap; and changing countertop laminated plastic color to match face color of circulation desk. Sufficient funds of \$4,773.00, the amount of Change Order #2, are available in the - Measure K Fund. The original contract amount is \$796,215.00. The new contract amount, including this Change Order, will be \$810,302.00.

A-18, Filing of the Notice of Completion for Bid #2900 A, Site Improvements at Dailey Elementary School

RATIFIED, as recommended, the Notice of Completion for the following project, which has been completed according to plans and specifications:

- Bid #2900 A, Site Improvements at Dailey Elementary School (Site Work)

The 10% retention will be released after ratification of the Notice of Completion. Sufficient funds are available in the 2008/09 Measure K and State Facility funds.

A. CONSENT AGENDA – continued**A-19, Claim #09-0217-0043 for Jennie Arreola**

DENIED, as recommended, Claim for Damages for Jennie Arreola, #09-0217-0043. The matter has been referred to the District's Director of Benefits and Risk Management for further handling.

A-20, Purchase Orders from January 13, 2009, through February 6, 2009

RATIFIED, as recommended, 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 January 13, 2009, through February 6, 2009. 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. Funding is noted on the backup material.

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**Brian Frestlord**

Read a statement regarding KIPP Academy and how the district is not in support of the school. He concluded by stating the parents of KIPP want to work with Fresno Unified in keeping the school open and they want the best for their students.

Wanda Smith

Expressed concerns with the re-boundaries of west Fresno and the opening of a new middle school. She stated at the meeting conducted regarding the new middle school, she felt like they are being desegregated. She wants a better education for the students of west Fresno.

Pennie Harris

She informed the Board that Gibson Elementary has done a great job in getting her child excited about learning. She does not understand why her child would be removed from this opportunity.

Michelle Ethridge

She attended a meeting at Edison regarding the re-boundaries of west Fresno. Expressed concerns over the closing of Carver and Slater. Parents chose to have their children bussed across the town in order to access a good education. She believes there is something else underlining this issue and would like the Board to hear the concerns of the parents.

UNSCHEDULED ORAL COMMUNICATIONS – continued**Laurie McCloskey**

Read a statement regarding KIPP Academy and how the district is not in support of the school. She concluded by stating that KIPP in the last four years has been audited by an independent auditor and has received full funding when credential teachers teach a minimum of 54,000 instructional minutes and each year, KIPP has met and exceeded all requirements.

Christy Yongvang

Read a statement regarding KIPP Academy and how the district is not in support of KIPP. She concluded by questioning why the district did not provide a letter of good standing and as a parent she is concerned.

Joe Herzog

He addressed the Board with specific items of legislation to be presented to the Assembly Education Committee on April 1. These bills will allow students to receive a waiver in physical education and still receive high school graduation credits; allow teachers that are not certificated to teach PE and these bills are contradictory to the district's Wellness policy and would open the district to potential litigation when injuries to students occur. He concluded by requesting the Board to take a stand in support of the students and send a public message that they value the physical educators of Fresno Unified and opposes these egregious bills.

Michelle Harrison

Read a statement regarding KIPP Academy and how the district is not in support of the school. She informed the Board that Fresno Unified has non credentialed teachers at Cooper, Fort Miller, and Tehipite and therefore, the district is out of compliance since it appears that 16.8 percent of the staff are not in compliance with the NCLB requirements.

Jose Castro

Informed the Board that he is the official DELAC representative elected by the parents not the district's employees. Fresno Unified staff continue to violate the DELAC Bylaws and the Brown Act by conducting DELAC meetings. Also having a police officer attend the meeting for the purpose of dealing with him directly and informing others that he is a political person and dangerous. The DELAC representative has a pending complaint with the district for retaliation and intimidation.

Michael Speks

Expressed concerns with the lack of communication between the KIPP Academy and Fresno Unified. It is important to have a conversation between all parties so that they can resolve the problems and discuss options.

Mylena Santana Bailey

Expressed concerns with the re-boundaries of west Fresno and is addressing the Board on behalf of her children. She was not notified about these plans. She is concerned that her choice of having her children attend Gibson would be eliminated by this plan. Concluded by stating she would like the Board to reconsider this decision.

Shanieka McAllister

Expressed concerns with the re-boundaries of west Fresno and is addressing the Board on behalf of her children which are at Gibson and Bullard. She believes that attendance to Gibson and Bullard is exactly what NCLB is about. She has three jobs and as a single mother cannot manage to take her kids to school sites without district transportation. Concluded by stating she would like the Board to reconsider this decision.

Patricia Valenzuela

Expressed concerns with the re-boundaries of West Fresno. Prior to attending Gibson, her child was behind. Her child also attended Sunset but feels staying at Gibson is in the best interest of her child. Concluded by stating she would like the Board to reconsider this decision.

UNSCHEDULED ORAL COMMUNICATIONS – continued**Bob Harris**

Expressed concerns with the with the Facilities Master Plan committee not having African-Americans on the committee and the need to change boundaries. The facilities committee has not conducted a social economics impact study or how schools will be impacted by test scores. He stated the district does not have the sufficient funds to build a middle school and the need to pass a Bond Election in these economic times, will not pass. He stated that Board Member Johnson needs to take leadership with other board members on how this will impact west Fresno. This should be fair and not a few people driving this to accomplish segregation. He concluded by stated the district needs to discuss this with the civil rights attorney and find ways that will not disrupt the movements of students who which to attend north Fresno schools.

GaoSung Xiong

Informed the Board that KIPP Academy is a school worth saving. Expressed concerns with the lack of communication between KIPP and Fresno Unified. Before making a final decision, she invited the Board to have a discussion with the students, parents and teachers.

Tarigo Roberts

Expressed concerns with the re-boundaries of west Fresno. Her children have excelled socially and academically since they have been attending Gibson. She concluded by stating she would like the Board to take her comments into consideration and make the right decision to make it right for the families.

Greg Gadams

Expressed concerns with several issues. 1) Layoff of many older teachers at Fresno Adult School who were given a one week notice; 2) The district has received millions of funds for QEIA schools to be utilized for innovated programs and these funds are designated for improving school sites, but sites are not allowed to use the funds; and 3) Cooper has had 31 teachers transitioning in the last two years and with many unqualified teachers at this site, the Board needs to take a look at this concern.

Ernesto Cisneros

Questioned if the civility policy is for parents only or for everyone? He expressed concerns with retaliation against him by district staff. He has respected everyone, but has never offended anyone. He wants district personnel to respect the parents. According to Code 11803, district staff needs to respect the law.

Monique Duckworth

Expressed concerns with the re-boundaries of west Fresno and would like the district to continue allowing the Westside students to participate in the NCLB. The Board needs to set good character and fix the problem now; not add to them.

Chris Ammon

Thanked all the parents who are in support of KIPP Academy; the outpouring of support from the parents has been overwhelming. He understands the district wants the best for the students and feels the best for all would be to keep KIPP opened. Parents want students to stay at KIPP and not attend a school that has a low API score and not performing at the level of KIPP. He believes Fresno Unified has good intentions and therefore, they sincerely they would like a communication between KIPP and the district.

B. CONFERENCE/DISCUSSION AGENDA

A-3, Resolution on the State's Adopted 2009/10 Budget

ADOPTED, as recommended, Resolution on the State's Adopted 2009/10 budget outlining the impacts of the State's approved budget cut to education funding. The resolution calls upon the governor and the Legislature to prioritize education funding, and reject further cuts to schools and students. While it is clear there are extraordinary challenges in balancing the state's budget, the Fresno Unified School District Board of Education opposes further cuts to education funding and urges the Legislature and Governor to develop any future required budget solutions holding education funding harmless.

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

- Jose Castro expressed concerns on how the district is handling the budget. He stated that before the administration starts reducing funds at the school sites; start with the central office administration. The teachers the dedicated employees of this district, but without sufficient funds, they will not be able to do their work. He informed the superintendent that he has too many overpaid personnel with no success in the district. He noted that the superintendent is in his fifth year and the education continues to be the same.

Member Ryan moved for approval, seconded by Member Vang, which carried a 9-0-0 vote.

A-5, Independent Contractor Services Agreement with Springboard Schools to Provide Year 1 and 2 School Assistance and Intervention Team (SAIT) Program Implementation to Roosevelt High School

RATIFIED, as recommended, a contract with Springboard Schools to provide Year 1 and 2 School Assistance and Intervention Team (SAIT) Program Implementation to Roosevelt High School and intensive support and monitoring to assist state-monitored schools in improving student learning. A required component of the SAIT evaluation process is the utilization of a state-approved provider for coaching, professional learning, and data-driven instructional decisions. As the SAIT provider, Springboard will monitor all SAIT corrective actions for school implementation. Additionally, this team will support Roosevelt in its on-going efforts to address WASC action steps required for continued accreditation. Springboard has already begun work on this contract, in prep of Phase I April 1, 2009 – June 30, 2009. Phase II will begin July 2009 thru June 2010. Funding will be provided through the state allocated SAIT funding in the amount of \$443,850: Year 1: \$218,850 and Year 2: \$225,000.

Member Mills commented that she has been hearing good things on the training and assistance being provided to the Roosevelt staff and questioned if this was the same or different group?

Assistant Superintendent Evans stated it is a continuation of assistance that began in the fall is all under the same umbrella.

Member Mills questioned if all of the assistance combined is to assure Roosevelt retains WASC accreditation?

B. CONFERENCE/DISCUSSION AGENDA – continued**A-5, Independent Contractor Services Agreement with Springboard Schools to Provide Year 1 and 2 School Assistance and Intervention Team (SAIT) Program Implementation to Roosevelt High School – continued**

Assistant Superintendent Evans stated that was correct. They received very positive feedback from the WASC visiting chair on Monday.

Superintendent Hanson stated that when items are listed for SAIT schools, funds are set aside by the state to support the school and through the work of Associate Superintendent Marinovich, Assistant Superintendent Evans and others, they have been able to take the SAIT process and the WASC and merge them very strategically so they are receiving the same work completed with both organizations.

Member Vang expressed concerns over the quality of services from past years with Springboard. Also, with some discrepancies in the proposed program and questioned the difference in cost of phase I and II.

Assistant Superintendent Evans stated that contractor has already provided some of the intense services and the consultant will be providing additional staff to assist. Part of the SAIT requirements is to bring in specialists throughout the state in mathematics, English, and English Learners that add additional costs. They will be providing early analysis of the programs required by the state. Upon Board approval of this item, there are 60 days to conduct a series of work and this will give the SAIT and WASC team time to work together before the 60 day period.

Superintendent Hanson addressed the concern by Member Vang on the services to be provided by Springboard with Mr. Fred VanLeuven. The district staff worked very hard to identify and select the team members and this will be the first time they will be working with Springboard from southern California. Mr. VanLeuven works with WASC and SAIT.

Member Vang moved for approval, seconded by Member Johnson, which carried unanimously.

A-12, Submission of Transcript Evaluation Service to MPR Associates

RATIFIED, as recommended, an application material for the Transcript Evaluation Service (TES) application. The purpose of the TES is to allow school districts to upload student grade history to the University of California information system. This aligns with our emerging work to promote equity and access. Ten FUSD high schools participate in the TES program: Bullard, Cambridge, DeWolf, Duncan, Edison, Fresno, Hoover, McLane, Roosevelt and Sunnyside and funding will allow the district, schools and students to receive detailed analysis of student progress toward high school graduation and college entrance. Grant funds will reimburse FUSD for costs already incurred during the 2008/2009 school year. Maximum grant award amount is \$35,000 at \$3,500 per school.

Member Asadoorian moved for approval and requested staff to elaborate on the critical work the district is carrying out and of the work that has begun to emerge in the area of Equity and Access.

B. CONFERENCE/DISCUSSION AGENDA – continued**A-12, Submission of Transcript Evaluation Service to MPR Associates – continued**

Assistant Superintendent Evans stated this TES system will integrate into the district's Student Information System and allow the staff to analysis how the students are progressing towards graduation and in meeting the A-G requirements to be able to get into the UC system. This system will allow them to generate reports that staff can review and identify if students are on target to graduate. The system also has a component to educate and communicate with parents with visuals and graphics. This will also address the District Goals and some of the key data dashboard indicators.

Superintendent Hanson commended the continuance work of the Technology staff. These types of reports and analyzing information on how the students' will progress and part of an ongoing process for the Student Information System that they need to build. This is part of the Microsoft project that has been discussed. He elaborated on the one-time funds districts received from the Microsoft antitrust settlement and is only to be used on computer/technology related items.

Member Asadoorian moved for approval, seconded by Member Vang, which carried unanimously.

A-13, Property and Liability Insurance Placement for 2009/10

APPROVED, as recommended, a summary of quotations received by the District's insurance broker for our various forms of coverage. Included for renewal is coverage related to our Property, General Liability, Boiler and Machinery, Designated Lessees and Excess Liability requirements. The contract period will be from April 1, 2009 through March 31, 2010. The District's current form of property coverage is "Agreed Value." Agreed Value coverage pays the amount of the loss, up to the limits of coverage. Sufficient funds are available in the District's Liability Internal Service Fund for a total cost of \$985,719.

Member Mills inquired the name of the district's insurance broker?

Director De La Torre stated that the district's broker is Di Buduo & De Fendis.

Member Mills questioned what process does the insurance broker utilize for selecting insurance companies?

Director De La Torre stated the company selects from a number of brokers.

Member Mills questioned the process the district uses to select an insurance broker.

Director De La Torre stated the Board approves the broker.

Member Ryan moved for approval, seconded by Member Vang, which carried unanimously.

B. CONFERENCE/DISCUSSION AGENDA – continued**A-16, Award of Bid #2928, Purchase of Athletic Lockers for Cooper, Fort Miller, Scandinavian, Sequoia and Tioga Middle Schools**

APPROVED, as recommended, Bid #2928 for the purchase of athletic lockers for boys and girls locker rooms at Cooper, Fort Miller, Scandinavian, Sequoia and Tioga Middle Schools to the lowest responsive, responsible bidder:

- Engineered Facility Equipment, Valley Center California \$514,107.00

Sufficient funds of \$514,107.00 are available in the 2008/09 budget. Funds will be from: Measure K (\$426,426.00) and Deferred Maintenance (\$87,681.00) budgets.

The following individuals addressed the Board with their thoughts and concerns regarding this item:

- Scott Hutflese expressed concerns with the bid reject based on a technicality. He was representing the lowest bidder. They brought an example of the product that was rejected even though it would be significant savings to the district of \$140,000.
- Bill Vain expressed concerns with the bid reject based on a technicality. The bid was not specific enough and he believes that the district can save a significant amount of money. Especially, in this difficult economic time and respectfully requested the Board reconsider their decision.
- Sean Easment expressed concerns with the bid reject based on a technicality. They have provided a full size sample that is comparable to Cooper Middle School's specifications and they feel in these difficult economic times, \$140,000 is a significant amount of savings to the district.

CFO Quinto stated the district advertised a very technical specification associated with this bid and they do have a specific process for a protest of a bid award should there be a disagreement with a bidder, in which this case there was a protest. Unfortunately, the bidders who are addressing the Board this evening did not follow the district's outlined procedures for a protest. She outlined the process of the protest and that she will have an opportunity to meet with the bidder who filed a protest and help work through the issues. In almost all of the cases, those issues are resolved one way or another by the bidder withdrawing their protest or the district changing their recommendation for the Board's action. However, in this case, the bidder did not follow the procedures and by the Administrative Regulation cited in the materials provided to the Board. However, the Board can recommend a change, but at this time and given the information they received, the administration does not recommend a change on this item.

Member Mills commented the reason staff rejected the bidder was due to failing to provide a proof of the last five jobs.

CFO Quinto stated that was a requirement of the specifications in the bid.

Member Mills questioned by doing so, the district is limiting the bid to only long standing companies?

B. CONFERENCE/DISCUSSION AGENDA – continued**A-16, Award of Bid #2928, Purchase of Athletic Lockers for Cooper, Fort Miller, Scandinavian, Sequoia and Tioga Middle Schools – continued**

Executive Director Rosencrans stated the particular manufacture in questioned is new to producing this product and will take longer in meeting the timeline. He has met with the bidders and is interested in looking at the product for possible future bids. In this case, the district does not have time to wait on awarding this bid as it takes eight weeks to manufacture these lockers. If this bid award is delayed, the middle schools listed in this bid will have to wait another year. There are two other manufactures producing these lockers and however, bid law does not allow him to lower the bid specifications. The best course of action is for the Board to proceed with the award.

Member Mills noted that one of the bidders mentioned they can produce the locker in the timeframe requested.

Executive Director Rosencrans stated it takes about eight weeks to manufacture the lockers.

CFO Quinto stated that the district has a bid protest procedure that was not followed. If the district takes the offer and lower the bid specifications, the district will be at-risk with all the other vendors who could not meet the bid specifications and will have a very strong legal case against the district for not allowing them a second chance. CFO Quinto stated she is adamant about the district following the protocol that is in place.

Member Mills questioned if the Board has the ability to reject the bid and select another vendor?

CFO Quinto stated the Board has that option, but in doing so, the consequences for the middle schools will have to wait another year to replace the lockers.

Member Moore questioned if the Board was to reject the bid, how long will it take the district to reopen the bid?

Executive Director Rosencrans stated the normal process will be six weeks, which means the lockers will need to be completed next summer.

Member Vang requested clarification on the meaning of “lowest responsive bidder”.

Executive Director Rosencrans stated the district is awarding to the lowest responsive, responsible bidder who has met all the specifications of the bid.

Member Ryan moved for approval, seconded by Member Vang.

Member Johnson questioned how critical are the lockers to the school sites? He commented on the cost savings of \$147,000, suggested that perhaps revisit this bid.

Executive Director Rosencrans stated the district is selecting school sites that are in dire need of having the lockers replaced.

B. CONFERENCE/DISCUSSION AGENDA – continued**A-16, Award of Bid #2928, Purchase of Athletic Lockers for Cooper, Fort Miller, Scandinavian, Sequoia and Tioga Middle Schools – continued**

Superintendent Hanson requested staff provide the Board with the primary reason for the bid reject.

Executive Director Rosencrans stated the bidder did not meet the specifications as required in the bid.

Superintendent Hanson concurred with CFO Quinto. They are looking at vendors who have provided this type of service and have a proven track record of good service. The district does not have time start over.

Executive Director Rosencrans stated they are looking for a product that is doable and will last as specified in the bid specifications. The purpose for requesting references is to check if the vendor provided the best without problems.

President Davis questioned when will the district complete the other middle schools?

CFO Quinto stated the district evaluates based on the prioritization under the deferred maintenance, which the Board adopts annually.

Member Moore questioned with the Board approving this item, this will assure the lockers replaced prior to the opening of school?

CFO Quinto stated that is part of the requirements.

President Davis stated there is a motion and second to award this bid, and asked for all those in favor, which carried unanimously.

C. RECEIVE INFORMATION & REPORTS

There were no items for receive.

BOARD/SUPERINTENDENT COMMUNICATIONS**Member Vang**

- This Board has heard all the concerns regarding KIPP and Superintendent Hanson has been providing regular communication to the Board and they are aware of the situation. The Board does not want to repeat the same situation with GATEWAY Academy and noted that the district staff continues to do diligent work.
- Boundary Changes is not on the agenda this evening, but district staff has conducted many meetings and these concerns need to be shared with the Facilities Advisory committee.

BOARD/SUPERINTENDENT COMMUNICATIONS – continued**Member Mills**

- A member of the public addressed a letter of support from the District in opposition to certain legislation and expressed concerns that this legislation has not been discussed by the Board and the District has not taken a position.
- Several speakers addressed the Board with concerns regarding unqualified teachers at several school sites and requested information to this concern.
- A member of the public addressed the Board with concerns regarding teacher layoffs at Fresno Adult School and requested information to this concern.
- Questioned if school sites recognize March as Women’s History Month? She stated that students need to be aware of the contributions made by women in many areas. Requested information on this topic.

Member Ryan

- Commended the Joint Health Management Board (JHMB) for their promotion on prevention of disease for all and doing a great job.

Member Johnson

- Several speakers addressed the Board with concerns regarding unqualified teachers at Cooper and requested information to this concern.
- One of the speakers from KIPP addressed the Board and informed them that the Fresno Unified has 16.8 percent of unqualified teachers under the NCLB act and requested information to this concern.

Superintendent Hanson

- Will provide the Board with information requested.
- There are some concerns with the Facilities Master Plan and how it will affect students. The district staff will continue to better communicate in the prior weeks before this item comes before the Board for action.
- He addressed the KIPP Academy’s public concerns with the lack of communication and financial status and stated that the district is waiting for an opportunity to mediate and resolve the issues and start anew.

President Davis

- Appreciates Superintendent Hanson’s comments and commented that within the last 4 years, Board Members have visited every charter school and that includes KIPP Academy. They have seen the progress and work of KIPP Academy.

D. ADJOURNMENT**Meeting adjourned at 7:45 p.m.**

With no further business to come before the Board of Education at this time, President Davis declared the meeting adjourned at 7:45 p.m.



MICHAEL E. HANSON, Secretary to the
Board of Education

Board Approved: July 29, 2009