

**AGENDA  
WEDNESDAY, OCTOBER 14, 2009, 3:00 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.

**\*3:00 P.M., CALL TO ORDER** by the President

**3:00 to 4:00 P.M.  
PRESENT and REVIEW the  
Data Dashboard Indicators Workshop**

The purpose of this board workshop is to provide an opportunity for the Board to review the key indicators outlined in the board's data dashboard policy. As outlined in the policy, this board workshop provides an annual forum for board members to receive a formal update from staff on the system's performance. Contact person: Vincent Harris, telephone 457-3816.

**\*4:15 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. Student Waivers for California High School Exit Exam for Special Education and 504 Students pursuant to Education Code Section 35146.
3. 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
4. Public Employee Discipline/Dismissal/Release/Reassignment/Resignation
5. Public Employment/Appointment: - Government Code Section 54957
  - a. *Administrative Analyst*
  - b. *Executive Director*
  - c. *Project Coordinator*
6. Conference with Legal Counsel – Existing Litigation - (Government Code Section 54956.9(a).)
  - a. *Fresno Unified vs. Spectrum GL Settlement – Case No. 74 117 Y 00057 09*
  - b. *John “Tim” Thomas vs. FUSD Workers’ Compensation Settlement*  
*Case No’s: 91-0151; 92-5675; 95-1152; 98-0696*
7. Real Estate Negotiations
  - a. *District Negotiator: Operational Services Staff*  
*Parcel Nos. 433-220-38 and 433-330-02*
8. Conference with Legal Counsel - Anticipated Litigation (Government Code Section 54956.9(b).)
  - a. *Significant Exposure to Litigation: (2) potential cases.*

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

### **Pledge of Allegiance**

Mr. Lupe Mejia, a parent of Scandinavian Middle School will lead us in the Pledge of Allegiance. Mr. Mejia is an active parent leader who serves as chairperson for ELAC and School Site Council (SSC).

### **ADOPT Proclamation Recognizing October as Disability Awareness Month**

Included in the Board binders is a Proclamation recognizing October as Disability Awareness Month. Fresno Unified School District serves 8,000 students with disabilities and is dedicated to providing services to these students and their families, as well as raising awareness of the unique needs of these students and their contributions to our District and to the community. The Superintendent recommends adoption. Contact person: Miguel A. Arias, telephone 457-3736.

### **ADOPT Proclamation Recognizing Red Ribbon Week**

Included in the Board binders is a Proclamation recognizing the third week of October as Red Ribbon Week. Fresno Unified School District is participating to help raise awareness concerning the prevention of tobacco, alcohol, and other drug use among our youth and to promote healthy lifestyle choices. By wearing red ribbons and participating in anti-drug events and activities at school sites and in the community. The Superintendent recommends adoption. Contact person: Miguel A. Arias, telephone 457-3736.

### **ADOPT Proclamation Recognizing Character Counts! Week**

Included in the Board binders is a Proclamation recognizing the third week of October as Character Count! Week. Fresno Unified adopted Character Counts! as its framework for character education. CHARACTER COUNTS! is the most widely implemented approach to character education. It's a nonprofit, nonpartisan, nonsectarian framework that teaches the Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring and citizenship. The Superintendent recommends adoption. Contact person: Miguel A. Arias, telephone 457-3736.

### **ADOPT Resolution (Senate Bill 984) Commemorating Observance of Cesar E. Chavez Day of Service Learning**

Included in the Board binders is a Resolution commemorating the observance of Cesar E. Chavez Day on March 31, 2010. All schools will participate in service learning activities and/or lessons with appropriate grade level curriculum materials throughout the school year. Senate Bill 984 authorizes public schools to include commemorating and directing attention to the history of the farm labor movement in the United States and particularly the role therein of Cesar E. Chavez. English Learner Services with the Secondary Division will work together to provide training in support of service learning. 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. 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 September 23, 2009, Regular Board Meeting. The Superintendent recommends adoption. Contact person: Cindy Tucker, telephone 457-3874.

**A-3, APPROVE Waiver Requests for a Group of Special Education and 504 Students for the California High School Exit Exam (CAHSEE)**

The Board of Education received a group of waiver requests from District administration on the certification for accommodations/modifications for Special Education and 504 students for the California High School Exit Exam as per Board Policy 6162.52. A list of pupils, their identifying number, and supporting evidence is maintained in the Board of Education Office. The Superintendent recommends approval. Contact person: Chris Evans, telephone 457-3908.

**A-4, APPROVE Appointment to Measure K Oversight Committee**

Included in the Board binders is a Measure K Oversight Committee nomination form for Kelly Trevino submitted by Trustee Ryan. This appointment fills a vacancy on the Oversight Committee resulting from expiration of the term of a previous Committee member. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the District. Contact person: Karin Temple, telephone 457-3134.

**A-5, APPROVE Budget Revision No. 1 for Fiscal Year 2009/10**

Included in the Board binders is Budget Revision No. 1 for fiscal year 2009/10. Periodic updates to the District's budget are presented to the Board of Education for approval. Budget Revision No. 1 includes adjustments for the final State adopted budget, adjustments for the actual beginning balances, and necessary adjustments to support the acceptance of various grant awards and other fund adjustments. The Superintendent recommends approval. Fiscal Impact: Noted in the backup material. Contact person: Ruth F. Quinto, telephone 457-6226.

**A-6, RATIFY the Filing of the Notice 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 #2829, Modernization of Yosemite Middle School  
*Fiscal Impact: Measure K Budget*
2. Bid #2917 A & B, Electrical Upgrades at Heaton and Kirk Elementary Schools  
*Fiscal Impact: Deferred Maintenance Measure K Budget*
3. Bid #2934, Lighting Upgrades at Balderas Elementary School  
*Fiscal Impact: Deferred Maintenance Measure K Budget*

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

A. CONSENT AGENDA – continued

**A-7, APPROVE Request for Qualifications (RFQ) #090804, Material Testing Laboratory Services**

Included in the Board binders is information on RFQ #090804, to provide a pool of qualified firms/individuals for use in support of the district's new construction, modernization and deferred and general maintenance projects. Material testing labs perform tests required by the Division of the State Architect on concrete, earthwork, rebar, masonry, steel, and other materials used in construction projects. Based on an extensive review, the Superintendent recommends approval of the following six (6) qualified respondents to provide professional services, on an as-needed basis, for a three (3) year period:

- BSK Associates (Fresno, CA)
- Kleinfelder (Fresno, CA)
- Krazan & Associates, Inc. (Fresno, CA)
- Moore Twining Associates, Inc. (Fresno, CA)
- Salem Engineering Group, Inc. (Fresno, CA)
- Technicon Engineering Services, Inc. (Fresno, CA)

Fiscal Impact: The funding will be established on a project by project basis. Contact person: Karin Temple, telephone 457-3134.

**A-8, RATIFY Representation Agreement with Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP.**

Included in the Board binders is a representation agreement with Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP to provide legal services to Fresno Unified for the period October 9, 2009 through June 30, 2010. The Superintendent recommends approval. Fiscal Impact: Sufficient funds will be available in the 2009/10 legal services budget. Contact person: Ruth F. Quinto, telephone 457-6226.

**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-9, PRESENT an Update on Major Goal 2 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 Goal 2 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 Goal 2 projects the District will be focused on this year, including student engagement in arts, activities, and athletics. Contact person: Cindy Tucker, telephone 457-3874.

### **7:00 P.M.**

#### **B-10, PRESENT Equity and Access Principles Primer**

The purpose of this item is to inform the Board of Education on our Equity and Access effort that is being implemented across our district. Board members will see how a number of Equity and Access tools are being used by district and school personnel to make data-driven decisions to manage changes that translate to *all* students being given an equal opportunity to graduate and be in a position of having the greatest number of postsecondary choices from the widest array of options. Contact person: Jorge Aguilar, telephone 457-3614.

### **7:20 P.M.**

#### **B-11, APPROVE (1) the Agreement of Sale and the FF&E Sale Agreement between Fresno Unified School District and LIIF REO I LLC for Property Located at 2423 and 2445 West Dakota Avenue, and AUTHORIZE Filing of a Notice of Exemption in Accordance with the California Environmental Quality Act (CEQA); and (2) APPROVE the Establishment of a Community Day Program at the Property Located at 2423 and 2445 West Dakota Avenue, and Approve the Temporary naming of the School as the “Dakota Campus”.**

This agenda item includes four related items for Board consideration; two actions for each approval requested, as described above. The recommended actions will enable Fresno Unified to utilize the Dakota Avenue school facility for an educational program to serve district students. The Superintendent recommends approval. Fiscal Impact: Sufficient funds of \$2,100,000 for the purchase of the property, \$60,000 for the furniture, fixtures and equipment, and \$200,000 for improvements, are available in the 2009/10 Developer Fees Fund. Program funds for operations totaling \$1.4 million are included in the Board’s adopted 2009/10 budget. Contact person: Karin Temple, telephone 457-3134.

## **C. RECEIVE INFORMATION & REPORTS**

There are no items for Receive.

**BOARD/SUPERINTENDENT COMMUNICATIONS**

**D. ADJOURNMENT**

**NEXT REGULAR MEETING:  
WEDNESDAY, OCTOBER 21, 2009 – OPEN SESSION AT 5:30 P.M.**