

AGENDA

WEDNESDAY, December 9, 2015, 2:15 P.M.

PLEASE NOTE: PARKING WILL BE AVAILABLE AT THE HIGH SCHOOL PARKING LOT OFF NORTH CEDAR AVENUE.

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, Jennifer Aguilar 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, 2nd Floor or visit our website at: www.fresnounified.org/board

TRANSLATION SERVICES: Available in Spanish and Hmong in the Board Room upon request.

***2:15 P.M., CALL TO ORDER** by the President; **RECESS** to Closed Session to discuss the following:

1. Public Employee Performance Evaluation – Government Code Section 54957.
 - a. *District Superintendent.*
2. Student Expulsions pursuant to Education Code Section 35146.
3. Conference with Labor Negotiator - (Government Code Section 54957.6); FUSD Negotiator(s): Paul Idsvoog; Employee Organizations(s): FTA, CSEA, Chapter 125, CSEA, Chapter 143, SEIU, Local 521, FASTA/SEIU, Local 521/CTW, CLC, Fresno Unified Building & Construction Trades/FTA; Unrepresented Employees: All Management, Confidential, and Supervisory Employees.
4. Public Employee Discipline/Dismissal/Release/Reassignment/Resignation.
5. Public Employment/Appointment - (Government Code Section 54957).
6. Conference with Legal Counsel - Anticipated/Pending/Threatened Litigation (Government Code Section 54956.9(d)(2)).
 - a. *Significant Exposure to Litigation: One (1) Potential Case*
 - b. *Juana Delgado vs. FUSD Workers' Compensation Settlement, Claim No. 2014-0829.*
 - c. *Santiago Garcia vs. FUSD Workers' Compensation Settlement, Claim No. 2015-0761.*
 - d. *Marie Makardian vs. FUSD Workers' Compensation Settlement, Claim No. 2011-0193, 2012-0840.*
7. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1)).
 - a. *Davis v. Fresno Unified School District
Fresno Superior Court No. CECG03718
Fifth District Court of Appeal Case No. F068477*

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

PLEDGE OF ALLEGIANCE

Blanca Barrera, a parent that has had a positive impact at Balderas Elementary, will lead the flag salute.

APPROVE Minutes

Included in the Board binders are the draft minutes for the November 18, 2015 Regular Meeting. The Superintendent recommends approval. Contact person: Michael E. Hanson, telephone 457-3884.

RESOLUTION ADOPT Resolution Proclaiming the Week of December 7-13, 2015 as Computer Science Education Week

Technology is changing our world daily and computer science and the art of coding provides an opportunity for students to nurture their creativity, collaboration and problem solving skills in preparation for future careers. The number of computer science jobs are growing faster than the number of students entering the computer science field, and therefore it is imperative we expose students to computer science. No matter what path students choose, technology is going to be an active part of their future. Having fundamental coding skills strengthens math and logic skills and further develops a student's ability to think critically and solve problems. The Superintendent recommends adoption.

HEAR Reports from Student Board Representatives

An opportunity is provided to hear comments/reports from Student Board Representatives from Roosevelt High School. Contact person: Rosario Sanchez, telephone 457-6223.

HEAR Report from Superintendent

ORGANIZATION of the Board of Education

It is recommended that Superintendent Hanson preside at the organizational meeting and accept nominations for the position of President of the Board. After the President is elected, it is recommended that the President preside and accept nominations for the Clerk of the Board of Education. The New Board President will preside over the Board Meeting.

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.

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: Paul Idsvoog, telephone 457-3548.

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 November 18, 2015, Regular Board meeting. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3569.

A-3, APPROVE Agreement with Barney & Barney for Affordable Care Act (Employer Mandate) Services

Included in the Board binders is an agreement with Barney & Barney to provide Affordable Care Act (Employer Mandate) consulting services to Fresno Unified School District. This agreement is for a one-year period and will not exceed \$6,000 annually. The Superintendent recommends approval. Fiscal impact: The estimated annual cost is \$6,000. Funds are available in the Risk Management Internal Service Fund. Contact person: Ruth F. Quinto, telephone 457-6226.

A-4, APPROVE Agreement with Delta Health Services for Implementation of Tele-Health Services

Included in the Board binders is an agreement with Delta Health Systems for implementation of a tele-health services program. The Joint Health Management Board recommends approval. The tele-health services program provides district health plan members with access to same day consultations with licensed physicians 24 hours a day, 365 days a year. This access is facilitated via use of telephonic or video conferencing where available. The agreement is effective January 1, 2016 through December 31, 2016 with a projected annual cost of \$176,000. The Superintendent recommends approval. Fiscal impact: The estimated annual cost is \$176,000. Funds are available in the Health Internal Service Fund. Contact person: Ruth F. Quinto, telephone 457-6226.

A-5, APPROVE Agreement with Envision Insurance Company for Retiree Prescription Services (Envision Rx Plus)

Included in the Board binders is a renewal agreement with Envision Insurance Company to provide Medicare eligible retiree prescription benefit services. This renewal is for a one-year period commencing January 1, 2016 and will allow uninterrupted coverage for Medicare eligible retirees. The contract amount is based upon a per member per month fee of \$212.18 for base prescription coverage and \$3.50 per member per month for administrative fees. The renewal represents an increase of 12.52% above 2015 rates, but is less than projected given our plan experience and new federal mandates for 2016. The Superintendent recommends approval. Fiscal impact: Sufficient funds are available in the district's Health Internal Service Fund. Contact person: Ruth F. Quinto, telephone 457-6226.

A-6, APPROVE Article 20 Waivers for Various Schools for the 2015/16 School Year

Included in the Board binders are letters from the Fresno Teachers Association approving the requests from various schools to waive Article 20 (List of schools attached). The

A. CONSENT AGENDA - *continued*

Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district. Contact person: Kim Mecum, telephone 457-3731.

A-7, APPROVE Independent Contractor Services Agreements with Save Mart Center and SMG for the 2015/16 Fresno Unified Graduation Ceremonies

Included in the Board binders are Independent Contracts detailing agreements made to provide the venue and all expenses incurred in the production and the conducting of the 2016 high school graduation ceremonies as follows:

Save Mart Center

- Ceremonies for Bullard, Edison, Fresno, Hoover, Roosevelt and Sunnyside in the amount of \$73,000 for services provided on June 6, 7 and 8, 2016.

Saroyan Theatre (SMG, commonly known as the Fresno Convention & Entertainment Center)

- Ceremonies for Duncan and Fresno Specialty Schools in the amount of \$17,590 for services provided on June 2 and 8, 2016.

An augmentation of \$24,000 will be included in the January 2016 budget revision to support increased contract costs for Save Mart Center and additional day at Saroyan Theater. The Superintendent recommends approval. Fiscal impact: Program augmentation of \$24,000. Contact person: Kim Mecum, telephone 457-3731.

A-8, APPROVE Agreement with Fairbank, Maslin, Maullin, Metz & Associates (FM3) to Conduct a Community Survey Related to District Facility Needs

Included in the Board binders and recommended for approval is an agreement between Fresno Unified and Fairbank, Maslin, Maullin, Metz & Associates (FM3) to conduct a community survey to gauge Fresno Unified voters' perceptions about the district's capital facility needs and potential opportunities for funding to meet those needs. The agreement is for the period December 10, 2015 through April 30, 2016 in the not-to-exceed amount of \$40,500. On February 25, 2015, the Board directed staff to initiate exploration of a potential 2016 bond measure to support facilities improvement. The community survey is an essential step in this process as the data obtained will provide an important tool to inform possible future decision making about a bond measure. FM3 is a recognized industry leader in providing accurate, reliable and strategic opinion research to help school districts ascertain the feasibility of a bond measure and the best opportunity for a successful bond election. The Superintendent recommends approval. Fiscal impact: Funding of \$40,500 is available in the Operational Services (general fund) budget. Contact person: Karin Temple, telephone 457-3134.

A-9, APPROVE Appointments to Citizens' Oversight Committee for Measure K and Measure Q

Board Member Ryan is nominating Dominic Papagni and Barbara Steck to the Citizens' Oversight Committee for Measure K and Measure Q to replace members whose terms have

A. CONSENT AGENDA - *continued*

expired. The Citizens' Oversight Committee was established by the Board "to inform the public concerning the expenditure of bond proceeds approved by the voters," and "to ensure that bond proceeds are expended only for the purposes set forth in the ballot measures" (Committee Bylaws). The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district. Contact person: Karin Temple, telephone 457-3134.

A-10, APPROVE Bid 16-08, Sunnyside High School Cooling Tower Replacement

Included in the Board binders is information on Bid 16-08 for a new cooling tower to provide cooled water for the air conditioning system at Sunnyside High School. The existing cooling tower requires replacement due to corrosion, leaking, and lack of reliability. The new equipment will improve energy efficiency and conserve water.

Staff recommends award to the lowest responsive, responsible bidder:

Lawson Mechanical Contractors (Fresno, California) \$406,993

Staff also recommends allowing ACCO Engineered Systems to be relieved of their bid due to a clerical error. The Superintendent recommends approval. Fiscal impact: Funding of \$406,993 is available in the Measure Q budget. Contact person: Karin Temple, telephone 457-3134.

A-11, DENY Claim #15-0504-0129

Included in the Board binders is a Claim for Damages on Mark Anthony DeSantiago, case #15-0504-0129. The Superintendent recommends the Claim be denied and the matter referred to the district's Director of Benefits and Risk Management for further handling. The Superintendent recommends denial. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ruth F. Quinto, telephone 457-6226.

A-12, RATIFY Submission of Grant Application to the National Foreign Language Center for Summer Chinese Foreign Language Program

Ratification is requested for a grant application to the National Foreign Language Center at the University of Maryland which administers the *STARTALK* Summer Foreign Language program funded through the National Security Language Initiative. *STARTALK*'s mission is to increase the number of Americans learning, speaking and teaching critical foreign languages by offering students creative and engaging summer experiences. Hoover High School offers Mandarin Chinese Foreign Language courses and hosts the district summer Chinese Language and Culture class. The 2016 application is the 6th application for the summer program requesting \$89,553. The Superintendent recommends ratification. Fiscal impact: The potential grant award is \$90,000. Contact person: Ruth F. Quinto, telephone 457-6226.

A. CONSENT AGENDA - continued

A-13, RATIFY the Filing of a Notice of Completion for Bid 15-05, Fairview Avenue Reconstruction at Edison High School

Included in the Board binders is a Notice of Completion for the following project, which has been completed according to plans and specifications:

Bid 15-05 Fairview Avenue Reconstruction at Edison High School

The Superintendent recommends ratification. Fiscal impact: Retention funds are released in accordance with contract terms and California statutes. Sufficient funds are available in the Measure Q budget. Contact person: Karin Temple, telephone 457-3134.

A-14, RATIFY Change Orders for Bid 15-34, Infrastructure for Portable Buildings Relocation at Various Schools

Included in the Board binders is information on Change Order 1 and Change Order 2 for the following project:

Bid 15-34, Infrastructure for Portable Buildings Relocation at Various Schools

Change Order 1: \$98,650

This change order includes, but may not be limited to: moving portable classrooms from source campuses to receiving campuses, and setting portables per construction documents; and moving the portable classroom at Computech to avoid an unforeseen existing utility line.

Change Order 2: \$2,629

This change order includes, but may not be limited to: patching foam roofing at building joint; and demolition work to allow for electrical installation.

Original contract amount:	\$1,295,000
Change Order 1	98,650
Change Order 2	<u>2,629</u>
New contract amount:	\$1,396,279

The Superintendent recommends ratification. Fiscal impact: Sufficient funds are available in the School Facility (Developer) Fee Fund. Contact person: Karin Temple, telephone 457-3134.

A-15, RATIFY Purchase Orders from August 1, 2015, through September 30, 2015

Included in the Board binders is information on purchase orders issued from August 1, 2015, through September 30, 2015. Purchase orders for \$10,000 or more are presented first, followed by purchase orders for less than \$10,000. A list of purchase orders issued for Associated Student Body (ASB) accounts is also provided. The Superintendent recommends ratification. Fiscal impact: Funding is noted on the attached pages. Contact person: Karin Temple, telephone 457-3134.

**END OF CONSENT AGENDA
(ROLL CALL VOTE)**

UNSCHEDULED ORAL COMMUNICATIONS

Individuals who wish to address the Board on topics within the Board’s subject matter jurisdiction, but **not** listed on this agenda may do so at this time. While all time limitations are at the discretion of the Board President, generally members of the public will be limited to a maximum of three (3) minutes per speaker for a total of thirty (30) minutes of public comment as designated on this agenda. Any individual who has not had an opportunity to address the Board during this initial thirty (30) minute period may do so at the end of the meeting after the Board has addressed all remaining items on this agenda. 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. Please note that if you wish to address the Board on an agenda item, you should do so when that specific item is called.

B. CONFERENCE/DISCUSSION AGENDA

6:00 P.M.

B-16, DISCUSS and APPROVE the 2014/15 Audited Financial Statements Prepared by Crowe Horwath, LLP

Included in the Board binders is the Annual Financial Audit Report as prepared by our external auditors, Crowe Horwath, LLP. The audit report has been completed for submission to the State Department of Education. Each year the district is required to have its financial statements audited by an independent accounting firm. We are pleased to report that Fresno Unified School District has received an “Unmodified Opinion” for the 2014/15 Audit, which is the best opinion that can be issued. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district. Contact person: Ruth F. Quinto, telephone 457-6226.

6:20 P.M.

B-17, DISCUSS and APPROVE the 2015/16 First Interim Financial Report with a Positive Certification

California school districts are required to approve interim financial reports twice each fiscal year. Fresno Unified School District’s 2015/16 First Interim Financial Report ~~will be~~ **is** presented for approval and ~~will~~ **reflects** a positive certification of the district’s financial condition. The report ~~will be~~ **is** based on the October 31, 2015 year-to-date revenue and expenditures as required by state law. The Superintendent recommends approval of the First Interim Financial Report for submission to the County Superintendent of Schools. Fiscal impact: A positive certification reflects that the district has the required reserve for economic uncertainties (2%) and has a positive cash balance for the current year and two subsequent years. In addition, the support material reflects a multi-year projected budget for the Unrestricted General Fund and utilizes the state assumptions developed by the

B. CONFERENCE/DISCUSSION AGENDA - *continued*

California County Superintendents Educational Services Association. Contact person: Ruth F. Quinto, telephone 457-6226.

6:40 P.M.

B-18, DISCUSS and APPROVE 2014/15 Measure K and Measure Q Annual Report

Included in the Board binders is the 2014/15 Measure K and Measure Q Annual Report, which is required by the bylaws of the Citizens' Oversight Committee for Measure K and Measure Q. It includes a statement of compliance with State Proposition 39, bond project activity, and bond financial update. This is the last Annual Report that will include Measure K, as all Measure K funds have been expended. The Citizens' Oversight Committee for Measure K and Measure Q was established by the Board "*to inform the public concerning the expenditure of bond proceeds approved by the voters,*" and "*to ensure that bond proceeds are expended only for the purposes set forth in the ballot measures.*" (Committee Bylaws) The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district. Contact person: Karin Temple, telephone 457-3134.

6:50 P.M.

B-19, HOLD a Public Hearing in the Matter of the Aspen Public School Charter Petition

Lead Developer, Shelly Lether, has delivered a petition to the district seeking authorization to open a new charter, Aspen Public School, which is a replication of the existing Valley Preparatory Academy, currently authorized by Fresno Unified School District. The charter seeks to serve 331 students in grades K-8.

The charter petition was received by the Board on November 18, 2015, and will return for a decision at the January 6, 2016 Board meeting. Fiscal impact: The estimated fiscal impact to Fresno Unified School District for 2016/17 is \$914,608. Contact person: Rosario Sanchez, telephone 457-6223.

7:20 P.M.

B-20, DISCUSS and NOMINATE one Delegate for the California School Boards Association Delegate Assembly for Subregion 10-B

An opportunity is provided for the Board of Education to nominate one elected member to California School Boards Association (CSBA) Delegate Assembly for Subregion 10-B. Delegates serve two-year terms beginning April 1, 2015 through March 31, 2018. There are two required Delegate Assembly meetings each year. In 2016, the first meeting will be May 14-15 in Sacramento and the second one will be November 30-December 1 in San Francisco preceding the CSBA Annual Education Conference and Trade Show. The CSBA Delegate Assembly is a vital link in the association's governance structure. Working with local districts, county offices, the Board of Directors and Executive Committee, Delegates ensure that the association reflects the interest of school districts and county offices of education throughout the state. The Board President recommends nominations. Contact person: Board President, telephone 457-3727.

C. RECEIVE INFORMATION & REPORTS

C-21, RECEIVE 2014/15 School Facility (Developer) Fee Public Information Report

Included in the Board binders is the 2014/15 School Facility (Developer) Fee Public Information Report. School districts are authorized to levy fees on residential and commercial/industrial development for the purpose of mitigating impacts on school facilities as a result of the development. Government Code requires that certain public information regarding the fees collected be presented annually. The 2014/15 School Facility Fee Public Information Report provides the required information. Fiscal impact: There is no fiscal impact to the district. Contact person: Karin Temple, telephone 457-3134.

BOARD/SUPERINTENDENT COMMUNICATIONS

D. ADJOURNMENT

NEXT REGULAR MEETING

WEDNESDAY, January 6, 2016 – OPEN SESSION AT 5:30 P.M.