



**BOARD OF EDUCATION  
REGULAR MEETING**  
2309 TULARE STREET  
BOARD ROOM, SECOND FLOOR  
FRESNO, CA 93721-2287  
[www.fresnounified.org/board](http://www.fresnounified.org/board)

**MINUTES – BOARD OF EDUCATION REGULAR MEETING  
Fresno Unified School District  
March 9, 2016**

**Fresno, California  
March 9, 2016**

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

At a Regular meeting of the Board of Education of Fresno Unified School District, held on March 9, 2016 there were present Members Ashjian, Davis, De La Cerda, Johnson, Mills, Ryan and President Chavez. Student Board Member Correa and Jazlyn Quintana were present. Superintendent Hanson was also present.

President Chavez convened the meeting at 4:30 p.m. and ADJOURNED to Closed Session to address items 1 through 6. The Board reconvened in Open Session at 5:33 p.m.

**Staff Present**

Deputy Superintendent/CFO Quinto, Associate Superintendents Aguilar and Sanchez. Executive Director of Student Services Dorsey, Executive Director of Constituent Services Plascencia, Special Assistant to the Superintendent Chavez, Chief Academic Officer Mecum, Chief Human Resources/Labor Relations Officer Idsvoog, Chief Information Officer Arias, and Chief Technology Officer Madden.

**Reporting Out of Closed Session**

1. By a vote of 7-0-0, the Board took action in Closed Session to promote/appoint Zerina Hargrove-Brown, Principal III, Terronez Middle School.

**PLEDGE OF ALLEGIANCE**

Nick Gamber a parent that has had a positive impact at Heaton Elementary led the flag salute.

**APPROVE Minutes**

Approved as recommended, the draft minutes for the February 24, 2016 Regular Meeting. Member Davis moved for approval, seconded by Member Mills, which carried a vote of 7-0-0, as follows: AYES: Board Members: Ashjian, Davis, De La Cerda, Johnson, Mills, Ryan and President Chavez.

### **HEAR Reports from Student Board Representatives**

Student Board Representatives Arturo Correa and Chio Saechao provided comments/reports from the Student Advisory Board Representative meeting hosted by Duncan High School. Members Ryan and De La Cerda attended their meeting. Student Board Representative Arturo Correa acknowledged the student ambassadors from Scandinavian Middle School who shared highlights of various school activities and experiences.

*Trustee De La Cerda exited the meeting at 6:01 p.m.*

### **HEAR Report from Superintendent**

- Congratulated the McLane High School Boys Soccer team and coaches who made history by becoming NYL Champions and CIF Central Section Division IV Valley Champions - bringing the first ever boys' soccer championship to McLane.
- Superintendent Hanson also recognized Roosevelt's Boys Basketball team, who beat Selma this past weekend to take the Valley Championship at Selland Arena, making this only the second basketball champion for Roosevelt, the first coming in 1977.
- The Edison Girls Basketball team was also recognized for a hard fought season as they fell just short of a Valley Championship this weekend against Clovis West.
- Superintendent Hanson shared that Fresno Unified was the major employer in the room at Fresno State's Teacher Fair and that on March 29 at Patiño High School, the district will host its own *Aspiring Teacher Credential and College Expo* from 5:30-8:30 p.m. Our Expo will showcase the numerous programs Fresno Unified offers to help individuals gain their teaching credentials, whether in college or working in another field. Additional details are available on our district website at [fresnounified.org/jobs](http://fresnounified.org/jobs).
- March 17<sup>th</sup> at 1p.m. at Fresno City Hall, Council member Oliver Baines will honor Gaston Middle School Principal Felicia Quarles Treadwell for her positive impact in the community —awarding her Fresno City Council District Three's 2016 Woman of the Year. Congratulations and thank you for all you do QT!
- March 12, 2016 is the 9<sup>th</sup> Annual Middle School Tournament of Technology at Gaston Middle School. Students will compete in three categories: design, robotics and video and for the first time, we have a new event for our CoderGirlz clubs to compete in.
- Reminder to senior high school parents, this Friday March 11, 2016 is the last day to for students to submit applications for our Fresno Unified Scholarship Fund. Last year we awarded 42 students with more than \$57,000 and we hope to assist even more this year.

On a motion by Member Johnson, seconded by Member Davis, the consent agenda, exclusive of agenda items: A-3, A-4 and A-7 which were pulled for further discussion, was approved on a roll call vote of 8-0-1 as follows: Student Board Members: Correa and Quintana, Members Ashjian, Davis, Johnson, Mills, Ryan and President Chavez. *Member De La Cerda absent.*

## A. CONSENT AGENDA

- A-1, APPROVE Personnel List**  
**APPROVED, as recommended** the Personnel List, Appendix A, as submitted.
- A-2, ADOPT 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 February 24, 2016, Regular Board meeting.
- A-3, APPROVE Ewing/Turner Attendance Boundary Adjustment**  
**APPROVED, as recommended** an adjustment to the attendance boundary for Ewing and Turner elementary schools to offset projected enrollment growth at Ewing, and better balance student populations, effective for the 2016/17 school year. The recommended boundary adjustment shifts the area bounded by McKinley to the north, Helm to the east, Olive to the south, and Willow to the west, from the Ewing attendance zone to the Turner attendance zone. At a community meeting held at Ewing on January 14, 2016, the Ewing and Turner Principals, and additional Turner staff members, provided information to families and answered questions.

**Member Mills** – I just have a comment. I would like to have a facilities workshop before June. We also have a board policy that we are to have a facilities master plan, a five and ten year master plan that is to be updated annually. One of the components of the plan states that the maximum student capacity of each of our schools according to designated state department of education guidelines as well as the current capacities of those schools, but that is only one component. We need to have a discussion as a board on the broader facilities issues facing the district and the needs in this district.

**Member Ashjian** – Being the newest board member I think it would be beneficial to have a board workshop. If we could get a forecast of where we might be going in the next year or next five years it would be helpful. It could be tied into the building of new schools and/or the elimination of others.

**Superintendent Hanson** – The item in front of you is an accumulation of 7-8 months of work by staff. You will not see another item this spring. We will look into our workshop schedule and address the questions brought up this evening.

**Mr. Fabela** – Stated that this change is not making a significant impact. Asked if we looked to any other adjacent school to Ewing that could take in the overflow of students.

Member Mills moved for approval, seconded by Member Ryan, which carried a vote of 6-0-1, as follows: AYES: Board Members: Ashjian, Davis, Johnson, Mills, Ryan and President Chavez. *Member De La Cerda absent.*

- A-4, APPROVE Independent Contractor Services Agreement with Joint Opportunities for the Implementation of a Pilot Comprehensive Mentoring Program (HandinHand Mentoring) at King Elementary for 2015/16**  
**APPROVED, as recommended** a contract with Joint Opportunities to provide a comprehensive mentoring program (HandinHand Mentoring) at King Elementary. The

program will include group and one-on-one mentoring, counseling and after school services, which include a martial arts program. The program aims to reduce the number of initial and repeat offenses associated with bullying behavior.

**Member Johnson** – How do you develop a sense of self through this program of martial arts and how it relates to bullying?

**Mickie Valentine** – We have created a comprehensive program for the kids which will address some of the negative behaviors. We know a lot of the behaviors are learned, we are going to have a mindfulness group where we will be able to address some of the issues as they occur. We will also use some of the models DBT to help identify some of the core beliefs that may be quite illogical and help them establish new behaviors.

**Mr. Fabela** – Stated that this was a great program and would like to see other schools have the opportunity to participate.

Member Johnson moved for approval, seconded by Member Davis, which carried a vote of 6-0-1, as follows: AYES: Board Members: Ashjian, Davis, Johnson, Mills, Ryan and President Chavez. *Member De La Cerda absent.*

**A-5, DENY Claim #16-0212-0032**

**DENIED, as recommended** a Claim for Damages on a minor, case #16-0212-0032. The Superintendent recommends the Claim be denied and the matter referred to the district's Director of Benefits and Risk Management for further handling.

**A-6, RATIFY the Filing of Notices of Completion for the Projects Listed Below**

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

Bid 14-13	DeWolf/Design Science High School New Classroom Construction (Patiño School of Entrepreneurship)
Bid 15-01	Edison High School Swimming Pool Complex
Bid 15-06	Security Camera Installation for Various School Sites

**A-7, RATIFY Purchase Orders from December 1, 2015, through December 31, 2015, and P.O. 396275**

**RATIFIED, as recommended** information on purchase orders issued from December 1, 2015, through December 31, 2015, and P.O. 396275. 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.

**Member Mills** – I have a problem with one of the purchase orders on page three, \$14, 999 to BVI Construction Inc. Thank you Mr. Rosencrans for getting me the contract, but this seems to me that this is not a purchase orders but this is a preconstruction services agreement. It was entered into the district on April 30, 2015 and apparently it was paid on July 30, 2015 and it is just coming to the board in March. The education code 17604 does call for all contracts to be approved by the board and then education code 17605 does

indicate that purchase orders be brought to the board within 60 days. You indicated that this was missing and there was error/problem in our procedures. What was the error what has changed so this does not happen and get missed?

**Superintendent Hanson** – This was the first time, given what the opinion that came down from the fifth circuit in June, where we were in the process of a lease lease-back to move portables last summer. Because of the opinion that came down we didn't want to further an issues until we worked with legal counsel and figured out how we would do lease lease-back in the future. We pulled out of lease lease-back agreement even though BVI had done work they didn't get the lease lease-back and we went to a hard bid instead. As such, all of our preconstruction agreements reads, is someone enters into the agreement with us and they don't end up getting the lease lease-back then that triggers the payment for the preconstruction agreement. I say that in no way to be an excuse but to set the context. This is the first and only time that this has occurred where we had a new set of conditions and there wasn't a work flow or work rule on how this would transpire.

**Member Mills** – Thank you for the background, it is helpful.

**Paul Rosencrans** – When we prepare these we download the data from the system, this should have been approved on a previous agenda item where we brought the July PO's. My staff formats that data and tries to make it easy to read and in set in presentable format. In that process we made a clerical error, it is my responsibility to be reviewing that, I missed it on this one. As soon as I recognized it I brought to back to the first board meeting that I could to correct the error. Now it is in front of you to be ratified.

**Member Mills** – So there is no need for change in the internal procedures?

**Paul Rosencrans** – We have added another layer of internal control for reviewing.

**Member Mills** – I actually go back to the A-6 agenda time on the June 17, 2015 agenda and the lease lease-back agreement is attached but oddly enough it is missing the signature page and in light of all the uncertainty around government code 1090 and the fact that if we have consulting agreements and then we have a subsequently lease lease-back we do have a fifth district opinion that came out June 3, 2015, saying that is an impermissible conflict of interest and we can't be doing that. I have a problem approving this without get clarity on the legality. I don't have a problem with the other purchase orders just this particular one.

**Paul Rosencrans** – There was a board communication on December 4, 2015 that clearing goes through what all of our processes are. We can get that information to you.

**Member Mills** – I understand that but in my view we still have a problem with this based on the fifth districts opinion that came out last June.

Mary Beth de Goede – We have a fifth district court of appeals decision that rules on a demur, that issue is going back to trial, there has been no final ruling on that issue and therefore action on this item is perfectly legitimate.

**Member Ashjian** – Can you explain to me how the error was found?

**Paul Rosencrans** – At the last board meeting if you remember we pulled the PO's off of the agenda. We had put the wrong dates on there, as soon as we caught that it triggered a review of all of our board documents and that is how this item was caught.

**Member Ashjian** – So this came up from five months ago?

**Paul Rosencrans** – That is correct this should have gone to a board meeting in October. It was a clerical error that I didn't catch at the time.

**Member Ashjian** – Isn't it interesting that this shows up after the article in the Bee where we said we have only done one where we didn't put it through where there was a preconstruction agreement that didn't turn into a lease lease-back, and this is the only one that didn't show up on a purchase order.

**Paul Rosencrans** – That is a fair question. I can ensure you that this was just a clerical error. As soon as the error was found we quickly moved to correct it. This is a mistake from purchasing and that was my responsibility to catch that.

**Member Ashjian** – This lease lease-back didn't make it on the website. Is that correct?

**Paul Rosencrans** – There is no lease lease-back on this item.

**Member Ashjian** – People in the public are saying, how many of these preconstruction agreements do you have? If this one just showed up now, is there anymore preconstruction agreements out there beside BVI that we are going to pay?

**Paul Rosencrans** – This is the only one.

**Superintendent Hanson** – If I can just reiterate, we have used preconstruction agreements, we have used lease lease-back, this is as I have said an anomaly in that we were in a preconstruction and lease lease-back process with BVI to move portables last summer. This is the only time where we designated a project to be a lease lease-back and then for reasons external to us, a courts opinion, we stopped that mid-stream, shut down the lease lease-back process and went to a hard bid process. It caused ripples through the system because it was not a normal process.

**Member Ashjian** – The reality is staff did not shut that down the board stopped the lease lease-back and said we would send it out to hard bid.

**Paul Rosencrans** – The board is the only person who can authorize and enter into any contract. Staff only makes the recommendation.

**Member Ashjian** – Not necessarily. Staff can if it is under \$15,000. In regards to this item. If you didn't send it over to accounting how did it get paid?

**Paul Rosencrans** – The payment happened after we made the award for the hard bid. It was services that had been provided that we needed to pay.

**Member Ashjian** – If it got paid in July, how did it not make the purchase order list?

**Paul Rosencrans** – A purchase order has to happen first, so there was always a purchase order. This particular item should have been on the October list when we ratified the purchase orders. It was a clerical error from my staff, it got dropped off and again as soon as we caught it we brought it to the board.

**Mr. Fabela** – Made comments in regards to the Harris Construction PO on page four for \$293,384. Stated that we allowed Harris to replace conduit on the entire Bullard campus instead of limiting it to the original job. I am not concerned with the need but with the process of how this got done with no board oversight.

Member Ryan moved for approval, seconded by Member Johnson, which carried a vote of 4-2-1, as follows: AYES: Board Members: Davis, Johnson, Ryan and President Chavez. NOES: Board Members: Ashjian and Mills. *Member De La Cerda absent.*

## END OF CONSENT AGENDA (ROLL CALL VOTE)

## **UNSCHEDULED ORAL COMMUNICATIONS**

**Kenneth R. Mackie** – Introduced himself to the board as working for the Law Offices of Canelo, Wallace, Padron & Mackie stating he had been contacted by a group called *Fresno Watchdogs for Ethical Bidding*. They are concerned about the irregularities in Bid #16-13 Figarden Elementary School Classroom Building Additions.

**Steve Thao** – A representative from Stone Soup, wanted to bring awareness to California’s Earned Income Tax Credit. There are free resources that our parents and families can take advantage of.

## **B. CONFERENCE/DISCUSSION AGENDA**

### **B-8, DISCUSS and APPROVE the 2015/16 Second Interim Financial Report with a Positive Certification**

**DISCUSSED and APPROVED as recommended.** California school districts are required to approve interim financial reports twice each fiscal year. Fresno Unified School District’s 2015/16 Second Interim Financial Report is presented for approval and reflects a positive certification of the district’s financial condition. The report is based on the January 31, 2016 year-to-date revenue and expenditures as required by state law.

Presentation by Deputy Superintendent, Ruth F. Quinto

An opportunity was provided to hear questions/concerns from members of the board and staff was available to respond

**Member Ashjian** – The reserve level for the second interim report is showing a projected 4.53%. What was the projected when we gave the first initial budget?

**Ruth Quinto** – I believe it was 3.99% or 3.90%. At the first interim it was 4.01%.

**Member Davis** – I want to thank your team for all their hard work. I have a question on page 5, in regards to the +\$900,000 Lottery Income and +\$500,000 for the Interest Income. Why do we not label that as one-time money? This seems to give the impression that we are swimming in money.

**Ruth Quinto** – On the interest income we are conservative. We don’t foresee any fluctuations at this time. If necessary we will make an adjustment. On the lottery income we did clarify and the state did give us a new number and it should be on-going.

**Member Davis** – If I heard you correctly the Fresno County Office of Ed suggested that we become more conservative on our reserve level.

**Ruth Quinto** – They were more expansive in their warning. They were also more specific in recommendations on guidance regarding examples to utilize when setting a reserve level.

**Member Mills** – I have a question on number 7 of the second interim report, the one-time expenditures that will be spent in 2015/16. Do we have a pattern of actually following through and expending? Or have we not been doing that and carrying it over?

**Ruth Quinto** – We mostly expend them and if we don’t we are very clear at the year-end of what is not expended. We will then designate fund balance and make sure that the board saves that fund balance so it can be expended the following year, put in the reserve or earmark it for something else.

**Member Mills** – Can I get clarification on page 3, bullet item number 2, where it states: The prior guidance in November 2015 projected the LCFF funding level at 12.52% for 2016/17. Current guidance projects the LCFF funding at 49.08%

**Ruth Quinto** – This is a reflection of what the guidance said in November and what the guidance says now.

**Member Mills** – Why the huge change?

**Ruth Quinto** – I could speculate but I can give you the factual information which is that in November the guidance from the county office said 12.52% so our first interim said 12.52%. Now the county office say 49.08% and so our current interim says 49.08%. The guidance reflects the latest governor's budget.

**Member Mills** – So we take the information from the County Office of Ed and plug it in without getting clarification?

**Ruth Quinto** – No, we absolutely get clarification not only from the county but the governor's office to a variety of oversight organizations. We want to ensure that we follow the guidance provided but at the end of the day we are absolutely going to take the guidance that is provided to us by the County Office of Education.

**Member Ryan** – At one time we had a one billion dollar liability in the retiree's health fund. Where are with that now?

**Ruth Quinto** – I don't have the exact number but I believe we are at \$785 million.

**Member Ryan** – I know that we opened an irrevocable trust. What is our plan for populating that trust, and making sure that with another economic downturn, we are not cutting into our budget so much to pay for retiree health benefits?

**Ruth Quinto** – The district has been contributing and we did include this in our board communication. We are self-funded for the Gatsby 45 Reserve, more formally referred to as other post deployment benefits which is the reserve for lifetime health benefits. The actuarial liability was about 1.1 billion dollars at its highest and at its lowest is has been less than \$750 million. Currently about \$785 million. We at the time, the Superintendent and I, first arrived in 2005 worked with our partners at Fresno County Office of Education as we were climbing out of our negative certifications status at that time, on what was a 50 year plan to fund the 1.1 billion dollar actuarial liability. I don't recommend that we fully fund that actuarial liability because that basically says we expect at some point that the district is going to shut its doors, and that we would rather take our resources away from the classroom and students and fund this liability because we believe that, we need to protect ourselves from that in total. Our plan with the Fresno County Office of Education that helped us get out of that negative certification status was a 50 year plan to fund the liability. In our reserve policy, we also gave ourselves a caveat, that if we got into a volatile economic situation with the state, which we eventually did, that we would stop funding the 50 year plan. That 50 year has grown, so we have been contributing approximately \$3.5 million per year, except for when we took a hiatuses during our volatile economic times. We went from starting out at zero resources, to \$7 million in 2005 to now just shy of \$30 million, and we opened an irrevocable trust, which also helps us in the actuarial net difference between zero and \$790 million dollars. We are closing the gap it is still a drop in the bucket when you look at the net difference between \$30 million and \$790 million, but it is progress.

**Member Ryan** – Can we get a report of some type by the end of the year that will show us where we are and all the possibilities? I don't want to leave some future board with this huge liability and I don't expect to fund it completely. Have you or the Superintendent considered what we would do if the new president considered taking Common Core away?



**Ruth Quinto** – No, frankly I have not taken that into consideration, however I would be happy to contemplate it.

**Member Davis** – Is there a trend with our aging employees so we can plan accordingly? Do we look at that?

**Ruth Quinto** – Yes there is and we watch it closely. A couple of board meetings ago the board approved \$89, 000 to re-engage our actuarial firm in order to refresh the actuarial study. So we should have an updated number shortly.

Member Ryan moved for approval, seconded by Member Davis, which carried a vote of 6-0-1, as follows: AYES: Board Members: Ashjian, Davis, Johnson, Mills, Ryan and President Chavez. *Member De La Cerda absent.*

A copy of the PowerPoint is available on the district website

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

There are no items for this port of the agenda.

### **BOARD/SUPERINTENDENT COMMUNICATIONS**

There were no Board or Superintendent communications.

### **D. ADJOURNMENT**

With no further business to come before the Board of Education at this time, Board President Chavez declared the meeting adjourned at 7:25 p.m.

**NEXT REGULAR MEETING**  
**WEDNESDAY, March 30, 2016 – OPEN SESSION AT 5:30 P.M.**