

**MINUTES – BOARD OF EDUCATION REGULAR MEETING  
Fresno Unified School District  
October 25, 2017**

**Fresno, California  
October 25, 2017**

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

At a Regular Meeting of the Board of Education of Fresno Unified School District, held on October 25, 2017, there were present Board Members Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, Mills and President Ashjian. Superintendent Nelson was also present.

President Ashjian CONVENED the Regular Board meeting at 4:40 p.m. in the Board room and ADJOURNED to Closed. Session to address items 1 and 7. The Board RECONVENED in Open Session at 6:45 p.m.

**Staff Present**

Deputy Superintendent/CFO Quinto, Chief Academic Officer Mecum, Chief Human Resources/Labor Relations Officer Idsvoog, Chief Operations Officer Temple, Chief Information Officer Arias, Chief Technology Officer Madden, Executive Director of Constituent Services Plascencia, Executive Director of Student Services Dorsey, Administrative Analyst Bonilla and Interim Chief of Staff Chavez.

**Reporting Out of Closed Session**

- The Board took action in Closed Session to place one permanent certificated employee on a compulsory leave of absence. On a motion by Member Davis, seconded by Member Johnson, by the following vote: 7-0-0-0.
- During Closed Session, the Board Addressed Item 7.a., Fresno Watchdogs for Ethical Bidding v. Brooke Ashjian, Fresno Superior Court Case No. 17CECG02900 by directing the Superintendent to secure counsel to represent Board President Ashjian under a reservation of rights and to seek declaratory relief.

*Board President Ashjian made a statement regarding his absence when the board was in discussions regarding Closed Session Item 7.a.*

**PLEDGE OF ALLEGIANCE**

Fidel Olmos, a parent that has had a positive impact at Olmos Elementary led the flag salute.

**PRESENT and ADOPT Emergency Resolution in the Event of a Concerted Refusal to Work by Employees (Resolution No. 17-08)**

**Adopted as recommended**, an Emergency Resolution in the Event of a Concerted Refusal to Work by Employees (Resolution No. 17-08).

Member Davis moved for approval, seconded by Member De La Cerda, which was adopted on a roll call vote of 9-0-0-0 as follows: AYES: Student Board Members Riar and Rivera. Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, Mills and President Ashjian.

**APPROVE Minutes**

**Approved as recommended**, the draft minutes for the August 9, 2017 Regular Meeting, and the August 11, 2017 and August 12, 2017 Special Meetings.

Member Mills moved for approval, seconded by Member Cazares, which carried a vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, Mills and President Ashjian.

**HEAR Reports from Student Board Representatives**

Students Mackenzie Rivera and Tracey Zuniga from Hoover High School thanked Trustee Claudia Cazares for attending their ASB meeting and sharing the students' same values and goals for their region. The students voiced their support for agenda item A-4 and heard from district staff about LCAP community meetings and the need for student input. They shared some recent happenings from Hoover including that Mrs. Danielle Dickie was named "Teacher of the Week," Hoover's homecoming had the theme "Hoover Supports Las Vegas" where students decided to write letters to first responders who helped victims. The students also wrapped up a successful Breast Cancer Awareness Football Game at Sunnyside High School and are preparing for the school's first-ever "Patechella" which is Hoover's version of the music festival "Coachella." Also, students from Tioga Middle School shared with the board the activities they participate in at school, why they love Tioga and their career goals.

**HEAR Report from Superintendent**

- Highlighted Red Ribbon Week with special activities at schools all across the district. Students at Webster wore pajamas to school as they followed their dreams and said no to drugs while Pyle elementary students teamed up against drugs by wearing their favorite team jerseys and super hero shirts. Thanked teachers, counselors, staff and campus culture directors for creating lessons and activities for our students to learn and make good choices.
- Shared the first stakeholder community forum that was held on the district's work and efforts around Positive Behavior Intervention & Supports (PBIS), Social Emotional Learning and Restorative Practices. The guidelines not only address misbehaviors, but pair consequences with interventions that restore relationships and teach students the skills to address the underlying behavioral issues. Staff will participate in additional professional learning around this work as the district conducts a soft launch at five initial sites, with a district-wide launch in 2018/19.
- Applauded the district's work to serve immigrant families which was honored by the U.S. Citizenship and Immigration Services. USCIS notified Fresno Unified that it had been

awarded a \$250,000 Citizenship and Assimilation grant to support the Dream Resource Center efforts. This grant was given to only two school districts in the country, Fresno Unified and Miami Dade County, recognizing the work the districts are doing to support immigrants transition into the United States. Also, the district was presented with the Innovation in Immigration Integration Award at the 2017 Central Valley Immigration Integration Collaborative (CVIIC) Conference held at Picadilly Inn. Locally, CVIIC is a network of partner organizations to assist local immigrant families impacted by immigration policies. Fresno Unified is committed to supporting our DACA students, families and staff. The Dream Resource Center would not be possible without the support from our Board of Trustees and all of our community partners.

On a motion by Member Davis, seconded by Member De La Cerda, the consent agenda, exclusive of agenda item: A-4, A-5, A-6, A-9, and A-11 which were pulled for further discussion, was approved on a roll call vote of 9-0-0 as follows: AYES: Student Board Members Riar and Rivera. Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, Mills and President Ashjian.

#### **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 October 11, 2017 Regular Board meeting.
- A-3, APPROVE Provisional Internship Permits**  
**APPROVED as recommended**, Provisional Internship Permit (PIP) recommendations to rehire or hire upon Board approval.
- A-4, APPROVE Award of Bid 18-02, Adult Transition Program Modernization Project**  
**APPROVED as recommended**, Bid 18-02, to modernize the Adult Transition Program campus including remodeling ten classrooms and the administration office, multi-purpose room and kitchen; constructing two new life skills kitchens and front entrance canopy; improving hardscape, landscape and parking areas; and improving site accessibility.

Staff recommends award to the lowest responsive, responsible bidder:

Mark Wilson Construction, Inc. Fresno, CA \$5,259,830

**Prior to the vote Board President Ashjian read the following statement:**

“Mark Wilson Construction, Inc., is one of the bidders for Bid Number 18-02 identified in Item A-4. I have been a subcontractor for Mark Wilson Construction on projects not involving Fresno Unified. I began providing services to Mark Wilson Construction more

than five years prior to my election to this Board. I did not participate in making this contract. Therefore, I have a remote interest in this contract and I am abstaining from this vote pursuant to the Board Bylaw 9270.”

For the record, there were no comments/questions regarding this item. Member De La Cerda moved for approval, seconded by Member Davis, which carried a 6-0-1-0 vote. AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, and Mills. ABSTENSIONS: Board President Ashjian.

**A-5, APPROVE Project to Improve High School Weight/Fitness Rooms, and Authorize Utilization of Individual Piggyback Contracts in 2017/18**

**APPROVED as recommended**, a project to provide new/replacement weight and fitness equipment for Bullard, Duncan, Edison, Fresno, Hoover, McLane, Roosevelt and Sunnyside; and future facility improvements for Edison, Fresno, McLane and Sunnyside. The project will replace 15+ year old equipment with equipment that is gender neutral and supports PE, athletics and special education. Information on proposed projects for each school is included in the Board binders. Also recommended are future improvements at Edison, Fresno, McLane and Sunnyside to reduce inequity in the overall space dedicated to weight, fitness, dance and wrestling facilities. Improvements at Edison, Fresno and McLane can be included in the Measure X gym projects in the high school master plans approved by the Board on September 28, 2016. For Sunnyside, a facility in the open area between the tennis courts and north academic building is also in the approved site master plan for Measure X funding. For equipment purchases, approval to utilize piggyback contracts (in the Board binders) is recommended.

For the record, there were comments/questions regarding the fact that the Edison High School region historically has been left to the future when it comes to facility updates/improvements, this item has come to the board prematurely, would like to see timelines for the fitness room and timelines for the weight rooms, concerns over the additional staff requirements with the suggested improvements, who would manage the equipment, inequalities of investment to each of the regions, being equal is not equity, concerns that even though there is a need to improve our weight/fitness rooms is it the best use of our money when there are so many other needs, there are several goals of the district and athletics is one of them, promises are made but are those promises kept, clarification that some of the schools would need to be expanded to become equitable, will the equipment be purchased in bulk, clarity on what staff went through to bring this forward to the board while making it equitable for all schools, how long will the equipment last, and most of our students do not have gym memberships so if not at school where would the go. Chief Operation Officer Karin Temple, Executive Director Paul Rosencrans and Assistant Superintendent Holland Locker were able to provide clarification. Member Jonasson Rosas made a motion to not move forward on Agenda Item A-5 *The project to improve high school weight/fitness rooms, and authorize utilization of individual piggyback contract in 2017/18* and to invest the money elsewhere, seconded by Member De La Cerda, which carried a 4-3-0-0 roll call vote. AYES: Board Members: Davis, De La Cerda, Johnson, and Jonasson Rosas. NOES: Board Member Cazares, Mills and President Ashjian.

- A-6, APPROVE Independent Contractor Services Agreement with WestEd**  
**APPROVED as recommended**, an Independent Contractor Services Agreement with WestEd to establish a task force to help guide the African American Academic Acceleration Initiative.

WestEd's support and approach is grounded in its commitment to achieving educational equity and draws from extensive experience designing and facilitating authentic stakeholder engagement opportunities aimed at creating shared ownership and accountability for student success. The scope of work will include:

1. Context Setting and Artifact Analysis
2. Preparation for Task Force Sessions
3. Facilitation of Task Force Sessions
4. Support to District Leadership

For the record, there were comments/questions regarding the scope of the contract, timelines regarding recommendations and/or a report, what will WestEd be doing for the district exactly, how soon will the district be able to act with WestEd's recommendations, and will we be getting an update soon. Executive Director Wendy McCulley was able to provide clarification. Member Jonasson Rosas moved for approval, seconded by Member De La Cerda, which carried a 7-0-0-0 vote. AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, Mills and Board President Ashjian.

- A-7, ADOPT Variable Term Waiver for Career Technical Education Credential Holders**  
**ADOPTED as recommended**, Variable Term Waiver request for Career Technical Education Credential holders for English Learner Authorization until CTE program is completed.

- A-8, DENY Claim #17-0920-0304**  
**DENIED as recommended**, a Claim for Damages by a Minor, case #17-0920-0304.

- A-9, RATIFY Amendment to Agreement with Fresno County Superintendent of Schools for the 2017/18 CalWORKs Funding**  
**RATIFIED as recommended**, an amendment to an agreement with Fresno County Superintendent of Schools for the 2017/18 CalWORKs funding. The CalWORKs funding for Fresno Adult School is to provide educational services to referred public assistance recipients under CalWORKs. Services include orientation, assessment, and instruction in Adult Secondary Education, English as a Second Language, and Career Technical Education training. Fresno Adult School is responsible for quarterly reporting of fiscal expenditures, student attendance, and student assessment data.

For the record, there were comments/questions regarding the clarity of the contract, are we extending the contract or are we doubling up on the contract. Staff was able to provide clarification. Member Jonasson Rosas moved for approval, seconded by Member Davis, which carried a 6-0-0-1 vote. AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, and Mills. ABSENT: Board President Ashjian.

**A-10, RATIFY the Filing of Notices of Completion for the Following Projects**

**RATIFIED as recommended,** Included in the Board binders are Notices of Completion for the following projects, which have been completed according to plans and specifications.

**Bid 17-17, Hoover High School Cooling Tower Replacement**

**Bid 17-26 A-D, Installation of Exterior Lighting Upgrade at Various Campuses**

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

**A-11, RATIFY Purchase Orders from July 1, 2017 through July 31, 2017**

**RATIFIED as recommended,** Included in the Board binders is information on purchase orders issued from July 1, 2017, through July 31, 2017. Purchase orders for \$10,000 or more are presented first, followed by purchase orders for less than \$10,000. The Superintendent recommends ratification. Fiscal impact: Funding is noted on the attached pages. Contact person: Karin Temple, telephone 457-3134.

**Prior to the vote Board President Ashjian read the following statement:**

“Included in item A-11 are purchase orders for Todd Companies (purchase order number 495610) and Expo Party Rentals (purchase order numbers 496108 and 496104). I have done business with Todd Companies and Expo Party Rentals in my private capacity on other projects not involving Fresno Unified beginning at least five years prior to my election to this Board. I did not participate in making these contracts. Because of my relationship with these companies, I have a remote financial interest in these contracts and, therefore, I am abstaining from this vote pursuant to Board Bylaw 9270.”

**Prior to the vote Board Member Jonasson Rosas read the following statement:**

“Fresno EOC is the vendor for purchase order numbers 496588 and 495711 as stated in item A-11. I am employed by Fresno EOC, which is a nonprofit corporation. I did not participate in making these contracts. Because of my employment with Fresno EOC, I have a remote financial interest in these contracts and, therefore, I am abstaining from this vote pursuant to Board Bylaw 9270.”

For the record, there were no comments/questions regarding this item. Member Davis moved for approval, seconded by Member De La Cerda, which carried a 5-0-2-0 vote. AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, and Mills. ABSTENSIONS: Board President Ashjian and Jonasson Rosas.

**END OF CONSENT AGENDA**

## **UNSCHEDULED ORAL COMMUNICATIONS**

- **Feliz Coke Mislaih aka Coco #3** – Stated he is going to put everything in the past and in future amount of years that he chooses.
- **J.R. Cagle** – Supports Board President Ashjian and his right to speak regarding his own beliefs.
- **Kenneth R. Mackie** – Stated that Brooke Ashjian must resign for the good of Fresno Unified School District, for the good of the construction industry in Fresno and for the good of the community. His presence on the board has cost the district hundreds of thousands of dollars.
- **Bishop Westbrook** – Supports Board President Brooke Ashjian. We do not have to agree with everything that Board President Ashjian says but we do agree on one thing, the concern he has on our children.
- **Glenda Gilliland** – Supports Board President Brooke Ashjian. Supports his right to free speech. We were not asked about the LGBT Resolution where is the Native American Resolution?

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

### **Agenda Item B-12, Present and Discuss Performance Indicators for Local Control and Accountability Plan Local Priorities 1-3, 6**

The California School Dashboard shows performance levels on six state performance indicators and four local indicators. While the state indicator results are collected from statewide databases and sources, local indicator data is left to the Local Education Agency (LEA) for collection and reporting.

A public meeting to report the results is required prior to uploading the data and requires no formal action from the Board of Education.

The performance standards for the local performance indicators 1-3, 6:

- Appropriately Assigned Teachers, Access to Curriculum-Aligned Instructional Materials, and Safe, Clean and Functional School Facilities (Priority 1)
- Implementation of State Academic Standards (Priority 2)
- Parent Engagement (Priority 3)
- School Climate (Priority 6)

Presentation by Executive Director David Jansen and Staff

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

For the record, comments/questions were made regarding where will the community engagement workshops be located at each site, is the state rubric as the base line set in stone or will it change, is this in conjunction with the state data dashboard, is this the dashboard that they rate districts on, the workshop for Fresno High School is that during winter break or when we just get back, in regards to our LCAP indicators are we tracking and accessing to see what is effective, are we tracking and evaluating on a school by school bases what works for one site may not work for

another, would like to see results for Math since that is our weak spot, teachers misassigned is less than one percent is that in a certain region, would like to see the indicator *Facilities Properly Maintained* to reach a hundred percent, is there an expectation from the state on each of the indicators, on presentations if we could see where we stand with the states expectations, who is surveyed regarding the basic services and conditions at school sites, does the implementation of Science and History curriculum align to our book adoption, how far behind is the district on ELD, do we have a plan in catch up, the numbers for school climate are really low, would like to see more information regarding Access to Instructional Materials, we might have the material but are the students using it, would like to see additional information on how we measure the changes with aligning ELD with ELA and what has been more useful, clarity on Basic Services and Conditions at School vs. Clean Safe and Operational specifically regarding facilities, and clarify on the indicator of Student Access to Instructional Materials being at one hundred percent. Executive Officer Danisi, Chief of Human Resources Idsvoog, Chief of Operations Temple, Executive Director Jansen and Instructional Superintendent Dutra were available to answer questions and provide clarification. No action was required on this item.

*The Board of Education took a five-minute break.*

**Agenda Item B-13, Present and Discuss Conceptual Planning for New Southeast Elementary School.** - Item was pulled by staff.

**Agenda Item B-14, Discuss Assembly Bill (AB) 1915 Pupil Instruction: Social Sciences: Armenian Genocide** - Item was pulled by staff.

**Agenda Item B-15, Discuss and Approve Proposed Revisions for Board Bylaws (BB), Board Policies (BP), Administrative Regulation (AR), and Exhibit (E)**

Presented to the Board were proposed revisions to the listed Board Bylaws (BB), Board Policies (BP), Administrative Regulations (AR), and Exhibit (E) for the Board's consideration and adoption.

- BB 9000 Role of the Board (Powers and Responsibilities)
- BB 9100 Annual Organizational Meeting
- BB 9121 President
- BB 9122 Secretary
- BB 9123 Clerk
- BB 9230 Orientation
- BB 9320 Meetings and Notices
- BB 9322 Agenda Meeting/Materials
- BB 9323 Meeting Conduct
- BP 2121 Superintendent's Contract
- BP 2122 Administration Superintendent of Schools: Job Description
- BP 2210 Administrative Leeway in Absence of Governing Board Policy
- BP 4111 Recruitment and Selection
- BP 4113 Assignment
- BP 4312.1 Contracts
- BP 5022 Students

- AR 4117.5 Termination Agreements
- AR 4313.2 Promotion/Demotion/Reclassification
- AR 4313.3 (NEW) Mid-Year Certificated Administrator Reassignment to the Classroom or Demotion
- E 2122 Superintendent of Schools: Responsibilities and Duties

Presentation by Chief of Staff David Chavez and Legal Counsel Jerome Behrens

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

**Kenneth R. Mackie** – Where is the community involvement. Only two of the three members were present when bylaws were drafted. The suggested changes would give the board president more power. Is that what we want to do? Requested that the board not approve and wait to get community input.

**Francine Farber** – The suggested changes would alter relationship between the Superintendent and board and alter relationship between the Superintendent and staff. Items should not be approved this evening, items should be disaggregated and voted separately, there should be a workshop for the board and public so there is an understanding of what is really being requested, and would like to know in what were the bylaws that were out of sync with the Superintendents contract.

**Mary Haskin** – Ridiculous, outrageous, inappropriate you are taking away the Superintendent's power. This item should not be approved.

**Howard Watkins** – Surprised to see no item that discussed the removal of an officer, several of the bylaws removes power from the Superintendent. The Superintendent should work with the board president to set the agenda and a board member should have the right to add an item to the agenda.

**Jessica Mahoney** – Agreed with changes for the reorganization of the board, not fair on the time limits, does not agree to the changes regarding unscheduled oral communication and lumping groups together and concerns regarding the Superintendent and his power to make decisions.

**Hugo Morales** – These changes remove of the power from the Superintendent. We should allow our Superintendent do the job that he was hired to do.

For the record, comments/questions were made regarding bringing bylaws into compliance with existing law, creating consistency among the bylaws, encouraged board members to consider a set rotation for president and clerk, if any of the requested changes were legally required, a statement that CSBA provides the district with suggested or mandated changes to bylaws, support for elected based appointments for president and clerk, a suggestion to get trained in board governance, a concern that we would be micro managing the Superintendent, concern that the changes would give the board too much authority, why are we voting on this tonight instead of just discussing, is there a reason for the expediency, what was the reasoning for the separate counsel on this item, the board has the right to change the bylaws, the amount of money spent on re-examining the bylaws, what kind of message does it send if we don't trust the new Superintendent that we just hired, clarity as to why the subcommittee selected different counsel to review bylaws,. Legal Counsel Jerome Behrens and Mary Beth DeGoede were available to answer questions and provide clarification. Member Davis motioned to deny the approval of the board bylaws with the exception

of administrative regulation 4117.5 Termination Agreements that reduces the buyout from 18 months to 12 months, it was seconded by Member De La Cerda, the motion passed on a roll call vote of 5-2-0-0 as follows: AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, and Jonasson Rosas. NOES: Board Member Mills and Board President Ashjian.

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

The Board was in receipt of Agenda Item C-16, the Fresno Unified School District Proposal to California School Employees Association (CSEA) and its Fresno White Collar Unit Chapter 125 for Re-Opener Negotiations for the 2017/18 School Year; and

Agenda Item C-17, the California School Employees Association (CSEA) and its Fresno White Collar Unit Chapter 125 Proposal to Fresno Unified School District for Re-Opener Negotiations for the 2017/18 School Year

### **BOARD/SUPERINTENDENT COMMUNICATIONS**

**Board Member Davis** – Requested that the Community Engagement Workshop not be conducted in the month of December but prefers the later part of January and February. Also requested that the weight room agenda item come back with a list of worst to first.

Member Mills motioned to extend the meeting by 30 minutes, seconded by Member Davis, which carried a 7-0-0-0 vote. AYES: Board Members: Cazares, Davis, De La Cerda, Johnson, Jonasson Rosas, Mills and Board President Ashjian.

**Board Member Mills** – Mentioned the program Breaking Down the Walls and feedback that was received was how female students feel they are treated differently. Need to examine what the district is doing or not doing to make our students feel that way.

**Board Member Jonasson Rosas** – Requested information on the districts homeless population and the utilization of supports that have been implemented within the district and their perceived effectiveness. Would second Board Member Davis' request to bring back the evaluation of Athletics within the district.

**Board Member De La Cerda** – Supports Board Member Davis' request, and requested information regarding the cost of legal expenses incurred in reviewing the board bylaws.

**Board Member Cazares** – Requested clarify from legal counsel on whether or not the board could have the weight room item return to the board. Has the district considered providing sensitivity/ethics training to our students in light of the recent attack at Bullard High School.

**Board Member Ashjian** – Inquired how Tenaya Middle School could get funded for a Water Polo Team.

The Board adjourned back into Closed Session at 10:37 p.m.

There was nothing to report out of Closed Session.

**D. ADJOURNMENT**

With no further business to come before the Board of Education, Board President Ashjian declared the meeting adjourned at 10:50 p.m.