



BOARD OF EDUCATION
REGULAR MEETING
2309 TULARE STREET
BOARD ROOM, SECOND FLOOR
FRESNO, CA 93721-2287
board.fresnounified.org

**AGENDA
SEPTEMBER 28, 2022
*4:45 P.M. (CLOSED SESSION) *6:15 P.M. (OPEN SESSION)**

**THIS MEETING WILL BE HELD AT 2309 TULARE STREET, BOARD ROOM,
SECOND FLOOR, FRESNO, CALIFORNIA 93721**

AND

**BOARD MEMBER THOMAS WILL PARTICIPATE FROM THE FOLLOWING
TELECONFERENCE LOCATION: INTERCONTINENTAL MIAMI, 100 CHOPIN
PLAZA, MIAMI, FLORIDA 33131, BOARD ROOM, OPEN TO THE PUBLIC**

**PURSUANT TO GOVERNMENT CODE SECTION 54953 (B)(2), ALL ACTION TAKEN
DURING THIS TELECONFERENCE MEETING SHALL BE BY ROLL CALL VOTE**

PLEASE NOTE: WE ARE BACK TO IN-PERSON BOARD MEETINGS.

*DESIGNATED TIMES FOR CONFERENCE/DISCUSSION ITEMS ARE ESTIMATES.

PLEASE NOTE: PARKING WILL BE AVAILABLE FOR BOARD MEETINGS AFTER 5:00 P.M. AT THE "N" STREET PARKING PAVILION LOCATED ON THE SOUTHEAST CORNER OF TULARE AND "N" STREETS – ENTRANCE IS ON "N" STREET. Board meeting attendees without key cards should report to the parking booth to be scanned in by the attendant. Please do NOT pull a ticket. Also, the City of Fresno will not enforce the street meters in this area after 6:00 p.m., Monday through Friday.

Individuals who plan to attend the meeting in person must go through the [COVID-19 Daily Self-Health Screening Tool](#) the day of the board meeting and must answer "no" to all questions.

For the safety of all who attend Fresno Unified Board Meetings, everyone entering the Board of Education Room is subject to metal detector scanning. The use of metal detectors is approved under Board Policy 5145.12. The following items will not be permitted: alcohol, illegal drugs, knives, or firearms.

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 Office at 457-3727. 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. Any member of the public who wishes to address the Board shall submit a speaker card specifying the item(s) they wish to address. The card must be submitted before the Board President announces the specific agenda item.

Public materials are available for public inspection at our website at: board.fresnounified.org

TRANSLATION SERVICES: Available in Spanish and Hmong in the meeting room upon request.

***4:45 P.M.**

CALL Meeting to Order

OPPORTUNITY for Public Comment on Closed Session Agenda Items

RECESS for Closed Session to discuss the following:

1. Student Expulsions Pursuant to Education Code Section 35146.
2. Conference with Labor Negotiator - (Government Code Section 54957.6); FUSD Negotiator(s): David Chavez and 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; International Association of Machinists and Aerospace Workers (IAMAW), Unrepresented Employees: All Management, Confidential, and Supervisory Employees.
3. Public Employee Discipline/Dismissal/Release/Reassignment/Resignation.
4. Public Employment/Appointment - (Government Code Section 54957).
 - a. Executive Director
 - b. Principal
5. Conference with Legal Counsel - Existing Litigation - (Government Code Section 54956.9(d)(1)).
 - a. Potential Case (One)
6. Conference with Legal Counsel – Anticipated/Pending/Threatened Litigation (Government Code Section 54956.9(d)(2)).
 - a. OAH Case No. 2022040896

***6:15 P.M., RECONVENE** and report action taken during Closed Session, if any.

PLEDGE OF ALLEGIANCE

Wendy McCulley will lead the flag salute.

HEAR Reports from Student Board Representatives

An opportunity is provided to hear comments/reports from Student Board Representatives from Edison High School. Contact person: Dr. Natasha Baker, telephone 457-3731.

HEAR Report from Superintendent

OPPORTUNITY for Public Comment on Consent Agenda Items

ALL CONSENT AGENDA items are considered 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 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. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

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 14, 2022, Regular Board Meeting. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Dr. Natasha Baker, telephone 457-3731.

A-3, APPROVE Minutes from Prior Meetings

Included in the Board binders are the draft minutes for the September 07, 2022, Board Workshop and the September 14, 2022, Regular Board Meeting. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district. Contact person: Dr. Robert G. Nelson, telephone 457-3884.

A-4, ADOPT Resolution 23-06, Recognizing Hispanic Heritage Month

Included in the Board binders is resolution 23-06 commemorating the observance of Hispanic Heritage Month. National Hispanic Heritage Month is an opportunity to recognize the contributions made by Hispanic and Latino Americans to the United States and celebrate their heritage and culture. Hispanics have had a profound and positive influence on our country through their strong commitment to family, faith, hard work, and service. Fresno Unified School District hereby proclaims September 15, 2022, through October 15, 2022, as Hispanic Heritage Month. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ambra O'Connor, telephone 457-3838.

A. CONSENT AGENDA - continued

A-5, ADOPT Variable Term Waiver for Bilingual Cross-Cultural, Language and Development Authorization

Included for Board consideration and adoption are Variable Term Waiver requests for Bilingual Cross-Cultural Language and Development (BCLAD) Authorization which will be needed to teach dual immersion until credential program is completed to be BCLAD authorized. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A-6, ADOPT Resolution 23-03, Authorizing the California Energy Commission's California Schools Healthy Air, Plumbing, and Efficiency Program for the Acceptance of Grant Award and Entering into Grant Agreement

Included in the Board binders for consideration and adoption is Resolution 23-03 for the California Energy Commission's (CEC) California Schools Healthy Air, Plumbing, and Efficiency Program Governing Body Resolution. The resolution authorizes the acceptance of a grant award, and entering into a grant agreement for awarded program funds. Fresno Unified School District has received a Notice of Proposed Award from the CEC Round 2 funding for a School Plumbing Fixture and Appliance Replacement Grant totaling \$357,174. The Superintendent recommends adoption. Fiscal impact: The program funds the purchase of new commercial appliances. Minor costs for electrical or plumbing improvements may be necessary for the installation of the new appliances. Contact person: Paul Idsvoog, telephone 457-3134.

A-7, ADOPT Resolution 23-04, Resolution Declaring Property Located at 2526 East Hedges Avenue as Surplus, Determining a Notice of Exemption, Approving Offers to Certain Public Agencies and Other Related Matters

Included in the Board binders and recommended for adoption is Resolution 23-04, to declare the property located at 2526 East Hedges Avenue as surplus, determining a notice of exemption, approving offers to certain public agencies and other related matters. The Superintendent recommends adoption. Fiscal impact: Adoption of Resolution 23-04 has no immediate or direct financial impact, but the district will realize the sale proceeds when the property is ultimately sold. Contact person: Paul Idsvoog, telephone 457-3134.

A-8, APPROVE Revised Certificated Management Daily Salary Schedules 215 Duty Days

Included for the Board's consideration and approval are the revised Certificated Management Daily Salary Schedules 215 Duty Days. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A. CONSENT AGENDA - continued

A-9, APPROVE Revised Classified Management Daily Salary Schedule 261 Duty Days

Included for the Board's consideration and approval is the revised Classified Management Daily Salary Schedule 261 Duty Days. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A-10, APPROVE Provisional Internship Permits

Included in the Board binders are Provisional Internship Permit recommendations to rehire or hire upon Board approval. Site principals recommended to Human Resources to retain or hire the teachers in their positions of 2022/23 due to a shortage of fully credentialed teachers. They are all working toward completing the required exams by the end of 2022/23. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A-11, APPROVE Credentialed Teachers to Coach One Period of Competitive Sport for Physical Education Credit for the 2022/23 School Year per California Education Code 44258.7(b)

Included in the Board binders is a request to approve credentialed teachers to coach one period of competitive sport for physical education credit. Pursuant to California Education Code 44258.7(b) teachers who hold a teaching credential in a subject or subjects other than physical education may be authorized to coach one period per day in a competitive sport for which students receive physical education credit. The teacher must be a full-time employee of the school district and has completed a minimum of 20 hours of first aid instruction appropriate for the specific sport. The Superintendent recommends approval. Fiscal impact: Sufficient funds are available in the sites' budgets. Contact person: David Chavez, telephone 457-3548.

A-12, APPROVE Appointment to the California School Boards Association's Delegate Assembly

Included in the Board binders is information pertaining to appointment to the California School Boards Association's (CSBA) Delegate Assembly. Each year member boards elect and/or appoint representatives to CSBA's Delegate Assembly. According to CSBA's Bylaws and Standing Rules, districts with an ADA of 30,000 or above, qualify to appoint or reappoint representative(s) from their board to the CSBA's Delegate Assembly for a two-year term ending March 31, 2024. One appointed delegate vacancy currently exists for Fresno Unified. The Board President recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ambra O'Connor, telephone 457-3838.

A. CONSENT AGENDA - continued

A-13, APPROVE Agreement with M Street Art Gallery

Included in the board binders is an agreement with M Street Art Gallery. M Street Art Gallery is a premiere fine art gallery in downtown Fresno. The public exhibition will showcase curated art from students in all seven regions of the school district as part of the Relevant Engagement through Art and Literacy (REAL) collaborative. The REAL Collaborative supports teachers and students from grades transitional kindergarten through twelve to provide age-appropriate discussion and research through art and literature within a year-long overarching theme. We have successfully acquired a lease for five small galleries. The gallery will be open starting October 06, 2022, for Art Hop. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$26,955 are available in the Arts Education Department budget. Contact person: Dr. Natasha Baker, telephone 457-3731.

A-14, APPROVE Agreement with The Law Office of Mark T. Harris

Included in the Board binders is an agreement with the Law Office of Mark T. Harris to provide an independent assessment of matters which arise from within the district pertaining to race; ethnicity; national origin; gender; and sexual orientation involving employees and students. Mr. Harris will work in collaboration with the district's current team of attorneys and investigators, in the crafting of litigation strategy and employee discipline where warranted. The Superintendent recommends approval. Sufficient funds in the amount of \$210,000 are available in the Equity & Access budget. Contact person: Ambra O'Connor, telephone 457-3838.

A-15, APPROVE Agreement with Leadership Associates

Included in the Board binders for consideration and approval is an Agreement with Leadership Associates to conduct an executive search for the position of Chief Equity and Access. The Superintendent recommends approval. Sufficient funds in the amount of \$22,500 are available in the Human Resources budget. Contact person: David Chavez, telephone 457-3548.

A-16, APPROVE Award of Request for Proposal 22-07, Cleaning Supplies, Equipment and Custodial Related Products, Services and Solutions

Included in the Board binders is information on Request for Proposal 22-07, for district-wide cleaning supplies, and equipment and custodial related products, services and solutions. This is a three-year contract commencing November 01, 2022. The evaluation panel recommend approval of the following best value vendor: HD Supply Facilities Maintenance Ltd. Formally known as (fka) Home Depot Pro Institutional (Atlanta, Georgia) est. \$1,500,000. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$1,500,000 are available in the Maintenance and Operations Fund. Contact person: Paul Idsvoog, telephone 457-3134.

A. CONSENT AGENDA - continued

A-17, APPROVE Use of Individual Piggyback Contracts

Included in the Board binders and recommended for approval is a list of five piggyback contracts for use during 2022/23 for efficient and cost-effective procurement. This is in addition to piggyback contracts approved by the Board previously, to allow for expedited purchases related to Personal Protective Equipment and supplies, Heating Ventilation and Air Conditioning equipment, playground flooring and a districtwide website hosting service. Use of piggyback contracts is allowed under Public Contract Codes 10299 and 20118 and is a procurement best practice that takes advantage of competitive pricing from a contract formally bid by another school district or public agency. The Superintendent recommends approval. Fiscal impact: Estimated annual expenditures for each piggyback contract (if utilized) are indicated on the backup material; funding will be determined on a project-by-project basis. Contact person: Paul Idsvoog, telephone 457-3134.

A-18, RATIFY Change Orders

Included in the Board binders is information on Change Orders for the following projects:

Bid 21-38, Centennial and Wishon Elementary Schools and Scandinavian Middle School Multipurpose Room HVAC Upgrades

Change Order 2 (Centennial) presented for ratification \$ - 1,225

Bid 21-42 Section A, Bullard High School Athletic Field Improvements
Change Order 7 presented for ratification \$0

The Superintendent recommends ratification. Fiscal impact: \$1,225 will be credited to the Measure X Fund for Bid 21-38. Contact person: Paul Idsvoog, telephone 457-3134.

A-19, RATIFY the Filing of a Notice of Completion

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

Bid 21-42 Section A, Bullard High School Athletic Field Improvements

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

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

B. CONFERENCE/DISCUSSION AGENDA

***6:30 P.M.**

B-20, HOLD a Public Hearing and ADOPT Resolution in the Matter of Sufficiency of Instructional Materials

Included in the Board binders is a request to adopt the Resolution in the Matter of Sufficiency of Instructional Materials. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Dr. Natasha Baker, telephone 457-3731.

***6:40 P.M.**

B-21, PRESENT and DISCUSS Summer 2022 Programming

Staff will present to the Board of Education an update regarding the offerings and outcomes of programs offered to students during Summer of 2022. During June of 2022, all available elementary, middle, and high schools operated Summer Academies resulting in over 31,000 students attending. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Dr. Natasha Baker, telephone 457-3731.

***6:55 P.M.**

B-22, OPPORTUNITY for Public DISCLOSURE and RATIFICATION of the 2022/2023 Negotiated Collective Bargaining Agreement between Fresno Unified School District and California School Employees Association, Chapter 143

In accordance with Government Code 3547.5, all major provisions of collective bargaining agreements are to be presented at a public meeting of the public-school employer before the employer enters into written agreement with an exclusive representative. Included in the Board binders is a copy of the Tentative Agreement between Fresno Unified School District and California School Employees Association, Chapter 143. The Superintendent recommends ratification. Fiscal impact: The estimated cost is included in the Disclosure Agreement. Contact person: Paul Idsvoog, telephone 457-3134.

C. RECEIVE INFORMATION & REPORTS

There are no items for this section of the agenda.

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. If you wish to address the Board on a specific item that is listed on the agenda, you should do so when that specific item is called. Individuals shall submit a speaker card specifying the topic they wish to address. The card must be submitted before the Board President announces unscheduled oral communications.

While 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. The Board recognizes that individuals may ask the Board to answer questions or respond to statements made during unscheduled oral communications and in accordance with Board Bylaw 9323, the Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law.

Members of the public 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.

D. ADJOURNMENT

**NEXT SCHEDULED REGULAR MEETING
WEDNESDAY, OCTOBER 12, 2022**