



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

**AGENDA
DECEMBER 07, 2022
*4:30 P.M. (CLOSED SESSION) *6:00 P.M. (OPEN SESSION)**

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

AND

**BOARD TRUSTEE KESHIA THOMAS WILL PARTICIPATE FROM THE
FOLLOWING TELECONFERENCE LOCATION: INTERCONTINENTAL HOTEL
100 CHOPIN PLAZA, MIAMI, FLORIDA 33131,
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.

***4:30 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); Fresno Unified School District 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).
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. Virginia Livesay v. Fresno Unified Workers' Compensation
Fresno Unified Case No. WC18-0404-718

***6:00 P.M., RECONVENE** and report action taken during Closed Session, if any.

PLEDGE OF ALLEGIANCE

Patrick Jensen will lead the flag salute

HEAR Reports from Student Board Representatives

An opportunity is provided to hear comments/reports from Student Board Representatives from Design Science 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 November 09, 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 Meeting

Included in the Board binders are the draft minutes for the November 09, 2022, Regular Board meeting. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district. Contact person: Superintendent Dr. Robert G. Nelson, telephone 457-3884.

A-4, ADOPT Resolution 23-08, Use of Design-Build Delivery Method

It is recommended the Board adopt Resolution 23-08, for the use of the Design-Build delivery method. District staff is currently planning the Multi-Site HVAC Design and Replacement Project. The project consists of the design, engineering, and installation of 1) high efficiency unit ventilators and chillers to be installed at 16 different school sites, and 2) the design and installation of new make-up air units at 13 middle school and high school gymnasiums. Because HVAC work inherently contains a design element, district staff believes that this project is ideal for using the design-build project delivery method. The Superintendent recommends adoption. Fiscal impact: The project budget is estimated to be between \$47 million and \$56 million and applications for ESSER funding have been submitted. Contact person: Paul Idsvoog, telephone 457-3134.

A. CONSENT AGENDA - continued

A-5, ADOPT Resolution No. 23-11

Included in the Board binders is Resolution No. 23-11 delineating district agents to sign documents for the period beginning December 07, 2022 until revoked or superseded for operational purposes. The Superintendent recommends adoption. Fiscal impact: There is no Fiscal impact at this time. Contact person: Patrick Jensen, telephone 457-6226.

A-6, APPROVE Agreement with US OMNI & TSACG Compliance Services, Inc (“OMNI/TSA”)

Included in the Board binders is a contract with OMNI & TSACG Compliance Services, Inc (OMNI/TSA) to administer the district’s 403(b) plan. The Superintendent recommends approval. Fiscal impact: There is no cost to the district and may be terminated upon 30-days’ notice. Contact person: Patrick Jensen, telephone 457-6226.

A-7, APPROVE Amendment No. 3 to Superintendent Robert G. Nelson’s Employment Agreement

An Oral Report on Superintendent’s salary and benefits is included for the Board President to present in open session as required by Government Code section 54953(c)(3). Approve Amendment No. 3 to the Superintendent’s Employment Agreement which extends the Superintendent’s term of employment to June 30, 2026 and increases the District’s additional retirement contribution to Superintendent Nelson’s 403(b) Plan, effective July 1, 2022 from \$18,000 per year to \$20,500 for 2022, and \$22,500 for 2023. Costs will be noted in the terms of Amendment No. 3 to the Superintendent’s Employment Agreement, which shall be available for review in the Board of Education Office on or before December 5, 2022. The Board President recommends approval. Fiscal impact: As noted in the terms of Amendment No. 3 to the Superintendent’s Employment Agreement. Contact person: Ambra O’Connor, Chief of Staff, Telephone 457- 3838.

A-8, APPROVE Amendment for Joint Apprenticeship Training Funds and Hourly Rate

Approve amendment for The California Community Colleges Chancellor’s Office released update that includes Joint Apprenticeship Award funding for Local Educational Agencies receiving Related and Supplemental Instructions (RSI). The new allocation is \$1,711,211 for 194,015 RSI hours. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Contact person: Dr. Natasha Baker, telephone 457-3731.

A-9, APPROVE Award of Bid 23-08, Yosemite Middle School Classroom Modernization and Interim Housing

Included in the Board binders is information on Bid 23-08, Yosemite Middle School Classroom Modernization and Interim Housing. The project consists of the

A. CONSENT AGENDA - continued

modernization of two classroom wings totaling eight classrooms. There will be an interim housing phase consisting of four portable classrooms. Staff recommends award to the lowest responsive, responsible bidder: BVI Construction, Inc., (Fresno, California) \$ 2,445,000. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$ 2,445,000 are available in the Measure M Fund. Contact person: Paul Idsvoog, telephone 457-3134.

A-10, APPROVE Renewal Agreement with Elixir Insurance Company

Included in the Board Binders is a renewal agreement with Elixir Insurance Company to provide Medicare-eligible retiree prescription benefit services. The Superintendent recommends approval. Fiscal impact: Annual estimated cost of \$8.23 million is available in the Internal Service Health Fund. Contact person: Patrick Jensen, telephone 457-6226.

A-11, APPROVE Amendment Six to the Agreement with Elixir Rx Solutions, LLC

Included in the Board binders is amendment five to the agreement with Elixir Rx Solutions, LLC, related to Prescription Benefit Management (PBM) services. Elixir Rx Solutions, LLC currently provides PBM services on behalf of the district's active employees, early retirees, and their respective eligible dependents. The Superintendent recommends approval. Fiscal impact: The three-year estimated cost of \$360,000 is available in the Internal Service Health Fund. The pharmacy program for the district is self-insured. Contact person: Patrick Jensen, telephone 457-6226.

A-12, APPROVE Independent Contractor Services Agreement with Presence Learning

Included in the Board binders is an Independent Contractor Services Agreement with Presence Learning in the amount of up to \$25,000. The vendor will provide various school sites with psychoeducational compliance assessment services. This will serve for leaves of absence and for the current vacancies. This agreement will begin December 08, 2022, and end by March 31, 2023. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$25,000 are available in the Special Education budget. Contact person: Dr. Natasha Baker, telephone 457-3731.

A-13, APPROVE Renewal Agreement with Kaiser Permanente

Included in the Board binders is a renewal agreement with Kaiser Permanente to provide medical services on behalf of benefit-eligible employees and retirees. The District has offered medical benefits coverage through Kaiser Permanente since April 01, 2012. Kaiser is one of two different medical networks under which district employees and retirees access medical care. The Superintendent recommends approval. Fiscal impact: Annual estimated cost of \$18.0 million is available in the Internal Service Health Fund. Contact person: Patrick Jensen, telephone 457-6226.

A. CONSENT AGENDA - continued

A-14, APPROVE Renewal Agreement with Standard Life Insurance Company

Included in the Board binders is a renewal agreement with Standard Life Insurance Company for life insurance coverage provided by the district on behalf of its active employees. This basic life insurance plan is provided for active employees at no cost. The Superintendent recommends approval. Fiscal impact: Annual estimated cost of \$425,000 is available in the Health Internal Service Fund. Contact person: Patrick Jensen, telephone 457-6226.

A-15, APPROVE Year Two Budget Allocation for The Wallace Foundation Equity Centered Pipeline Initiative

Approval is requested for the receipt of the year two allocation of funds for the Equity Centered Pipeline Initiative awarded by The Wallace Foundation. Through partnerships with San Diego State University, National University, the California Department of Education, and the Commission on Teacher Credentialing, the grant will support the development of an equity-centered leadership pipeline. The Superintendent recommends approval. Fiscal impact: The award amount specifically for the district for the first two years is \$1.7 million and will be approximately \$4 million over five years. The individual partner awards will be distributed and monitored by Fresno Unified as the fiscal agent for the grant. Contact person: Dr. Natasha Baker, telephone 457-3731.

A-16, DENY Claim GL22-1025-8035

Included in the Board binders is a Claim for Damages by a minor, case GL22-1025-8035. The Superintendent recommends that the Claim be denied, and the matter referred to the district's Risk Management for further handling. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Patrick Jensen, telephone 457-6226.

A-17, DENY Claim GL22-1102-7923

Included in the Board binders is a Claim for Damages by a minor, case GL22-1102-7923. The Superintendent recommends that the Claim be denied, and the matter referred to the district's Risk Management for further handling. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Patrick Jensen, telephone 457-6226.

A-18, RATIFY Certificated Retiree Contract Between Fresno Unified School District and Nancy Harris

Included in the Board binders is a certificated retiree contract between Fresno Unified School District and Nancy Harris in the amount of \$38,000 to provide Speech Language Services in accordance with students' Individual Educational Plans. The term of this contract will commence August 10, 2022 and will end on June 9, 2023. The Superintendent recommends ratification. Fiscal impact: Sufficient funds are available in the Special Education budget. Contact person: Dr. Natasha Baker, telephone 457-3731.

A. CONSENT AGENDA - continued

A-19, RATIFY Change Orders for the Projects Listed Below

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

Bid 21-05, Hoover High School Career Technical Education (CTE) Classroom Improvements Change Order 4 presented for ratification: \$ 44,765

Bid 21-41, Duncan Polytechnical High School CTE Medical Science Building Change Order 4 presented for ratification: \$ 1,294

Bid 22-01, Addams Elementary School Building Additions and Modernization Change Order 3 presented for ratification: \$ 16,182

Bid 22-27, Addicott Elementary School Path of Travel Improvements Change Order 1 presented for ratification: \$ 12,322

Bid 22-35, Bullard and Fresno High Schools Kitchen Hood and Make-up Air Unit Replacements

Change Order 1 (Bullard) presented for ratification \$ 18,995

Change Order 1 (Fresno) presented for ratification \$ 13,846

Bid 22-38, Yokomi Elementary School Portable Restroom Installation Change Order 1 presented for ratification: \$ 25,778

Bid 22-40, Hoover High School Library Modernization Change Order 1 presented for ratification: \$ 36,836

Bid 22-48 Sections A and C, Asphalt Pavement Rehabilitation at Various Sites, Group 1 (Doug Ross, Inc. dba Central Valley Asphalt)

Change Order 1 presented for ratification: \$ 5,329

Bid 22-48 Sections A and B, Asphalt Pavement Rehabilitation at Various Sites, Group 1 (Tosted Asphalt, Inc.)

Change Order 1 presented for ratification: \$ 4,350

Bid 22-49 Sections A, B, C and D, Asphalt Pavement Rehabilitation at Various Sites,

Group 2 (Dave Christian Construction Co., Inc.)

Change Order 1 presented for ratification: \$ 6,337

Bid 22-49 Sections B and D, Asphalt Pavement Rehabilitation at Various Sites, Group 2 (Doug Ross, Inc. dba Central Valley Asphalt)

Change Order 1 presented for ratification: \$ 1,321

A. CONSENT AGENDA - continued

Bid 22-49 Section D, Asphalt Pavement Rehabilitation at Various Sites, Group 2 (Tosted Asphalt, Inc.)
Change Order 1 presented for ratification: \$ 4,450

The Superintendent recommends ratification. Fiscal impact: \$76,099 is available in the Measure M Fund for Bids 21-41, 22-01, 22-40, 22-48 and 22-49, \$44,765 is available in the Measure X Fund for Bid 21-05 and \$70,941 is available in the School Facilities Fund for Bid 22-27, 22-35 and 22-38. Contact person: Paul Idsvoog, telephone 457-3134.

A-20, 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 21-38, Centennial and Wishon Elementary Schools and Scandinavian Middle School Multipurpose Room HVAC Upgrades

Bid 22-35, Bullard and Fresno High Schools Kitchen Hood and Make-up Air Unit Replacements

Bid 22-48, Sections A and C, Asphalt Pavement Rehabilitation at Various Sites, Group 1, Doug Ross, Inc., dba Central Valley Asphalt

Bid 22-48, Sections A and B, Asphalt Pavement Rehabilitation at Various Sites, Group 1, Tosted Asphalt, Inc.

Bid 22-49, Sections B and D, Asphalt Pavement Rehabilitation at Various Sites, Group 2, Doug Ross, Inc., dba Central Valley Asphalt

Bid 22-49, Section D, Asphalt Pavement Rehabilitation at Various Sites, Group 2, Tosted Asphalt, Inc.

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.

A-21, RATIFY Purchase Orders from September 01, 2022 through September 30, 2022 – Primary Report

Included in the Board binders is information on purchase orders issued from September 01, 2022 through September 30, 2022. Two agenda items are presented to ratify purchase orders. The first item includes the Primary Report with all purchase orders issued during the reported dates with the exception of those that may present a potential conflict of interest for an individual Board member. All remaining purchase orders are in the Supplemental Report and presented as a

A. CONSENT AGENDA - continued

second agenda item. The Superintendent recommends ratification. Fiscal impact: Funding is noted on the attached pages. Contact person: Paul Idsvoog, telephone 457-3134.

A-22, RATIFY Purchase Orders from September 01, 2022 through September 30, 2022 – Supplemental Report

Included in the Board binders is information on purchase orders issued from September 01, 2022 through September 30, 2022. Two agenda items are presented to ratify purchase orders. The first item includes the Primary Report with all purchase orders issued during the reported dates with the exception of those that may present a potential conflict of interest for an individual Board member. All remaining purchase orders are in the Supplemental Report and presented as a second agenda item. The Superintendent recommends ratification. Fiscal impact: Funding is noted on the attached pages. Contact person: Paul Idsvoog, telephone 457-3134.

A-23, RATIFY The College Board Agreement- Advanced Placement

Included in the Board binders is The College Board Service Agreement for Advance Placement exams. The AP exams will be furnished by The College Board in Spring of 2023. In Connection with College Board's administration of the 2023 AP Exams College Board will provide an on-line participation form for the e-signature to each of the district's schools, which authorizes each school to order and administer AP exams. College Board will make AP participation and performance data available for district's students enrolled in schools' participation under this agreement. The Superintendent recommends ratification. Fiscal impact: Sufficient funds in the amount of \$368,506 are available in the Equity and Access budget. Contact person: Misty Her, telephone 457-3633.

A-23a,

APPROVE Vendor Contracts for Extended Learning Winter Camp Enrichment Services

The Board approved Request for Qualifications (RFQ) 22-09, to provide a pool of qualified vendors to provide enrichment services outside of the regular school day. The RFQ establishes a list of prequalified vendors that may be used for enrichment services needed throughout the year particularly, for example, for summer and winter break programs. The Vendors listed below are from the prequalified list showing the contract amounts for the upcoming Winter Camps along with an attached matrix with service descriptions.

Adventure Education Solutions (Sanger, CA)	\$193,285
Assist Academy (Fresno, CA)	\$190,190
Break the Barriers, Inc. (Fresno, CA)	\$ 6,040
Carrillo Aspiring Leaders Workshop (Kerman, CA)	\$158,625

Fresno Discovery Center (Fresno, CA)	\$ 73,395
Fresno Chaffee Zoo (Fresno, CA)	\$ 47,240
GrowthPoint Technologies, Inc. (Fresno, CA)	\$ 90,528
HandsOn Central California (Fresno, CA)	\$ 38,110
High Performance Academy (Clovis, CA)	\$207,891
Impact Athletics, LLC. (Fresno, CA)	\$ 33,327
KLS Design Co. (Fresno, CA)	\$ 30,015
Moreno Institute (Fresno, CA)	\$ 74,414
San Joaquin River Parkway and Conservation Trust, Inc. (Fresno, CA)	\$ 40,191
UnaMesa Association dba InPlay (Palo Alto, CA)	\$650,000

The Superintendent recommends approval. Fiscal impact: Sufficient Funds are available through the Expanding Learning Opportunities Grant. Contact person: Dr. Natasha Baker, telephone 457-3731.

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

B. CONFERENCE/DISCUSSION AGENDA

B-24, DISCUSS and APPROVE the 2021/22 Audited Financial Statements Prepared by Crowe LLP

Included in the Board binders is the Annual Financial Audit Report as prepared by our external auditors, Crowe 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 2021/22 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: Patrick Jensen, telephone 457-6226.

B-25, DISCUSS and APPROVE the 2022/23 First Interim Financial Report

California school districts are required to approve interim financial reports twice each fiscal year. Fresno Unified School District’s 2022/23 First Interim Financial Report is presented for approval and reflects a positive certification of the district’s financial condition. The report is based on the October 31, 2022, 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. The Superintendent recommends approval. Fiscal impact: A positive certification reflects that the district’s projected reserve for 2022/23 at \$145.6 million exceeds the minimum required reserve for economic uncertainties (2%). Additionally, projections indicate a positive cash balance for

the current year and two subsequent years. The support material reflects a multi-year projected budget for the Unrestricted General Fund and utilizes the State assumptions developed by the California County Superintendents Educational Services Association. Contact person: Patrick Jensen, telephone 457-6226.

C. RECEIVE INFORMATION & REPORTS

C-26, RECEIVE Constituent Services Quarterly Reporting

Included in the Board binders is the Constituent Services Quarterly Reporting for Constituent Services activities for the time period of August 01, 2022 through October 31, 2022. Also included is the Quarterly Reporting for the Valenzuela/Williams Uniform Complaint Procedures from August 01, 2022 through October 31, 2022 in accordance with Education Code § 35186. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ambra O'Connor, telephone 457-3838.

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, DECEMBER 14, 2022**