



BOARD OF EDUCATION
REGULAR MEETING
2309 TULARE STREET
BOARD ROOM, 2nd FLOOR
FRESNO, CA 93721
board.fresnounified.org

MINUTES – BOARD OF EDUCATION REGULAR MEETING

Fresno, California
December 07, 2022

Fresno Unified School District, Education Center, 2309 Tulare Street, Fresno, CA 93721.

At a Regular Meeting of the Board of Education of Fresno Unified School District, held on December 07, 2022, there were present Board Members Cazares, Davis, Levine, Major Slatik, and Board President Jonasson Rosas. Superintendent Dr. Nelson was also present. Board Clerk Islas was absent.

For the record, Clerk Islas out due to illness.

For the record, Board Member Thomas attended via teleconference.

Board Member Davis CONVENED the Regular Board Meeting to Closed Session at 4:32 p.m.

OPPORTUNITY for Public Comment on Closed Session Items

For the record, the Board received seventeen (17) requests to address the Board on Closed Session items. The individual's name with a summary of topic is listed as follows:

1. Manuel Bonilla: Commented the system status quo is failing.
2. Taylor Vizthum: Commented the list of interest provided by the district is soul crushing. Looking forward to a more positive path.
3. Jon Bath: Commented on the need to work together from inside out not top down.
4. Krystle Torres: Commented the district proposal shows no plan of how students will reach their greatest potential.
5. John Jackson: Commented systems in place are not working. Teachers are prepared to respectfully fight for a world where student success is prioritized.
6. Shelli Foust: Commented that to tie a student test score to teacher performance is wrong. Evaluate teacher performance by observing classroom.
7. Tommie Martinez: Commented teachers at Fresno Adult School are only group that do not receive longevity.
8. Brenda Quispe: Commented on struggles as a first-year teacher, said she feels almost like she is set up to fail.
9. David Jones: Commented if teachers are not retained, valued, and appreciated for their work nothing else works. Education, educators, and students must be first.

OPPORTUNITY for Public Comment on Closed Session Items

10. Robert Hayes: Commented the proposal seems punitive and micro-managing. Commented there are other areas to look at rather than micro-managing teachers.
11. Patricia Renfro: Commented on the district's opening of Article 61 and the lack of understanding of why people stay or move from a site. Commented there seems to be no exit interview system.
12. Peter Beck: Read statement on behalf of special education teacher at Fresno High School and the teacher's concern with the availability and quality of substitute paraprofessionals.
13. Jose Sandoval: Commented proposal did not appear to address campus safety.
14. Andrew Colburn: Commented on the need to change for the students.
15. Amy Kohl: Commented students with special needs are not being recognized and the need they have for extra support.
16. John Lourenco: Commented on his disappointment in the district's proposal and his opinion that it is regressive and punitive. Requested teachers to be treated as professionals.
17. Ana Bustos: Commented on needs of Dual Immersion teachers. Shared handout with Board members pertaining to data she gathered regarding dual immersion teacher needs.

Board Member Davis ADJOURNED the Regular Board Meeting to Closed Session at 5:03 p.m.

For the record, Board President Jonasson Rosas arrived at 6:01 p.m.

For the record, Closed Session was extended to 6:15 p.m.

For the record, Closed Session was extended to 6:30 p.m.

Board President Jonasson Rosas RECONVENED the meeting to Open Session at 6:35 p.m.

Reporting Out of Closed Session

- On a motion by Board Member Major Slatic, seconded by Board Member Cazares, the Board acted in Closed Session on a Workers' Compensation Settlement for Virginia Livesay, Case Number WC18-0404-718, by a vote of 6-0-0-1 as follows: AYES: Board Members: Cazares, Davis, Levine, Major Slatic, Thomas and Board President Jonasson Rosas. ABSENT: Clerk Islas.

PLEDGE OF ALLEGIANCE

Patrick Jensen led the Flag Salute.

HEAR Reports from Student Board Representatives

The Board heard reports from Student Board Members Aquino, Giddens, and Laus.

HEAR Report from Superintendent

- I want to take a moment to recognize Trustee Major Slatc's years of service to this Board and to the Fresno Unified School District. Board President Jonasson Rosas, before continuing with my remarks I will pass it back to you for you and any other board members to share a few words if you would like.
- I want to recognize National Special Education Day which was celebrated on December 2. Fresno Unified serves over 9,000 students receiving specialized services, and if you know me you know that meaningful inclusion for all our students is a huge priority of mine. From our inclusion preschools to our co-teaching classrooms, to our Unified Sports and Music programs we are working each day to do our very best by our students. Thank you to Dr. Tangee Pinheiro, our Regional Instructional Managers, and all our staff serving our students receiving specialized services – we love you!
- I also want to recognize Board Clerk Islas who was awarded as a Champion of Immigrant America by the Central Valley Immigrant Integration Collaborative in November! Congratulations Clerk Islas, thank you for your dedication to our immigrant families!
- Fresno Unified Staff, you should have received an email earlier today with some great news regarding pay raises! In our collective bargaining agreements (CBAs), we have negotiated contingency language that clearly defines staff pay raises due to our first interim budget report, which will be presented tonight. This first interim report triggers a 6% ongoing pay raise for staff retroactive to July 01, 2022, AND a one-time half-percent payment. On or around December 15, staff will receive a separate check which includes the one-time half-percent payment and the retroactive payment of the ongoing raise. You will see the ongoing 6% raise reflected in all your future paychecks from here. We are grateful to be able to provide this pay raise and one-time payment in a financially responsibly way due to the negotiated contingency language in our CBAs. Happy holidays all!
- On Saturday, our middle and high school esports teams will compete at Sunnyside High School in the fall FUEl tournament. Our middle schools officially launched their first season of esports this fall. They will be competing at the same time our high schools are competing on Saturday. Matches start at 8:30 a.m., with the finals scheduled for 2:30 p.m. If you are not able to join in person, watch the live stream on Twitch at [fresnounifiedesports](https://www.twitch.tv/fresnounifiedesports). Way to go to our IT team and all our eFUEl coaches!
- Teachers! It is time to register for our winter PL Summit happening Thursday, January 5 and Friday, January 6. There are so many great sessions available from lesson planning, engagement strategies, to collaborative co-teaching strategies, family engagement, and much more. You can quickly access the schedule by going to our website at www.fresnounified.org and clicking the PL Summit banner on our homepage. Make sure to register in iAchieve before December 31! If you have any questions, please reach out to Edith Navarro.
- I have a quick shoutout to our Foundation for Fresno Unified Schools for a great inaugural Giving Tuesday campaign! The regional competition was fierce, and our Edison region was able to capture the win for both competitions – most donors by 12pm and the largest single donation of the day. The Edison region won an

HEAR Report from Superintendent – continued

additional \$1,000 of scholarships specific to their region for their efforts! We are so grateful to the 180 donors who helped us raise more than \$10,000 for student scholarships!

- The Foundation also received a generous donation from Councilmember, and now Assemblymember-Elect, Soria last week. Councilmember Soria graciously donated \$20,000 dollars to fund student scholarships in the Fresno High region and we could not be more grateful. Each one of these dollars makes a huge difference in us ensuring our students have every post-secondary option at their fingertips when they graduate from Fresno Unified. Student scholarships are not something we can fund within our district budget, so every single dollar of scholarship funds must be fundraised through generous donations such as these. Thank you all for supporting our students!
- Before I wrap up, I want to share a quick video from Principal Gengozian from Manchester GATE Elementary School. As you all know, our district has started moving all our district and school to home communications to ParentSquare to support our family goal and increase our culturally proficient two-way communication with our Fresno Unified families. This year about 70 of our over 100 schools are learning to use ParentSquare, and we have already seen tremendous engagement from those using the platform. We want to see even more principals, VPs, counselors, teachers, and coaches using the platform and are providing a ParentSquare professional learning (PL) session at the PL Summit, and weekly office hours with our Communications team to provide more training and answer any questions. Look at this testimonial video.
- Thank you Principal Gengozian for leading the way with this new tool and thank you to the almost 70 schools who have already started using ParentSquare! Parents, you can sign up for the App easily from any Smartphone! More info is available on our website.

OPPORTUNITY for Public Comment on Consent Agenda Items

For the record, the Board received one request to address the Board on the Consent Agenda. The individual's name with a summary of topic is listed as follows:

1. Marycela Pacheco: Commented on the need to not only be a nice person but also a strong leader.

On a motion by Board Member Davis, seconded by Board Member Levine, the Consent Agenda, apart from Agenda Items A-4, A-7, and A-22, which were pulled by Board Members for further discussion, was approved by a roll call vote of 6-0-0-1, as follows: AYES: Board Members: Cazares, Davis, Levine, Major Slatic, Thomas, and President Jonasson Rosas. ABSENT: Clerk Islas.

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. Pulled Consent Agenda Items will be considered for approval after the Conference/Discussion Agenda.

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 November 09, 2022, Regular Board Meeting.

A-3, APPROVE Minutes from Prior Meeting

APPROVED as recommended, the draft minutes for the November 09, 2022, Regular Board Meeting.

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

ADOPTED as recommended, Resolution 23-08, for the use of the Design-Build delivery method.

For the record, Board members had comments/questions pertaining to Agenda Item A-4: A summary is as follows: Requested clarity as to the design build method and differentiation of the design build method and lease-lease back. Chief of Operations Paul Idsvoog was available to provide clarity.

On a motion by Board Member Davis, seconded by Board President Jonasson Rosas, Agenda Item A-4 was adopted by a roll call vote of 6-0-0-1, as follows: AYES: Board Members Davis, Cazares, Levine, Thomas, Major Slatic, and Board President Jonasson Rosas. ABSENT: Board Clerk Islas.

A-5, ADOPT Resolution No. 23-11

ADOPTED as recommended, Resolution No. 23-11 delineating district agents to sign documents for the period beginning December 07, 2022, until revoked or superseded for operational purposes.

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

APPROVED as recommended, a contract with OMNI & TSACG Compliance Services, Inc (OMNI/TSA) to administer the district’s 403(b) plan.

A. CONSENT AGENDA - continued

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

APPROVED as recommended, 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 01, 2022 from \$18,000 per year to \$20,500 for 2022, and \$22,500 for 2023.

For the record, Board President Jonasson Rosas read a statement as follows:

Government Code section 54953(c)(3) of the Brown Act requires that this Board make an oral report in open session before taking final action on an employment agreement for a local agency executive such as the Superintendent. The oral report must summarize any recommended compensation including salary and/or fringe benefits.

Consistent with this requirement, the district is providing the following oral summary of the salary and fringe benefits as set forth in the proposed Amendment No. 3 to the Employment Agreement between the Fresno Unified School District and Robert G. Nelson.

- Contract Term July 1, 2022 through June 30, 2026.
- Effective July 1, 2022, increase District's additional retirement contribution payment from \$18,000 per year to the maximum annual employee elective deferral allowed under the Internal Revenue Code for a 403(b) Plan, which is \$20,500.00 for 2022 and \$22,500.00 for 2023, but excluding any catch-up contribution for employees age 50 or older.
- No change in salary as set forth in the Superintendent's 2022-2023 Salary Schedule of \$27,530.51 per month.
- No change in Business and Auto Allowance of \$1500 per month or paid vacation.
- Same paid medical, dental and vision insurance coverage as other management employees.
- Lifetime health benefits on the same basis any other eligible certificated management employee.

That concludes the Board's report pursuant to Government Code section 54953(c)(3). I will now open this item for discussion and action.

For the record, Board Members had comments/questions pertaining to Agenda Item A-7. A summary is as follows: Member Cazares commented there is no increase to salary, extends agreement to 2026, provides stability and strength to

A. CONSENT AGENDA – continued

the district, shows leadership of Superintendent and staff, and solidarity of the Board. Member Major Slatic stated he gave a negative appraisal over the last two years due to his view that Superintendent should be appraised on the academic performance of the students. Board President Jonasson Rosas commented the Board meets together to plan and put together metrics in which to evaluate the Superintendent. The Superintendent's evaluation is based on the shared collective metrics of the Board.

On a motion by Board Member Davis, seconded by Board Member Cazares, Agenda Item A-7 was approved by a roll call vote of 5-1-0-1 as follows: AYES: Board Members: Cazares, Davis, Levine, Thomas, and Board President Jonasson Rosas. NOES: Board Member Major Slatic. ABSENT: Board Member Islas.

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

APPROVED as recommended.

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

APPROVED as recommended, information on Bid 23-08, Yosemite Middle School Classroom Modernization, and Interim Housing.

A-10, APPROVE Renewal Agreement with Elixir Insurance Company

APPROVED as recommended, a renewal agreement with Elixir Insurance Company to provide Medicare-eligible retiree prescription benefit services.

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

APPROVED as recommended, amendment six to the agreement with Elixir Rx Solutions, LLC, related to Prescription Benefit Management (PBM) services.

A-12, APPROVE Independent Contractor Services Agreement with PresenceLearning

APPROVED as recommended, an agreement with Presence Learning in the amount of up to \$25,000.

A-13, APPROVE Renewal Agreement with Kaiser Permanente

APPROVED as recommended, a renewal agreement with Kaiser Permanente to provide medical services on behalf of benefit-eligible employees and retirees.

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

APPROVED as recommended, a renewal agreement with Standard Life Insurance Company for life insurance coverage provided by the district on behalf of its active employees.

A. CONSENT AGENDA - continued

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

APPROVED as recommended, 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.

A-16, DENY Claim GL22-1025-8035

DENIED as recommended, Claim for Damages by a minor, case GL221025-8035.

A-17, DENY Claim GL22-1102-7923

DENIED as recommended, Claim for Damages by a minor, case GL221102-7923.

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

RATIFIED as recommended, 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.

A-19, RATIFY Change Orders

RATIFIED as recommended, 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

A. CONSENT AGENDA – continued

- 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: \$1321
- Bid 22-49 Section D, Asphalt Pavement Rehabilitation at Various Sites,
Group 2 (Tosted Asphalt, Inc.)
Change Order 1 presented for ratification: \$4,450

A-20, RATIFY Filing of Notice of Completion

RATIFIED as recommended, Notice of Completion for the following projects, 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

A. CONSENT AGENDA – continued

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

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

RATIFIED as recommended, information on purchase orders issued from September 01, 2022 through September 30, 2022.

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

RATIFIED as recommended, information on purchase orders issued from September 01, 2022 through September 30, 2022.

For the record, Board Member Levine read a statement as follows:

“Agenda Item A-22 on tonight’s Consent Agenda contains purchase orders for the Fresno County EOC. I have been employed by Fresno County EOC, which is a nonprofit corporation.

Additionally, item A-22 also contains purchase orders for California State University Fresno, where I am currently employed. I did not participate in the making of the contracts related to these purchase orders; but, because of my employment with both Fresno EOC and Fresno State I have a remote financial interest in those contracts.

Item A-22 also contains purchase orders for Apple. I have financial investment in Apple that are valued at or above the report threshold. For these reasons, in the interest of full transparency, I am abstaining from this vote pursuant to Board Bylaw 9270.”

On a motion by Board Member Davis, seconded by Board Member Cazares, Agenda Item A-22 was approved by a roll call vote of 5-0-1-1 as follows: AYES: Board Members: Cazares, Davis, Major Slatic, and Board President Jonasson Rosas. ABSTENTION: Board Member Levine. ABSENT: Board Clerk Islas.

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

RATIFIED as recommended, The College Board Service Agreement for Advance Placement exams.

A-23a, APPROVE Vendor Contracts for Extended Learning Winter Camp Enrichment Services

APPROVED as recommended, Request for Qualifications (RFQ) 22-09, to provide a pool of qualified vendors to provide enrichment services outside of the regular school day.

B. CONFERENCE/DISCUSSION AGENDA

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

OPPORTUNITY for Public Comment

For the record, the Board received zero requests to address the Board on Agenda Item B-24.

For the record, Board Members had comments/questions pertaining to Agenda Item B-24. A summary is as follows: Requested clarity as to information provided on slide 8 pertaining to an error of .03 ADA. Thanked staff for their work in this process. Expressed appreciation for the opportunity provided to talk with auditor. External Auditor Jeff Jensen and Executive Director Kim Kelstrom were available to provide clarity.

On a motion by Board Member Davis, seconded by Board Member Major Slatic, Agenda Item B-24 was approved by a roll call vote of 5-0-0-2, as follows: AYES: Board Members: Cazares, Davis, Levine, Major Slatic, and President Jonasson Rosas. ABSENT: Board Members Islas and Thomas.

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

OPPORTUNITY for Public Comment

For the record, the Board received zero requests to address the Board on Agenda Item B-25.

For the record, Board Members had comments/questions pertaining to Agenda Item B-25. A summary is as follows: Requested clarity on the reduction value of assets kept at the County. Requested clarity on expected fluctuation of budget with a recession looming. Requested clarity as to where \$700 million ESSR funds are reflected in presentation. Requested clarity as to amount of one-time funding. Care and caution suggested when contemplating additional spending. Interim Chief Business and Financial Officer Patrick Jensen and Executive Director Kelstrom were available to provide clarity.

On a motion by Board Member Davis, seconded by Board Member Major Slatic, Agenda Item B-25 was approved by a roll call vote of 6-0-0-1, as follows: AYES: Board Members: Cazares, Davis, Levine, Major Slatic, Thomas, and President Jonasson Rosas. ABSENT: Board Clerk Islas.

C. RECEIVE INFORMATION & REPORTS

For the record, the Board was in receipt of one item as follows:

C-26, RECEIVE Constituent Services Quarterly Reporting

OPPORTUNITY FOR UNSCHEDULED ORAL COMMUNICATIONS

For the record, the Board received thirteen (13) requests to address the Board during Unscheduled Oral Communications. The individual's name along with a summary of topic is listed as follows:

1. Curtis Carlton: Commented on concern regarding the district transfer policy specifically pertaining to minority and struggling students.
2. Frank Sanchez: Shared testimony pertaining to his faith and to represent his church.
3. Renee Powers: Shared testimony pertaining to her faith and read verses from the Bible.
4. Amanda Hernandez: Shared testimony pertaining to her faith and concerns pertaining to the Pride flag flown at school sites.
5. Raquel Walker: Shared testimony pertaining to her faith and concerns pertaining to lack of Good News Clubs at middle and high schools.
6. Terajee Hakim: Commented on questions she had pertaining to safety measures at schools during and after school.
7. Holly: Thanked Trustee Major Slatc for his service. Commented on her experience when her child was enrolled with Fresno Unified.
8. Shayna Watkins: Shared testimony pertaining to her faith and struggles with drugs. Commented on her concerns of the Fentanyl epidemic.
9. Ted Laurent: Shared testimony pertaining to his faith and read verses from the Bible. Commented on drug problems people face.
10. Tre Pacheco: Commented on the lack of gym facilities for Bullard TALENT.
11. Mia Pacheco: Thanked Trustee Major Slatc for his service and presented him with flowers.
12. Matthew Pacheco: Yielded time to next speaker.
13. Marycela Pacheco: Commented on the need for safer school zones, PEBT card issue requirements, and her feelings when topic of LGBTQ arises.

D. ADJOURNMENT

Board President Jonasson Rosas ADJOURNED the meeting at 8:31 p.m.