At a Regular Meeting of the Board of Education of Fresno Unified School District, held on November 01, 2023, there were present Board Members Cazares, Davis, Jonasson Rosas, Levine, Clerk Wittrup, and Board President Islas. Superintendent Robert G. Nelson, Ed.D. was also present.

For the record, Board Member Thomas participated from the teleconference location as follows: 18276 Sorrento Street, Detroit, Michigan 48235, open to the public; and, pursuant to Government Code Section 54953 (B)(2), all action taken during this teleconferenced meeting was by roll call vote.

Board President Islas CONVENED the Regular Board Meeting at 4:33 p.m.

For the record, Board Member Levine arrived at 4:36 p.m.

For the record, it came to the district’s attention two items needed to be added to the Conference and Discussion section of the agenda for the November 01, 2023, Board of Education meeting.

For the record, the motion is recorded as follows:

Shall the Board add items to its open session agenda titled:

Consideration and Action to ratify the Tentative Agreement between the district and Fresno Teachers Association, including issuance of AB1200 information.

Consideration and Action on a resolution between the district and Fresno Teachers Association to jointly commit to developing a collaborative committee to identify the most impactful student and family services and supports.

And, as part of and in support of this motion, does the Board find that the need for action is immediate and that the need for action came to the attention of the district after the posting of the agenda? Is there any discussion?
On a motion by Board Member Davis, seconded by Board Member Cazares, the Board approved to add to the Conference and Discussion section of the agenda, items B-28, Consideration and Action to ratify the Tentative Agreement between the district and Fresno Teachers Association, including issuance of AB1200 information; and, B-29, Consideration and Action on a resolution between the District and Fresno Teachers Association to jointly commit to developing a collaborative committee to identify the most impactful student and family services and supports, by a roll call vote of 6-0-0-1, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Thomas, Clerk Wittrup, and Board President Islas. ABSENT: Board Member Levine.

For the record, the Board was also in receipt of three appeals of investigation findings related to personnel complaints. Two of the employees filing appeals made requests for the subcommittee recommendations to be presented in open session. In accordance with BP/AR 4030, Board President Islas presented the recommendations, and each employee had five (5) minutes to address the board.

For the record, Board President Islas read the following:

Appeal of Confidential Administrative Determination, Heidi Sagasar.
On or about May 04, 2023, Ms. Sagasar filed a personnel complaint against the Executive Director of Health Services. After investigation, a Notice of Determination was provided to Ms. Sagasar indicating the allegations were not sustained. On August 09, 2023, Ms. Sagasar submitted an appeal of the determination for Board consideration.

In accordance with BP/AR 4030, a three-trustee subcommittee was appointed to review the appeal of administrative determination. In addition to myself, members of the subcommittee included Board Clerk Susan Wittrup and Board Member Andy Levine. The subcommittee met on Tuesday, October 31, 2023, and reviewed the appeal and related documents.

After review and full consideration of Ms. Sagasar’s appeal, the subcommittee recommends the Board direct Human Resources to initiate a supplemental investigation regarding the complaint.

1. Ms. Sagasar: Contends the investigation was not neutral and requested a new consolidated investigation facilitated by a neutral, impartial investigator.

For the record, Board President Islas read the following:

Appeal of Confidential Administrative Determination, Joni Kolb.
On or about May 30, 2023, Ms. Kolb filed a personnel complaint against the Executive Director of Health Services.
After investigation, a Notice of Determination was provided to Ms. Kolb indicating the allegations were not sustained. On September 22, 2023, Ms. Kolb submitted an appeal of the determination for Board consideration.

In accordance with BP/AR 4030, a three-trustee subcommittee was appointed to review the appeal of administrative determination. In addition to myself, members of the subcommittee included Board Clerk Susan Wittrup and Board Member Andy Levine. The subcommittee met on Tuesday, October 31, 2023, and reviewed the appeal and related documents.

After review and full consideration of Ms. Kolb’s appeal, the subcommittee recommends the Board direct Human Resources to initiate a supplemental investigation regarding the complaint.

2. Ms. Kolb: Requested the Board open a new and independent investigation of the age discrimination complaint she filed with Fresno Unified School District.

**OPPORTUNITY for Public Comment on Closed Session Items**

For the record, the Board received zero (0) requests to address the Board on Closed Session items.

Board President Islas ADJOURNED the Regular Board Meeting to Closed Session at 4:46 p.m.

For the record, Closed Session extended to 7:00 p.m.

For the record, Closed Session extended to 7:10 p.m.

For the record, Closed Session extended to 7:20 p.m.

Board President Islas RECONVENCED the meeting to Open Session at 7:32 p.m.

**Reporting Out of Closed Session**

- On a motion by Board Clerk Wittrup, seconded by Board Member Cazares, the Board acted in Closed Session to approve a positive evaluation for Superintendent Robert G. Nelson, Ed.D., by a roll call vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
• On a motion by Board Member Thomas seconded by Board Member Davis, the Board acted in Closed Session to promote Ivan Flores to Administrator in Human Resources/Labor Relations, by a roll call vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

• On a motion by Board Member Cazares, seconded by Board Member Jonasson Rosas, the Board acted in Closed Session to promote Ashley Aouate to Director in Information Technology, by a roll call vote of 7-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

• On a motion by Board Member Jonasson Rosas, seconded by Board Clerk Wittrup, the Board acted in Closed Session to direct further proceedings including but not limited to a supplemental investigation regarding the complaint by Ms. Joni Kolb, by a roll call vote of 5-1-1-0 as follows: AYES: Board Members: Davis, Jonasson Rosas, Levine, Clerk Wittrup, and Board President Islas. NOES: Board Member Cazares. ABSTENTIONS: Board Member Thomas.

• On a motion by Board Member Jonasson Rosas, seconded by Board Clerk Wittrup, the Board acted in Closed Session to direct further proceedings including but not limited to a supplemental investigation regarding the complaint by Ms. Heidi Sagasar, by a roll call vote of 5-1-1-0 as follows: AYES: Board Members: Davis, Jonasson Rosas, Levine, Clerk Wittrup, and Board President Islas. NOES: Board Member Cazares. ABSTENTIONS: Board Member Thomas.

• On a motion by Board Member Jonasson Rosas, seconded by Board Clerk Wittrup, the Board acted in Closed Session to direct further proceedings including but not limited to a supplemental investigation regarding a complaint appeal filed by an employee pursuant to Board Policy 4030, by a roll call vote of 5-1-1-0 as follows: AYES: Board Members: Davis, Jonasson Rosas, Levine, Clerk Wittrup, and Board President Islas. NOES: Board Member Cazares. ABSTENTIONS: Board Member Thomas.

PLEDGE OF ALLEGIANCE
Maritza Lua led the Flag Salute.

HEAR Reports from Student Board Representatives
The Board heard comments and reports from Student Board Representatives from Hoover High School.
HEAR Report from Superintendent

- Announced we have reached a tentative agreement with the Fresno Teachers Association. Our tentative agreement provides many benefits to our teachers, continues a fiscally strong budget, and most importantly supports our students. This agreement brings 16% in ongoing salary increases, an additional 5% in one-time payments, a Bridge to Medicare ensuring affordable, high-quality medical coverage for life upon retirement, substantive movement towards class size reduction, and charts a clear path forward for continued collaboration in hopes of avoiding this situation in the future.

- Shared this was incredibly tough work and there are so many people to thank for avoiding a strike and working towards amazing things on behalf of our students. Thank you to our Board of Education Trustees. Without this Board, we could never have come to this “historic” agreement. Thank you to our bargaining team. I thank every staff member that came to the table, or even in support of the table, throughout this process. I especially thank:
  - Our Chief of HR and Chief Negotiator, David Chavez,
  - Our Deputy Superintendent, Misty Her,
  - Our Chief Financial Officer, Patrick Jensen,
  - Our Assistant Superintendent of Labor Negotiations, Annarita Howell,
  - Our Chief Communications Officer, Nikki Henry,
  - Our Chief Academic Officer, Natasha Baker, and
  - Our attorneys Peter Schaffert and Nicole Tucker of AALRR.

- I also want to thank all the third-party supporters who helped us to communicate, rebuild trust, and reach an agreement that builds a path forward of collaboration and unity. Special thanks to:
  - Larry Dunn and Linda Hoff – peacemakers who were with us through October helping us to reach the finish line when we were not sure it was possible.
  - Don Raczka, John Gray, Mitch Olson, and Jun Payoyo – experienced mediators and factfinders who helped us to cut through the noise and find some important points of compromise.

- I also need to shout out our incredible Principals, Instructional Superintendents, and Assistant Superintendents of HR – you all have walked the calm walk throughout this process, providing calm and confidence to your staff, your students, and your families. You are the backbone of our district and without you we would not be here.

- My deepest gratitude to Fresno Teachers Association – both the bargaining team, especially Manuel Bonilla, Louis Jamerson, and Taylor Vizthum, and to our teachers as a whole. This has NOT been easy, and oftentimes you were in difficult situations in the lead up to a potential strike. I appreciate your passion, your voices, and most importantly your love for our students.
• Last but certainly not least, I want to thank our students and their families. This has been a tough start to the school year. You’ve been the innocent bystanders wading through the difficulties of these negotiations, carrying the stress and uncertainty on your shoulders. It does not go unnoticed. Thank you. This deal really is for YOU.
• We are all coming off of several stressful months preparing for a potential strike, and I just send my love to all as we heal and move forward together.
• There are many other amazing things going on across our district, but I know this is the biggest on folks’ minds currently. I will save other updates for our weekly messages and a future Board meeting. Today, let us just start this month of gratitude with perspective and thanks to be moving forward on behalf of our students together.

BOARD/SUPERINTENDENT COMMUNICATIONS
Board Members had the opportunity for Board/Superintendent communications. A summary is as follows:


Member Cazares: Shared meetings taking place in the Hoover region as follows: November 08, 2023, the Hoover region Local Control and Accountability Plan (LCAP) meeting, and November 13, 2023, the Safe Routes to Schools Community meeting. Thanked Veterans for their service to our great nation. Thanked staff for their efforts in reaching an agreement with the Fresno Teachers Association. Thanked staff for the tour of the Farber Campus, commented on the community spaces that will be available for use and the commercial grade kitchen. Commented the Farber Campus is a wonderful place to highlight what Fresno Unified provides for their students.

Member Thomas: Expressed thanks for the agreement between Fresno Unified and the Fresno Teachers Association. Thanked Amy Idsvoog for attending the Fresno International Transportation Innovations Pedal Summit. Member Thomas thanked her family and her Fresno Unified family for their support.

President Islas: Recognized campuses for maintaining normalcy during stressful times; provided shout out to Norseman for their Trunk or Treat, Mayfair for their Halloween Parade, and Addicot for their Boogie Bash. Shared it was good these events continued as they were highlights for the children and enjoyed by families.

Shared shout outs for Athletics in the McLane region as follows: Turner Elementary went to the district tournament in volleyball; Yosemite won the Division II Football Championship; Duncan’s JROTC competed and took number one in the Adventure Challenge.
Additionally, acknowledged social emotional investments as follows: Turner Elementary has established a BU Young Men of Color Club, and a Girls’ Power Club; and Addicot established a Healing Village.

Shared an invitation to Addicott’s Thanksgiving Celebration at 11:00 a.m. on November 17, 2023.

**Student Member Pitcher:** Shared from a student’s perspective and commented on being happy to see history made with the agreement between Fresno Unified School District and the Fresno Teachers Association. Shared the agreement will allow students to become closer with their teachers and will help the district hire the most qualified teachers. Commented on being proud that not only did the teachers win but the students as well.

**OPPORTUNITY for Public Comment on Consent Agenda items**

For the record, the Board received two (2) requests to address the Board on the Consent Agenda. The individuals’ name and a summary of topic are as follows:

1. Gloria Hernandez: Addressed the Board on agenda item A-20. Shared comments by John F. Kennedy pertaining to the use of federal funds. Congratulated the Board and Superintendent on the agreement with the Fresno Teachers Association and shared concern that there needs to be more outreach in Spanish for the Cesar Chavez Adult School.


On a motion by Board Member Cazares, seconded by Board Member Davis, the Board approved the Consent Agenda except for agenda items A-7 and A-20 which were pulled for further discussion, and A-22 which was pulled by staff, by a roll call vote of 7-0-0-0, as follows: **AYES:** Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President 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 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 regular Board meeting on October 04, 2023.

A-3, APPROVE Minutes from Prior Meeting
APPROVED as recommended, the draft minutes for the September 27, 2023, and the October 04, 2023, regular Board meetings.

A-4, ADOPT Resolution 24-22, Proclaiming November 06 - 10, 2023, as National Psychology Week
ADOPTED as recommended, resolution 24-22, proclaiming November 06 - 10, 2023, as National School Psychology Week.

A-5, ADOPT Resolution Ordering the Date of the Annual Organizational Meeting of the Governing Board
ADOPTED as recommended, resolution 24-23, Ordering the Date of the Annual Organizational Meeting of the Governing Board as December 13, 2023.

A-6, APPROVE Graduation Schedule for the Class of 2024
APPROVED as recommended, the proposed schedule for the Class of 2024 graduation ceremonies.

A-7, APPROVE Agreement with the Council of the Great City Schools
APPROVED as recommended, an agreement with the Council of the Great City Schools (CGCS). The Council of the Great City Schools will conduct a review of the Special Education Program and Services during the fall of 2023.

For the record, Board Members had comments/questions pertaining to agenda item A-7. A summary is as follows:

**Board Clerk Wittrup**: Commented on being pleased the Council of the Great City Schools will provide a progress review of the Special Education Department. Requested their review include baseline staffing for paraprofessionals and teachers in the Autism program, DIS and Low Incident concerns, and caseload monitoring.

On a motion by Board Clerk Wittrup, seconded by Board Member Davis, the Board approved agenda item A-7 by a roll call vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.
A-8, APPROVE Agreement with Delta Fund Administrators, LLC
APPROVED as recommended, an agreement renewal with Delta Fund Administrators for services related to the district’s health plan and the Joint Health Management Board (JHMB) operational requirements.

A-9, APPROVE Agreement with Edgar Reyna DBA Consulting Services, LLC
APPROVED as recommended, an agreement with language consultant Edgar Reyna DBA, Consulting Services, LLC in the amount of $27,500.

A-10, APPROVE Agreement with Intellias
APPROVED as recommended, an agreement with Intellias to ramp up data integration to Lawson and other systems.

A-11, APPROVE Agreement with Linguist Education Online
APPROVED as recommended, an agreement with Linguist Education Online (LEO) in the amount of $18,000. The purpose of this agreement is to provide advanced fluency interpreter performance assessments to measure interpreter skills in consecutive and simultaneous interpreting.

A-12, APPROVE Agreement with UnaMesa Association DBA InPlay
APPROVED as recommended, an agreement with UnaMesa Association DBA InPlay, which has a Student Data Privacy Agreement with the Fresno Unified School District Information Technology Department valid until April 2026.

A-13, APPROVE Agreement with Wonder Valley Ranch
APPROVED as recommended, an agreement with Wonder Valley Ranch, enabling the hosting of the Fresno Unified leadership camp known as Fresno Area Student Leaders Camp.

A-14, APPROVE Agreements for Extended Learning Winter Camp Enrichment Programs
APPROVED as recommended, Extended Learning Winter Camp Enrichment service agreements with qualified community-based partners that are Board Approved Request for Qualifications (RFQ) 22-09 vendors.

A-15, APPROVE Grant Agreement from the Fresno County Transportation Authority Measure C Extension School Bus Replacement Program
APPROVED as recommended, the Grant Agreement from the Fresno County Transportation Authority for the Measure C Extension School Bus Replacement Program.
A-16, APPROVE Renewal of Grant Application for the 21st Century Community Learning Center Program
APPROVED as recommended, the renewal grant application with 21st Century Community Learning Center for the 2024/25 fiscal year.

A-17, APPROVE Renewal Agreement with Community Medical Providers Medical Group
APPROVED as recommended, a renewal agreement with Community Medical Providers Medical Group to continue Enhanced Primary Care (EPC) services (i.e., outreach to patients with diabetes, annual cancer screenings, depression screenings, cardiovascular and medication adherence gaps for core chronic conditions).

A-18, APPROVE Firm Designation Per Request for Qualifications 20-35S, Investigation Services
APPROVED as recommended, information on Request for Qualifications (RFQ) 20-35S, Investigation Services to add supplemental firms to the qualified pool.

A-19, APPROVE Award of Bid 24-18, Farber Educational Campus South Building “A” Modernization
APPROVED as recommended, information on Bid 24-18, Farber Educational Campus South Building “A” Modernization.

A-20, APPROVE Proposed Revisions for Board Policy
APPROVED as recommended, proposed revisions for Board Policy 0410 Nondiscrimination in District Programs and Activities.

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

The Board recognizes that with few exceptions, as expressly set forth in Government Code section 12951, speaking languages other than English is a legally protected right and critically important asset in providing educational services in a community as ethnically and culturally diverse as Fresno Unified.

Additionally, pursuant to Title VII of the Civil Rights Act of 1964, district programs and activities shall be free from any unlawful language discrimination, which falls under the class of national origin discrimination. Language discrimination occurs when a person is treated differently because of their native language or other characteristics of their speech, including their accent, vocabulary, and/or syntax.

For the record, Board Members had comments/questions pertaining to agenda item A-20. A summary is as follows:
Board President Islas: Commented it is important for everyone to take to heart the excerpt she read pertaining to language discrimination. Shared personally that while in elementary school there were times, she was not able to communicate fully in English. Shared hope that the incident will not be repeated, and we have all learned and will be better as a result.

On a motion by Board President Islas, seconded by Board Member Levine, the Board approved agenda item A-20 by a roll call vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Witttrup, and Board President Islas.

A-21, RATIFY the Addendum to the Agreement with California Teaching Fellows Foundation
RATIFIED as recommended, an addendum to the California Teaching Fellows Foundation agreement to include additional support for after-school programs that are impacted by staffing shortages.

A-22, RATIFY the Addendum to the Agreement with Community Responsive Education
ITEM PULLED BY STAFF, no discussion or action taken on this item.

A-23, RATIFY Change Orders
RATIFIED as recommended, information on Change Orders for projects as follows: Bid 23-08, Yosemite Middle School Classroom Modernization and Interim Housing, Change Order 3 (Classroom Mod) presented for ratification $40,593; and, Bid 23-58 Sections B and F, Exterior Painting at Various Sites, Fremont Elementary School and Hamilton K-8 School, Change Order 1 presented for ratification $-3,892.

A-24, RATIFY the Filing of Notices of Completion
RATIFIED as recommended, Notices of Completion for projects, which have been completed according to plans and specifications as follows: Bid 23-58 Sections B and F, Exterior Painting at Various Sites, Fremont Elementary School and Hamilton K-8 School; Bid 23-58 Section E, Exterior Painting at Various Sites, Columbia Elementary School; Bid 23-63, Edison High School Existing Gym Ceiling Repair.

A-25, RATIFY Purchase Orders from August 01, 2023, through August 31, 2023 – Primary Report
RATIFIED as recommended, information on purchase orders issued from August 01, 2023, through August 31, 2023, Primary Report. 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.
A-26, RATIFY Purchase Orders from August 01, 2023, through August 31, 2023 – Supplemental Report
RATIFIED as recommended, information on purchase orders issued from August 01, 2023, through August 31, 2023, Supplemental Report.

A-27, RATIFY Retiree Contract for Carla Rose Hartunian
RATIFIED as recommended, a Certificated Retiree Contract between Fresno Unified School District and Carla Rose Hartunian.

B. CONFERENCE/DISCUSSION AGENDA

For the record, the Board approved, by a two-thirds vote, the addition of two agenda items as follows:

B-28, CONSIDERATION and Action to RATIFY the Tentative Agreement between the District and the Fresno Teachers Association, including Issuance of AB1200 Information

For the record, David Chavez, Chief of Human Resources/Labor Relations read a statement as follows:

“We are pleased to bring before you, for your consideration and approval, the 2023-2026 successor tentative agreement between Fresno Unified School District, and the Fresno Teachers Association. This agreement comes as a result of quality communication and collaboration, as well as a united commitment to enhancing the future of Fresno Unified students, staff, and community.

I would like to acknowledge a few people for the tireless work put in over the past 18 months to get this tentative agreement in front of you. From the Fresno Teachers Association, President Manuel Bonilla, Executive Director Louis Jamerson and Bargaining Chair Taylor Vizthum. Additionally, thank you to the entire FTA bargaining team for their commitment to this process. I would also like to acknowledge a few people from the district. Superintendent Dr. Bob Nelson, Deputy Superintendent Misty Her, Chief Financial Officer Patrick Jensen, Chief Information Officer Nikki Henry, Chief Academic Officer Dr. Natasha Baker, Assistant Superintendent Annarita Howell, and a special thanks to our team of Principals who put in significant time and energy into this process. Additionally, thank you to all those individuals who were on call to help throughout this process.
Last, thank you to each and every one of you on the Board. Without your continued support and guidance in this process we would not be here today, with a tentative agreement. Your dedication to the students, staff and community is evident every day. Thank you!

At this time, I yield back to President Islas with the recommendation to ratify the tentative agreement."

For the record, there were no requests from the public to address agenda item B-28.

On a motion by Board Member Thomas, seconded by Board Member Davis, the Board ratified agenda item B-28 by a roll call vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

**B-29, CONSIDERATION and ACTION on a Resolution between the District and Fresno Teachers Association to Jointly Commit to Developing a Collaborative Committee to Identify the Most Impactful Student and Family Services and Supports**

For the record, there were no requests from the public to address agenda item B-29.

On a motion by Board Member Jonasson Rosas, seconded by Board Member Davis, the Board adopted agenda item B-29 by a roll call vote of 7-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Jonasson Rosas, Levine, Thomas, Clerk Wittrup, and Board President Islas.

**OPPORTUNITY FOR UNSCHEDULED ORAL COMMUNICATIONS**

For the record, the Board received one (1) request to address the Board during Unscheduled Oral Communications. The individual’s name with a summary of topic are as follows:

1. David Santos: Introduced himself to the Board and provided his contact information with the Office of Senator Anna Caballero, 14th Senate District.

**C. RECEIVE INFORMATION & REPORTS**

For the record, the Board received agenda item C-28.

**D. ADJOURNMENT**

Board President Islas ADJOURNED the meeting at 8:21 p.m.