



Amended Agenda
November 25, 2019 and
December 06, 2019
(Noted on Pages 1, 9,
10, 11, & 12)

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

AGENDA
WEDNESDAY, DECEMBER 11, 2019,
4:30 P.M. (CLOSED SESSION) 5:30 P.M. (OPEN SESSION)

THIS MEETING WILL BE HELD AT
2309 Tulare Street
Board Room, 2nd Floor
Fresno, CA 93721-2287
and

MEMBER THOMAS WILL PARTICIPATE FROM THE FOLLOWING
TELECONFERENCE LOCATION
12690 E. Cochise Drive
Scottsdale, Arizona 85259
Open to the Public

PURSUANT TO GOVERNMENT CODE SECTION 54953 (b)(2),
All action taken during this teleconferenced
meeting shall be by roll call vote.

PLEASE NOTE: PARKING WILL BE AVAILABLE 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. Also, the City of Fresno will not enforce the street meters in this area after 6:00 p.m., Monday through Saturday. PLEASE NOTE: *DESIGNATED TIMES FOR CONFERENCE/DISCUSSION ITEMS ARE ESTIMATES

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 457-3938. 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 he/she wishes to address. The card must be submitted before the Board president announces the specific agenda item.

Public materials are available for public inspection at the Fresno Unified School District Education Center, 2309 Tulare Street, 2nd Floor or visit our website at: www.fresnounified.org/board

TRANSLATION SERVICES: Available in Spanish and Hmong in the Board Room upon request.

***4:30 P.M.**

CALL Meeting to Order

OPPORTUNITY for Public Comment on Closed Session Agenda Items

RECESS to Cabinet Room 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): 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 Anticipated/Pending/Threatened Litigation (Government Code Section 54956.9(d)(2)).
 - a. *Potential Case: One (1)*
6. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9 (d)(1)).
 - a. N.M., a minor, by and through her Guardian ad Litem, D.M. v. Fresno Unified School District, Fresno Superior Court No. 17CECG03023
Fresno Unified Claim No. 17-0318-0129
 - b. Fresno Unified School District v. California Teaching Fellows Foundation, Fresno Superior Court No. 19CECG03065 Fresno Unified Claim No. GL19-1115-4280

5:30 P.M., RECONVENE and report action taken during Closed Session, if any.

PLEDGE OF ALLEGIANCE

Ms. Jessica Sierra-Castaneda, a parent from Homan Elementary School will lead the flag salute.

HEAR Report from Superintendent

BOARD/SUPERINTENDENT COMMUNICATION

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. Contact person: Paul Idsvoog, 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 20, 2019 Regular Board meeting. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3731.

A-3, APPROVE Minutes from Prior Meeting

Included in the Board binders are the draft minutes for the November 20, 2019 Regular Board Meeting. The Superintendent recommends approval. Contact person: Robert G. Nelson, telephone 457-3884.

A-4, APPROVE Renewal Agreement with Kaiser Permanente

Included in the Board binders is an excerpt from the renewal agreement with Kaiser Permanente to provide medical services on behalf of benefit eligible employees and retirees. The district has offered medical benefit 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 other being Anthem. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$11.4 million are available in the Health Internal Service Fund. Contact person: Ruth F. Quinto, telephone 457-6226.

A-5, APPROVE Agreement with Halcyon Behavioral Services

Included in the Board binders is an agreement with Halcyon Behavioral Services for the provision of behavioral and mental health administration services for eligible active employees and retirees. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$438,000 are available in the Health Internal Service Fund. Contact person: Ruth F. Quinto, telephone 457-6226.

A-6, APPROVE Amendment to Agreement with Claremont Behavioral Services

Included in the Board Binders is an amendment to the agreement with Claremont Behavioral Services for the Employee Assistance Program (EAP).

A. CONSENT AGENDA - continued

The EAP provides district health plan members with access to services in support of clinical and life management events. The Superintendent recommends approval. Fiscal impact: Sufficient funds in the amount of \$280,000 are available in the Health Internal Service Fund. Contact person: Ruth F. Quinto, telephone 457-6226.

A-7, APPROVE Revised Job Description for Paraprofessional – Child Development

Included in the Board binders is the revised job description of Paraprofessional – Child Development. This revision reflects the requirements for Every Student Succeeds Act (ESSA) compliance (formerly No Child Left Behind) and compliance with California Health and Safety Code with (a) the completion of six postsecondary semester units or equivalent quarter units in early childhood education or child development; and (b) a current valid Emergency Medical Service Authority (EMSA) Pediatric First Aid/CPR certificate, proof of immunizations or immunity for measles, and pertussis, proof of influenza vaccine or declination to be submitted each year between August 1, and December 1 of each year, and proof of Current Mandated Reporter Training Certificate for Child Care Providers. The Paraprofessional – Child Development position is designated Classified, non-exempt and placed on G-19 of the Classified salary schedule. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Paul Idsvoog, telephone 457-3548.

A-8, APPROVE Award of Bid 20-10, Cambridge High School Student Services and Administration Office Improvements

Included in the Board binders is information on Bid 20-10, for interior space modifications in the Student Services Building and Administration Building for Cambridge High School. The project will convert an existing classroom into four office spaces to accommodate confidential student support services, add one office space in the Administration Building, and provide site accessibility improvements. Staff recommends award to the lowest responsive, responsible bidder: Divcon Incorporated (Clovis, California) \$268,000. The Superintendent recommends approval. Fiscal impact: \$268,000 is available in the Measure X Fund (Student Services Spaces). Contact person: Karin Temple, telephone 457-3134.

A-9, APPROVE Grant Application to US Department of Agriculture Farm to School Program

It is recommended the Board approve submission of a grant application to the US Department of Agriculture Farm to School Program, which provides funding to support implementation of programs that improve access to local foods.

A. CONSENT AGENDA - continued

The Food Services Department is working to develop and establish supply chains from regional small farms, focusing on produce that is practical to process, meets safety requirements, can be easily stored, and is of interest to students. The grant application requests \$100,000 for procurement of a machine to fill and seal small condiment containers. This equipment will streamline production, simplify storage and distribution, increase food safety and allow for addition of new sauce-based products developed from produce sourced locally from small farmers. The Superintendent recommends approval. Fiscal impact: The \$6,272 cash match required for the \$100,000 grant request is available in the Food Services budget. Contact person: Karin Temple, telephone 457-3134.

A-10, DENY Claim GL 19-0503-3079

Included in the Board binders is a Claim for Damages by a Minor, case GL19-0503-3079. The Superintendent recommends the Claim be denied, and the matter referred to the district's Executive Director of Benefits and Risk Management for further handling. Fiscal impact: There is no fiscal impact at this time. Contact person: Ruth F. Quinto, telephone 457-6226.

A-11, DENY Claim GL 19-0515-4186

Included in the Board binders is a Claim for Damages by Walter Hellings III, case GL 19-0515-4186. The Superintendent recommends the Claim be denied, and the matter referred to the district's Executive Director of Benefits and Risk Management for further handling. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ruth F. Quinto, telephone 457-6226.

A-12, DENY Claim GL 19-0604-3309

Included in the Board binders is a Claim for Damages by Frances Morozoff, case GL 19-0604-3309. The Superintendent recommends the Claim be denied, and the matter referred to the district's Executive Director of Benefits and Risk Management for further handling. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ruth F. Quinto, telephone 457-6226.

A-13, DENY Claim GL 19-0812-4232

Included in the Board binders is a Claim for Damages by a minor, case GL 19-0812-4232. The Superintendent recommends the Claim be denied, and the matter referred to the district's Executive Director of Benefits and Risk Management for further handling. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ruth F. Quinto, telephone 457-6226.

A-14, RATIFY Grant Funds from Cerritos Community College District for the Clean Fuels Transportation Pilot Career Opportunity Project

Ratification is requested for a grant award from Cerritos Community College District that will provide Duncan Polytechnical High School \$55,000 as part of their 2019/20 Clean Fuel Transportation Pilot Career Opportunity Project.

A. CONSENT AGENDA - continued

The Superintendent recommends ratification. Fiscal impact: The grant will fund \$55,000 for all project activities. Contact person: Kim Mecum, telephone 457-3731.

A-15, RATIFY Renewal Agreement with County of Fresno for a Deputy Sheriff at Wawona K-8 School

Included in the Board binders is an agreement with the County of Fresno Sheriff's Office (SO) to provide a Deputy Sheriff at Wawona K-8 School for intervention, prevention, education, and law enforcement activities during normal school hours and operations. All middle schools, Baird 5-8, and Hamilton K-8 have assigned law enforcement officers on the campus. Wawona is located in the County of Fresno and therefore within SO jurisdiction. The Superintendent recommends ratification. Fiscal impact: \$179,700 is available in the General Fund (Maintenance and Operations): \$159,700 for the Deputy's salary and benefits, and \$20,000 for overtime (at an hourly rate) when needed. Contact person: Karin Temple, telephone 457-3134.

A-16, RATIFY Renewal Agreement with County of Fresno for Deputy Probation Officers at High Schools

Included in the Board binders is an agreement with the County of Fresno, Probation Department to provide nine Deputy Probation Officers at Bullard, Cambridge, DeWolf, Edison, Fresno, Hoover, McLane, Phoenix, Roosevelt and Sunnyside High Schools to supervise students on probation. The total cost is \$1,287,385, which includes \$1,183,885 in salaries and benefits, and \$103,500 in estimated services and supplies (vehicle, radio, phones). The district's portion, \$337,500, is the same as in previous years and is 26.2% of the total cost with the balance supported by County Juvenile Justice Crime Prevention Act funds. The Superintendent recommends ratification. Fiscal impact: \$337,500 is available in the General Fund (Maintenance and Operations). Contact person: Karin Temple, telephone 457-3134.

A-17, RATIFY Change Orders for the Projects Listed Below

Included in the Board binders is information on change orders for the following projects. These change orders are for projects completed or substantially completed over the summer, which is why there are more change orders than typically presented at one time.

Bid 18-09, Construction of New Classroom Buildings and Modernization of Administration Building for Slater Elementary School
Change Order 8 presented for ratification (buildings): \$325,337

Bid 19-14, Wishon Elementary School Boiler and Chiller Replacement Deduct
Change Order 1 presented for ratification: \$-1,500

A. CONSENT AGENDA - continued

Bid 19-20 Section B, HVAC Multipurpose Room Improvements at: Viking and Vinland elementary schools

Change Order 2 presented for ratification (Viking): \$3,085

Change Order 2 presented for ratification (Vinland): \$5,362

Bid 19-26 Sections A and B, Boiler Replacement for: Balderas and Centennial Elementary Schools, Cooper Middle School and McLane High School

Change Order 2 presented for ratification: \$6,539

Bid 19-38, Edison High School Gymnasium Floor Replacement

Change Order 1 presented for ratification: \$4,647

Bid 19-41, Wawona K-8 School Classroom and Restroom Additions Deduct

Change Order 2 presented for ratification: \$-336,707

Bid 19-43, Fresno High School Gymnasium Locker Installation

Change Order 1 presented for ratification: \$13,597

Bid 19-46, Ventura and 10th - Old Juvenile Hall Demolition, Phase 1

Change Order 1 presented for ratification: \$73,983

Bid 19-49, Calwa and King Elementary Schools Portable Classroom Infrastructure

Change Orders 2-4 presented for ratification: \$35,622

Bid 19-54, Bullard Talent Site and Security Improvements

Change Orders 1-2 presented for ratification: \$40,313

Bid 19-55, Phoenix Secondary Academy Portable Infrastructure and Site Development

Change Order 1 presented for ratification: \$7,028

Bid 19-56, Renovations at Fresno City College for Design Science High School

Change Order 4 presented for ratification: \$0

(contract duration increase only)

The Superintendent recommends ratification. Fiscal impact: \$325,337 is available in the Measure Q Fund for Bid 18-09; \$13,597 is available in the Measure X Fund – Deferred Maintenance for bid 19-43; net credit of \$157,538 to the Measure X Fund for Bids 19-14, 19-20, 19-26, 19-38, 19-41, 19-46, 19-49, 19-54 and 19-55; and contract duration change only for Bid 19-56. Contact person: Karin Temple, telephone 457-3134.

A. CONSENT AGENDA - continued

A-18, RATIFY the Filing of Notices of Completion

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

Bid 18-09, Construction of New Classroom Buildings and Modernization of Administration Buildings for Slater Elementary School

Bid 19-14, Wishon Elementary School Boiler and Chiller Replacement

Bid 19-31 Section A, Lighting Improvements at Birney, Centennial and Vinland Elementary Schools Lighting Improvements

Bid 19-43, Fresno High School Gymnasium Locker Installation

Bid 19-49, Calwa and King Elementary Schools Portable Classroom Infrastructure

Bid 19-54, Bullard Talent Site and Security Improvements

Bid 19-56, Renovations at Fresno City College for Design Science High School

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

A-19, RATIFY Purchase Orders from September 1, 2019 through September 30, 2019 – Primary Report

Included in the Board binders is information on purchase orders issued from September 1, 2019 through September 30, 2019. 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: Karin Temple, telephone 457-3134.

A-20, RATIFY Purchase Orders from September 1, 2019 through September 30, 2019 – Supplemental Report

Included in the Board binders is information on purchase orders issued from September 1, 2019 through September 30, 2019. 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: Karin Temple, telephone 457-3134.

END OF CONSENT AGENDA (ROLL CALL VOTE)

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.

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. Any individual who has not had an opportunity to address the Board during this initial thirty (30) minute period may do so at the end of the meeting after the Board has addressed all remaining items on this agenda. Without taking action and only as expressly permitted by Board Bylaw 9323, Board members may ask questions, make brief announcements, or provide a brief response to statements presented by the public about topics raised in unscheduled oral communications. Board members must be recognized by the President in order to speak and will generally be limited to no more than one (1) minute each for this purpose. The Board President shall have the discretion to further limit Board members' opportunity to speak on topics raised in unscheduled oral communications to ensure the orderly and efficient conduct of District business.

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.

B. CONFERENCE/DISCUSSION AGENDA

6:45 P.M.

B-21, HOLD a Public Hearing in the Matter of the Aspen Ridge High School Charter Petition

Aspen Public Schools, Inc. has delivered a petition to the district seeking authorization to open a new charter, Aspen Ridge High School. The charter seeks to open in Fall 2020 with approximately 100 freshmen expanding each year to ultimately reach 420 students in grades nine through twelve. The charter petition was presented to the Board for receipt on November 20, 2019, with a request for a decision at the December 18, 2019 Board meeting. Fiscal impact: The estimated fiscal impact to Fresno Unified School District for 2020/21 is ~~\$917,000~~ **\$789,672**. Contact person: Kim Mecum, telephone 457-3731.

B. CONFERENCE/DISCUSSION AGENDA - continued

7:30 P.M.

B-22, PRESENT and DISCUSS Visual and Performing Arts Update

Staff will present an overview on the current status of visual and performing arts instruction and student opportunities within Fresno Unified. The presentation will include these topics:

- Newly adopted California Arts Standards and next steps
- Current arts education and opportunities across the district
- Any Given Child Initiative update
- Outcomes from the Student Support and Academic Enrichment grant

Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Kim Mecum, telephone 457-3731.

7:45 P.M.

B-23, DISCUSS and APPROVE the 2018/19 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 2018/19 Audit, which is the best opinion that can be issued. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Ruth F. Quinto, telephone 457-6226.

8:00 P.M.

B-24, DISCUSS and APPROVE the 2019/20 First Interim Financial Report with a Positive Certification

California school districts are required to approve interim financial reports twice each fiscal year. Fresno Unified School District’s 2019/20 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, 2019 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. Fiscal impact: A positive certification reflects that the district’s ~~has the projected reserve for 2019/20 at \$93.88 million exceeds the minimum~~ required reserve for economic uncertainties (2%). ~~Additionally, projections indicate and has~~ a positive cash balance for the current year and two subsequent years. In addition, 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: Ruth F. Quinto, telephone 457-6226.

B. CONFERENCE/DISCUSSION AGENDA - continued

8:15 P.M.

B-25 DISCUSS and APPROVE Appointments to the California School Boards Delegate Assembly

Each year member boards elect and/or appoint representatives to the California School Boards (CSBA) 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 beginning April 1, 2020 through March 31, 2022. The Board President recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3566.

C. RECEIVE INFORMATION & REPORTS

C-26, RECEIVE Proposed Revisions for Board Policies

Included in the Board binders are proposed revisions for the following nineteen Board Policies (BP):

- BP 0410 Nondiscrimination in District Programs and Activities
- BP 1312.3 Uniform Complaint Procedures
- BP 5113.2 Work Permits
- BP 5116 Student Attendance Boundaries and Student Transfers
- BP 5116.1 Intradistrict And Interdistrict Voluntary Enrollment
- BP 5131.2 Anti-Bullying
- **BP 5141.52 Suicide Prevention**
- BP 5145.13 Response to Immigration Enforcement
- BP 5145.3 Nondiscrimination/Harassment
- ~~BP 5145.52 Suicide Prevention~~
- BP 5145.9 Hate-Motivated Behavior
- BP 6142.7 Physical Education and Activity
- BP 6145 Extracurricular and Cocurricular Activities
- BP 6145.2 Athletic Competition
- (NEW) BP 6159.1 Procedural Safeguards and Complaints for Special Education
- BP 6164.2 Guidance/Counseling Services
- (NEW) BP 6164.41 Children with Disabilities Enrolled by Their Parents In Private School
- BP 6177 Summer School
- BP 6178.1 Work Experience Education
- BP 6200 Adult Education

C. RECEIVE INFORMATION & REPORTS – continued

These revisions meet the legal mandates recommended by the California School Boards Association (CSBA), CDE's Federal Program Monitoring (FPM) requirements and best practices. The items will be brought back for approval at a future Board meeting. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3566.

C-27, RECEIVE Notice Regarding Appointment of Board Member **Voting Representative and Alternate Voting Representative to the Fresno County Committee on School District Organization Elections**

California Education Code section 35023 states, *The governing board of each school district of every kind or class shall annually at its initial meeting select one of its members as its representative who shall have one vote for each member to be elected to the county committee provided by Article 1 (commencing with Section 4000) of Chapter 1 of Part 3. The secretary or clerk of the district shall furnish the county superintendent of schools with a certificate naming the representative selected by the board.* Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3566.

C-28, RECEIVE 2018/19 School Facility Fee Public Information Report

Included in the Board binders is the 2018/19 School Facility (Developer) Fee Public Information Report. School districts are authorized to levy fees on residential and commercial/industrial development for the purpose of mitigating impacts on school facilities as a result of the development. Fresno Unified utilizes school facility fee revenue to support projects including providing student housing with portable classrooms. Government Code requires that certain public information regarding the fees collected be presented annually. Fiscal impact: Receiving the Public Information Report has no financial impact. Contact person: Karin Temple, telephone 457-3134.

D. ADJOURNMENT

**NEXT REGULAR MEETING
WEDNESDAY, DECEMBER 18, 2019**