



**MINUTES - BOARD OF EDUCATION SPECIAL MEETING
Fresno Unified School District
2007 - 2008**

Fresno, California

July 10, 2007

Office of the Board of Education, Fresno Unified School District, Education Center, 2309 Tulare Street, Fresno, California, 93721.

Special Meeting

At the first meeting for School Year 2007/08 of the Board of Education of the Fresno Unified School District, 2309 Tulare Street, Fresno, California held on July 10, 2007. The following is the current roster of Board Members and staff.

Board Members

Carol Mills, J.D., President
Valerie F. Davis, Clerk
Michelle A. Asadoorian, Member
Lindsay Cal Johnson, Member
Manuel G. Nuñez, Member
Janet Ryan, Member
Tony Vang, Ed.D., Member

Superintendent and District Staff

Michael E. Hanson, Superintendent
Linda A. Hauser, Ed.D., Chief Academic Officer (CAO) for School Leadership
Kim Mecum, Associate Superintendent for Human Resources/Labor Relations Office
Cynthia D. Tucker, Associate Superintendent for School Support Services
Ruth F. Quinto, Associate Superintendent/Chief Financial Officer (CFO) for
Administrative Services
Barbara Bengel, Assistant Superintendent for State & Federal Programs
Elva Coronado, Assistant Superintendent for K-6 School Leadership
Mabel Franks, Ed.D., Assistant Superintendent for 7-8 School Leadership
Doug Jones, Assistant Superintendent for Special Education
Holland Locker, Assistant Superintendent for K-6 School Leadership
Kurt Madden, Chief Technology Officer for Technology Services
John Marinovich, Assistant Superintendent for 9-12 School Leadership
Deo Persaud, Assistant Superintendent for Operational Services
Sue Smits, Ed.D., Assistant Superintendent for K-6 School Leadership

Special Meeting

At a special meeting of the Board of Education of Fresno Unified School District, held on July 10, 2007, there were present Members Asadoorian, Davis, Nunez, Ryan, and President Mills. Also present was Superintendent Hanson. *Members Johnson and Vang were absent.*

President Mills convened the meeting at 4:00 p.m. in the Board Room to address the two items listed on the agenda.

NO. 1, Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No's. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury

RESPONSES, as recommended, to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations Nos. R401 through R411. The Board concluded the process of formulating and approving its responses to the Fresno County Grand Jury Report, which it commenced during the special meeting held on May 15, 2007 and continued during the regular meeting held on May 23, 2007, by reviewing and discussing these draft responses, further developing them if necessary, and approving the submittal of its responses to the Fresno County Grand Jury in compliance with timeline governing the Board's response set forth under Penal Code section 933, subdivision (c).

Legal Counsel deGoede stated that she was not sure what the Board had in their possession and presented the board with copies of a draft of the Grand Jury responses that had been worked out at the two board meetings that were held on this issue. She shared with the board the correspondence that she had with the Grand Jury over the last couple of months since first dealt with this item requesting the evidentiary materials forming the basis for the findings and recommendations and the request for clarification on whether the Grand Jury wanted a response to both findings and recommendations or just recommendations as stated in the report. As mentioned in prior board meetings the Grand Jury would not be providing the evidentiary material, the second response received was from the second request for clarification from the new Grand Jury foreman John Tinker responded that he would be expecting to receive responses to the recommendations only. Based on this and prior work the review of the draft responses would be sufficient if everyone was in agreement, the draft would be able to be finalized and a response would be given by the deadline of July 13th.

President Mills stated the board received in their Friday packet the recommended responses and also received them by email and she made a suggestion in respect to one of the responses and mentioned that she had replied to legal counsel deGoede's email and made strikeouts as noted on the draft page 2.

Member Ryan requested clarification from President Mills in regards to the draft that had the strikeout, because her copy did not have strikeout's on it.

President Mills indicated that on Page 2 to recommendations for R404, she indicated that she went through the format that was provided to all board members in their Friday packet and indicated that this included the strikeouts of the language that she recommended be deleted from the draft response and after re-reading the draft again there were typographical items that needed to be addressed now or later.

NO. 1 Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No’s. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury – continued

Legal Counsel deGoede stated that she would take a copy of President Mills corrections on her marked draft copy and incorporate them.

President Mills stated that for purposes of the board and the public, she pointed out on page 1 the following on the draft of recommendations:

- *Page 1 - R401 refers to Center of School Systems* – should read “Center for Reform of School Systems.
- *Page 2 – in the response for recommendation R402* – a phrase is repeated and it should read “on May 15, 2007 the Governing Board determined by a vote of 5-2 not to implement recommendation R402”.
- *Response to recommendation R404* – the draft response indicated that all board members should have a copy of her suggestions to have two sentences deleted from the response.

Member Ryan requested clarification on the reasoning behind the deletion of the two sentences requested by President Mills.

President Mills stated that “this could be discussed in a moment” and she wanted to first give all the corrections to legal counsel.

- *Recommendation R406* – should read “the board has implemented this recommendation and implementation is ongoing”
- *Response to recommendation R408* – second sentence suggested inserting the word “the” before fiscal.

Legal Counsel deGoede stated that with respect to recommendation R404, it originally stated that there were “3 new board members with the November 2006 election”, which was incorrect and mentioned that President Mills pointed this out that the correction was made. She also mentioned that President Mills emailed her and indicated that it was not necessary to state that the Superintendent’s self evaluation was submitted before the November 1, 2006 deadline.

President Mills stated that the self evaluation was not submitted to the board by November 1, 2006 and did not feel that this was not relevant as a response to the grand jury. She felt that the only relevance to grand jury’s recommendation was that the latest evaluation covers and that the board completed the evaluation and determined it to be a positive one; the rest of the information was not relevant and should be deleted.

Superintendent Hanson stated that he does not see the need to have the November 1st piece in this, however, he felt there may be a technicality and stated for the record, which states that his self evaluation per his contractual terms was submitted to the board chair prior to the date set out on his contract.

Legal Counsel deGoede agreed that it was not material to the response to the grand jury. It was included originally because there was a reference to the evaluation process and she stated that there is an evaluation in place and recited what the process was and can stand as it is and is sufficient.

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President Mills stated that she fully recognizes that the board bylaws state annual self evaluation and that Member Davis and President Mills attended a CSBA superintendent and board seminar and indicated that there are certain circumstances under which a board does not want to do an annual self evaluation and does not see the need to include a sentence that locks the board into conducting one regardless of whether the CSBA single district training recommends it or it would preclude the board from modifying the policy to provide it in some circumstances and she questioned whether the last sentence is needed.

Member Ryan expressed concerns with President Mills’ recommendation to delete the last sentence and requested an opportunity to address this before it is decided.

Legal Counsel deGoede stated that there is a board bylaw that states “the board will annually schedule a time and place in which members may participate in a formal self evaluation” and that the board bylaw stands as is.

President Mills stated that if the board bylaw stands then the board is obligated to follow the board bylaw and if the last sentence is deleted then there is the opportunity to amend and have some flexibility.

Legal Counsel deGoede stated that’s correct.

President Mills pointed out to legal counsel that there were two board members absent and that Member Vang noted that all of the board members need to sign off on the response to the grand jury letter.

Legal Counsel deGoede stated that she did not recall there being a statement in the grand jury letter to determine that all the board members or by majority vote is needed to submit a response.

President Mills stated that if all the board members needed to be present to sign off on the grand jury response and suggested some discussion now and continue the next day when the other two board members are present.

Member Ryan stated that the possibly of other board members not being present the next day and questioned why five people cannot make a determination on the responses and the other two board members sign off.

Legal Counsel deGoede stated that the response can be signed off by majority vote and did not see anything in the letter that indicates that all board members need be present to sign off on the response and she feels that a majority vote is sufficient.

President Mills asked if any other members of the board had any further comments.

NO. 1 Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No’s. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury – continued

Member Ryan recalled that back in 2005 several members of the board talking about doing a board self evaluation and in 2006 several board members had the same conversation in regards to the board self evaluation and at that time the CSBA materials were ordered and nothing was accomplished. She requested some process be put in place for this requested that the board give a specific time that the board do a self evaluation.

President Mills stated that she didn’t feel it be necessary that the board be required to commit to a date and requested the last sentence be deleted and have input from single district training advisers whether, when and how to proceed with a board self evaluation.

Member Ryan requested a process be put in place and that the board commit to doing the board self evaluation with a facilitator and suggested if Mr. Pollock from CSBA would facilitate.

President Mills stated that Mr. Pollock would not be part of the single district training.

- Mr. Pollock recommended it be a facilitated self evaluation, which also means that it be done by the single district services.

Member Ryan questioned if this can be added as part of the response?

- Mr. Pollock stated that it would be at the discretion of the board.

Member Ryan recommended that the board commit to this.

Member Davis questioned how long is the training?

- Mr. Pollock stated that a proposal for the single district training has not been submitted and is looking to have the first draft by the first of the week.

Member Asadoorian stated that she is in support of the language to R410 and the recommendation to R403 and the board has implemented R406.

Member Nunez stated that R410 is what prevents things that were cited from happening and engaged in micromanaging or Brown Act matters. The self evaluation would point these things out if refuse or neglect and need to be stronger in putting into place. The board will follow a board policy and an effort to be consistent with bylaw 9400 to do a self evaluation on annual basis and maybe something that can be put on the calendar.

President Mills questioned if Member Nunez was in agreement with Member Asadoorian to leave the last sentence as is?

Member Nunez stated that he was in agreement with Member Asadoorian.

President Mills expressed concerns including more specificity of a response to the grand jury and she does not feel the board should specify a certain date in a response to the grand jury report and feels that this should be something dealt with in single district training.

NO. 1 Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No’s. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury – continued

President Mills expressed concerns including more specificity of a response to the grand jury and she does not feel the board should specify a certain date in a response to the grand jury report and feels that this should be something dealt with in single district training.

Member Nunez stated that the single district training is not an annual occurrence and that the board wants to see something implemented regardless of who the board members are and that it would be something implemented on an annual and ongoing basis with or without single district training.

Member Ryan stated that the statement “date certain” is being used and clarified that she is not asking for the board to commit to a certain date, but to simply commit to follow through as part of the single district training.

Member Davis concurred with Member Ryan to look at the process again in the future. She questioned Member Nunez if he has seen a board self evaluation done during his tenure as board member?

Member Nunez stated that he has.

Member Ryan stated that CSBA recommends that the board self evaluation be done as part of the superintendents evaluation and recommended that the board begin the process by promising to do the board self evaluation as part of the single district training.

President Mills stated that the board is responding to the grand jury report and questioned if it was an appropriate place to put the details in and would like the majority of the board to decide.

Superintendent Hanson stated that the language as written “the majority of the board members agree to this” would indicate that the board would do the self evaluation.

Member Ryan stated that the language has been in the bylaws and has not seen it done in the 3 years she has been on the board and requests the board to promise to do a board self evaluation as part of the single district training.

Member Nunez expressed concerns that if language is left as mentioned per Member Ryan, there will not be assurance that the board will do a self evaluation and maybe should be done every other year and not every year.

Member Asadoorian stated that if the language is changed to recommend a board self evaluation every other year as suggested by Member Nunez, the bylaws will have to be amended to state that the board will conduct an annual self evaluation.

President Mills stated that she concurs with Mr. Pollock to leave the last sentence in R410 as is and that she is not comfortable in adding additional provision.

Member Ryan stated that three board members including Member Nunez indicated that they are in favor of including the language.

NO. 1 Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No's. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury – continued

Member Nunez stated that it should be reviewed further to determine if it should be a calendared item on annual basis.

Member Ryan questioned if this can be reviewed during single district training and requested for the board to make the self evaluation as part of the single district training. She stated that she hears three board members stating that they want to have language included in the response as a promise to do the self evaluation.

President Mills stated that there is not a majority vote.

Member Ryan stated that there is a majority of the vote based on the board members present in this meeting today.

Legal Counsel deGoede clarified that there has to be a majority of 4 for purposes of the vote and she suggested that if the board heard some language the board may capture what is wanted in the response to language. Possible language:

- Accordingly to the board in conjunction the districts participation in CSBA in single district training will implement recommendation R410 consistent with board by law 9400.
- Accordingly, the board will implement recommendation R410 by reviewing board bylaw 9400 in conjunction with the district's participation in CSBA's single district training.

Member Asadoorian stated that the language suggested by legal counsel deGoede will take care of the current year and wants to make sure that it is an ongoing and is done on an annual basis.

Member Davis commented that the board has to decide amongst themselves when the majority is present.

Member Ryan stated that the board agrees that the self evaluation should be done for one year and see how it continues somehow after this and questioned Member Asadoorian if she was in favor of the language legal counsel deGoede suggested?

Member Asadoorian stated that she was fine with the language as it appears now as long as the board is in agreement to do the self evaluation as part of the single district training.

Member Ryan questioned that if the language suggested by legal counsel is not implemented now then the board would not be making the commitment and encouraged the board to commit to the self evaluation as part of the single district training.

Member Asadoorian stated that the majority of the board members are committed to performing the self evaluation.

President Mills requested legal counsel deGoede to read the suggested language again.

NO. 1 Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No’s. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury – continued

Legal Counsel deGoede read the second alternative:

- Accordingly the board will implement recommendation R410 consistent with bylaw 9400 in conjunction with the district’s participation in CSBA’s single district training.

Member Davis concurred with legal counsel deGoede.

Member Asadoorian stated that the language does not indicate anything about an annual schedule.

Member Ryan questioned if Member Asadoorian is requested to add some language that it be on an annual schedule?

Member Asadoorian stated that she has found that there are many bylaws that the board is inconsistent with and stated that it is important for the board perform an annual self evaluation.

Member Ryan questioned if Member Asadoorian wanted to keep the annual self evaluation as part of the response to the grand jury.

Member Asadoorian stated yes, if the majority of the board members are in agreement with this.

Member Nunez stated that he feels the language already says what it is supposed to say “in order to measure progress toward the stated goals and objectives, the board will annually schedule a time and place in which all board members will participate in a formal self evaluation”.

Member Ryan stated that the bylaws have indicated the language for years and the self evaluation has not been done and suggested in putting some language in the response that is stronger to help ensure that the board will perform the self evaluation.

President Mills stated that all are in consensus on all responses expect for the finalization of the language on R410 and feels that response to the grand jury should be what is required and the particulars should be addressed separately.

Member Davis stated that language in the response of R401 be consistent with R410.

Member Nunez requested that a vote be taken on each response and recommended that this should be done as the board goes through them because too much time has been spent addressing each one.

President Mills stated that there is a need to resolve R410 and that the board has already addressed other points suggested and concurred with Member Nunez in addressing each one by one.

Legal Counsel deGoede indicated that it would not be necessary to vote on each response individually.

NO. 1 Board Responses to the 2006-2007 Fresno County Grand Jury Final Report #4 – Recommendations No’s. R401 through R411; and if Necessary, Further Develop Responses; and Responses for Submittal to Fresno County Grand Jury – continued

President Mills read all responses as follows:

- *Response to recommendation R401* – “the governing board will continue to focus on the success and achievement of all district students further the governing board has begun implementation of training programs through the California School Board Association (CSBA) and the Center for Reform of School Systems (CRSS)” and the balance of it reads as stated in the response.
- *Response to recommendation R402* – “on May 15, 2007 the governing board determined by a vote of 5-2” not to implement recommendation R402.
- *Response to recommendation to R403* – “the governing board will continue to implement this recommendation and that implementation is ongoing with the balance of it reading as set forth”.
- *Response to recommendation to R404* – latest evaluation of the superintendent which covered the period of October 1, 2005 through October 31, 2006 and the board completed the superintendent’s evaluation on April 30, 2007 and determined it to be a positive evaluation.
- *Response to recommendation to R405* – as set forth in the draft.
- *Response to recommendation to R406* – the board will continue to implement this recommendation and questioned Member Asadoorian if the suggested additional language as she stated.

Member Asadoorian stated the following language to R406: “an implementation is ongoing” be included and clarified that the sentence should read as follows: “the board will continue to implement this recommendation and implementation is ongoing” and that the second sentence “as set forth” and the last sentence “the governing board will continue to refine its knowledge and best practices within the meaning of the brown act and clarified that the second phrase “an implementation is ongoing” should also be included.

- *Response to recommendation R407* – is as set forth.
- *Response to recommendation R408* – the second sentence would read “in contrast with the fiscal situation” with the balance reading as set forth.
- *Response to recommendation R409* – is as set forth.
- *Response to recommendation R410* – Member Nunez made a motion for approval as set forth, seconded by President Mills and stated that it will be as it stands.
- *Response to recommendation R411* – is as set forth.

Member Asadoorian encouraged board members to be true to their word and follow through on the self evaluation at the end of the CSBA training.

President Mills asked for all those in favor, which carried unanimously as written on R410.

President Mills questioned if a signature was needed from all board members or just the board president?

Legal Counsel DeGoede stated that the signature of the board president is sufficient and suggested to make arrangements with President Mills for her signature and take it to the Superior Court.

NO. 2, Update on AB 1403 (Arambula) Central Valley District Improvement Pilot Program

OPPOSED, as recommended, Assembly Bill 1403, as amended in Assembly on July 3, 2007.

Interim CFO Fortson provided the board with information regarding AB1403, which was authored by Assemblyman Arambula and this item is for the purpose of this board to discuss and to possibly take a position on this bill that has passed assembly and a vote was being taken on it the following day.

President Mills stated that the board members received information on this item in their Friday packets along with two additional items - transmittal fax from Arambula's office and a draft letter.

The following individuals addressed the Board of Education with his thoughts regarding this item:

- Mr. David Pollock thanked the board for the opportunity to speak on this item and stated that item AB1403 is vigorously opposed by the California School Boards Association that was made a part of the advocacy day in May and over 1300 school board members across the state have registered their opposition to this bill – reasons for this is board authority. This bill would remove authority from the local board but would still leave the board accountable for the district and this bill shifts authority for the district to the county superintendent while still leaving the board accountable. He is concerned with how this bill treats federal funding and requires districts to use NCLB funds exclusively for program improvement which is a violation of federal law and does not provide appeal with no exit strategy for this. This is also opposed by other statewide organizations include the Association of California School Administrators, California Teachers Association, the California Federation of Teachers, LA Unified School District and the California County Boards of Education have urged the board to oppose this item.
- Mr. Michael O'Hare stated that AB1403 attacks the basic fiber of representation by the people in this community and this bill would remove the authority of the locally elected school district governing board while still holding the district accountable for its performance. This bill placing all the accountability for success with the district with no accountability for the county superintendent with the program that has been overseen, directed and approved by the county superintendent does not achieve the intended results. He stated that the board is being asked by one of our own local representatives who has been unable to fulfill his own constitutional duties and requested that the board oppose bill AB1403.

Member Nunez moved to oppose AB1403, seconded by Member Davis.

Member Nunez stated that he requested a member of Arambula's office come before the board to explain exactly what the bill entailed and the invitation was ignored. He had a private meeting with Assemblymember Arambula regarding the bill and stated that there was also no presence of the county superintendent's office to discuss the bill either.

Member Ryan questioned the following:

- How much flexibility would the district gain and how many dollars?
- Was there reduction in reporting requirements for categorical that would save time and money?
- The bill was supposed to waive certain parts of the Ed Code and how would this process work?
- How will the district improvement plan be written and the mechanism?

NO. 2, Update on AB 1403 (Arambula) Central Valley District Improvement Pilot Program - continued

Superintendent Hanson stated that it is not clear on when the county superintendent would write and approve the district improvement plan; if the board will see prior to approval or after.

President Mills stated that Education Code 52055.75 indicates that the county superintendent shall meet with the superintendent of each school district to determine whether the school district should participate in the program and once notification is done and the two superintendents devising a plan it also states that the governing board shall adopt recommendations after the county superintendent has reviewed the plan.

Superintendent Hanson stated that the term pilot comes with a lot of details that need to be worked out as the process is moving forward and he has not had discussion on behalf of Arambula's office and the county superintendent with details on how the planning process will go. He took the opportunity to say that under the board's leadership the district wide assessment on support to all schools began last August 31, 2006 and indicated that the district is about 11 months ahead of the process.

Member Ryan commented that the Superintendent has hired outstanding people and staff has done everything that has been mentioned and more. She questioned what expertise will the county employees' have to oversee the plan for a large urban school district? She expressed concerns that the county is not putting any money into time and that the county staff will not receive adequate training to do a good job. She also stated that the district staff is much more qualified to do this work than the county and that it does not state an exit strategy and accountability was another concern. She understands what Arambula's is trying to do, however the state is going to get tougher and appreciates it and respects it, however just sees too many negatives to be able to support this bill.

Member Davis expressed concerns that the bill comes with no money, no exit strategy, no appeal process, and no man with a plan. She indicated that the district already hired a man with a plan and that he is already 11 months ahead of the bill already and can site things that have already been done.

Member Asadoorian commented that the key is that the bill is a pilot with too many unknowns and that this bill would tie the hands of the governing board.

Member Nunez questioned that the reauthorization of No Child Left Behind may not occur during the current congress and what will be the status of the No Child Left Behind?

Superintendent Hanson stated that the No Child Left Behind would stay as is and that it is not the highest priority in Washington, D.C. to reauthorize the No Child Left Behind.

Member Nunez questioned what if there are significant changes to the No Child Left Behind based on the amount of opposition nationwide with regards to current law?

Member Ryan stated that there is a lot of strength in Washington including Senator Kennedy who is all for this reauthorization; there may not be too many changes.

Superintendent Hanson stated that the district is guiding our work locally and best served focusing locally on our classrooms and schools.

NO. 2, Update on AB 1403 (Arambula) Central Valley District Improvement Pilot Program - continued

President Mills stated that a member of Juan Arambula's staff was present, former assemblywoman Sara Reyes and provided her an opportunity to address the board.

- Sara Reyes stated that there are many things that are being said about AB1403 that are not true. Assemblyman Arambula introduced the bill about 2 years ago and made it a statewide effort as dealing with the financial part and that the academic part of this bill also needs to be dealt with. She believes that the bill AB1403 truly offers an opportunity to show up some academic problems being seen today and it is a 5 year pilot project directed to Fresno and Tulare Counties with a report at the end of those 5 years. She agreed to take an amendment that would make it optional in year 1 and 2 for districts and in year 3 it would become mandatory only if the federal law allows it the No Child Left Behind.

Member Davis called for the question.

President Mills stated that the question had been called and there has been a motion and a second to oppose the legislation bill, and asked for all those in favor in the opposition to this bill, which carried a 5-0-2, with Members Johnson and Vang absent.

Member Ryan appreciated the time that Sara Reyes and Juan Arambula spent with her and looks forward to working with them in the future.

Sarah Reyes stated that her office will keep the dialogue open to work together.

Meeting Adjourned at 5:17 P.M.

With no further business to come before the Board of Education at this time, President Mills declared the meeting adjourned at 5:17 p.m.



MICHAEL E. HANSON, SECRETARY to the
Board of Education