



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

AGENDA
WEDNESDAY, MARCH 16, 2022
***4:45 P.M. (CLOSED SESSION) *5:15 P.M. (OPEN SESSION)**

PLEASE NOTE: WE ARE BACK TO IN-PERSON BOARD MEETINGS.

*DESIGNATED TIMES FOR CONFERENCE/DISCUSSION ITEMS ARE ESTIMATES.

PLEASE NOTE: PARKING WILL BE AVAILABLE FOR BOARD MEETINGS AFTER 5:00 P.M. AT THE "N" STREET PARKING PAVILION LOCATED ON THE SOUTHEAST CORNER OF TULARE AND "N" STREETS – ENTRANCE IS ON "N" STREET. Board meeting attendees without key cards should report to the parking booth to be scanned in by the attendant. Please do NOT pull a ticket. Also, the City of Fresno will not enforce the street meters in this area after 6:00 p.m., Monday through Friday.

Individuals who plan to attend the meeting in person must go through the [COVID-19 Daily Self-Health Screening Tool](#) the day of the board meeting and must answer "no" to all questions.

For the safety of all who attend Fresno Unified Board Meetings, everyone entering the Board of Education Room is subject to metal detector scanning. The use of metal detectors is approved under Board Policy 5145.12.

The following items will not be permitted: alcohol, illegal drugs, knives, or firearms.

In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board President or Board Office at 457-3727. Notification at least 48 hours prior to the meeting will enable the district to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

Any member of the public who wishes to address the Board shall submit a speaker card specifying the item(s) they wish to address. The card must be submitted before the Board President announces the specific agenda item.

Public materials are available for public inspection at our website at: board.fresnounified.org

TRANSLATION SERVICES: Available in Spanish and Hmong in the meeting room upon request.

***4:45 P.M.**

CALL Meeting to Order

OPPORTUNITY for Public Comment on Closed Session Agenda Items

RECESS for Closed Session to discuss the following:

1. Student Expulsions Pursuant to Education Code Section 35146.
2. Conference with Labor Negotiator - (Government Code Section 54957.6); 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 - Existing Litigation - (Government Code Section 54956.9(d)(1)).
 - a. Potential Case (One)

***5:15 P.M., RECONVENE** and report action taken during Closed Session, if any.

PLEDGE OF ALLEGIANCE

A staff member will lead the flag salute.

HEAR Report from Superintendent

OPPORTUNITY for Public Comment on Consent Agenda Items

ALL CONSENT AGENDA items are considered routine by the Board of Education and will be enacted by one motion. There will be no separate discussion of items unless a Board member so requests, in which event, the item(s) will be considered following approval of the Consent Agenda.

A. CONSENT AGENDA

A-1, APPROVE Personnel List

Included in the Board binders is the Personnel List, Appendix A, as submitted. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A-2, ADOPT Findings of Fact and Recommendations of District Administrative Board

The Board of Education received and considered the Findings of Fact and Recommendations of District Administrative Panels resulting from hearings on expulsion and readmittance cases conducted during the period since the March 09, 2022 Regular Board Meeting. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Kim Mecum, telephone 457-3731.

A. CONSENT AGENDA - continued

A-3, APPROVE Minutes from Prior Meeting

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

A-4, ADOPT Resolution Proclaiming April 2022 as Remembrance of the Existence of the Armenian Genocide Month

Included in the Board binders is a resolution proclaiming the month of April 2022 as Remembrance of the Existence of the Armenian Genocide – as remembrance of those forever affected by the Armenian Genocide –and urges our schools and individual citizens to never forget these crimes against humanity. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Patrick Jensen, telephone 457-3566.

A-5, ADOPT Resolution Proclaiming April 2022 as School Library Month

Included in the Board binders is a resolution proclaiming April 2022 as School Library Month. School Library Month is a celebration by the American Association of School Librarians. During the month of April, teacher librarians and library media technicians are encouraged to create activities to support their school and local community in celebrating the essential role of strong school library programs. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Kim Mecum, telephone 457-3731.

A-6, ADOPT Variable Term Waiver for Bilingual Cross-Cultural, Language and Development Authorization

Included in the Board binders is a Variable Term Waiver for Bilingual Cross-Cultural, Language and Development (BCLAD) Authorization for the 2021/22 school year. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A-7, ADOPT Variable Term Waiver for Career Technical Education Credential Holders

Included in the Board binders is a Variable Term Waiver for Career Technical Education (CTE) Credential holders. The Commission on Teacher Credentialing (CTC) has stated the Preliminary CTE credential holders should be issued a Variable Term Waiver for the English Learner Authorization until the CTE program is completed. The English Learner classes are embedded in the CTE program. Individuals will not have the English Learner Authorization stated on their credential document until the CTE program is completed and the clear credential is issued. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A. CONSENT AGENDA - continued

A-8, APPROVE Provisional Internship Permits

Included in the Board binders are Provisional Internship Permit (PIP) recommendations to rehire or hire upon Board approval. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: David Chavez, telephone 457-3548.

A-9, ADOPT Resolution 21-36, Requesting an Exemption Renewal from the Education Code Definition of “School Building” for a Tutoring Center through the African American Academic Acceleration Program

Included in the Board binders and recommended for adoption is Resolution 21-36, and Exemption Request Form, State Allocation Board (SAB) 406 to request an exemption renewal from the definition of a “school building” for the Bethesda Apostolic Church buildings, located at 3723 E. Dakota Avenue in Fresno, for use as a Suspension Tutoring Center by the Office of African American Academic Acceleration. The district currently utilizes the buildings at this location under an exemption request approved by the Board on April 01, 2020, for a two-year period. Renewal of the exemption is requested for an additional two years beginning March 17, 2022. The Superintendent recommends adoption. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Karin Temple, telephone 457-3134.

A-10, APPROVE Property, Liability, and Cyber Insurance for 2022/23

Included in the Board binders is a summary of quotations received from the district’s insurance broker, Marsh & McLennan Agency, for the district’s various forms of coverage. Due for renewal is coverage related to property, general liability, excess liability, designated lessees, cyber, and professional liability requirements. The policy period will extend from April 01, 2022, through March 31, 2023. The Superintendent recommends approval. Fiscal impact: Sufficient funds are available in the district’s Liability Internal Service Fund. Contact person: Santino Danisi, telephone 457-6226.

A-11, APPROVE Proposed Revisions for Board Policies

Included in the Board binders are proposed revisions for the following nine (9) Board Policies (BP):

- BP 0410 Nondiscrimination in District Programs and Activities
- BP 1312.3 Uniform Complaint Procedures
- BP 5111 Admission
- BP 5125 Student Records
- BP 5141.52 Suicide Prevention
- BP 5145.3 Nondiscrimination/Harassment
- BP 5145.9 Hate-Motivated Behavior

A. CONSENT AGENDA – continued

- BP 5146 Married/Pregnant/Parenting Students
- BP 6173 Education for Homeless Children

These revisions meet the legal mandates recommended by the California School Boards Association (CSBA), California Department of Education's (CDE) Federal Program Monitoring (FPM) requirements and best practices. The Superintendent recommends approval. Fiscal impact: There is no fiscal impact to the district at this time. Contact person: Patrick Jensen, telephone 457-3566.

A-12, RATIFY Riverside County Superintendent of Schools Agreement for Preschool Local Assistance Grant

Included in the Board binders is the Riverside County Superintendent of Schools agreement for the Preschool Local Assistance Grant. This grant is a continued partnership with our Supporting Inclusive Practices team. This grant supports expansion of preschool inclusion programming with teacher access to tiered levels of behavioral resources. The term of this agreement is October 01, 2021 through June 30, 2022. Fresno Unified School District Special Education implemented this agreement on February 23, 2022. The Superintendent recommends ratification. Fiscal impact: Fresno Unified School District will be reimbursed 100% of allowable program costs, up to \$30,000. Contact person: Kim Mecum, telephone 457-3731.

A-13, RATIFY Change Orders

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

- Bid 21-10, Ewing Elementary School Early Learning Buildings and Parking Lot Improvements Change Order 3 presented for ratification (\$14,818)
- Bid 21-35, Jackson Elementary School Multipurpose Building Reconstruction
Change Order 3 presented for ratification \$92,007
- Bid 20-49, Juan Felipe Herrera New Elementary School
Change Orders 6 and 7 presented for ratification \$919,542

The Superintendent recommends ratification. Fiscal impact: \$1,011,549 is available in the Measure X Fund for Bid 21-35 and 20-49. Contact person: Karin Temple, telephone 457-3134.

A-14, RATIFY the Filing of a Notice of Completion

Included in the Board binders is a Notice of Completion for the following project, which has been completed according to plans and specifications.

A. CONSENT AGENDA - continued

- Bid 21-28, Sunnyside High School Boiler Replacement

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

END OF CONSENT AGENDA (ROLL CALL VOTE)

B. CONFERENCE/DISCUSSION AGENDA

***6:00 P.M.**

B-15, DISCUSS and ADOPT High School Physics Curriculum

Included in the Board binders for presentation and adoption is the proposed curriculum recommendation for the high school Physics course. The recommendation for instructional materials is a result of a deep review of teachers, students, and department staff. The Superintendent recommends adoption. Fiscal impact: Sufficient funds in the amount of \$1,054,725 are available in the Curriculum and Instruction budget. Contact person: Kim Mecum, telephone 457-3731.

***6:20 P.M.**

B-16, PRESENT and DISCUSS the 2022/23 Local Control and Accountability Plan Educational Partner Input

In accordance with Education Code sections 52060(g) and 52066(g), school districts are required to consult with teachers, principals, administrators, other school personnel, local bargaining units of the district, parents, and pupils in developing the Local Control and Accountability Plan. Staff will present and discuss the input received from educational partners in preparation for 2022/23 budget discussions and development of the Local Control and Accountability Plan. Fiscal impact: All actions outlined in the Local Control and Accountability Plan are funded with General Fund resources, which include the Local Control Funding Formula funds. Contact person: Santino Danisi, telephone 457-6226.

***6:40 P.M.**

B-17, PRESENT and DISCUSS the 2022/23 Strategic Budget Development

The Board of Education has discussed the Governor's Proposed Budget and the potential impacts on Fresno Unified, as well as the strategic budget development process, at the following Board of Education meetings:

- January 19, 2022
- February 16, 2022

B. CONFERENCE/DISCUSSION AGENDA - continued

- February 02, 2022
- March 09, 2022

On March 16, 2022, staff and the Board will continue budget development discussions. Fiscal impact: Not available at this time. Contact person: Santino Danisi, telephone 457-6226.

C. RECEIVE INFORMATION & REPORTS

C-18, RECEIVE Proposed Board Meeting Dates for 2022/23 and 2023/24

Included for the Board's consideration are proposed Board of Education meeting dates for the 2022/23 and 2023/24 school years. These dates will not preclude either additions or changes any time throughout the year. This item will return to the Board for discussion and approval at a future meeting. Fiscal impact: There is no fiscal impact to the district at this time. Contact person:

C-19, RECEIVE Proposed Revisions for Board Policies

Included in the Board binders are proposed revisions for the following four (4) Board Policies (BP):

- BP 5131.2 Anti-Bullying
- BP 6145 Extracurricular & Cocurricular Activities
- BP 6145.2 Athletic Competition
- BP 6174 Education for English Learners

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

UNSCHEDULED ORAL COMMUNICATIONS

Individuals who wish to address the Board on topics within the Board's subject matter jurisdiction, but **not** listed on this agenda may do so at this time. If you wish to address the Board on a specific item that is listed on the agenda, you should do so when that specific item is called. Individuals shall submit a speaker card specifying the topic they wish to address. The card must be submitted before the Board President announces unscheduled oral communications.

While time limitations are at the discretion of the Board President, generally members of the public will be limited to a maximum of three (3) minutes per speaker for a total of thirty (30) minutes of public comment as designated on this agenda. 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. The Board recognizes that individuals may ask the Board to answer questions or respond to statements made during unscheduled oral communications and in accordance with Board Bylaw 9323, the Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law.

Members of the public with questions on school district issues may submit them in writing. The Board will automatically refer to the Superintendent any formal requests that are brought before them at this time. The appropriate staff member will furnish answers to questions.

D. ADJOURNMENT

**NEXT REGULAR MEETING
WEDNESDAY, APRIL 06, 2022 REGULAR MEETING**

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-1

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Approve Personnel List

ITEM DESCRIPTION: Included in the Board binders is the Personnel List, Appendix A, as submitted.

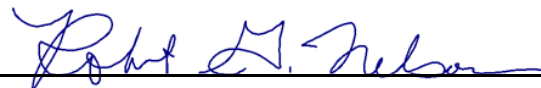
FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Manjit Atwal,
Executive Director

DIVISION: Human Resources
PHONE NUMBER: (559) 457-3548

CABINET APPROVAL: David Chavez
Chief of Human Resources/Labor Relations

SUPERINTENDENT APPROVAL:



Fresno Unified School District

Date: March 16, 2022

The Superintendent respectfully nominates for elections the following certificated and classified personnel. Classification of certificated probationary or temporary teachers is pursuant to their respective classification contained in their employment contracts. Elections are subject to the salary schedule as adopted by the Board of Education and assignment by the Superintendent, school year 2021-2022.

ELECTIONS**Certificated Personnel**

| | | | | |
|-----------|----------|--------------------------------------|-----------------------------|-----------|
| Beach | Saurina | Teacher, High School, eLearn Academy | eLearn Academy | 2/14/2022 |
| Gallardo | Paulina | Teacher, Lrng Hndcp, Sdc | eLearn Academy | 2/16/2022 |
| Gunn | Melissa | Teacher, Elementary | Wolters Elementary | 2/18/2022 |
| Merrick | Nicholas | Teacher, Continuation | George M Dewolf High School | 1/10/2022 |
| Rodriguez | Susan | Teacher, Handicapped, Severely | Hamilton School | 2/14/2022 |
| Zamora | Jonathen | Teacher, Middle School | Kings Canyon Middle School | 2/28/2022 |

Classified Personnel

| | | | | |
|-------------------|-----------|--------------------------------|------------------------|-----------|
| Aguirre | Elizabeth | Liaison, Home/School Spanish | King Elementary | 3/14/2022 |
| Carmona Hernandez | Angelica | Paraprof, Mild/Moderate | Yosemite Middle School | 3/7/2022 |
| Cortez Vasquez | Alba | Secretary, Administrative I | Human Resources | 3/4/2022 |
| Deltoro | Jorge | Custodian | Pyle Elementary | 3/2/2022 |
| Ferrer Ingram | Ana | Nurse, Vocational License | Addicott | 3/10/2022 |
| Flores | Christian | Technician, Budget II | Summer School | 3/1/2022 |
| Fuentes | Sabrena | Paraprof, Moderate/Severe | Special Ed | 3/1/2022 |
| Garcia Valencia | Tania | Paraprof, Moderate/Severe | Jefferson Elementary | 3/1/2022 |
| Miller | Zachary | Paraprof, Early Chldhd Mil/Mod | Storey Elementary | 3/2/2022 |
| Mobley | Leanna | Assistant, Noontime | Homan Elementary | 3/1/2022 |
| Navarro Brambila | Bibiana | Paraprof, Instructional Asst | Wolters Elementary | 3/14/2022 |
| Ramirez | Karina | Paraprof, Instructional Asst | Heaton Elementary | 3/2/2022 |
| Thao | Zoua | Paraprof, Mild/Moderate | Fresno High School | 2/8/2022 |
| Williams | Valerie | Paraprof, Moderate/Severe | Bullard High School | 3/8/2022 |
| Xiong | la | Paraprof, Mild/Moderate | Muir Elementary | 2/25/2022 |

Management Certificated

| | | | | |
|--------|---------|----------------------|------------|----------|
| Mendez | Genesee | Psychologist, School | Special Ed | 3/7/2022 |
|--------|---------|----------------------|------------|----------|

Management Classified

| | | | | |
|-----------------|-----|------------------------------------|-----------------------------|-----------|
| Herrera Armenta | Ana | Behavioral Intervention Specialist | Prevention And Intervention | 3/16/2022 |
|-----------------|-----|------------------------------------|-----------------------------|-----------|

RESIGNATIONS OR RETIREMENTS**Certificated Personnel**

| | | | | |
|----------|---------|-------------------------------|------------------------|-----------|
| Badasci | Mike | Teacher, Middle School | Sequoia Middle School | 6/14/2022 |
| Boyle | Carolyn | Teacher, Lrng Hndcp, Sdc | Tehipite Middle School | 3/21/2022 |
| Broader | Timothy | Teacher, Middle School | Ahwahnee Middle School | 6/11/2022 |
| Cisneros | Adan | Teacher, Senior High | Mclane High School | 6/9/2022 |
| Console | Pennie | Teacher, Elementary | Manchester Gate | 7/31/2022 |
| Freund | Taylor | Teacher, Elementary | Holland Elementary | 7/31/2022 |
| Gordillo | Maira | Therapist, Spch/Lang/Hrng/Dis | Special Ed | 6/10/2022 |

| | | | | |
|-----------|-----------|----------------------------|-------------------------------|---------------------|
| Herrick | Annamarie | Teacher, Middle School | Baird | 7/31/2022 |
| Hodge | Carolyn | Teacher, Elementary | Birney Elementary | 6/16/2022-6/30/2022 |
| Jackson | Jordan | Teacher, Elementary | Eaton Elementary | 6/10/2022 |
| Lay | Shirley | Teacher, Music, Elementary | Music/Visual and Perform Arts | 7/31/2022 |
| Louie | Stephanie | Teacher, Elementary | Lowell Elementary | 7/31/2022 |
| Mcintyre | Matthew | Teacher, Elementary | Kratt Elementary | 7/31/2022 |
| Nunez | Monica | Teacher, Elementary | Balderas Elementary | 6/24/2022 |
| Orozco | Cristy | Teacher, Bilingual | Roeding Elementary | 7/31/2022 |
| Piper | Cynthia | Teacher, Elementary | Leavenworth Elementary | 6/30/2022 |
| Rodriguez | Raul | Teacher, Elementary | Mayfair Elementary | 6/20/2022 |
| Rossi | Dana | Teacher, Elementary | Mccardle Elementary | 6/11/2022 |
| Yang | Jean | Teacher, Elementary | Vinland Elementary School | 7/31/2022 |
| Zaremba | Debra | Teacher, Elementary | Mccardle Elementary | 6/11/2022 |

Classified Personnel

| | | | | |
|-------------------|----------|--|----------------------------|------------|
| Allred | Sherie | Paraeducator, Autism | Holland Elementary | 6/11/2022 |
| Badasci | Sandra | Technician, Libr Media-Middle | Tenaya Middle School | 6/14/2022 |
| Bautista Figueroa | Dennise | Lead, After Schl/Ext Day | Roeding Elementary | 2/27/2022 |
| Blanco | Jerome | Worker/Driver, Warehouse I | Warehouse | 3/15/2022 |
| Coleman | Ezelle | Developer, Job II | Sunnyside High School | 3/15/2022 |
| Cuevas | Rosa | Assistant, Noontime | Muir Elementary | 3/15/2022 |
| Fabionar | Davidrey | Custodian, Lead | Fresno High School | 6/30/2022 |
| Foster | Yvonne | Assistant, Noontime | Lawless Elementary | 3/2/2022 |
| Garcia | Dolores | Nutrition Services Manager | Food Services | 3/31/2022 |
| Kim | Sonny | Custodian | Easterby Elementary | 4/14/2022 |
| Leal | Veronica | Paraprof, Mild/Moderate | Bakman Elementary | 12/1/2021 |
| Lee | Chia | Custodian | Tehipite Middle School | 6/30/2022 |
| Lee | Yue | Custodian | Wolters Elementary | 3/3/2022 |
| Masias | Miriam | Assistant, Noontime | Lane Elementary | 3/11/2022 |
| Moralez | Armando | Painter | Maintenance And Operations | 2/25/2022 |
| Pontbriand | Jeremy | Specialist, Electronics Serv | Maintenance And Operations | 2/28/2022 |
| Powell | Nancy | Paraprof, Mild/Moderate | Centennial Elementary | 12/31/2021 |
| Quintos | Victor | Driver, Bus | Transportation | 3/25/2022 |
| Ramirez | Leticia | Nutrition Services Operator | Food Services | 6/10/2022 |
| Riojas | Adrina | Paraprof, Instructional Asst | Calwa Elementary | 2/24/2022 |
| Romero | Erlinda | Assistant, Noontime | Olmos Elementary | 2/14/2022 |
| Samnang | Jazzie | Assistant, Resrce Cnslg | Williams Elementary | 3/2/2022 |
| Small | Robert | Assistant, Campus Safety | Bullard High School | 6/10/2022 |
| Tavarez | Michelle | Paraprof, Moderate/Severe | Ayer Elementary | 2/11/2022 |
| Vang | Kimberly | Paraprof, Moderate/Severe | Figarden Elementary | 3/2/2022 |
| Weaver | Laura | Speech Language Pathologist Assistant | Special Ed | 10/31/2021 |
| Yang | Jerpaul | Custodian | Sequoia Middle School | 3/31/2022 |

Management Certificated

| | | | | |
|-------------------|---------|----------------------|-------------------|-----------|
| Hendricks-Petitti | Kaitlin | Psychologist, School | Special Ed | 1/3/2022 |
| Pennell | Tracy | Vice Principal I | Yokomi Elementary | 6/30/2022 |
| Wittrup | Susan | Psychologist, School | Special Ed | 6/14/2022 |

DECEASED

Classified Personnel

| | | | | |
|---------|--------|----------------------|---------------------------|----------|
| Ramirez | Rodney | Plant Coordinator II | Fort Miller Middle School | 3/2/2022 |
|---------|--------|----------------------|---------------------------|----------|

LEAVE REQUEST

Certificated Personnel

| | | | | |
|--------|-----------|--------------------------------|--------------------|------------|
| Patel | Kassandra | Teacher, Elementary | Gibson Elementary | 11/19/2021 |
| Winter | Allison | Teacher, Handicapped, Severely | Edison High School | 3/6/2022 |

Classified Personnel

| | | | | |
|-------------------|----------|--------------------------------|---------------------------|-----------|
| Alcantara-Mercado | Nicolas | Specialist, Primary Lang Instr | Parent Involvement Office | 1/29/2022 |
| Cha | Leena | Operator, Fd Serv-Educ Ctr | Packaging Center | 3/1/2022 |
| Hicks | Mechelle | Assistant, Resrce Cnslg | Kirk Elementary | 3/15/2022 |
| Nagra | Ranjeet | Nutrition Services Assistant | Food Services | 2/20/2022 |
| Valdez-Estrada | Adriana | Assistant, School Office | Roosevelt High School | 3/9/2022 |

Management Classified

| | | | | |
|-------------------|---------|------------------------------------|-----------------------------|-----------|
| Gutierrez Vasquez | Crystal | Behavioral Intervention Specialist | Prevention And Intervention | 3/6/2022 |
| Sevel | Aaron | Analyst II | Equity and Access | 4/13/2022 |

R39-MONTH REEMPLOYMENT RIGHTS

Certificated Personnel

| | | | | |
|----------|----------|-----------------------------|----------------------------|-----------|
| Hancock | Patricia | Specialist, Resource, Sp Ed | Scandinavian Middle School | 2/10/2022 |
| Papulias | Rochelle | Teacher, Senior High | Bullard High School | 2/10/2022 |
| Vannata | Jamie | Teacher, Senior High | Bullard High School | 2/10/2022 |

PROBATIONARY RELEASE

Classified Personnel

| | | | | |
|--------|--------|---------------------|-------------------|----------|
| Cortez | Aliyah | Assistant, Noontime | Rowell Elementary | 3/3/2022 |
|--------|--------|---------------------|-------------------|----------|

PROMOTIONS

Classified Personnel

| | | | | |
|---------------|----------|--------------------------------|-----------------------------|-----------|
| Harris | Danielle | Paraeducator, Community Based | Sunnyside High School | 3/1/2022 |
| Lee | Tou | Driver, Truck | Warehouse | 2/24/2022 |
| Lira | Crystal | Assistant, Attendance Records | Scandinavian Middle School | 2/8/2022 |
| Lor | Nick | Worker, Grnds Maint I | Plant Operations | 3/17/2022 |
| Mercado | Maria | Paraprof, Child Development | Yokomi Elementary | 3/1/2022 |
| Satumbaga | Michael | Developer, Software III | Technology Services | 2/24/2022 |
| Tafolla-Biana | Deysi | Secretary, Administrative I | Human Resources | 3/21/2022 |
| Thao | Serina | Liaison, Home/School Hmong | Vang Pao Elementary | 3/10/2022 |
| Yeppez | Taina | Technician, Studnt Attd Rev Bd | Prevention And Intervention | 2/23/2022 |

Management Certificated

| | | | | |
|--------|----------|--------------------|--------------------|-----------|
| Cook | Nicholas | Vice Principal II | eLearn Academy | 3/7/2022 |
| Wright | Amanda | Vice Principal III | Hoover High School | 2/22/2022 |

Management Classified

| | | | | |
|-----|------|-------------------|-----------------|-----------|
| Pok | Oeun | Analyst I, Budget | Fiscal Services | 2/16/2022 |
|-----|------|-------------------|-----------------|-----------|

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-3

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Approve Minutes from Prior Meetings

ITEM DESCRIPTION: Included in the Board binders are draft minutes for the March 09, 2022 Regular Board Meetings.

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.


**PREPARED BY: Patrick Jensen,
Interim, Chief of Staff**

**DIVISION: Superintendent's Office
PHONE NUMBER: (559) 457-3566**

**CABINET APPROVAL: Patrick Jensen,
Interim, Chief of Staff**

SUPERINTENDENT APPROVAL:







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

MINUTES – BOARD OF EDUCATION REGULAR MEETING

Fresno, California

March 09, 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 March 09, 2022, there were present Board Members Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. Superintendent Dr. Nelson was also present. The Trustee Area 5 seat is vacant.

Board President Jonasson Rosas CONVENED the Regular Board Meeting at 4:31 p.m.

OPPORTUNITY for Public Comment on Closed Session Items

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

For the record, Trustee Davis arrived at 4:35 p.m.

For the record, Trustee Thomas arrived at 4:37 p.m.

Board President Jonasson Rosas RECONVENED the meeting to Open Session at 5:30 p.m.

Reporting Out of Closed Session

- On a motion by Board Member Thomas, seconded by Board Member Major Slatic, the Board took action in Closed Session to promote Michele Markarian to Principal II at Forkner Elementary School, by a vote of 6-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. The Trustee Area 5 seat is vacant.
- On a motion by Board President Jonasson Rosas, seconded by Board Clerk Islas, the Board took action in Closed Session to hire Ralph Meza III to Director in Transportation, by a vote of 6-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. The Trustee Area 5 seat is vacant.
- On a motion by Board Member Cazares, seconded by Board Clerk Islas, the Board took action in Closed Session to promote Maria Ceballos-Tapia to Executive Director in Early Learning, by a vote of 6-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. The Trustee Area 5 seat is vacant.

Reporting Out of Closed Session - continued

- On a motion by Board Member Thomas, seconded by Board Clerk Islas, the Board took action in Closed Session to appoint William “Alex” Belanger to Chief Executive in Operations, by a vote of 6-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. The Trustee Area 5 seat is vacant.
- On a motion by Board Member Thomas, seconded by Board President Jonasson Rosas, the Board took action in Closed Session to hire Natasha Baker to Chief Academic Officer, by a vote of 6-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. The Trustee Area 5 seat is vacant.
- On a motion by Board Clerk Islas, seconded by Board Member Cazares, the Board took action in Closed Session to promote Ambra O’Connor to Chief of Staff in the Superintendent’s Office, by a vote of 6-0-0-0 as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatic, Thomas, and Board President Jonasson Rosas. The Trustee Area 5 seat is vacant.

PLEDGE OF ALLEGIANCE

Mrs. Lindsay Sanders led the flag salute.

HEAR Report from Superintendent

- Recognized National School Social Work week, Women’s History Month, and International SEL Day.
- Reminded the community, enrollment for Transitional Kindergarten and Kindergarten opened as of last week. Shared that enrollment for TK has expanded and all 4-year olds who turn 5 between September 2 and February 2 are eligible for enrollment. Enrollment can be completed completely online at www.fresnounified.org/enroll.
- Reminded staff, recruitment for the next National Board Cohort and Leadership Cohort are currently underway. Any interested staff can reach out to Leadership Development or Teacher Development for more information.
- Shared a reminder, the statewide indoor mask mandate for schools will move from a requirement to a strong recommendation starting Monday, March 14. Superintendent asked for respect and grace amongst all Fresno Unified family members, regardless of their masking choices starting next week.
- Shared, the inaugural episode of Faces of Fresno Unified – Student Edition! The first episode highlights Zera Brown of Edison High School.

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 along with a summary of topic is as follows:

1. Andrew Fabela: Agenda Item A-13, Deny Claim GL21-0907-6548.

On a motion by Board Member Major Slatc, seconded by Board Member Thomas, the Consent Agenda, with the exception of Agenda Items A-4, A-10, A-11 and A-12, which were pulled for further discussion, was approved by a roll call vote of 6-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatc, Thomas, and President Jonasson Rosas. The Trustee Area 5 seat is vacant.

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

APPROVED as recommended.

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.

A-3, APPROVE Minutes from Prior Meetings

APPROVED as recommended, the draft minutes for the February 02 and February 16, 2022 Regular Board meetings.

A-4, APPROVE Graduation Agreements for the Class of 2022

APPROVED as recommended, four independent contractor services agreements and tentative schedules for the Class of 2022 graduation ceremonies.

For the record, Board Members had comments/questions pertaining to Agenda Item A-4. A summary is as follows: Shared excitement for the return to in-person graduation ceremonies.

On a motion by Board Member Davis, seconded by Board Member Thomas, Agenda Item A-4 was approved by a vote of 6-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatc, Thomas, and President Jonasson Rosas. The Trustee Area 5 seat is vacant.

A. CONSENT AGENDA – continued

- A-5, APPROVE the 2022 Ballot for the California School Boards Association Delegate Assembly**
APPROVED as recommended, the ballot material for candidates seeking election to the California School Boards Association (CSBA) Delegate Assembly for Subregion 10-B, Fresno County.
- A-6, APPROVE Memorandums of Understanding between Fresno Unified School District and Aspen Meadow Public School, Aspen Valley Prep Academy, Sierra Charter School and University High School**
APPROVED as recommended, the Memorandums of Understanding between Fresno Unified School District and the following charter corporate entities: Aspen Public Schools Incorporated, which operates Aspen Valley Prep Academy and Aspen Meadow Public School; Sierra Charter School; and University High School.
- A-7, APPROVE Contract with Certificated Retiree Frances Buelna-Szabo**
APPROVED as recommended, a contract with certificated retiree Frances Buelna-Szabo.
- A-8, APPROVE Addendum No. 4 to Master Agreement and Memorandum of Understanding and License Agreement for Fresno Unified School District Use of State Center Community College District (Fresno City College) Facilities**
APPROVED as recommended, Addendum No. 4 to the Master Agreement Establishing an Educational Partner Relationship between Fresno Unified and the Fresno City College (FCC) division of the State Center Community College District (SCCCD).
- A-9, APPROVE Renewal Agreement with Marsh & McLennan Agency**
APPROVED as recommended, a renewal service agreement with Marsh & McLennan Agency for the provision of insurance consulting and brokerage services.
- A-10, APPROVE Award of Bid 22-11, Sub-Rings for Wide Area Network Services**
APPROVED as recommended, information on Bid 22-11, to establish fixed lease pricing for logical sub-rings within the wide area network connecting 39 school sites to the central ring, the Fresno Unified Education Center, and the internet.

For the record, Board Members had comments/questions pertaining to Agenda Item A-10. A summary is as follows: Requested clarity as to why E-Rate funds are paid at different rates for work listed in agenda items A-10 and A-11 while funds appear to come out of the same Information Technology E-Rate budget. Tami Lundberg was available to provide clarity.

A. CONSENT AGENDA – continued

On a motion by Board Member Major Slatc, seconded by Board Member Thomas, Agenda Item A-10 was approved by a vote of 6-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatc, Thomas, and President Jonasson Rosas. The Trustee Area 5 seat is vacant.

A-11, APPROVE Award of Request for Proposal 22-12, Network Equipment and Professional Services for Internal Connections

APPROVED as recommended, information on Request for Proposal (RFP) 22-12, to replace and/or upgrade network equipment across school sites and facilities.

On a motion by Board Member Major Slatc, seconded by Board Member Davis, Agenda Item A-11 was approved by a vote of 6-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatc, Thomas, and President Jonasson Rosas. The Trustee Area 5 seat is vacant.

A-12, APPROVE Use of Individual Piggyback Contracts

APPROVED as recommended, information regarding four piggyback contracts recommended for use during 2021/22 for efficient and cost-effective procurement.

For the record, Board Members had comments/questions pertaining to Agenda Item A-12. A summary is as follows: Requested clarity as to the company name of the original procurement agencies. Karin Temple and Ann Lorz were available to provide clarity.

On a motion by Board Member Thomas, seconded by Board Member Davis, Agenda Item A-12 was approved by a vote of 6-0-0-0, as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatc, Thomas, and President Jonasson Rosas. The Trustee Area 5 seat is vacant.

A-13, DENY Claim GL21-0907-6548

DENIED as recommended, a Claim for Damages by Dominick Bererducci, case GL21-0907-6548.

A-14, RATIFY an Addendum with PresenceLearning, Inc.

RATIFIED as recommended, an addendum to an existing independent contractor services agreement with PresenceLearning, Inc. for \$1,188,450.

A-15, RATIFY Change Orders

RATIFIED as recommended, information on Change Orders for the following projects:

- Bid 20-19, Fresno High School Career Technical Education (CTE) Building Construction
Change Order 9 presented for ratification \$62,850

A. CONSENT AGENDA – continued

- Bid 21-11, Edison High School Gymnasium Addition
Change Order 7 presented for ratification \$85,936
- Bid 21-35, Jackson Elementary School Multipurpose Building
Reconstruction, MPR Bldg.
Change Order 2 presented for ratification \$11,483
- Bid 21-46 Sections A, B, C, E, and F, Asphalt Pavement Rehabilitation at
Various Sites
Change Order 1 Sections A, B, C, E, and F presented for ratification
\$126,302
- Bid 21-46 Sections D and G, Asphalt Pavement Rehabilitation at Various
Sites
Change Order 1 Sections D and G presented for ratification \$0
- Bid 21-48 Section B, Playground Equipment Replacement at Webster and
Winchell Elementary Schools
Change Order 1 presented for ratification \$2,148
- Bid 21-53, Kratt and Leavenworth Elementary Schools Modular
Classroom Infrastructure
Change Order 1 presented for ratification \$144,233

A-16, RATIFY Notices of Completion

RATIFIED as recommended, are Notices of Completion for the following projects, which have been completed according to plans and specifications:

- Bid 21-46 Sections A, B, C, E, and F, Asphalt Pavement Rehabilitation at
Various Sites
- Bid 21-46 Sections D and G, Asphalt Pavement Rehabilitation at Various
Sites

A-17, RATIFY Purchase Orders from December 01, 2021 through December 31, 2021, and Zero Dollar Contracts

RATIFIED as recommended, information on purchase orders issued from December 01, 2021 through December 31, 2021 as well as a list of zero-dollar contracts that specify terms but where no funds will be exchanged between Fresno Unified and other entities.

B. CONFERENCE/DISCUSSION AGENDA

B-18, DISCUSS and APPROVE the 2021/22 Second Interim Financial Report

OPPORTUNITY for Public Comment on Agenda Item B-18

For the record, the Board received zero requests to address the Board on Agenda Item B-18.

On a motion by Board Member Davis, seconded by Board Member Thomas, Agenda Item B-18 was approved by a vote of 6-0-0, as follows: AYES: Board Members: Cazares, Davis, Islas, Major Slatik, Thomas, and President Jonasson Rosas. The Trustee Area 5 seat is vacant.

B-19, PRESENT and DISCUSS the 2022/23 Strategic Budget Development

OPPORTUNITY for Public Comment on Agenda Item B-19

For the record, the Board received zero requests to address the Board on Agenda Item B-19.

For the record, Board members had comments/questions pertaining to Agenda Item B-19. A summary is as follows: Requested clarity as to if the request for augmentation by the Human Resource Department will be enough? Requested clarity as to where the 191 cafeteria tables in disrepair will go once removed. Requested clarity as to how the bus Global Positioning System (GPS) will be used. Requested clarity as to where the old or broken projectors will go once removed. Requested clarity as to when the Board will receive a recycle plan for old projectors. Requested clarity as to how teachers will be trained to use new technology. Commented on looking forward to the new technology and hoping it will age with students. Requested to have the LTE network extend to schools located north of Shaw. Requested clarity as to how far the Wi-Fi will extend. Requested clarity as to if finger printing fees are waived for volunteers. Requested if there is an opportunity to piggyback on the GPS being purchased to add a mapping feature. Requested clarity as to the opportunity for the district to use the City of Fresno's bus wash system. Encouraged staff to apply for Customer Municipal Advisory Committee (CMAC) funds through Council of Government (COG). Requested clarity as to if additional vans have been ordered by the Transportation Department and if so, when they will arrive. Requested clarity as to if the district will address higher gas prices in the agreement with First Student. Requested clarity as to if election costs listed in the presentation are for April or November. Requested clarity as to which entity facilitates the election. Requested clarity as to if there is an opportunity for Fresno Adult School students to intern in district departments. Requested clarity as to languages served in the Family Learning and Technology Support (FLAT) centers and how the district is accommodating smaller language groups. Recommended the district look toward meeting digital literacy needs of families. Requested the district to look toward working with community organizations to support language needs. Commented on recycling and asked if there is an opportunity to donate or repurpose items.

B. CONFERENCE/DISCUSSION AGENDA - continued

Requested clarity on Wi-Fi on school buses and requested to see information from the pilot. Requested the district to conduct a safe route to school assessment. Requested clarity as to if cement tables could be used at school sites. Requested clarity as to the fall projection for unduplicated pupil percentage. Requested clarity on the two positions requested by Human Resources. Requested clarity as to steps the district is taking to protect against cyber fraud. Santino Danisi, David Chavez, Karin Temple, Bryan Wells, Tami Lundberg and Carlos Castillo were available to provide clarity.

C. RECEIVE INFORMATION & REPORTS

For the record, the Board was in receipt of two items as follows:

C-20, RECEIVE Proposed Revisions for Board Policies

C-21, RECEIVE Constituent Services Quarterly Reporting

OPPORTUNITY FOR UNSCHEDULED ORAL COMMUNICATIONS

For the record, the Board received 17 requests to address the Board during Unscheduled Oral Communications. The individual's name along with a summary of topic are listed as follows:

1. Bea W.: Support of vaccine.
2. Gloria Hernandez: Support of vaccine.
3. Jessica Mahoney: Spoke about incident at Daily Charter.
4. Eric Rollins: District focus should be on teaching students to read.
5. Erin Schuurman: Opposition to the COVID vaccine.
6. Marcos Pacheco: Opposition to the COVID vaccine.
7. Mia Pacheco: Opposition to the COVID vaccine.
8. Matthew Pacheco: School safety, drugs allegedly found on campus.
9. Marycela Pacheco: Opposition to the COVID vaccine and concern with school safety.
10. Mrs. Bailey: Support for Andrew Fabela.
11. Tam Rae: Testimony on what lengths she will go to for students.
12. Andrew Fabela: Spoke of helping a family with an issue at Edison.
13. Ted Laurent, Jr.: Spoke against the vaccine and perceived lies told to support the vaccine.
14. Anneli Rios: Not present when name was called.
15. Norman Schuurman: Referenced a sign posted at a doctor's office which stated sports physicals would not be performed if student athlete had received the COVID vaccine.
16. Angelane Avila: Referenced comments from risk benefit analysis of the Pfizer vaccine.
17. Kevin Hall: Commented on GV Wire contributions to local political campaigns.

D. ADJOURNMENT

Board President Jonasson Rosas ADJOURNED the meeting at 7:46 p.m.

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-4

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Adopt

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Adopt Resolution Proclaiming April 2022 as “Remembrance of the Existence of the Armenian Genocide

ITEM DESCRIPTION: Included in the Board binders is a resolution proclaiming the month of April 2022 as Remembrance of the Existence of the Armenian Genocide – as remembrance of those forever affected by the Armenian Genocide –and urges our schools and individual citizens to never forget these crimes against humanity.

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

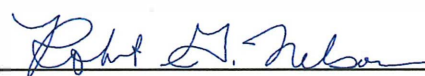
PREPARED BY: Patrick Jensen,
Interim, Chief of Staff

DIVISION: Superintendent’s Office
PHONE NUMBER: (559) 457-3566

CABINET APPROVAL: Patrick Jensen,
Interim, Chief of Staff

SUPERINTENDENT APPROVAL:







Board of Education
Elizabeth Jonasson Rosas, President
Geneveva Islas, Clerk
Claudia Cazares
Valerie F. Davis
Major Terry Slatc USMC (Retired)
Keshia Thomas
Trustee Area 5 (Vacant)

Superintendent
Robert G. Nelson, Ed.D.

**BEFORE THE BOARD OF EDUCATION
OF THE FRESNO UNIFIED SCHOOL DISTRICT
OF FRESNO COUNTY, CALIFORNIA**

In the Matter of Proclaiming All Schools to) **RESOLUTION 21-39**
Recognize the Existence of the Armenian)
Genocide – April 2022)

WHEREAS, the Armenian genocide occurred between 1915 to 1923, resulting in the deportation of nearly 2 million Armenians of whom 1.5 million men, women and children were killed, and 500,000 survivors were expelled from their homes; and

WHEREAS, the innocent people murdered during these tragedies of history live forever in the hearts of, not only their loved ones and relatives, but all of humanity; and


WHEREAS, survivors of the genocide and their descendants live in the Fresno Community, including many family members working for Fresno Unified, and their children that attend Fresno Unified schools; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of Fresno Unified School District recognizes the month of April 2022 as Remembrance of the Existence of the Armenian Genocide and urges our schools and individual citizens to never forget these crimes against humanity.

ADOPTED this 16th day of March 2022

AYES: 6
NOES: 0
ABSENT: 0
(Trustee Area 5 seat is vacant)


Elizabeth Jonasson Rosas (Mar 17, 2022 11:01 PDT)
Elizabeth Jonasson Rosas,
Board President


Robert G. Nelson, Ed.D. Superintendent

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-5

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Adopt

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Adopt Resolution Proclaiming April 2022 as School Library Month

ITEM DESCRIPTION: Included in the Board binders is a resolution proclaiming April 2022 as School Library Month. School Library Month is a celebration by the American Association of School Librarians. During the month of April, teacher librarians and library media technicians are encouraged to create activities to support their school and local community in celebrating the essential role of strong school library programs.

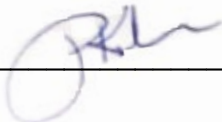
FINANCIAL SUMMARY: There is no fiscal impact to the district.

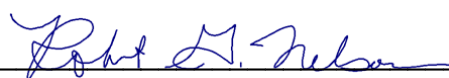
PREPARED BY: Thomas Nixon,
Library Services Manager

DIVISION: Instructional Division
PHONE NUMBER: (559) 457-3731

CABINET APPROVAL: Kim Mecum,
Chief Academic Officer

SUPERINTENDENT APPROVAL:







BOARD OF EDUCATION

Elizabeth Jonasson Rosas, President
Genoveva Islas, Clerk
Valerie F. Davis
Claudia Cazares
Major Terry Slatic USMC (Retired)
Keshia Thomas
Trustee Area 5 (Vacant)

SUPERINTENDENT
Robert G. Nelson, Ed.D.

**BEFORE THE BOARD OF EDUCATION
OF FRESNO UNIFIED SCHOOL DISTRICT
OF FRESNO COUNTY, CALIFORNIA**

**In the Matter of Proclaiming)
The Month of April 2022)
School Library Month)**

Resolution 21-34

WHEREAS, April 2022 has been designated the 37th annual national School Library Month; and

WHEREAS, school libraries provide materials for teachers and students that will encourage growth and knowledge; and

WHEREAS, school libraries provide materials that will develop literary, cultural, aesthetic appreciation, and ethical standards; and

WHEREAS, school libraries provide materials which reflect the ideas and beliefs of religious, social, political, historical and ethnic groups and their contributions to the American and world heritage and culture; and

WHEREAS, school libraries provide books to encourage children to read for pleasure; and

WHEREAS, school libraries provide books to meet individual needs, varied interests, abilities, socioeconomic backgrounds and maturity levels of the students served; and

WHEREAS, school libraries are a fun place for students to go and all students deserve a well-managed library to provide free expression and access to ideas;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of Fresno Unified School District designates the month of April 2022 as School Library Month

ADOPTED THIS 16th day of March, 2022 by the Board of Education of Fresno Unified School District, by the following vote:

AYES: 5
NOES: 0
ABSENT: 1

Trustee Area 5 seat is vacant


Elizabeth Jonasson Rosas (Mar 17, 2022 11:01 PDT)

Elizabeth Jonasson Rosas, Board President



Robert G. Nelson, Ed.D., Superintendent

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-6

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Adopt

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Adopt Variable Term Waiver for Bilingual Cross-Cultural, Language and Development Authorization

ITEM DESCRIPTION: Included in the Board Binders are Variable Term Waiver requests for Bilingual Cross-Cultural, Language and Development (BCLAD) Authorization for the 2021/22 school year. The Education Code 44225(m) allows the commission to grant waivers to fill in an area that is deemed hard-to-fill. The candidates referenced below are working toward completing the required coursework for the Multiple Subject Credential and BCLAD authorization.

| Name | Site | Credential/BCLAD Language |
|-----------------------|-------------|---------------------------|
| Jose Mora Amezcua | Centennial | BCLAD - Spanish |
| Norma Leal | Leavenworth | BCLAD - Spanish |
| Abril Amaro De Velez | Sunset | BCLAD - Spanish |
| Gabriela Gil Mendoza | Sunset | BCLAD - Spanish |
| Liliana De Leon | Wawona | BCLAD - Spanish |
| Aura Martinez Murillo | Wawona | BCLAD - Spanish |
| Ricardo Trejo-Raygoza | Wawona | BCLAD - Spanish |

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Manjit Atwal, Executive Director

DIVISION: Human Resources

PHONE NUMBER: (559) 457-3548

CABINET APPROVAL: David Chavez
Chief of Human Resources/Labor Relations

SUPERINTENDENT APPROVAL:



Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-7

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Adopt

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Adopt Variable Term Waiver for Career Technical Education Credential Holders

ITEM DESCRIPTION: Included for Board adoption is a Variable Term Waiver for Career Technical Education (CTE) Credential holders. The Commission on Teacher Credentialing (CTC) has stated the Preliminary CTE credential holders should be issued a variable term waiver for the English Learner Authorization until the CTE program is completed. The English Learner classes are embedded in the CTE program. Individuals will not have the English Learner authorization stated on their credential document until the CTE program is completed and the clear credential is issued.

| Name | Site | Subject |
|-----------------------|-----------|--|
| Archie Womak | Computech | CTE: Business and Finance |
| Robert Jenkins | Bullard | CTE: Public Service |
| Atalina Carter-Segler | Sunnyside | CTE: Health Science and Medical Technology |

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Manjit Atwal,
Executive Director

DIVISION: Human Resources
PHONE NUMBER: (559) 457-3548

CABINET APPROVAL: David Chavez,
Chief of Human Resources/Labor Relations

SUPERINTENDENT APPROVAL:



Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-8

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Approve Provisional Internship Permits

ITEM DESCRIPTION: Included in the Board binders are Provisional Internship Permit (PIP) recommendations to rehire or hire upon Board approval.

Site principals recommended to Human Resources to retain or hire the following teachers in their positions for 2021/22 due to a shortage of fully credentialed teachers. They are all working toward completing the required exams by the end of 2021/22.

Recommendations for PIP hires:

| Name | School Site | Subject |
|-----------------|----------------|--|
| Jacob Purse | Ayer | Multiple Subject |
| Angela Mendoza | Bullard | Special Ed Mild/Moderate Moderate/Severe |
| Meghan Cannon | Cooper | Spanish |
| Peter Fortuna | ELearn Academy | Math |
| Jessica Patch | ELearn Academy | Multiple Subject |
| Emily Haas | ELearn Academy | Special Ed Mild/Moderate Moderate/Severe |
| Nelson Pimentel | ELearn Academy | Multiple Subject |
| Susan Rodriguez | Hamilton | Special Ed Mild/Moderate Moderate/Severe |

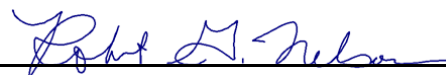
FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Manjit Atwal,
Executive Director

DIVISION: Human Resources
PHONE NUMBER: (559) 457-3548

CABINET APPROVAL: David Chavez
Chief of Human Resources/Labor Relations

SUPERINTENDENT APPROVAL:



Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-9

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Adopt

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Adopt Resolution 21-36, Requesting an Exemption Renewal from the Education Code Definition of “School Building” for a Tutoring Center through the African American Academic Acceleration Program

ITEM DESCRIPTION: Included in the Board binders and recommended for adoption is Resolution 21-36, and Exemption Request Form, State Allocation Board (SAB) 406 to request an exemption renewal from the definition of a “school building” for the Bethesda Apostolic Church buildings, located at 3723 E. Dakota Avenue in Fresno, for use as a Suspension Tutoring Center by the Office of African American Academic Acceleration. The district currently utilizes the buildings at this location under an exemption request approved by the Board on April 01, 2020, for a two-year period. Renewal of the exemption is requested for an additional two years beginning March 17, 2022.

Education Code Section 17283 requires that school buildings be approved by the Division of the State Architect (DSA). However, there is an opportunity for an exemption for buildings to operate without DSA approval provided they comply with local building code and serve fewer than 25 students at one time. The exemption renewal request indicates the district will be using the buildings and indemnifies and holds harmless the State of California. Pending Board approval, the Resolution and Exemption Request will be submitted to the SAB for approval.

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Deana Clayton, Project Mgr.,
Facilities Management and Planning

DIVISION: Operational Services
PHONE NUMBER: (559) 457-3134

CABINET APPROVAL: Karin Temple,
Chief Operating Officer

SUPERINTENDENT APPROVAL:





FRESNO UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 21-36

**RESOLUTION OF THE BOARD OF TRUSTEES OF
THE FRESNO UNIFIED SCHOOL DISTRICT
REQUESTING A RENEWAL EXEMPTION FROM
THE DEFINITION OF "SCHOOL BUILDING" IN
EDUCATION CODE SECTION 17283**

WHEREAS, the District is requesting an exemption from the definition of "school building" in Education Code Section 17283; and

WHEREAS, buildings with an approved Exemption Request remain subject to the provisions of the School Facilities Program and are included in the District's Gross Classroom Inventory; and

WHEREAS, the District is requesting to utilize the leased and owned buildings from March 17, 2022, to March 17, 2024; and

WHEREAS, the District is requesting approval from the State Allocation Board to use the following building(s) for educational purposes;

**3723. E. Dakota Avenue
Fresno, CA 93726**

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fresno Unified School District as follows:

Section 1. The District agrees to indemnify, defend and hold the State of California, its officers and employees harmless from any legal claims that may arise from the use of said leased/owned buildings that do not comply with the definition of "school buildings" within Education Code Section 17283.

Section 2. The District hereby elects to use the building listed above upon approval of the State Allocation Board.

Section 3. The District certifies that this request is in compliance with Education Code Section 17289.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Fresno Unified School District this 16th day of March, 2022, by the following vote:

AYES: 6

NOES: 0

ABSTAINED: 0

ABSENT : 0

Trustee Area 5 seat is vacant

I, Elizabeth Jonasson-Rosas, President of the Fresno Unified School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.


Elizabeth Jonasson Rosas (Mar 17, 2022 11:02 PDT)

President of the Board of Education
Fresno Unified School District

I, Genoveva Islas, Clerk of the Board of Education of the Fresno Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Education of the Fresno Unified School District Governing Board at a regular meeting thereof held on the 16th day of March 2022, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Fresno Unified School District Governing Board this 16th day of March 2022.


veva.islas@fresnounified.org (Mar 23, 2022 09:42 PDT)

Clerk of the Board of Education
Fresno Unified School District

The district is applying for a new renewal request for an exemption from definition of “school building” within Education Code, Section 17283. Buildings with an approved Exemption Request remain subject to the provisions of the School Facilities Program; therefore, they are included in the school district’s Gross Classroom Inventory.

| | | |
|---|--|--|
| SCHOOL DISTRICT/SUPERINTENDENT OF SCHOOLS Fresno Unified School District | | DISTRICT REPRESENTATIVE Karin Temple, Chief Operating Officer |
| COUNTY Fresno | | PHONE NUMBER (559) 457-3134 |
| THE DISTRICT IS REQUESTING TO USE LEASED/OWNED BUILDINGS FROM: <u>March</u> <u>17</u> <u>2022</u> TO: <u>March</u> <u>17</u> <u>2024</u> <small>MONTH DAY YEAR MONTH DAY YEAR</small> | | E-MAIL ADDRESS karin.temple@fresnounified.org |

The above referenced School District/Superintendent of Schools, hereinafter referred to as the “District” is requesting approval from the State Allocation Board to use the building(s) for Independent Study listed below:


| DISTRICT IDENTIFICATION NUMBER | BUILDING LOCATION |
|--------------------------------|--------------------------------------|
| 10 62166 6006142 | 3723 E Dakota Ave., Fresno, CA 93726 |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

The District agrees to indemnify, defend, and hold the State of California, its officers and employees harmless from any legal claims that may arise from the use of said leased/owned buildings that do not comply with the definition of “school buildings” within Education Code, Section 17283; and,

Now Therefore Be It Resolved, that the District hereby elects to use the building(s) listed above upon approval of the State Allocation Board.

The District certifies that this request is in compliance with Education Code, Section 17289.

Passed and adopted this 16 day of March, 2022, Fresno
 County, California.


 veva.islas@fresnounified.org veva.islas@fresnounified.org (Mar 23, 2022 09:42 PDT)
 Clerk/Secretary to the Board
 Genoveva Islas

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-10

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Approve Property, Liability, and Cyber Insurance for 2022/23

ITEM DESCRIPTION: Included in the Board binders is a summary of quotations received from the district's insurance broker, Marsh & McLennan Agency, for the district's various forms of coverage. Due for renewal is coverage related to property, general liability, excess liability, designated lessees, cyber, and professional liability requirements. The policy period will extend from April 01, 2022, through March 31, 2023.

Annually the district utilizes its broker to conduct a marketing effort for all lines of coverage.

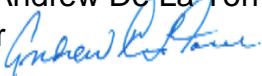
The district's current property policy provides coverage for property losses up to the limits of the districts statement of values. The district currently insures property/assets valued at approximately \$2.02 billion. With this renewal, the district will retain a policy limit of \$100 million and be self-insured for the first \$250,000 of loss incurred for property claims. The annual premium payment is subject to change dependent upon new construction/modernization projects completed during the policy year, on a pro-rata basis. The 2022/23 premium increase for property coverage is due to the multi-year loss experience of property insurers, resulting in increasing coverage rates. The effects of hurricane and wildfires losses have been significant for insurers. The increase is further driven by type of building construction, building material/replacement costs, and additional square footage due to new construction and/or modernization of district facilities.

The annual premium for general liability and excess liability coverage is increasing, but the self-insured retention level (SIR) remains unchanged. This cost increase stems from an increase in claims across the general liability and excess liability markets in California, combined with the district's loss history. Generally, the insurance marketplace is restricting coverage and capacity due to increased litigation, large awards, and claims arising from large auto fleets, employee misconduct and traumatic brain incidents. Pandemic related uncertainty continues to have an impact as well.

The district purchased cyber insurance last year, but at a reduced coverage limit and higher cost. Over the past year, the cyber market has continued to experience significant increases in cyber extortion events and the loss amount related to them. With insurers wanting to manage their loss for this challenging environment, underwriters are scrutinizing client security protocols.

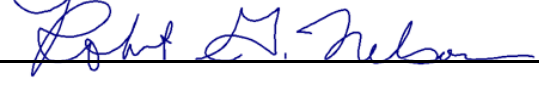
Staff recommends placing the 2022/23 coverage with an expected increase in cost. Actual placement will be clarified with the Board on or before March 11, 2022.

FINANCIAL SUMMARY: Sufficient funds are available in the district's Liability Internal Service Fund.

PREPARED BY: Andrew De La Torre
Executive Director 

DIVISION: Business and Financial Services
PHONE NUMBER: (559) 457-6226

CABINET APPROVAL: Santino Danisi
Chief Financial Officer


SUPERINTENDENT APPROVAL:


**FRESNO UNIFIED SCHOOL DISTRICT
PREMIUM COMPARISON 2022-2023**

| Coverages | Coverage Limits | | Premiums | |
|-----------------------------|---|---|---|---|
| | 2021-2022 Limits | 2022-2023 Renewal Limits | 2021-2022 Premiums | 2022-2023 Renewal Premiums |
| GL/Legal Liab/ Auto Liab | 1,000,000 SIR \$1,500,000 Molestation SIR \$2,000,000 per Occurrence \$4,000,000 Aggregate | \$1,000,000 SIR \$1,500,000 Molestation SIR \$2,000,000 per Occurrence \$4,000,000 Aggregate | \$868,381 Safety National (GL & AUTO) Rating: A++ XV, Admitted Safety Specialty (ELL) Rating: A ++, Non- Admitted | \$925,194 Safety National (GL & AUTO) Rating: A++ XV, Admitted Safety Specialty (ELL) Rating: A ++, Non- Admitted |
| Excess Layer 1 | \$2,000,000 per Occurrence \$2,000,000 Aggregate | \$2,000,000 per Occurrence \$2,000,000 Aggregate | \$133,610 Safety National | \$164,264 Safety National |
| Excess Layer 2 | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$628,012 Munich Re/Princeton Rating: A XV, Non-Admitted | \$723,942 Munich Re/Princeton Rating: A XV, Non-Admitted |
| Excess Layer 3 | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$251,930 Hallmark Rating: A XV, Non-Admitted | \$361,375 Hallmark Rating: A XV, Non-Admitted |
| Excess Layer 4 | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$232,313 Evanston Insurance Company Rating: A XV, Non-Admitted | \$271,971 Evanston Insurance Company Rating: A XV, Non-Admitted |
| Excess Layer 5 | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$5,000,000 per Occurrence \$5,000,000 Aggregate | \$0 | \$206,500 Lexington |
| TOTAL LIMITS | \$19,000,000 | \$24,000,000 | | |
| Designated Lessees | \$1,000,000 Each Occurrence \$2,000,000 Aggregate | \$1,000,000 Each Occurrence \$2,000,000 Aggregate | \$17,361 Mt. Hawley Ins. Co. Rating: A+ XI, Admitted | \$17,361 Mt. Hawley Ins. Co. Rating: A+ XI, Admitted |
| Property | Building Limit \$1,930,879,958 SIR: \$250,000 Policy Limit: \$100,000,000 | Building Limit \$1,930,879,958 SIR: \$250,000 Policy Limit: \$100,000,000 | \$882,291 Travelers Property Casualty Rating: A++ XV, Admitted | \$987,422 Travelers Property Casualty Rating: A++ XV, Admitted |
| Auto Physical Damage | Bus & Vehicle Fleet Total Insured Value: \$14,992,301 Deductible: \$250,000 | Bus & Vehicle Fleet Total Insured Value: \$14,992,301 Deductible: \$250,000 | \$13,880 Hanover Insurance Company Rating A XV, Admitted | \$15,553 Hanover Insurance Company Rating A XV, Admitted |
| Cyber | \$5,000,000 Policy Aggregate \$100,000 Retention | \$5,000,000 Policy Aggregate \$100,000 Retention | \$91,850 Beazley/Lloyds Rating A | \$187,875 Beazley/Lloyds Rating A |
| Crime | \$250,000 Employee Theft \$10,000 Retention | \$250,000 Employee Theft \$10,000 Retention | \$5,603 National Union Fire (AIG) Rating A XV, Admitted | \$5,029 National Union Fire (AIG) Rating A XV, Admitted |
| Professional | \$3,000,000 Each Occurrence \$3,000,000 Aggregate | \$1,000,000 Each Occurrence \$3,000,000 Aggregate \$2,500 Retention | \$3,752 Evanston Rating A | \$4,630 Evanston Rating A |

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-11

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Approve Proposed Revisions for Board Policies

ITEM DESCRIPTION: Included in the Board binders are proposed revisions for the following 9 Board Policies (BP):

- BP 0410 Nondiscrimination in District Programs and Activities
- BP 1312.3 Uniform Complaint Procedures
- BP 5111 Admission
- BP 5125 Student Records
- BP 5141.52 Suicide Prevention
- BP 5145.3 Nondiscrimination/Harassment
- BP 5145.9 Hate-Motivated Behavior
- BP 5146 Married/Pregnant/Parenting Students
- BP 6173 Education for Homeless Children

These revisions meet the legal mandates recommended by the California School Boards Association (CSBA), CDE's Federal Program Monitoring (FPM) requirements and best practices.

Revision recommendations are color coded as follows:

Yellow highlight - CSBA recommended language policy
Blue font – Clarification or readability changes
Peach font – Subcommittee recommendation
Red strikeout – Recommended deletion
Grey font – New Policy, CSBA recommended
Green font – Legally mandated/reference changes
Green font – CDE/FPM required change
Teal header – *New Policy, non-CSBA proposed
Purple font - Information change

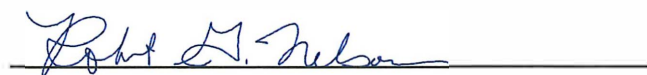
FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Teresa Plascencia, Executive
Director

DIVISION: Constituent Services
PHONE NUMBER: (559) 457-3736

CABINET APPROVAL: Patrick Jensen
Interim, Chief of Staff

SUPERINTENDENT APPROVAL:



Fresno Unified Board Policy (BP) 0410 Nondiscrimination In District Programs And Activities

~~The Governing Board is committed to equal opportunity for all individuals in education. The District prohibits discrimination, harassment, intimidation, and bullying, based on actual or perceived race, color, religion, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, marital status, medical information, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics in all District acts related to school activities, programs, practices, or school attendance within a school under the jurisdiction of the Superintendent.~~

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age (40 and above), religion, marital status, pregnancy, parental status, childbirth, breast feeding/lactation status, medical condition, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 1240 - Volunteer Assistance)
(cf. 4030 – Nondiscrimination in Employment)
(cf. 4032 – Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 5131.8 – Anti-Bullying)
(cf. 5145.3 –Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 1240 - Volunteer Assistance)
(cf. 6145.2 – Athletic Competition)
(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 – Identification and Education Under Section 504)
(cf. 6178 – Career Technical Education)
(cf. 6200 – Adult Education)

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

(cf. 3540 - Transportation)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5145.13 - Response to Immigration Enforcement)

District programs and activities shall also be free of any racially derogatory or discriminatory school or

athletic team names, mascots, or nicknames.

The Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. They shall take prompt, reasonable actions to remove any identified barrier.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 Code of Federal Regulations (CFR) 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admissions and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, application forms, or other materials distributed by the district. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 1312.3 Uniform Complaint Procedures)

(cf. 4031 – Complaints Concerning Discrimination in Employment)

(cf. 4112.91/4212.91/4312.91 – Employee Notifications)

(cf. 5145.6 – Parental Notifications)

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

District Compliance Officers

The Governing Board designates the following compliance officer (s) to receive formal and informal complaints from constituents, including students, and investigate them to ensure district compliance with law (Title II, V, IX, Title 5, Section 504 of the Rehabilitation Act):

Equity Title 5 Compliance Officer
Constituent Services Office
Fresno Unified School District
2309 Tulare Street
Fresno, California 93721
(559) 457-3736

Associate Superintendent, Human Resources
Title IX Officer/Age DA (Discrimination Act)
Fresno Unified School District
2309 Tulare Street
Fresno, California 93721
(559) 457-3730

Section 504 Coordinator
Fresno Unified School District
1301 M Street ~~4784 E. Dayton Avenue~~
Fresno, CA 93726
(559) 457-~~3220~~**308**

Special Education Assistant Superintendent
Special Education Office
Fresno Unified School District 1301 M Street
Fresno, CA 93721
(559) 457-3220

Concurrently the Board reaffirms its commitment to promote diversity training, racial harmony among its students, staff and the community; and to promote education that is anti- racist and multicultural.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

District programs and facilities viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 – Animals At School)

(cf. 7110 – Facilities Master Plan)

(cf. 7111 – Evaluating Exiting Buildings)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, note-takers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services.

Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 – Parent Involvement)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. They shall receive and address requests for accommodation submitted by individuals with disabilities and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Director of Benefits and Risk Management
Title II/ADA Coordinator

2309 Tulare Street
Fresno, CA 93721
Phone (559) 457-3520
Fax (559) 457-3838

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48980 Parental notifications

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

8310.3 California Religious Freedom Act

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI 104.1-

104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

Nondiscrimination in Employment Practices in Education, August 1991 WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: March 12, 1992 Fresno, California

revised: November 13, 1997

revised: August 22, 2012

revised: June 19, 2013

revised: May 14, 2014

revised: May 31, 2017

revised: February 21, 2018

revised: June 13, 2018

revised: December 18, 2019

revised: **Spring __, 2022**

Policy Section: 0000 Philosophy, Goals, Objectives and Comprehensive Plans

Fresno Unified Board Policy (BP) 1312.3 Uniform Complaint Procedures (UCP)

The Governing Board recognizes the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to the UCP

The district's Uniform Complaint Procedures (UCP) shall be used to investigate and seek to resolve the following complaints regarding the following programs and activities:

1. Any complaint alleging district failure to comply with ~~violation of~~ applicable state or federal laws ~~or~~ and regulations governing any program subject to the UCP which is offered by the district, including but not limited to allegations of discrimination, discriminatory harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities, such as adult education programs, accommodations for pregnant and parenting pupils, After School Education and Safety programs, migrant education, agricultural career technical education, state and federal career technical and technical education and technical training programs, child care and development programs; compensatory education; the federal Every Student Succeeds Act; Regional Occupational Centers and Programs, school safety plans, California State Preschool Programs, consolidated categorical aid programs, and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6171 - Title I Programs)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), in district programs and activities, against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race, or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy status, parental status, ~~medical information~~, physical or mental disability, medical condition sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or including any actual or perceived any other characteristic as set forth in Section 422.55 of the, identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135 or based on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial

[assistance](#). (5 CCR4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4031 – Complaints Concerning Discrimination in Employment)
(cf. 5131.2 – Bullying)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.31 – Gender and Identity Inclusion)
(cf.5145.7 – Sexual Harassment)
(cf.5145.71 – Title IX Sexual Harassment Complaint Procedures)
(cf. 5146 – Married/Pregnant/Parenting Students)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodations to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

(cf. 5146 – Married/Pregnant/Parenting Students)

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay pupil fees, deposits, or other charges for participation in educational activities (5 CCR 4610; Education Code 49010-49013)

(cf. 3260 - Fees and Charges)

6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan ([LCAP](#)), including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 – Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001,65000-65001)

(cf. 0420 - School Plans/Site Councils)

8. [Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district](#) ~~Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements~~ (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1,51225.2)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)

9. Any complaint by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)

10. Any complaint, by or on behalf of a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course periods without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.1-51228.3)

(cf. 6152 - Class Assignment)

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51222, 51223)

(cf. 6142.7 - Physical Education and Activity)

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with State Preschool Health and Safety issues in districts exempt from licensing standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code ~~8235-5~~8239.1; Health and Safety Code 1596.7925)

14. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

15. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to

participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The Board acknowledges and respects every individual's right to privacy. The district shall ensure that complainants are protected from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if their different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

[Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.](#)

The district will ensure annual dissemination of a written notice of the complaint procedures to students, employees, parents or guardians of the students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The UCP Annual Notice will be provided in writing to all six required groups each year and will include information on how to appeal to the California Department of Education (CDE).

A copy of this UCP complaint policies and procedures document shall be available free of charge [and is available on the district's website.](#)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain record of each UCP complaint and subsequent related actions, including steps taken during the investigations and all information required for compliance with 5 CCR 4631 and 4633.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency **for appropriate resolution**: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency. **(5 CCR**

4611)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. **(5 CCR 4611)**

3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. ~~3.~~ Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

5. ~~4.~~ Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), **failure or refusal to implement** a due process hearing order **to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE** shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

6. ~~5.~~ Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

7. ~~6.~~ Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

8. ~~7.~~ Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32221.5 Insurance for athletic team members

32280-32289 School safety plan, ~~uniform complaint procedure~~

35186 Williams uniform complaint procedure

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student Fees

49060-49079 Student records, ~~especially~~

49069.5 Records of foster youth

49490-49590 Child Nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth and homeless children; former juvenile court school students, and military-connected students; migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

52059.5 Statewide system of support

52060-52077 Local control and accountability plan, especially

52075 Complaint for lack of compliance with local control and accountability plan requirements

52300-52462 Career-technical education

52500-52616.24 Adult schools

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

59000-59300 Special schools and centers

64000-64100 Consolidated application process; school plan for student achievement

65000-65001 School site councils

8200-8538 Child care and development programs

8500-8538 Adult basic education

GOVERNMENT CODE

11135 Non-discrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

HEALTH AND SAFETY

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition

422.6 ~~Civil rights; crime Interference with constitutional right or privilege~~

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3200-3205 Special education compliance complaints

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act (FERPA) of 1974

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975
11431-11435 McKinney-Vento Homeless Assistance Act
12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on the basis of sex
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Bullying of Students with Disabilities, August 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 10, 1992 Fresno, California
revised: November 14, 2001
revised: March 30, 2005
revised: February 27, 2008
revised: August 22, 2012
revised: February 27, 2013
revised: May 27, 2015
admin reviewed: June 23, 2015
revised: September 9, 2015
revised: June 1, 2016
revised: November 16, 2016
revised: April 11, 2018
revised: June 13, 2018
revised: June 12, 2019
admin reviewed: July 1, 2019
revised: October 16, 2019
revised: December 18, 2019
revised: February 12, 2020
revised: June 17, 2020
revised: June 2, 2021
revised: Winter __, 2022

Policy Section: 1000 Community Relations

Fresno Unified Board Policy (BP) 5111

Admission

The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children seeking admission to a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall announce and publicize the timeline and process for registration of students at district schools. Applications for intradistrict or interdistrict enrollment shall be subject to the timelines specified in applicable Board policies and administrative regulations.

(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5118 - Open Enrollment Act Transfers)

All appropriate staff shall receive training on district admission policies and procedures, including information regarding the types of documentation that can and cannot be requested.

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or their interest in learning about health care coverage in any manner that would harm the child or their family. (Education Code 49452.9)

Verification of Admission Eligibility

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulation.

(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)

The district shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or their family members. (Education Code 234.7, 49076.7)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.13 - Response to Immigration Enforcement)
(cf. 5145.3 - Nondiscrimination/Harassment)

However, such information may be collected when required by state or federal law or to comply with requirements for special state or federal programs. In any such situation, the information shall be collected separately from the school enrollment process and the Superintendent or designee shall explain the limited purpose for which the information is collected. Enrollment in a district school shall not be denied on the basis of any such information of the student or their parents/guardians obtained

by the district, or the student's or parent/guardian's refusal to provide such information to the district.

School registration information shall list all possible means of documenting a child's age for grades K-1 as authorized by Education Code 48002 or otherwise prescribed by the Board. Any alternative document allowed by the district shall be one that all persons can obtain regardless of immigration status, citizenship status, or national origin and shall not reveal information related to citizenship or immigrant status.

The Superintendent or designee shall immediately enroll a homeless student, foster youth, student who has had contact with the juvenile justice system, or a child of a military family regardless of outstanding fees or fines owed to the student's last school, lack of clothing normally required by the school, such as school uniforms, or his/her inability to produce previous academic, medical, or other records normally required for enrollment. (Education Code 48645.5, 48850, 48852.7, 48853.5, 49701; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status
46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten
46600 Agreements for admission of pupils desiring interdistrict attendance
48000 Minimum age of admission (kindergarten)
48002 Evidence of minimum age required to enter kindergarten or first grade
48010 Minimum age of admission (first grade)
48011 Admission from kindergarten or other school; minimum age
48050-48053 Nonresidents
48200 Children between ages of 6 and 18 years (compulsory full-time education)
48350-48361 Open Enrollment Act
48645.5 Enrollment of former juvenile court school students
48850-48859 Educational placement of homeless and foster youth
49076 Access to records by persons without written consent or under judicial order
49076.7 Student records; data privacy; social security numbers
49408 Information of use in emergencies
49452.9 Health care coverage options and enrollment assistance
49700-49703 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements
121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade
201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 5

552a Note Refusal to disclose social security number

UNITED STATES CODE, TITLE 42
11431-11435 McKinney-Vento Homeless Assistance Act
COURT DECISIONS
Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:
CDE MANAGEMENT ADVISORIES
0900.90 Changes in law concerning eligibility for admission to kindergarten

Policy FRESNO UNIFIED SCHOOL DISTRICT
adopted: Fresno, California
revised: June 13, 2018
revised: Winter __, 2022

Policy Section: 5000 Students

Fresno Unified Board Policy (BP) 5125 Student Records

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations for Board approval governing the identification, retention, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights of authorized persons to have timely access to student records while maintaining the confidentiality of student records consistent with state and federal law.

(cf. 3580 - District Records)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5125.3 - Challenging Student Records)

Custodian of Records

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records. (Code of Regulations, Title 5, Section 431)

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The district shall not collect or solicit social security numbers or the last four digits of social security numbers of students or their parents/guardians, unless otherwise required to do so by state or federal law. (Education Code 49076.7)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. If the District possesses information that could indicate immigration status, citizenship status, or national origin information, the District shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, they shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

(cf. 5145.13 - Response to Immigration Enforcement)

The Superintendent or designee shall not compile a list, registry, or database based on race, gender, sexual orientation, ethnicity, students' national origin, or religious belief, practice, or affiliation, nor shall they disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

17604 Contracts

48201 Student records for transfer students who have been suspended/expelled

48853.5 Foster youth; placement, immunizations

48902 Notification of law enforcement of specified violations

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

48980 Parental notifications

48985 Notices in parent/guardian's primary language

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study

56041.5 Rights of students with disabilities

56050 Surrogate parents

56055 Foster parents

69432.9 Cal Grant program; notification of grade point average

BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

22586-22587 Early Learning Personal Information Protection Act

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Parental access to records

6552 Caregiver's authorization affidavit

GOVERNMENT CODE

6252-6260 Inspection of public records

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

PENAL CODE

245 Assault with deadly weapon

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

701 Juvenile court law

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16027 Destruction of records of school districts
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
1232h Protection of Pupil Rights Amendment
UNITED STATES CODE, TITLE 26
152 Definition of dependent child
UNITED STATES CODE, TITLE 42
11434a McKinney-Vento Homeless Assistance Act; definitions
CODE OF FEDERAL REGULATIONS, TITLE 16
Part 312 Children's Online Privacy Protection Rule
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
300.501 Opportunity to examine records

Policy FRESNO UNIFIED SCHOOL DISTRICT
adopted: August 26, 1993 Fresno, California
revised: December 11, 1997
revised: October 8, 1998
admin reviewed: April 24, 2017
reviewed: June 13, 2018
revised: January 29, 2020
revised: Winter __, 2022

Policy Section: 5000Students

Fresno Unified Board Policy (BP) 5141.52 Suicide Prevention

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. In an effort to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

The governing board which serves pupils in grades 7 to 12, inclusive, shall, before the beginning of the 2017–18 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in grades 7 to 12, inclusive. The policy shall be developed in consultation with school and community stakeholders, such as administrators, other staff, parents/guardians, and students; school-employed mental health professionals, such as school counselors, school psychologists, school social workers, and school nurses; and suicide prevention experts such as local health agencies, mental health professionals, community organizations and law enforcement; and shall, at a minimum, address procedures relating to suicide prevention, intervention, and postvention. (Education Code Section 215(a)(1))

The district’s policy on pupil suicide prevention in grades 7-12, inclusive, shall be readily accessible in a prominent location on the district’s existing internet website in a manner that is easily accessible to parents/guardians and pupils. (Education Code Section 234.6(b)(1))

The governing board which serves pupils in kindergarten and grades 1 to 6, inclusive, shall, before the beginning of the 2020-21 school year, adopt, at a regularly scheduled meeting, a policy on pupil suicide prevention in kindergarten and grades 1 to 6 inclusive. The policy shall be developed in consultation with school and community stakeholders, such as administrators, other staff, parents/guardians, and students; the county mental health plan, school-employed mental health professional, such as school counselors, school psychologists, school social workers, and school nurses; and suicide prevention experts such as local health agencies, mental health professionals, community organizations and law enforcement; and shall, at a minimum, address procedures for related to suicide prevention, intervention, and postvention. (Education Code Section 215(a)(2)(A))

(a) The policy for pupils in kindergarten and grades 1 to 6, inclusive, shall be written to ensure proper coordination and consultation with the county mental health plan if a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary. (Education Code Section 215(a)(2)(C))

The district’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, shall be readily accessible in a prominent location on the district’s existing internet website in a manner that is easily accessible to parents/guardians and pupils and include a reference to the age appropriateness of the policy (Education Code Section 234.6(b)(2))

The policy shall also address any training to be provided to teachers of pupils in all of the grades served by the district

(b) Materials approved by the district for training shall include how to identify appropriate mental health services, both at the school site and within the larger community, and when and how to refer youth and their families to those services.

(c) Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.

In developing policy and strategies for suicide prevention and intervention, the Superintendent or designee

~~shall consult with school and community stakeholders such as administrators, other staff, parents/guardians, and students; school-employed mental health professionals such as school counselors, school psychologists, school social workers, and school nurses; suicide prevention experts, such as local health agencies, mental health professionals, and community organizations law enforcement; and, in developing policy for grades K-6, the county mental health plan. (Education Code 215)~~

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Board shall ensure that measures and strategies for students in grades K-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, school psychologists, school social workers, site administrators, and other district employees who interact with students, as described in the accompanying administrative regulation.

(cf. 4131 – Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

(cf. 6142.8 - Comprehensive Health Education)

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis

5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions

6. Crisis intervention procedures for addressing suicide threats or attempts

7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at

high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

If a referral is made for mental health or related services for a student in grade K-6 who is a Medi-Cal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

(cf. 5141.6 - School Health Services)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging district employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so. (Education Code 215)

The Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

The Superintendent or designee shall post this policy on the district's web site, in a prominent location and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

234.6 Posting suicide prevention policy on web site

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5886 Children's Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2019 CENTERS FOR DISEASE

CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide, Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS
National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012
Preventing Suicide: A Toolkit for High Schools, 2012

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>
American Foundation for Suicide Prevention: <http://afsp.org>
American Psychological Association: <http://www.apa.org>
American School Counselor Association: <http://www.schoolcounselor.org> California Department of Education, Mental Health:
<http://www.cde.ca.gov/ls/cg/mh> California Department of Health Care Services, Suicide Prevention Program:
<http://www.dhcs.ca.gov/services/MH/Pages/SuicidePrevention.aspx>
Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth> National
Association of School Psychologists: <http://www.nasponline.org>
National Institute for Mental Health: <http://www.nimh.nih.gov>
Trevor Project: <http://thetrevorproject.org>
U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration:
<http://www.samhsa.gov>

Policy FRESNO UNIFIED SCHOOLDISTRICT
adopted: May 31, 2017 Fresno, California
revised: March 6, 2019
revised: December 18, 2019
revised: June 17, 2020
revised: Winter __, 2022

Policy Section: 5000 Students

Fresno Unified Board Policy (BP) 5145.3 Nondiscrimination/Harassment

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, programs, practices, or school attendance within a school under the jurisdiction of the Superintendent, unlawful discrimination, including discriminatory harassment (including sexual harassment), intimidation, and bullying targeted at any student by anyone, based on the student's actual or perceived sex, sexual orientation, gender, gender identity, gender expression, genetic information, race, ancestry, **nationality**, national origin, immigration status, ethnicity, ethnic group identification, age, religious creed, religion, political belief or affiliation, color, marital status, pregnancy, **or** parental status, childbirth, breastfeeding/lactation status, medical **condition information**, physical or mental disability, or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts **constituting unlawful discrimination or harassment** related to school activity or to school attendance occurring within a district school and to acts which occur off campus or outside of school-related or school-sponsored activities, but which may have an impact or create a hostile environment at school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance, and supervision. The district may provide male and female students with separate shower rooms and sexual health and HIV/AIDS prevention classes in order to protect student modesty.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

The Board also prohibits any form of retaliation against any student who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination, harassment, intimidation, or bullying. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities, or privileges. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The district shall ensure that all complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate. (EC Section 234.1(g))

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. Staff shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. They shall report their findings and recommendations to the Board after each review.

The district has provided, incident to the publicizing of policies against discrimination, harassment, intimidation and bullying described in EC Section 234.1(c), to certificated school site employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the district, information on existing school site and community resources related to the support of LGBTQ pupils, or related to the support of pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

(a) School site resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ, or other at-promise pupils, counseling services, staff who have received anti-bias or other training aimed at supporting these pupils or who serve as designated support to these pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online training developed pursuant to EC Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures.

(b) Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ, or other at-promise pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils. (EC Section 234.1(d))

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include counseling, suspension and/or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Grievance Procedures

The Board hereby designates the following positions as Coordinator(s) for Nondiscrimination [to ensure compliance with nondiscrimination in educational equity](#), to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

| | |
|---|--|
| Executive Director/ Equity Compliance Officer Constituent Services Office Fresno Unified School District 2309 Tulare Street Fresno, California 93721 (559) 457-3736 Constituent.Services@fresnounified.org | Chief of Human Resources Title IX Officer/Age Discrimination Act Fresno Unified School District 2309 Tulare Street Fresno, California 93721 (559) 457-3528 titleix@fresnounified.org |
|---|--|

| | |
|--|---|
| District 504 Coordinator Fresno Unified School District 1301 M Street Fresno, CA 93726 (559) 457-3220 504@fresnounified.org | Instructional Superintendent Special Education Office Fresno Unified School District 1301 M Street Fresno, CA 93721 (559) 457-3220 Spedleadership@fresnounified.org |
|--|---|

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that they have been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator for Nondiscrimination, the principal, or any other staff member. Any student who observes an incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints brought to the attention of staff, alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Any complaints of discrimination or any behavior prohibited by this policy, shall be addressed in accordance with the Administrative Regulation 5145.7 Sexual Harassment.

If dissatisfied with the district's decision, the complainant may submit their appeal in writing to the Office of Constituent Services within 15 calendar days of receiving the district's decision. The written concerns shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The district shall investigate in accordance with AR 1312.3 - Uniform Complaint Procedures.

Employees who observe an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall immediately report the incident to any of the designated Coordinators for Nondiscrimination, or principal, whether or not the victim files a complaint. Upon receiving a complaint of discrimination or harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. Where the Coordinator finds that harassment has occurred, they shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's nondiscrimination, harassment, intimidation, and bullying policies ~~policy~~ shall readily accessible in a prominent location ~~also be posted~~ on the district's existing internet website ~~or any other location~~ in a manner that is easily accessible to parents/guardians and pupils ~~students~~. (EC Section 234.6(b)(8))

The district must post the established policies prohibiting discrimination, harassment, intimidation, and bullying in all schools and offices, which include staff lounges and pupil government meeting rooms. (EC Section 234.1(e); 5 CCR Section 4960(b))

The district must publicize adopted policies that prohibit discrimination, harassment, intimidation, and bullying, including information about the manner in which to file a complaint, to pupils, parents/guardians, employees, the governing board, and the general public. The information shall be translated pursuant to EC section 48985. The district shall also include a notice of nondiscrimination policies in any publications used in connection with the recruitment of pupils or employees. The district must identify the officer responsible for nondiscrimination and education equity compliance in such publicity. (EC Section 234.1(c); 5 CCR Sections 4960(b) and 4961; 34 CFR Section and 106.8)

The district shall post a link to statewide resources, including community-based organizations, which shall be readily accessible in a prominent location on the district's existing internet website in a manner that is easily accessible to parents/guardians and pupils. The district shall also include any additional information deemed important for preventing bullying and harassment. (EC Section 234.6(b)(11-12))

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 6163.4 - Student Use of Technology)

If 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 to 12, inclusive, speak a single primary language other than English, all notices, reports, statements, and records sent to the parent/guardian of any such pupil by the district shall, in addition to being written in English, be written in the primary language, and may be responded to in either English or primary language. (EC Section 48985(a)) ~~When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.~~

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools. The ~~district record~~ shall maintain documentation of complaints and their resolution must be maintained for a minimum of one review cycle. (EC Section 234.1(f))

(cf. 3580 - District Records)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment 48904

Liability of parent/guardian for willful student misconduct 48907

Student exercise of free expression

48950 Freedom of speech 48985

Translation of notices 49020-49023

Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.31 Disclosure of personally identifiable information
100.3 Prohibition of discrimination on basis of race, color or national origin
106.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter: Transgender Students, May 2016
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010 Notice of Non-Discrimination, January 1999

WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR> California Department of Education: <http://www.cde.ca.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT
Adopted: August 26, 1993 Fresno, California
Revised: March 22, 2000
Revised: June 29, 2005
Revised: June 19, 2013
Revised: May 14, 2014
Revised: June 17, 2015
Revised: November 16, 2016
Revised: December 18, 2019
Admin Reviewed: October 27, 2021
Revised: Winter ____, 2022

Policy Section: 5000 Students

Fresno Unified Board Policy (BP) 5145.9 Hate-Motivated Behavior

The Governing Board is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

~~The Board prohibits, at any district school or school activity, programs, practices, or school attendance within a school under the jurisdiction of the Superintendent, unlawful discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's actual or perceived race, color, ancestry, ethnicity, national origin, immigration status, sex, sexual orientation, gender, gender identity, or gender expression, religion, age, physical or mental disability, marital status, or parental status, medical information, or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.~~

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131- Conduct)

(cf. 5131.2 - Bullying)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes an their understanding, of awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society, explains the harm and dangers of explicit and implicit biases, discourages discriminatory attitudes and practices and provides strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.94 - History-Social Science Instruction)

Complaint Process

A student or parent/guardian who believes feels the student is a victim of hate-motivated behavior is encouraged to report the incident shall immediately contact the principal or designee, a teacher, district compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure.

If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact notify the principal, or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, they shall also contact law enforcement.

(cf. 3515.3 - District Police Department)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students, staff and parents/guardians.

This policy shall be posted in a prominent location on the district's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

The Superintendent or designee shall ensure that provide staff with receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways. that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

~~The district shall provide age appropriate instruction to help promote understanding of and respect for human rights.~~

~~The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.~~

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment CODE

OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs CODE

OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Prohibition of discrimination based on age

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Association of Human Relations Organizations: <http://www.cahro.org> United

States Department of Education, Office of Civil Rights: <http://www.ed.gov/>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 22, 1999 Fresno, California

revised: June 13, 2018

revised: December 18, 2019
revised: Winter __, 2022

Policy Section: 5000 Students

Fresno Unified Board Policy (BP) 5146 Married/Pregnant/Parenting Students

The Governing Board recognizes that **responsibilities related to early marriage, pregnancy or parenting and related responsibilities** may disrupt a students' education and increase the chance of a student dropping out of school. **The Board therefore desires to provide a comprehensive, continuous, community-linked program for pregnant and parenting students and their children that reflects the cultural and linguistic diversity of the community.** The Board **therefore also** desires to support married, pregnant and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5147 - Dropout Prevention)

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

(cf. 6164.5 - Student Success Teams)

The district shall **not exclude or deny any pupil from any educational program or activity, including any class or extracurricular activity, solely discriminate against any student** on the basis of the **pupil student's marital status**, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery **therefrom. In addition, the district shall not adopt any rule concerning a pupil's actual or potential parental, family, or marital status that treats students differently on the basis of sex.**

(Education Code **221.51(a)(b)230**; **5 CCR 4950(a)**; 34 CFR 106.40(a)(b)(1))

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The district shall notify pregnant and parenting pupils of the rights and options available under the law through the annual school year welcome packets and through independent study packets. (Education Code 222.5(a))

The district shall also annually notify parents/guardians of pupils at the beginning of the regular school term of the rights and options available to pregnant and parenting pupils under the law. (EC Section 222.5(b))

(cf. 5145.6 - Parental Notifications)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

Pregnant and parenting **pupils students** shall **not be excluded from participation in the regular education programs and shall not be required retain the right** to participate in **any comprehensive school pregnant-pupil programs or** alternative educational programs. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or **his/her the pupil's** child. (**Education Code 222.51(d); 5 CCR Section 4950(c); 34 CFR Section 106.40(b)(1)).**)

(cf. 6158 - Independent Study)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6184 - Continuation Education)
(cf. 6200 - Adult Education)

Pregnant or parenting pupils who voluntarily participate in alternative programs shall be given Any educational programs, or activities, and courses that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to the regular program that offered to other district students. A student's participation in such programs shall be voluntary. (Education Code 221.51(d), 5 CCR 4950(c); 34 CFR Section 106.40(b)(3))

The district treats pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability. (EC Section 221.51(e); 5 CCR Section 4950(d); 34 CFR Section 106.40(b)(4)).

(cf. 6142.7 - Physical Education and Activity)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6183 - Home and Hospital Instruction)

The district shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." The district may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by Title IX. (34 CFR Section 106.21(c)(4))

To the extent feasible, **the district shall provide** educational and related **support services**, either directly or in collaboration with community agencies and organizations, **to meet the needs of** pregnant and parenting **students and their children**. Such services may include, but are not limited to:

1. **Child care and development** services **for the children** of parenting students **on or near school site(s)** during the school day and during school-sponsored activities

(cf. 5148 - Child Care and Development)

2. **Parenting education and life skills** instruction

3. **Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28**

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

4. Health care services, including prenatal care

(cf. 5141.6 - School Health Services)

5. Tobacco, alcohol, and/or drug prevention and intervention services

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)

6. Academic and personal counseling

(cf. 6164.2 - Guidance/Counseling Services)

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

(cf. 6179 - Supplemental Instruction)

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Absences

Pregnant or parenting students may be excused for absences ~~related to confidential~~ for medical appointments ~~and other purposes specified in accordance with~~ BP/AR 5113 - Absences and Excuses.

A student shall be excused for absences to care for a sick child for whom the student is the custodial parent. A note from a physician shall not be required for such an absence. (Education Code 48205)

(cf. 5113 - Absences and Excuses)

Parental Leave

A pregnant or parenting student shall be entitled to eight weeks of parental leave in order to protect the health of the student who gives or expects to give birth and the infant, and to allow the pregnant or parenting student to care for and bond with the infant. Such leave may be taken before the birth of the student's infant if there is a medical necessity and after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The Superintendent or designee may ~~shall~~ grant ~~parental a student~~ leave beyond eight weeks if deemed medically necessary by the student's physician. ~~absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began.~~ (Education Code 46015; 34 CFR 106.40)

(cf. 5112.3 - Student Leave of Absence)

~~Pregnant and parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.~~

(cf. 5112.1 - Exemptions from Attendance)

The student, if age 18 years or older, or the student's parent/guardian shall notify the school of the student's intent to take parental leave. No student shall be required to take all or part of the parental leave. (Education Code 46015)

When a student takes parental leave, the attendance supervisor shall ensure that absences from the regular school program are excused until the student is able to return to the regular school program or an alternative education program. A pregnant or parenting student shall not be required to complete academic work or other school requirements during the period of the parental leave. (Education Code 46015)

(cf. 5113.11 - Attendance Supervision)

Following the leave, a pregnant or parenting student may elect to return to the school and the course of study in which the student was enrolled before taking parental leave or to an alternative education option provided by the district. Upon return to school, a pregnant or parenting student shall have opportunities to make up work missed during the leave, including, but not limited to, makeup work plans and reenrollment in courses. (Education Code 46015)

When necessary to complete high school graduation requirements, the student may remain enrolled in school for a fifth year of instruction, unless the Superintendent or designee makes a finding that the student is reasonably able to complete district graduation requirements in time to graduate by the end of the fourth year of high school. (Education Code 46015)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Reasonable Accommodations

When necessary, the district shall provide reasonable accommodations to enable a pregnant or and parenting pupil students to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

(cf. 6183 - Home and Hospital Instruction)

The district school shall provide reasonable accommodations to any lactating pupil student on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A pupil student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.

(a) Reasonable accommodations under this section include, but are not limited to, all of the following: (Education Code 222)

- ~~1-~~ i. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child
- ~~2-~~ ii. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
- ~~3-~~ iii. Access to a power source for a breast pump or any other equipment used to express breast milk
- ~~4-~~ iv. Access to a place to store expressed breast milk safely

(b) ~~5-~~A lactating pupil shall be provided a reasonable amount of time to accommodate the pupil's student's need to express breast milk or breast-feed an infant child

(c) Only school sites with at least one lactating pupil shall provide the reasonable accommodations specified above. A school subject to this may use an existing facility to meet the requirements.

(d) A pupil shall not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and shall be provided the opportunity to make up any work missed due to such use.

Complaints

Any complaint **alleging of** discrimination on the basis of pregnancy or marital or parental status, **district noncompliance with the requirements of Education Code 46015, or district noncompliance with the requirement to provide reasonable accommodations for lactating students** shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 - Uniform Complaint Procedures. **A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222, 46015; 5 CCR 4600- 4670)**

(cf. 1312.3 – Uniform Complaint Procedures)

~~Any complaint alleging district noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the district's procedures in AR 1312.3 – Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE) (Education Code 222; 5 CCR 4600-4687).~~

~~*(cf. 1312.3 - Uniform Complaint Procedures)*~~

Program Evaluation

The Superintendent or designee shall periodically report to the Board regarding the effectiveness of district strategies to support married, pregnant, and parenting students, which may include data on **student** participation **rates** in district programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on district programs and services.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6190 - Evaluation of the Instructional Program)

~~The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate education and related support services are available to meet the needs of pregnant and parenting teens and their children.~~

~~*(cf. 1020 – Youth Services)*~~

~~*(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)*~~

~~Pregnant and parenting students retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)~~

~~*(cf. 6158 – Independent Study)*~~

~~*(cf. 6182 – Opportunity School/Class/Program)*~~

~~*(cf. 6183 – Home and Hospital Instruction)*~~

~~*(cf. 6184 – Continuation Education)*~~

~~*(cf. 6200 – Adult Education)*~~

~~In addition to providing a quality academic program for pregnant and parenting students, the district's program shall provide a parenting education and life skills class, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site~~

for the children of enrolled students. The district's program may provide other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children. (Education Code 54745)

(cf. 3550 – Food Service/Child Nutrition Program)

(cf. 5141.6 – Student Health and Social Services)

(cf. 5148 – Child Care and Development)

(cf. 6164.2 – Guidance/Counseling Services)

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

Pregnancy Prevention

The Superintendent or designee shall ensure that age-appropriate, culturally and community sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The district's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth. Instruction shall include information regarding the consequences of pregnancy upon both the mother and father, including the effect upon future educational and employment opportunities; the meaning of parental responsibility and its effect upon one's personal life; strategies for resisting peer group pressure; and abstinence as a method of pregnancy prevention. Such instruction may be incorporated into health and social science classes or other appropriate courses in accordance with the requirements for those courses.

(cf. 5141.25 – Availability of Condoms)

(cf. 6142.1 – Family Life/Sex Education)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

221.51 Nondiscrimination; married, pregnant, and parenting students

222 Reasonable accommodations; lactating students

222.5 Pregnant and parenting students, notification of rights

230 Sex discrimination

8200-8498 Child Care and Development Services Act

46015 Parental leave

48205 Excused absences

48206.3 Temporary disability, definition

48220 Compulsory education requirements

48410 Persons exempted from continuation classes

48980 Parental notifications

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

CIVIL CODE

51 Unruh Civil Rights Act

FAMILY CODE

7002 Description of emancipated minor

HEALTH AND SAFETY CODE

104460 Tobacco prevention services for pregnant and parenting students

CODE OF REGULATIONS, TITLE 5

4600-467087 Uniform complaint procedures

4950 Nondiscrimination, marital and parental status

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General licensing requirements for child care centers

101351-101439.1 Infant care centers

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Education Act Amendments

UNITED STATES CODE, TITLE 42

1786 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 7

246.1-246.28 Special supplemental nutrition program for women, infants, and children

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 168 (2004)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Women's Law Center: <http://www.cwlc.org/resources>

U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>

U.S. Department of Education: <http://www.ed.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: June 10, 1993 Fresno, California

revised: December 11, 1997

reviewed: September 9, 1999

revised: February 13, 2002

revised: May 14, 2014

revised: May 9, 2018

revised: Winter __, 2022

Policy Section: 5000 Students

Fresno Unified Board Policy (BP) 6173 Education For Homeless Children

The Governing Board desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for them to meet the same challenging academic standards as other students.

(cf. 6011 - Academic Standards)

The Superintendent or designee shall identify and remove any barriers to the identification and enrollment of homeless students and to the retention of homeless students due to absences or outstanding fees or fines. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3260 - Fees and Charges)

(cf. 5113.1 - Chronic Absence and Truancy)

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and Administrative Regulation.

When there are at least 15 homeless students in the district or a district school, the district's local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1312.3 – Uniform Complaint Procedures)

School of origin means the school that the homeless student attended when permanently housed or the school in which the student was last enrolled, including a preschool. If the school the homeless student attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that they attended within the preceding 15 months and with which they are connected, the district liaison shall determine, in consultation with and with the agreement of the homeless student and the person holding the right to make educational decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of their homelessness, except when doing so is contrary to the wishes of their parent/guardian. (42 USC 11432)

The Superintendent or designee shall designate an appropriate staff person to serve as a liaison for homeless children and youths. The district liaison shall fulfill the duties specified in 42 USC 11432 to assist in identifying and supporting homeless students to succeed in school.

District liaisons and other appropriate staff shall participate in professional development and other technical assistance activities to assist them in identifying and meeting the needs of homeless students and to provide training on the definitions of terms related to homelessness. (42 USC 11432)

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students including outcomes related to any goals and specific actions identified in the LCAP.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

The district's liaison for homeless students shall ensure that: (Education Code 48852.5; 42 USC 11432)

1. Ensure that homeless students are identified by school personnel and through coordination activities with other entities and agencies

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 3553 - Free and Reduced-Price Meals)

(cf. 5141.6 - Student Health Services)

2. Ensure that homeless students are immediately enrolled in, and have a full and equal opportunity to succeed in, district schools

3. Ensure that homeless families and children and youth have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district

(cf. 5148.3 - Preschool/Early Childhood Education)

4. Ensure that homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services

(cf. 5141.6 - School Health Services)

5. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children

(cf. 5145.6 - Parental Notifications)

6. Disseminate notice of the educational rights of homeless students in locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, family shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.

7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below

8. Fully inform parents/guardians of homeless students and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice

(cf. 3541 - Transportation Routes and Services)

9. Ensure that school personnel providing services to homeless students receive professional development and other support

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent

students under 20 USC 1087v and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students, including the provision of comprehensive data to the state coordinator as required by law

In addition, when notified pursuant to Education Code 48918.1, the district liaison shall assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in their expulsion. When notified pursuant to Education Code 48915.5, the district liaison shall participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159 - Individualized Education Program)

Eligibility for Extracurricular Activities

A homeless student who enrolls in any district school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

In order to identify district students who are homeless, the Superintendent or designee may give a housing questionnaire to all parents/guardians during school registration, make referral forms readily available, include the district liaison's contact information on the district and school web sites, provide materials in a language easily understood by families and students, provide school staff with professional development on the definition and signs of homelessness, and contact appropriate local agencies to coordinate referrals for homeless children and youth and unaccompanied youth.

(cf. 1113 - District and School Web Sites)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act and shall not be deemed to be directory information as defined in 20 USC 1232g. (42 USC 11432)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

Each homeless student shall be provided services that are comparable to services offered to other students in the school, including, but not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs. (42 USC 11432)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6171 - Title I Programs)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6174 - Education for English Learners)
(cf. 6177 - Summer Learning Programs)
(cf. 6178 - Career and Technical Education)
(cf. 6179 - Supplemental Instruction)

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way. However, the Superintendent or designee may separate homeless students on school grounds as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless students. (42 USC 11432, 11433)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3553 - Free and Reduced Price Meals)

The Superintendent or designee shall coordinate with other agencies and entities to ensure that homeless children and youth are promptly identified, ensure that homeless students have access to and are in reasonable proximity to available education and related support services, and raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness. Toward these ends, the Superintendent or designee shall collaborate with local social services agencies, other agencies or entities providing services to homeless children and youth, and, if applicable, transitional housing facilities. In addition, the Superintendent or designee shall coordinate transportation, transfer of school records, and other interdistrict activities with other local educational agencies. As necessary, the Superintendent or designee shall coordinate, within the district and with other involved local educational agencies, services for homeless students and services for students with disabilities. (42 USC 11432)

(cf. 1020 - Youth Services)

Enrollment

Placement decisions for homeless students shall be based on the student's best interest. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in their school of origin, unless their parent/guardian requests otherwise. (42 USC 11432)

In determining the best interest of the student, the district shall consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (42 USC 11432)

However, placement decisions shall not be based on whether a homeless student lives with their homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of their appeal rights. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in their school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if they: (Education Code 48852.7; 42 USC 11432)

1. Have outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Do not have clothing normally required by the school, such as school uniforms

(cf. 5132 - Dress and Grooming)

3. Are unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

4. Have missed application or enrollment deadlines during any period of homelessness

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other required health records, the principal or designee shall refer the parent/guardian to the district homeless liaison. The district liaison shall assist the parent/guardian, or the student if they are an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than their school of origin or the school requested by their parent/guardian or an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the decision along with a statement regarding the right to appeal the placement decision. (42 USC 11432)

The student may continue attending their school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the homeless student has the benefit of matriculating with their peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

1. If the student is transitioning between grade levels, they shall be allowed to continue in the same attendance area.

2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, they shall be allowed to continue to the school designated for matriculation in that district.

If the student's status changes before the end of the school year so that they are no longer homeless, they shall be allowed to stay in the school of origin: (Education Code 48852.7)

1. Through the duration of the school year if the student is in grades K-8

2. Through graduation if the student is in high school

Resolving Enrollment Disputes

If a dispute arises over student eligibility, school selection or enrollment in a particular school, the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the, right of the parent/guardian or unaccompanied youth to appeal the decision. (42 USC 11432)

The written explanation shall include:

1. A description of the action proposed or refused by the district
2. An explanation of why the action is proposed or refused
3. A description of any other options the district considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed
6. Contact information for the district liaison and state coordinator, and a brief description of their roles

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

In working with a student's parents/guardians or unaccompanied youth to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position
2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process
4. Provide them a copy of the dispute form they submit for their records
5. Provide them the outcome of the dispute for their records

If a parent/guardian or unaccompanied youth disagrees with the liaison's enrollment decision, they may appeal the decision to the Director of Student Support Services. The Director shall make a determination within five working days.

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities. (42 USC 11432, 11434a)

Applicability of Graduation Requirements

To obtain a high school diploma, a homeless student shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.

(cf. 6146.1 - High School Graduation Requirements)

However, when a homeless student who has completed their second year of high school transfers into the district from another school district or transfers between high schools within the district, they shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of their fourth year of high school. Within 30 calendar days of the homeless student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for them, and the district liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless. (Education Code 51225.1)

To determine whether a homeless student is in their third or fourth year of high school, the district shall use either the number of credits they have earned as of the date of the transfer or the length of their school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any homeless student who is granted an exemption and the person holding the right to make educational decisions for them, how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a homeless student to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a homeless student, the person holding the right to make educational decisions for the student, or the district liaison on behalf of the student. (Education Code 51225.1)

If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer homeless or if they transfer to another school or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within their fifth year of high school, they shall: (Education Code 51225.1)

1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for them, of the option available to the student to remain in school for a fifth year to complete the district's graduation requirements and how that will affect their ability to gain admission to a postsecondary educational institution

2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges

3. Upon agreement with the homeless student or with the person holding the right to make educational decisions for them if they are under 18 years of age, permit the student to stay in school for a fifth year to complete the district's graduation requirements

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

48850 Educational rights; participation in extracurricular activities

48852.5 Notice of educational rights of homeless students

48852.7 Enrollment of homeless students

48915.5 Recommended expulsion, homeless student with disabilities

48918.1 Notice of recommended expulsion

51225.1-51225.3 Graduation requirements

52060-52077 Local control and accountability plan

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1087vv Free Application for Federal Student Aid; definitions

1232g Family Educational Rights and Privacy Act

6311 Title I state plan; state and local educational agency report cards

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources: WEB SITES

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACHildWelfareCouncil.aspx> California Department of Education,

Homeless Children and Youth Education: <http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE: <http://www.serve.org/nche> National Law Center on Homelessness and Poverty:

<http://www.nlchp.org/>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: March 25, 2004 Fresno, California

revised: March 7, 2012

revised: June 1, 2016

revised: May 31, 2017

revised: Winter __, 2022

Policy Section: 6000 Instruction

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-12

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Ratify

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Ratify Riverside County Superintendent of Schools Agreement for Preschool Local Assistance Grant

ITEM DESCRIPTION: Included in the Board binders is the Riverside County of Schools agreement for Preschool Local Assistance Grant. This grant is a continued partnership with our Supporting Inclusive Practices team. This grant supports expansion of preschool inclusion programming with teacher access to tiered levels of behavioral resources.

Approval of this grant will place Fresno Unified School District at the forefront of work on inclusionary programming in the state. Access will be provided for professional learning targeting behavioral support for learners with disabilities to be educated alongside their peers in the general education classroom.

The term of this agreement is October 1, 2021 through June 30, 2022. Fresno Unified School District Special Education implemented this agreement on February 23, 2022.

The total agreement will not exceed \$30,000.

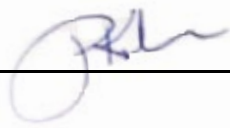
FINANCIAL SUMMARY: Fresno Unified School District will be reimbursed 100% of allowable program costs, up to \$30,000.

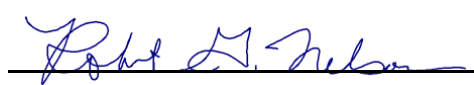
PREPARED BY: Dr. Tangee Pinheiro,
Instructional Superintendent

DIVISION: Instructional Division
PHONE NUMBER: (559) 457-3731

CABINET APPROVAL: Kim Mecum,
Chief Academic Officer

SUPERINTENDENT APPROVAL:





RIVERSIDE COUNTY SUPERINTENDENT OF SCHOOLS
3939 Thirteenth Street
Riverside, CA 92501

AGREEMENT FOR PRESCHOOL LOCAL ASSISTANCE GRANT
Special Education

This Agreement is entered into by and between, **Riverside County Superintendent of Schools**, hereinafter referred to as "SUPERINTENDENT," and **Fresno Unified School District**, hereinafter referred to as "DISTRICT", each being a "Party" and collectively the "Parties".

RECITALS

These one-time grant funds are carryover funds to previously awarded grantees. Funds will support the development of evidence-based technical assistance resources that support local educational agencies to increase inclusion, provide guidance on the variety of placements within the least restrictive environment, and provide guidance on how to address disproportionality in disciplinary practices for Black and Latino students within preschool settings.

AGREEMENTS

1. **TERM:** The term of this Agreement shall be from **October 1, 2021** to **June 30, 2022**.
2. **SERVICES:** DISTRICT shall perform and provide the following **Preschool Local Assistance Grant**, including, but not limited to:
 - A. DISTRICT is serving as a sample district in the Preschool Local Assistance grant.
 - B. DISTRICT selects one (1) or more preschool-level classrooms that includes students with disabilities to participate.
 - C. The Parties agree to engage in free professional learning centered on disproportionality, behavior, inclusion and evidence based best practices in early education.
 - D. The Parties shall participate in classroom walkthroughs to include classroom level data collection on a monthly basis February 2022-June 2022 using a pilot tool of best practices.
 1. SUPERINTENDENT'S Supporting Inclusive Practices staff shall collect data, and all data elements being submitted and collected are unrelated to any individual's personally identifiable information (PII) and shall be de-identified.
 - E. Attend quarterly meetings with SUPERINTENDENT'S Supporting Inclusive Practices staff.
 - F. DISTRICT to engage in pre and post surveys to support qualitative and quantitative data to progress monitor the Preschool Local Assistance Grant work. All surveys and grant data shall remain anonymous.
 1. SUPERINTENDENT'S Supporting Inclusive Practices staff shall collect surveys, and all survey data elements being submitted and collected are unrelated to any individual's personally identifiable information (PII) and shall be de-identified.
3. **PAYMENT:**
 - A. For and in consideration of the services rendered, SUPERINTENDENT agrees to pay DISTRICT as follows:
 1. **A total of \$30,000.00.**
 - B. In no event shall the total payment(s) made under this Agreement exceed the sum of **\$30,000.00** without a written authorization from SUPERINTENDENT.
 - C. In the event DISTRICT receives payment for services under this Agreement which is later disallowed by SUPERINTENDENT due to DISTRICT'S nonconformance with the terms and

conditions herein, DISTRICT shall promptly upon request refund the disallowed amount to SUPERINTENDENT or, at its option, SUPERINTENDENT may offset the amount disallowed from any payment due or that becomes due to DISTRICT under any agreement it has with SUPERINTENDENT.

4. **INVOICES:** DISTRICT shall submit invoices to Riverside County Superintendent of Schools, attention: **Accounts Payable**, P.O. Box 868, Riverside, California 92502 or via email to accountspayable@rcoe.us.
5. **SKILLS AND EXPERIENCE:** DISTRICT hereby represents and warrants that it has the skills, experience and knowledge necessary to perform in a competent and timely manner the services to be performed under this Agreement, and DISTRICT acknowledges that SUPERINTENDENT shall rely on such representations by DISTRICT. Acceptance by SUPERINTENDENT of the services performed under this Agreement shall not operate as a release of DISTRICT from responsibility for such services. To the extent DISTRICT assigns the performance of the services to any of its employees, each employee shall, as applicable, hold the proper credentials authorizing him or her to perform such service.
6. **INDEPENDENT CONTRACTOR:** With respect to the services to be performed pursuant to this Agreement, DISTRICT is acting as an independent contractor and not as an agent or employee of SUPERINTENDENT. Any and all personnel performing the services under this Agreement on behalf of DISTRICT shall at all times be under DISTRICT'S exclusive direction and control. DISTRICT shall pay all the wages, salaries and other amounts due such personnel in connection with their performance of service and as required by law. DISTRICT shall be responsible for all reports and obligations respecting such personnel, including but not limited to, social security taxes, income tax withholdings, unemployment insurance, and workers' compensation insurance. With respect to the performance of its obligations hereunder, DISTRICT is subject to the control or direction of SUPERINTENDENT merely as to the results to be accomplished and not as the means and methods for accomplishing such results. If DISTRICT is an entity that does not have a permanent place of business in California or is an individual who does not reside in California, and unless an exception applies, all payments from SUPERINTENDENT to DISTRICT pursuant to this Agreement shall be subject to withholding in accordance with Section 18662 of the California Revenue and Taxation Code and/or other applicable law.
7. **EARNING LIMITATIONS FOR PERS/STRS RETIREES:** The post retirement earning limitations for CalPERS/CalSTRS retirees performing creditable service shall be in accordance with the California Education Code section 2119.50. Compensation in excess of the limitation will result in reduction in the retirement allowance by the amount of compensation that exceeds the earnings limitations. It is the sole obligation of the DISTRICT to ensure that the total sum of the hours works or amount earned does not exceed the limitations and DISTRICT shall hold SUPERINTENDENT harmless of any loss of retirement income due to DISTRICT'S change in exemption status as determined by CalSTRS/CalPERS.
8. **SUBCONTRACT:** DISTRICT shall not subcontract the performance of any of the work or services to be performed pursuant to this Agreement without the prior written approval of SUPERINTENDENT. The foregoing shall not be deemed or constructed to require SUPERINTENDENT approval of: (i) agreements of employment between DISTRICT and its employees; or (ii) of subcontracts with Parties named in the proposal by DISTRICT that resulted in this Agreement.
9. **NON-DISCRIMINATION:** DISTRICT shall not illegally discriminate against any individual, including, without limitation, with respect to the provision of services, allocation of benefits, accommodation in facilities, or employment personnel on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including sexual orientation, gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy-related medical conditions), political belief or affiliation (not union related), military or veteran status, genetic information, or any other characteristic protected under applicable federal, state, or local laws. Harassment, retaliation, intimidation and bullying is also prohibited. DISTRICT shall comply with any and all applicable state, federal and other laws that prohibit discrimination, including, without limitation, Title IV, Title VI and

Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act.

10. **INSURANCE:** At all times during the performance of this Agreement, DISTRICT shall maintain in force such insurance policies as provide the coverage required by this Agreement. **All insurance policies required by this Agreement shall name, or be endorsed to name, the Riverside County Superintendent of Schools as additional insured for the purpose of this Agreement.** The Commercial Liability Policy and the Automobile Policy described below must include a waiver by the insurers of any and all subrogation rights against SUPERINTENDENT. In all cases, DISTRICT'S insurance shall be primary, and any insurance providing coverage for SUPERINTENDENT, the Riverside County Board of Education, and/or their respective officers, employees and/or agents shall be secondary and non-contributing. Prior to commencing the services required pursuant to this Agreement, DISTRICT must provide to SUPERINTENDENT such certificates issued by DISTRICT'S insurer(s) as evidence that the insurance policies required by this Agreement are in full force and effect, and DISTRICT must provide an updated certificate of insurance to SUPERINTENDENT following each renewal and/or update of such policies. Within fifteen days of any request by SUPERINTENDENT, DISTRICT must provide to SUPERINTENDENT a certified copy of any one or more such insurance policies. DISTRICT shall have in effect any and all insurance as may be required by applicable law. However, notwithstanding anything to the contrary, DISTRICT shall, for purposes of the Agreement, have in effect the following minimum levels of insurance coverage:
- A. **Commercial General Liability:** \$1,000,000 combined single limit, on account of bodily injuries, including death resulting therefrom and property damage resulting from any accident which may arise in the operations of DISTRICT in the performance of the work herein provided.
 - B. **Automobile Insurance:** Equal to state minimum requirements shall be obtained for each vehicle(s) used in the performance of the Agreement covering any personal or property damage which may arise in or out of the Agreement obligation.
 - C. **Workers' Compensation Insurance:** If DISTRICT has employees as defined by the State of California, DISTRICT shall maintain statutory Workers' Compensation Insurance as prescribed by the laws of the State of California.
11. **TERMINATION:**
- A. SUPERINTENDENT may terminate this Agreement, in whole or in part, and without need for cause, by giving written notice to DISTRICT stating the extent and effective date of termination. However, if any such termination notice does not set forth a date upon which the termination will take effect, the termination shall take effect on the date that is thirty days after receipt of the notice by DISTRICT. Upon any termination pursuant to this Paragraph A taking effect, DISTRICT shall cease all work and services to the extent specified in the termination notice, and SUPERINTENDENT shall pay DISTRICT, in accordance with this Agreement, for all work and services performed prior to termination.
 - B. DISTRICT shall be in default of its obligations pursuant to this Agreement if DISTRICT refuses or fails to comply, or to timely comply, with any one or more of the provisions of this Agreement. In any such event, SUPERINTENDENT in its sole discretion may provide written notice to DISTRICT setting forth the nature of the default, the actions that DISTRICT must take (if there are any or any are known) in order to cure the default, and the deadline by which DISTRICT must cure the default. If DISTRICT does not cure a default within the time specific in an applicable notice of default, SUPERINTENDENT may terminate this Agreement, in whole or part, by giving written notice of termination to DISTRICT, and the termination shall take place effective immediately upon receipt of such a notice by DISTRICT. In the event of any termination pursuant to this Paragraph B, SUPERINTENDENT may cause the terminated portion of the work to be completed in any manner SUPERINTENDENT deems proper. In the event of any default by DISTRICT or termination by SUPERINTENDENT pursuant to this Paragraph B, neither Party's remedies shall be limited. Notwithstanding anything to the contrary, in connection

with any default by DISTRICT, SUPERINTENDENT in its sole discretion may, by providing written notice to DISTRICT:

1. Discontinue reimbursement to DISTRICT for, and during the period in which DISTRICT is in default, the reimbursement of which DISTRICT shall not be entitled to recover later; and/or
 2. Withholding funds pending a cure for the default; and/or
 3. Offset against any monies billed by DISTRICT but yet unpaid by SUPERINTENDENT.
- C. SUPERINTENDENT may immediately terminate this Agreement upon the occurrence of any circumstances beyond its control including but not limited to acts of God, acts of terrorism, declared disasters, strikes (except those involving Superintendent's employees or agents), civil disorder, or the implementation of any local, state or federal regulations that make it illegal or impossible for SUPERINTENDENT to fulfill its contractual responsibilities or to recognize the full benefit of this Agreement. SUPERINTENDENT shall compensate the other Party for any allowable expense incurred prior to invoking this provision.
12. **WAIVER:** Absent an applicable waiver, no failure by a Party to require compliance by the other Party with any provision or requirement of this Agreement shall be deemed or construed to preclude subsequent enforcement of that or any other provision or requirement of this Agreement. Each waiver of any provision, requirement, or breach of this Agreement must be in writing and signed by the waiving Party. Oral waivers shall not be binding or enforceable. Except as expressly provided in the waiver, a waiver of any provision, requirement, or breach shall not be construed as: (i) a waiver of any other provision, requirement, or breach; or (ii) as a continuing waiver.
13. **FORCE MAJEURE:**
- A. In the event DISTRICT is unable to comply with any provisions of this Agreement due to causes beyond its control such as acts of God, acts of war, civil disorders, and other similar acts, DISTRICT shall not be held liable to SUPERINTENDENT for such failure to comply.
 - B. In the event SUPERINTENDENT is unable to comply with any provisions of this Agreement due to causes beyond its control relating to acts of God, acts of war, civil disorders, or other similar acts, SUPERINTENDENT shall not be held liable to DISTRICT for such failure to comply.
14. **INDEMNIFICATION:** DISTRICT shall save, defend, and hold harmless and indemnify SUPERINTENDENT, the Riverside County Board of Education, and their respective officers, employees and agents, and each of them, with respect to any and all claims, demands, actions, damages, judgements, costs, expenses, (including, without limitation, attorneys' fees), and other liabilities of whatever kind and nature that arise from the negligence, recklessness or willful misconduct of any person in performing work or services pursuant to this Agreement on behalf of DISTRICT, including, without limitation, liabilities attributable to the injury (including death) of any person and/or to the loss or damage of any property. With respect to each act or incident that occurs while this Agreement is in effect, DISTRICT'S obligations pursuant to this section shall survive termination of this Agreement.
15. **ASSIGNMENT:** DISTRICT shall not assign this Agreement or any of its rights or obligations under this Agreement without prior written consent of SUPERINTENDENT, which consent SUPERINTENDENT may grant, condition or deny at its sole discretion. Any assignment by DISTRICT without prior written consent of SUPERINTENDENT shall be void and of no force or effect.
16. **LICENSES/PERMITS:** DISTRICT and, as applicable, each of its employees or agents shall secure and maintain in force at all times while this Agreement is in effect such licenses and permits as are required by law, in connection with the furnishing of materials, supplies, or services to be provided pursuant to this Agreement.
- A. Attention is directed to the provisions of Business and Professions Code, Division 3, which relates to, among other things, the licensing of certain vocations and professions. DISTRICT and, as applicable, the individuals performing the services required by this Agreement must be

licensed, if required, in accordance with the Business and Professions Code and other laws of the State of California.

- B. DISTRICT hereby represents that it has all necessary permits, approvals, certificates, waivers and exemptions necessary for the provision of services hereunder and required by the laws and regulations of the United States, State of California, the County of Riverside and all other appropriate governmental agencies, and DISTRICT warrants that it shall maintain such licenses and permits throughout the term of this Agreement.
17. **CONFLICT OF INTEREST:** DISTRICT covenants that it presently has no interest, including but not limited to, other projects or independent contracts, and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. DISTRICT further covenants that in the performance of this Agreement, no person having any such interest shall be employed or retained by DISTRICT.
18. **DISPUTES:** Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement that is not resolved by agreement of the Parties hereto shall be disposed by SUPERINTENDENT, which shall furnish the decision in writing. The decision of SUPERINTENDENT shall be final and conclusive until determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith. DISTRICT shall in each case proceed diligently with the performance of the Agreement pending SUPERINTENDENT'S decision. As a condition precedent to the filing of any action arising from dispute between the Parties hereto, the Parties shall be obligated to attend and participate in a mediation session with a third party mediator in an attempt to resolve the dispute.
19. **GOVERNING LAW; VENUE; AND SEVERABILITY:** This Agreement shall be governed by and enforced in accordance with the laws of the State of California, notwithstanding any conflict-of-laws, choice-of-laws, or similar provision set forth in any state or federal law. Each action arising from this Agreement shall be filed and conducted only in an applicable state or federal court located in the County of Riverside, California, and the Parties hereto waive any provision of law providing for a change of venue to another location. In the event any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way. Should action be brought to enforce or interpret the provisions of the Agreement, the prevailing Parties shall be entitled to attorneys' fees in addition to whatever other relief is granted.
20. **AVAILABILITY OF FUNDS:** Funds are not presently available for performance under this Agreement beyond June 30 of the fiscal year in which DISTRICT commenced providing services pursuant to this Agreement. No legal liability on the part of the SUPERINTENDENT for any payment may arise for performance under this Agreement beyond such date, unless and until funds are made available to SUPERINTENDENT for performance and DISTRICT receives notice of availability, to be confirmed in writing by SUPERINTENDENT.
21. **COMPLIANCE WITH LAWS AND DIRECTIVES:** Without limiting anything else in this Agreement, DISTRICT must perform the services required by this Agreement in compliance with all applicable federal, state and local laws, regulations, ordinances and other governmental requirements. DISTRICT shall be responsible for ensuring that each of its employees, agents, and other representatives who enter in and upon any of SUPERINTENDENT'S properties fully comply with: (i) all rules, policies or other requirements of SUPERINTENDENT applicable to presence on its property (including, but not limited to, policies prohibiting the use of drugs, alcohol, and tobacco); and (ii) reasonable directives from SUPERINTENDENT'S representatives.
22. **DUE AUTHORITY:** Each person that has signed this Agreement on behalf of a Party hereby represents that he or she has been duly authorized by that Party to sign, and thereby bind that Party to this Agreement.

23. **ENTIRE AGREEMENT:** This Agreement, including any attachments, exhibits, or documents incorporated herein, constitutes the entire understanding and agreement between Parties hereto with respect to the subject matter hereof and no prior or contemporaneous agreements of any kind or nature relating to the same shall be deemed to be merged herein.
24. **AMENDMENTS:** This Agreement may only be amended in writing by the mutual consent of the Parties hereto, except that SUPERINTENDENT may amend this Agreement to accomplish the below-listed changes:
- A. Increases in dollar amounts.
 - B. Administrative changes that do not affect the contractual rights of the Parties.
 - C. Changes as required by law.
25. **NOTICES:** All correspondence and notices required or contemplated by this Agreement shall be delivered to the respective Parties at the addresses set forth below. Each notice shall be deemed to have been given or served only upon actual receipt by the addressee, and notices may be delivered by one of the following methods: (i) registered or certified United States Mail, postage prepaid by sender and return receipt requested; (ii) FedEx, U.P.S. or other reliable private delivery service, delivery charge paid by sender and signature on delivery receipt required; or (iii) personal delivery, delivery charge paid by sender and signature on delivery receipt required.

SUPERINTENDENT:
Riverside County Office of Education
Contracts and Purchasing Services
3939 Thirteenth Street
Riverside, CA 92501-0868

DISTRICT:
Fresno Unified School District
2309 Tulare Street
Fresno, CA 93721

26. **MANDATED REPORTING:** The following provisions are included in this Agreement because SUPERINTENDENT has determined that one or more of the officers, employees and/or agents of DISTRICT will be “mandated reporters” pursuant to Section 11165.7 of the Penal Code. In accordance with the Child Abuse and Neglect Reporting Act (i.e. Penal Code Section 11164-11174.3), mandated reporters must report suspected child abuse or neglect. In accordance with that Act, when the victim is a child (a person under the age of 18) and the perpetrator is any person (including a child), the following types of abuse must be reported by all legally mandated reporters.
- A. Physical abuse described as physical injury inflicted by other than accidental means on a child, or intentionally injuring a child. (PC 11165.6)
 - B. Child sexual abuse includes sexual assault or sexual exploitation of anyone under the age of 18. Sexual assault includes sex acts with children, intentional masturbation in the presence of children, and child molestation. Sexual exploitation includes preparing, selling, or distributing pornographic materials involving children in performances involving obscene sexual conduct; and child prostitution. (PC 11165.1)
 - C. Willful cruelty or unjustified punishment (PC 1165.3) includes inflicting or permitting unjustifiable physical pain or mental suffering, or the endangerment of the child’s person or health. “Mental suffering” in and of itself is not required to be reported; however, it may be reported. Penal Code Section 11166.05 provides that; “Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.” (The specified agencies include any police department, sheriff’s department, county probation department, if designated by the county to receive mandated reports, or the county welfare department.)

- D. Unlawful corporal punishment or injury described as the willful infliction on a child of cruel or inhuman corporal punishment or injury resulting in a traumatic condition. (PC 11165.4)
 - E. Neglect of a child, whether “severe” or “general”, must also be reported if the perpetrator is a person responsible for the child’s welfare. It includes both acts and omission that harm or threaten to harm the child’s health or welfare. “General neglect” means the failure of a caregiver of a child to provide adequate food, clothing, shelter, medical care, or supervision, where no physical injury to the child has occurred. “Severe neglect” means the negligent failure by a caregiver to protect a child from severe malnutrition or medically-diagnosed nonorganic failure to thrive. “Severe neglect” also includes the caregiver willfully causing or permitting a child to be in situations that endanger the child or the child’s health, including, among others, the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care. (PC 11165.2)
 - F. Any of the above types of abuse or neglect occurring in out-of-home care must also be reported. (PC 11165.5)
27. **CRIMINAL BACKGROUND CHECKS FOR SUPERINTENDENT:** Education Code section 45125.1 and 45125.2 requires SUPERINTENDENT to verify that its employees and subcontractors who may have contact with pupils during the performance of this agreement have not been convicted of serious or violent felonies as defined by statute. Compliance with the statute, or with the fingerprinting requirements, is a condition of this Agreement, and DISTRICT reserves the right to terminate this Agreement at any time for noncompliance.
28. **AVAILABILITY OF FUNDS:** Funds are not presently available for performance under this Agreement beyond June 30 of the fiscal year in which DISTRICT commenced providing services pursuant to this Agreement. No legal liability on the part of the SUPERINTENDENT for any payment may arise for performance under this Agreement beyond such date, unless and until funds are made available to SUPERINTENDENT for performance and DISTRICT receives notice of availability, to be confirmed in writing by SUPERINTENDENT.
29. **RECORDS:** DISTRICT must create or otherwise prepare and maintain, in accordance with generally accepted accounting principles, all financial and other records relating to this Agreement and the services performed or to be performed pursuant to this Agreement as are necessary, appropriate, or required by law (“DISTRICT Records”). DISTRICT Records must be maintained in a logical and consistent manner to facilitate filing and retrieval of documents in particular categories of information. DISTRICT Records must include, without limitation, records relating to payments made by SUPERINTENDENT to DISTRICT. DISTRICT shall at all reasonable times give SUPERINTENDENT, Comptroller General of the United States, and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the services provided or to be provided by DISTRICT pursuant to this Agreement.
30. **DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS:** Each person who has signed this Agreement on behalf of DISTRICT shall be deemed and construed to have thereby certified, to the best of his or her knowledge and belief, that DISTRICT and its principals:
- A. presently are not debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any covered transaction by any federal department or agency;
 - B. within the three-year period preceding the Parties entering into this Agreement have not been convicted or had a civil judgement rendered against them for (i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, (ii) violation of federal or state antitrust statutes, or (iii) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- C. presently are not indicted or otherwise criminally charged by a governmental entity (federal, state or local) with commission of any of the offences described in paragraph B of this section; and
- D. within the three-year period preceding the Parties entering into this Agreement have not had one or more public transactions (federal, state or local) terminated for cause or default.

31. **ANTI-LOBBYING:** If the amount payable to DISTRICT pursuant to this Agreement will or may be in excess of \$100,000, then, each person who has signed this Agreement on behalf of DISTRICT shall be deemed and construed to have thereby certified that DISTRICT will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee or any agency, a member of congress, officer or employee of congress, or an employee of a member of congress in connection with obtaining any federal contract, grant, or any other award covered by the Byrd-Anti-Lobbying Amendment (31 U.S.C. 1352). DISTRICT shall disclose in writing to SUPERINTENDENT any lobbying with non-federal funds, by or on behalf of DISTRICT that takes place in connection with obtaining or attempting to obtain any federal award.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as evidenced by the signatures below of their respective duly-authorized representatives.

Riverside County Superintendent of Schools

Fresno Unified School District

Signed _____
Authorized Signature

Signed _____
Authorized Signature


Division of Student Programs and Services
Printed Name and Title

Printed Name and Title

Date _____

Date _____

APPROVED AS TO FORM


Andrew De La Torre, Executive Director
Benefits & Risk Management

RIVERSIDE COUNTY SUPERINTENDENT OF SCHOOLS
3939 Thirteenth Street
Riverside, CA 92501

AGREEMENT FOR PRESCHOOL LOCAL ASSISTANCE GRANT
Special Education

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 - C. The Parties agree to engage in free professional learning centered on disproportionality, behavior, inclusion and evidence based best practices in early education.
 - D. The Parties shall participate in classroom walkthroughs to include classroom level data collection on a monthly basis February 2022-June 2022 using a pilot tool of best practices.
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 - B. In no event shall the total payment(s) made under this Agreement exceed the sum of **\$30,000.00** without a written authorization from SUPERINTENDENT.
 - C. In the event DISTRICT receives payment for services under this Agreement which is later disallowed by SUPERINTENDENT due to DISTRICT'S nonconformance with the terms and

conditions herein, DISTRICT shall promptly upon request refund the disallowed amount to SUPERINTENDENT or, at its option, SUPERINTENDENT may offset the amount disallowed from any payment due or that becomes due to DISTRICT under any agreement it has with SUPERINTENDENT.

4. **INVOICES:** DISTRICT shall submit invoices to Riverside County Superintendent of Schools, attention: **Accounts Payable**, P.O. Box 868, Riverside, California 92502 or via email to accountspayable@rcoe.us.
5. **SKILLS AND EXPERIENCE:** DISTRICT hereby represents and warrants that it has the skills, experience and knowledge necessary to perform in a competent and timely manner the services to be performed under this Agreement, and DISTRICT acknowledges that SUPERINTENDENT shall rely on such representations by DISTRICT. Acceptance by SUPERINTENDENT of the services performed under this Agreement shall not operate as a release of DISTRICT from responsibility for such services. To the extent DISTRICT assigns the performance of the services to any of its employees, each employee shall, as applicable, hold the proper credentials authorizing him or her to perform such service.
6. **INDEPENDENT CONTRACTOR:** With respect to the services to be performed pursuant to this Agreement, DISTRICT is acting as an independent contractor and not as an agent or employee of SUPERINTENDENT. Any and all personnel performing the services under this Agreement on behalf of DISTRICT shall at all times be under DISTRICT'S exclusive direction and control. DISTRICT shall pay all the wages, salaries and other amounts due such personnel in connection with their performance of service and as required by law. DISTRICT shall be responsible for all reports and obligations respecting such personnel, including but not limited to, social security taxes, income tax withholdings, unemployment insurance, and workers' compensation insurance. With respect to the performance of its obligations hereunder, DISTRICT is subject to the control or direction of SUPERINTENDENT merely as to the results to be accomplished and not as the means and methods for accomplishing such results. If DISTRICT is an entity that does not have a permanent place of business in California or is an individual who does not reside in California, and unless an exception applies, all payments from SUPERINTENDENT to DISTRICT pursuant to this Agreement shall be subject to withholding in accordance with Section 18662 of the California Revenue and Taxation Code and/or other applicable law.
7. **EARNING LIMITATIONS FOR PERS/STRS RETIREES:** The post retirement earning limitations for CalPERS/CalSTRS retirees performing creditable service shall be in accordance with the California Education Code section 2119.50. Compensation in excess of the limitation will result in reduction in the retirement allowance by the amount of compensation that exceeds the earnings limitations. It is the sole obligation of the DISTRICT to ensure that the total sum of the hours works or amount earned does not exceed the limitations and DISTRICT shall hold SUPERINTENDENT harmless of any loss of retirement income due to DISTRICT'S change in exemption status as determined by CalSTRS/CalPERS.
8. **SUBCONTRACT:** DISTRICT shall not subcontract the performance of any of the work or services to be performed pursuant to this Agreement without the prior written approval of SUPERINTENDENT. The foregoing shall not be deemed or constructed to require SUPERINTENDENT approval of: (i) agreements of employment between DISTRICT and its employees; or (ii) of subcontracts with Parties named in the proposal by DISTRICT that resulted in this Agreement.
9. **NON-DISCRIMINATION:** DISTRICT shall not illegally discriminate against any individual, including, without limitation, with respect to the provision of services, allocation of benefits, accommodation in facilities, or employment personnel on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including sexual orientation, gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy-related medical conditions), political belief or affiliation (not union related), military or veteran status, genetic information, or any other characteristic protected under applicable federal, state, or local laws. Harassment, retaliation, intimidation and bullying is also prohibited. DISTRICT shall comply with any and all applicable state, federal and other laws that prohibit discrimination, including, without limitation, Title IV, Title VI and

Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act.

10. **INSURANCE:** At all times during the performance of this Agreement, DISTRICT shall maintain in force such insurance policies as provide the coverage required by this Agreement. **All insurance policies required by this Agreement shall name, or be endorsed to name, the Riverside County Superintendent of Schools as additional insured for the purpose of this Agreement.** The Commercial Liability Policy and the Automobile Policy described below must include a waiver by the insurers of any and all subrogation rights against SUPERINTENDENT. In all cases, DISTRICT'S insurance shall be primary, and any insurance providing coverage for SUPERINTENDENT, the Riverside County Board of Education, and/or their respective officers, employees and/or agents shall be secondary and non-contributing. Prior to commencing the services required pursuant to this Agreement, DISTRICT must provide to SUPERINTENDENT such certificates issued by DISTRICT'S insurer(s) as evidence that the insurance policies required by this Agreement are in full force and effect, and DISTRICT must provide an updated certificate of insurance to SUPERINTENDENT following each renewal and/or update of such policies. Within fifteen days of any request by SUPERINTENDENT, DISTRICT must provide to SUPERINTENDENT a certified copy of any one or more such insurance policies. DISTRICT shall have in effect any and all insurance as may be required by applicable law. However, notwithstanding anything to the contrary, DISTRICT shall, for purposes of the Agreement, have in effect the following minimum levels of insurance coverage:
- A. **Commercial General Liability:** \$1,000,000 combined single limit, on account of bodily injuries, including death resulting therefrom and property damage resulting from any accident which may arise in the operations of DISTRICT in the performance of the work herein provided.
 - B. **Automobile Insurance:** Equal to state minimum requirements shall be obtained for each vehicle(s) used in the performance of the Agreement covering any personal or property damage which may arise in or out of the Agreement obligation.
 - C. **Workers' Compensation Insurance:** If DISTRICT has employees as defined by the State of California, DISTRICT shall maintain statutory Workers' Compensation Insurance as prescribed by the laws of the State of California.
11. **TERMINATION:**
- A. SUPERINTENDENT may terminate this Agreement, in whole or in part, and without need for cause, by giving written notice to DISTRICT stating the extent and effective date of termination. However, if any such termination notice does not set forth a date upon which the termination will take effect, the termination shall take effect on the date that is thirty days after receipt of the notice by DISTRICT. Upon any termination pursuant to this Paragraph A taking effect, DISTRICT shall cease all work and services to the extent specified in the termination notice, and SUPERINTENDENT shall pay DISTRICT, in accordance with this Agreement, for all work and services performed prior to termination.
 - B. DISTRICT shall be in default of its obligations pursuant to this Agreement if DISTRICT refuses or fails to comply, or to timely comply, with any one or more of the provisions of this Agreement. In any such event, SUPERINTENDENT in its sole discretion may provide written notice to DISTRICT setting forth the nature of the default, the actions that DISTRICT must take (if there are any or any are known) in order to cure the default, and the deadline by which DISTRICT must cure the default. If DISTRICT does not cure a default within the time specific in an applicable notice of default, SUPERINTENDENT may terminate this Agreement, in whole or part, by giving written notice of termination to DISTRICT, and the termination shall take place effective immediately upon receipt of such a notice by DISTRICT. In the event of any termination pursuant to this Paragraph B, SUPERINTENDENT may cause the terminated portion of the work to be completed in any manner SUPERINTENDENT deems proper. In the event of any default by DISTRICT or termination by SUPERINTENDENT pursuant to this Paragraph B, neither Party's remedies shall be limited. Notwithstanding anything to the contrary, in connection

with any default by DISTRICT, SUPERINTENDENT in its sole discretion may, by providing written notice to DISTRICT:

1. Discontinue reimbursement to DISTRICT for, and during the period in which DISTRICT is in default, the reimbursement of which DISTRICT shall not be entitled to recover later; and/or
 2. Withholding funds pending a cure for the default; and/or
 3. Offset against any monies billed by DISTRICT but yet unpaid by SUPERINTENDENT.
- C. SUPERINTENDENT may immediately terminate this Agreement upon the occurrence of any circumstances beyond its control including but not limited to acts of God, acts of terrorism, declared disasters, strikes (except those involving Superintendent's employees or agents), civil disorder, or the implementation of any local, state or federal regulations that make it illegal or impossible for SUPERINTENDENT to fulfill its contractual responsibilities or to recognize the full benefit of this Agreement. SUPERINTENDENT shall compensate the other Party for any allowable expense incurred prior to invoking this provision.
12. **WAIVER:** Absent an applicable waiver, no failure by a Party to require compliance by the other Party with any provision or requirement of this Agreement shall be deemed or construed to preclude subsequent enforcement of that or any other provision or requirement of this Agreement. Each waiver of any provision, requirement, or breach of this Agreement must be in writing and signed by the waiving Party. Oral waivers shall not be binding or enforceable. Except as expressly provided in the waiver, a waiver of any provision, requirement, or breach shall not be construed as: (i) a waiver of any other provision, requirement, or breach; or (ii) as a continuing waiver.
13. **FORCE MAJEURE:**
- A. In the event DISTRICT is unable to comply with any provisions of this Agreement due to causes beyond its control such as acts of God, acts of war, civil disorders, and other similar acts, DISTRICT shall not be held liable to SUPERINTENDENT for such failure to comply.
 - B. In the event SUPERINTENDENT is unable to comply with any provisions of this Agreement due to causes beyond its control relating to acts of God, acts of war, civil disorders, or other similar acts, SUPERINTENDENT shall not be held liable to DISTRICT for such failure to comply.
14. **INDEMNIFICATION:** DISTRICT shall save, defend, and hold harmless and indemnify SUPERINTENDENT, the Riverside County Board of Education, and their respective officers, employees and agents, and each of them, with respect to any and all claims, demands, actions, damages, judgements, costs, expenses, (including, without limitation, attorneys' fees), and other liabilities of whatever kind and nature that arise from the negligence, recklessness or willful misconduct of any person in performing work or services pursuant to this Agreement on behalf of DISTRICT, including, without limitation, liabilities attributable to the injury (including death) of any person and/or to the loss or damage of any property. With respect to each act or incident that occurs while this Agreement is in effect, DISTRICT'S obligations pursuant to this section shall survive termination of this Agreement.
15. **ASSIGNMENT:** DISTRICT shall not assign this Agreement or any of its rights or obligations under this Agreement without prior written consent of SUPERINTENDENT, which consent SUPERINTENDENT may grant, condition or deny at its sole discretion. Any assignment by DISTRICT without prior written consent of SUPERINTENDENT shall be void and of no force or effect.
16. **LICENSES/PERMITS:** DISTRICT and, as applicable, each of its employees or agents shall secure and maintain in force at all times while this Agreement is in effect such licenses and permits as are required by law, in connection with the furnishing of materials, supplies, or services to be provided pursuant to this Agreement.
- A. Attention is directed to the provisions of Business and Professions Code, Division 3, which relates to, among other things, the licensing of certain vocations and professions. DISTRICT and, as applicable, the individuals performing the services required by this Agreement must be

licensed, if required, in accordance with the Business and Professions Code and other laws of the State of California.

- B. DISTRICT hereby represents that it has all necessary permits, approvals, certificates, waivers and exemptions necessary for the provision of services hereunder and required by the laws and regulations of the United States, State of California, the County of Riverside and all other appropriate governmental agencies, and DISTRICT warrants that it shall maintain such licenses and permits throughout the term of this Agreement.
17. **CONFLICT OF INTEREST:** DISTRICT covenants that it presently has no interest, including but not limited to, other projects or independent contracts, and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. DISTRICT further covenants that in the performance of this Agreement, no person having any such interest shall be employed or retained by DISTRICT.
18. **DISPUTES:** Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement that is not resolved by agreement of the Parties hereto shall be disposed by SUPERINTENDENT, which shall furnish the decision in writing. The decision of SUPERINTENDENT shall be final and conclusive until determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith. DISTRICT shall in each case proceed diligently with the performance of the Agreement pending SUPERINTENDENT'S decision. As a condition precedent to the filing of any action arising from dispute between the Parties hereto, the Parties shall be obligated to attend and participate in a mediation session with a third party mediator in an attempt to resolve the dispute.
19. **GOVERNING LAW; VENUE; AND SEVERABILITY:** This Agreement shall be governed by and enforced in accordance with the laws of the State of California, notwithstanding any conflict-of-laws, choice-of-laws, or similar provision set forth in any state or federal law. Each action arising from this Agreement shall be filed and conducted only in an applicable state or federal court located in the County of Riverside, California, and the Parties hereto waive any provision of law providing for a change of venue to another location. In the event any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way. Should action be brought to enforce or interpret the provisions of the Agreement, the prevailing Parties shall be entitled to attorneys' fees in addition to whatever other relief is granted.
20. **AVAILABILITY OF FUNDS:** Funds are not presently available for performance under this Agreement beyond June 30 of the fiscal year in which DISTRICT commenced providing services pursuant to this Agreement. No legal liability on the part of the SUPERINTENDENT for any payment may arise for performance under this Agreement beyond such date, unless and until funds are made available to SUPERINTENDENT for performance and DISTRICT receives notice of availability, to be confirmed in writing by SUPERINTENDENT.
21. **COMPLIANCE WITH LAWS AND DIRECTIVES:** Without limiting anything else in this Agreement, DISTRICT must perform the services required by this Agreement in compliance with all applicable federal, state and local laws, regulations, ordinances and other governmental requirements. DISTRICT shall be responsible for ensuring that each of its employees, agents, and other representatives who enter in and upon any of SUPERINTENDENT'S properties fully comply with: (i) all rules, policies or other requirements of SUPERINTENDENT applicable to presence on its property (including, but not limited to, policies prohibiting the use of drugs, alcohol, and tobacco); and (ii) reasonable directives from SUPERINTENDENT'S representatives.
22. **DUE AUTHORITY:** Each person that has signed this Agreement on behalf of a Party hereby represents that he or she has been duly authorized by that Party to sign, and thereby bind that Party to this Agreement.

23. **ENTIRE AGREEMENT:** This Agreement, including any attachments, exhibits, or documents incorporated herein, constitutes the entire understanding and agreement between Parties hereto with respect to the subject matter hereof and no prior or contemporaneous agreements of any kind or nature relating to the same shall be deemed to be merged herein.
24. **AMENDMENTS:** This Agreement may only be amended in writing by the mutual consent of the Parties hereto, except that SUPERINTENDENT may amend this Agreement to accomplish the below-listed changes:
- A. Increases in dollar amounts.
 - B. Administrative changes that do not affect the contractual rights of the Parties.
 - C. Changes as required by law.
25. **NOTICES:** All correspondence and notices required or contemplated by this Agreement shall be delivered to the respective Parties at the addresses set forth below. Each notice shall be deemed to have been given or served only upon actual receipt by the addressee, and notices may be delivered by one of the following methods: (i) registered or certified United States Mail, postage prepaid by sender and return receipt requested; (ii) FedEx, U.P.S. or other reliable private delivery service, delivery charge paid by sender and signature on delivery receipt required; or (iii) personal delivery, delivery charge paid by sender and signature on delivery receipt required.

SUPERINTENDENT:
Riverside County Office of Education
Contracts and Purchasing Services
3939 Thirteenth Street
Riverside, CA 92501-0868

DISTRICT:
Fresno Unified School District
2309 Tulare Street
Fresno, CA 93721

26. **MANDATED REPORTING:** The following provisions are included in this Agreement because SUPERINTENDENT has determined that one or more of the officers, employees and/or agents of DISTRICT will be “mandated reporters” pursuant to Section 11165.7 of the Penal Code. In accordance with the Child Abuse and Neglect Reporting Act (i.e. Penal Code Section 11164-11174.3), mandated reporters must report suspected child abuse or neglect. In accordance with that Act, when the victim is a child (a person under the age of 18) and the perpetrator is any person (including a child), the following types of abuse must be reported by all legally mandated reporters.
- A. Physical abuse described as physical injury inflicted by other than accidental means on a child, or intentionally injuring a child. (PC 11165.6)
 - B. Child sexual abuse includes sexual assault or sexual exploitation of anyone under the age of 18. Sexual assault includes sex acts with children, intentional masturbation in the presence of children, and child molestation. Sexual exploitation includes preparing, selling, or distributing pornographic materials involving children in performances involving obscene sexual conduct; and child prostitution. (PC 11165.1)
 - C. Willful cruelty or unjustified punishment (PC 1165.3) includes inflicting or permitting unjustifiable physical pain or mental suffering, or the endangerment of the child’s person or health. “Mental suffering” in and of itself is not required to be reported; however, it may be reported. Penal Code Section 11166.05 provides that; “Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.” (The specified agencies include any police department, sheriff’s department, county probation department, if designated by the county to receive mandated reports, or the county welfare department.)

- D. Unlawful corporal punishment or injury described as the willful infliction on a child of cruel or inhuman corporal punishment or injury resulting in a traumatic condition. (PC 11165.4)
 - E. Neglect of a child, whether “severe” or “general”, must also be reported if the perpetrator is a person responsible for the child’s welfare. It includes both acts and omission that harm or threaten to harm the child’s health or welfare. “General neglect” means the failure of a caregiver of a child to provide adequate food, clothing, shelter, medical care, or supervision, where no physical injury to the child has occurred. “Severe neglect” means the negligent failure by a caregiver to protect a child from severe malnutrition or medically-diagnosed nonorganic failure to thrive. “Severe neglect” also includes the caregiver willfully causing or permitting a child to be in situations that endanger the child or the child’s health, including, among others, the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care. (PC 11165.2)
 - F. Any of the above types of abuse or neglect occurring in out-of-home care must also be reported. (PC 11165.5)
27. **CRIMINAL BACKGROUND CHECKS FOR SUPERINTENDENT:** Education Code section 45125.1 and 45125.2 requires SUPERINTENDENT to verify that its employees and subcontractors who may have contact with pupils during the performance of this agreement have not been convicted of serious or violent felonies as defined by statute. Compliance with the statute, or with the fingerprinting requirements, is a condition of this Agreement, and DISTRICT reserves the right to terminate this Agreement at any time for noncompliance.
28. **AVAILABILITY OF FUNDS:** Funds are not presently available for performance under this Agreement beyond June 30 of the fiscal year in which DISTRICT commenced providing services pursuant to this Agreement. No legal liability on the part of the SUPERINTENDENT for any payment may arise for performance under this Agreement beyond such date, unless and until funds are made available to SUPERINTENDENT for performance and DISTRICT receives notice of availability, to be confirmed in writing by SUPERINTENDENT.
29. **RECORDS:** DISTRICT must create or otherwise prepare and maintain, in accordance with generally accepted accounting principles, all financial and other records relating to this Agreement and the services performed or to be performed pursuant to this Agreement as are necessary, appropriate, or required by law (“DISTRICT Records”). DISTRICT Records must be maintained in a logical and consistent manner to facilitate filing and retrieval of documents in particular categories of information. DISTRICT Records must include, without limitation, records relating to payments made by SUPERINTENDENT to DISTRICT. DISTRICT shall at all reasonable times give SUPERINTENDENT, Comptroller General of the United States, and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the services provided or to be provided by DISTRICT pursuant to this Agreement.
30. **DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS:** Each person who has signed this Agreement on behalf of DISTRICT shall be deemed and construed to have thereby certified, to the best of his or her knowledge and belief, that DISTRICT and its principals:
- A. presently are not debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any covered transaction by any federal department or agency;
 - B. within the three-year period preceding the Parties entering into this Agreement have not been convicted or had a civil judgement rendered against them for (i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, (ii) violation of federal or state antitrust statutes, or (iii) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- C. presently are not indicted or otherwise criminally charged by a governmental entity (federal, state or local) with commission of any of the offences described in paragraph B of this section; and
- D. within the three-year period preceding the Parties entering into this Agreement have not had one or more public transactions (federal, state or local) terminated for cause or default.

31. **ANTI-LOBBYING:** If the amount payable to DISTRICT pursuant to this Agreement will or may be in excess of \$100,000, then, each person who has signed this Agreement on behalf of DISTRICT shall be deemed and construed to have thereby certified that DISTRICT will not and has not used federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee or any agency, a member of congress, officer or employee of congress, or an employee of a member of congress in connection with obtaining any federal contract, grant, or any other award covered by the Byrd-Anti-Lobbying Amendment (31 U.S.C. 1352). DISTRICT shall disclose in writing to SUPERINTENDENT any lobbying with non-federal funds, by or on behalf of DISTRICT that takes place in connection with obtaining or attempting to obtain any federal award.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as evidenced by the signatures below of their respective duly-authorized representatives.

Riverside County Superintendent of Schools

Fresno Unified School District

Signed _____
Authorized Signature

Signed _____
Authorized Signature


Division of Student Programs and Services
Printed Name and Title

Printed Name and Title

Date _____

Date _____

APPROVED AS TO FORM


Andrew De La Torre, Executive Director
Benefits & Risk Management

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-13

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Ratify

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Ratify Change Orders for the Projects Listed Below

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

Bid 21-10, Ewing Elementary School Early Learning Buildings and Parking Lot Improvements, Change Order 3 includes but may not be limited to: modify teaching wall raceway; cap existing irrigation piping; add light switch; and credit to remove from scope trees at street median, asphalt seal coat, and soundboard not installed.

| | | |
|--|----|-----------|
| Original Contract Amount: | \$ | 4,189,000 |
| Change Order(s) previously ratified: | \$ | 37,735 |
| Change Order 3 presented for ratification: | \$ | - 14,818 |
| New Purchase Order Amount: | \$ | 4,211,917 |

Bid 21-35, Jackson Elementary School Multipurpose Building Reconstruction, Change Order 3 includes but may not be limited to: add roll-up door enclosure; relocate fire sprinkler underground service; add sound deadening panels; modify rain leader piping; add vision lights to office doors; and increase contract duration 10 calendar days.

| | | |
|--|----|-----------|
| Original Contract Amount: | \$ | 3,203,500 |
| Original Contract Amount (MPR): | \$ | 3,123,500 |
| Change Order(s) previously ratified (MPR): | \$ | 15,360 |
| Change Order 3 presented for ratification (MPR): | \$ | 92,007 |
| New Purchase Order Amount (MPR): | \$ | 3,230,867 |
| Original Contract Amount (Shade Structure): | \$ | 80,000 |
| Change Order(s) previously ratified (Shade Structure): | \$ | 7,595 |
| New Purchase Order Amount (Shade Structure): | \$ | 87,595 |

Bid 20-49, Juan Felipe Herrera New Elementary School, Change Orders 6 and 7 include but may not be limited to: add reinforcing steel; replace existing feeds and relocate city street lights; add fencing at preschool entry; add flashing at skylights; add smoke detectors; modify early learning play area and provide rubber tile surface; relocate wall phones; modify casework at Library and Principal's Office; add wall at base of Bldg. B stairs; add roof hatch rail; modify vaults in city sidewalk; and regrade field areas.

| | |
|--|---------------|
| Original Contract Amount: | \$ 37,621,226 |
| Change Order(s) previously ratified: | \$ 821,875 |
| Change Order 6 and 7 presented for ratification: | \$ 919,542 |
| New Purchase Order Amount: | \$ 39,362,643 |

All requests for a change to the project are subject to multiple layers of review and evaluation, by both the project team (designer, contractor, DSA inspector, project manager) and district management. Final approval for modification to the contract, resulting in a change order, is by the district. Each item in a change order is the result of one of the following: district request; unknown, unforeseen, or hidden condition; designer error/omission; or regulatory requirement. Change order costs are tracked by item and responsibility identified. Change orders can also include credits to the district. A Project Financial Summary is attached to each change order in the backup material.

FINANCIAL SUMMARY: \$1,011,549 is available in the Measure X Fund for Bid 21-35 and 20-49.


PREPARED BY: Ann Loorz,
Executive Director, Purchasing

DIVISION: Operational Services
PHONE NUMBER: (559) 457-3134

CABINET APPROVAL: Karin Temple,
Chief Operating Officer

SUPERINTENDENT APPROVAL:







CHANGE ORDER

PROJECT NAME:

New K Building at Ewing Elementary School
 4873 East Olive Ave.
 Fresno, CA 93727

CHANGE ORDER No. :**003**

DSA File No. :

10-48

Application No. :

02-117886

CONTRACTOR :

Divcon Incorporated
 2882 Larkin Ave. Suite. B
 Clovis, CA 93612

DESIGNER'S PROJECT No. :

1711

FUSD BID/CONTRACT No. :

21-10

CONTRACTOR P.O. No. :

696158

Change Order not valid until signed by Designer, Contractor and Owner. The Contract is changed as follows:

| | | |
|--|-------------------|--------------|
| The original Contract Sum was | \$ | 4,189,000.00 |
| Net change by previously authorized Change Orders | \$ | 37,734.32 |
| The Contract Sum prior to this Change Order was | \$ | 4,226,734.32 |
| The Contract Sum will be adjusted by | \$ | (14,817.98) |
| The new Contract Sum, including this Change Order will be | \$ | 4,211,916.34 |
| The Contract Completion date prior to this Change Order was | | 16-Dec-21 |
| The Contract Time will be adjusted by | (0) Calendar Days | |
| The new Contract Completion date, including this Change Order is therefore | | 16-Dec-21 |

NOTE: Contractor agrees to furnish all labor and materials and perform all of the work described herein, in accordance with the above terms and in compliance with the Contract Documents. The amount of the charges under this Change Order is limited to the charges allowed under the General Requirements. The adjustment in the Contract Sum, if any, and the adjustment in the Contract Time, if any, set out in this Change Order shall constitute the entire compensation and/or adjustment in the Contract Time and Contract Sum due to the Contractor arising out of the change in the work covered by this Change Order.

Recommended by:

TAM Architects, LLP.
 6781 N. Palm Ave, Suite 120
 Fresno, CA 93704

ARCHITECT/ENGINEER:



By: Jared Ramirez

Date: 1.31.2021

Accepted by:

Divcon Incorporated
 2882 Larkin Ave. Suite. B
 Clovis, CA 93612

CONTRACTOR:

John Gandy
Digitally signed by John Gandy
 DN: cn=John Gandy, o=Divcon Inc., email=jgandy@divcon.com, c=USA

By: John Gandy

Date: 1/29/22

Authorized by:

Fresno Unified School District
 4600 N. Brawley
 Fresno, CA 93722

OWNER:



By: Alex Belanger

Date: 2/04/22

You are directed to make the following changes in this Contract:

Item 3-1 **DESCRIPTION OF CHANGE:**
 Provide a one gang plaster ring behind location for speaker with 3/4" conduit to point above ceiling in lieu of wire molding. Provide blocking for tv at teaching wall, typical at five classrooms K1-K5.
REASON FOR CHANGE:
 Classroom technology electrical rough-in change to accomodate display monitors in lieu of smartbords.

CHANGE CATEGORY:
 Designer E & O.

DOCUMENT REFERENCE:
 MOC 003

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 5,783.69 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 3-2 **DESCRIPTION OF CHANGE:**
 Remove from contract scope two irrigation control valves, lateral piping and nine trees at Olive Ave drop off lane median.
REASON FOR CHANGE:
 Trees and irrigation omitted in high traffic area to avoid future maintenance issues.

CHANGE CATEGORY:
 District and Designer

DOCUMENT REFERENCE:
 RFQ 006

| | | |
|--|--------------------|-------------------|
| Amount of this Change Order Item: | Decrease \$ | (6,523.86) |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 3-3 **DESCRIPTION OF CHANGE:**
 Omitt seal coat for AC paving at student drop off and paving on Olive Ave.
REASON FOR CHANGE:
 Scope reduced to accommodate construction schedule.

CHANGE CATEGORY:
 District and Designer

DOCUMENT REFERENCE:
 MOC 006

| | | |
|--|--------------------|-------------------|
| Amount of this Change Order Item: | Decrease \$ | (8,062.00) |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

You are directed to make the following changes in this Contract:

Item 3-4 **DESCRIPTION OF CHANGE:**
Remove and cap abandoned irrigation lines at new trash enclosures.

REASON FOR CHANGE:
Abandoned irrigation interferes with new site work.

CHANGE CATEGORY:
Unknown, Unforeseeable, Hidden condition.

DOCUMENT REFERENCE:
RFI 076, OTP 008

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 2,500.00 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 3-5 **DESCRIPTION OF CHANGE:**
Provide light switch at exterior door in room K4.

REASON FOR CHANGE:
Light switch for room lights not shown on contract documents.

CHANGE CATEGORY:
Designer E & O.

DOCUMENT REFERENCE:
RFI 090

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 1,065.78 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 3-6 **DESCRIPTION OF CHANGE:**
Provide labor and equipment to remove main switchboard covers for review by electrical engineer.

REASON FOR CHANGE:
Connection location included in contract documents not available in existing electrical panel.

CHANGE CATEGORY:
Designer E & O.

DOCUMENT REFERENCE:
RFQ 005, OTP 001

| | | |
|--|--------------------|---------------|
| Amount of this Change Order Item: | Increase \$ | 417.45 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

*** CONTINUED ***



CHANGE ORDER

You are directed to make the following changes in this Contract:

Item 3-7

DESCRIPTION OF CHANGE:

Provide credit for labor and materials to omit (2) layers of sound deading board, and (1) layer of Gypsom board from side 2 as indicated on detail 3/A9.6.

REASON FOR CHANGE:

Details for how to install the finishes at the Hollow Metal Door frames located in the sound wall were not shown on plans.

CHANGE CATEGORY:

District and Designer

DOCUMENT REFERENCE:

RFI 072

Amount of this Change Order Item:

Decrease \$ (9,999.04)

Time adjustment by this Change Order Item:

Increase 0 Days

TOTAL CONTRACT SUM ADJUSTMENT BY THIS CHANGE ORDER:

DECREASE \$ (14,817.98)

TOTAL CONTRACT TIME ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE 0 DAYS

***** End of CHANGE ORDER *****



Project Financial Summary

Facilities Management & Planning

Project Name: Ewing ES Early Learning Building & Parking Lot Improvements

DSA #: 02-117886

BID #: 21-10

Date: 2/4/22

Contractor: Divcon Inc.

Architect: TAM Architects

Change Order: 3

Contract Summary:

| | | | |
|--------------------------------|-----|----|---------------------|
| Bid Award Amount(s) | | | |
| Base Bid: | | \$ | 4,189,000.00 |
| Additive Alternate 1: | N/A | \$ | - |
| Additive Alternate 2: | N/A | \$ | - |
| Additive Alternate 3: | N/A | \$ | - |
| Additive Alternate 4: | N/A | \$ | - |
| Total Agreement Amount: | | \$ | <u>4,189,000.00</u> |

Contract Adjustments:

| | | | | | | | | | | | | |
|---|---------------------------|---|------------------------------------|---------------------------|--------------------------|--------------------|----|-----------|------|----|--------------|--------------|
| Total Contract Amount | | | | | | | | | | \$ | 4,189,000.00 | |
| Contract Adjustments: | <u>District Requested</u> | <u>Governing agency req'd change post-bid</u> | <u>Unknown, unforeseen, hidden</u> | <u>Designer E & O</u> | <u>District/Designer</u> | <u>Total</u> | | | | | | |
| CO #001 | \$ - | \$ - | \$ 29,212.64 | \$ - | \$ - | \$ 29,212.64 | | | | | | |
| CO #002 | \$ 1,325.64 | \$ 6,891.85 | \$ - | \$ 882.97 | \$ (578.78) | \$ 8,521.68 | | | | | | |
| CO #003 | \$ - | \$ - | \$ 2,500.00 | \$ 7,266.92 | \$ (24,584.90) | \$ (14,817.98) | | | | | | |
| CO #000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | | |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | | |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | | |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | | |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | | |
| Totals: | \$ 1,325.64 | 0.0% \$ 6,891.85 | 0.2% \$ 31,712.64 | 0.8% \$ 8,149.89 | 0.2% \$ (25,163.68) | -0.6% \$ 22,916.34 | \$ | 22,916.34 | 0.5% | \$ | 4,211,916.34 | |
| Total Contract Amount with Adjustments | | | | | | | | | | | \$ | 4,211,916.34 |



CHANGE ORDER

PROJECT NAME:

Jackson Elementary School Multi-purpose Building
 3750 E. Platt Avenue
 Fresno, CA 93702

CHANGE ORDER No. :**003**

DSA File No. :

10-H8

Application No. :

02-118217**CONTRACTOR :**

BVI Construction, Inc.
 5750 E. Shields Avenue, #102
 Fresno, CA 93727

DESIGNER'S PROJECT No. :**5322****FUSD BID/CONTRACT No. :****21-35****CONTRACTOR P.O. No. :****701683**

Change Order not valid until signed by Designer, Contractor and Owner. The Contract is changed as follows:

| | | |
|--|--------------------|--------------|
| The original Contract Sum was | \$ | 3,123,500.00 |
| Net change by previously authorized Change Orders | \$ | 15,359.27 |
| The Contract Sum prior to this Change Order was | \$ | 3,138,859.27 |
| The Contract Sum will be adjusted by | \$ | 92,006.85 |
| The new Contract Sum, including this Change Order will be | \$ | 3,230,866.12 |
| The Contract Completion date prior to this Change Order was | | 13-May-22 |
| The Contract Time will be adjusted by | (10) Calendar Days | |
| The new Contract Completion date, including this Change Order is therefore | | 23-May-22 |

NOTE: Contractor agrees to furnish all labor and materials and perform all of the work described herein, in accordance with the above terms and in compliance with the Contract Documents. The amount of the charges under this Change Order is limited to the charges allowed under the General Requirements. The adjustment in the Contract Sum, if any, and the adjustment in the Contract Time, if any, set out in this Change Order shall constitute the entire compensation and/or adjustment in the Contract Time and Contract Sum due to the Contractor arising out of the change in the work covered by this Change Order.

Recommended by:

Integrated Designs
 6011 N. Fresno St. #130
 Fresno, CA 93710

ARCHITECT/ENGINEER:By: Curtis FlynnDate: 2-9-22**Accepted by:**

BVI Construction, Inc.
 5750 E. Shields Avenue, #102
 Fresno, CA 93727

CONTRACTOR:By: Ken GreyDate: 2-9-22**Authorized by:**

Fresno Unified School District
 4600 N. Brawley
 Fresno, CA 93722

OWNER:By: Alex Belanger | Asst. Sup.Date: 2/10/2022

You are directed to make the following changes in this Contract:

Item 3-1

DESCRIPTION OF CHANGE:

Labor and Material to remove one exterior hand sink. Labor and material to install a lockable roll-up door with motor to secure the sinks and hand dryers after hours. Labor to relocate two (2) electric dryers into the secure space.

REASON FOR CHANGE:

District requested a lockable roll-up door to secure the wash stations, soap dispensers & electric dryers that would be exposed to the elements in the current design

CHANGE CATEGORY:

District requested change.

DOCUMENT REFERENCE:

RFP 5; PCO 14.4

Amount of this Change Order Item:

Increase \$ 34,913.00

Time adjustment by this Change Order Item:

Increase 0 Days

Item 3-2

DESCRIPTION OF CHANGE:

Fire Sprinkler service chages : relocate fire department connection from city righ-of-way to building sprinkler riser. Remove previously installed backflow preventer and install detector check valve per City of Fresno STD drawings W-16, W-17, and W-18 - returned slaviged backflow preventer to District

REASON FOR CHANGE:

Contracto documents showed installation of fire service components in the City of Fresno Right-of-way instead of behind the property line as required by City standard drawings.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

CCD 5; PCO 22

Amount of this Change Order Item:

Increase \$ 24,729.24

Time adjustment by this Change Order Item:

Increase 0 Days

Item 3-3

DESCRIPTION OF CHANGE:

Change concrete tile fasteners from galvanized steet to stainless steel.

REASON FOR CHANGE:

DSA Requires stainless steel nails and wires at locations that come in contact with the concrete roofing tiles.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

PCO 26; RFP 18

Amount of this Change Order Item:

Increase \$ 1,003.20

Time adjustment by this Change Order Item:

Increase 0 Days

Item 3-4

DESCRIPTION OF CHANGE:

Multi-use room 12, all four walls - delete tack board and add 2x12 painted trim and tectum panels from bottom of clerestory windows to ceiling.

REASON FOR CHANGE:

Sound attenuation panels not included in contract documents.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

RFP 3; PCO 27

Amount of this Change Order Item:

Increase \$ 24,952.53

Time adjustment by this Change Order Item:

Increase 10 Days

Item 3-5

DESCRIPTION OF CHANGE:

Modify rain leader piping at west canopy to turn into canopy framing. Extend canopy framing, and finish to cover all exposed pipe.

REASON FOR CHANGE:

Downspout location was not coordinated in drawing set.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

RFI No 76; PCO 29

Amount of this Change Order Item:

Increase \$ 1,664.50

Time adjustment by this Change Order Item:

Increase 0 Days

Item 3-6

DESCRIPTION OF CHANGE:

Labor and material to remove door viewers and add vision lites in the five (5) offices doors located on the north side of the MPR. (Door 101, 102, 103A, 104 & 105A) Stainless steel guardrails added between adjacent office doors.

REASON FOR CHANGE:

Doors were specified without lites; lites (windows were added to doors 101, 102, 103A, 104, 105A. Also, as doors opened 90 degrees from each other, guardrails installed between the doors to avoid collisions with the adjacent open door.

CHANGE CATEGORY:

District requested change.

DOCUMENT REFERENCE:

RFP 2 & 8; PCO 25

Amount of this Change Order Item:

Increase \$ 4,744.38

Time adjustment by this Change Order Item:

Increase 0 Days

TOTAL CONTRACT SUM ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE \$ 92,006.85

TOTAL CONTRACT TIME ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE 10 DAYS

*** End of CHANGE ORDER ***



Project Financial Summary

Facilities Management & Planning

Project Name: Jackson Elementary School
DSA #: Shade Structure: 02-119079
DSA #: Multi-Purpose: 02-118217
BID #: 21-35

Date: 10-Feb-22
Contractor: BVI Construction, Inc
Architect: Integrated Designs
Change Order: 003

Contract Summary:

| Bid Award Amount(s) | | | |
|--------------------------------|----------------------------------|-----------|---------------------|
| Base Bid: | Multi-Purpose | \$ | 3,012,000.00 |
| Base Bid: | Shade Structure | \$ | 80,000.00 |
| Additive Alternate 1: | Thin Brick Veneer | \$ | 37,600.00 |
| Additive Alternate 2: | Decorative Metal Fence and Gates | \$ | 73,900.00 |
| Additive Alternate 3: | | \$ | - |
| Additive Alternate 4: | | \$ | - |
| Total Agreement Amount: | | \$ | 3,203,500.00 |

Contract Adjustments:

| Total Contract Amount | | | | | | | | \$ | 3,203,500.00 |
|---|---------------------|---|-----------------------------|------------------------|-------------------------|-------------------------|----------------------|---------------------|--------------|
| Contract Adjustments: | District Requested | Governing agency req'd change post-bid | Unknown, unforeseen, hidden | Designer E & O | District/Designer | Total | | | |
| Shade Structure CO #001 | \$ 3,794.55 | \$ - | \$ 3,800.04 | \$ - | \$ - | \$ 7,594.59 | | | |
| MPR CO #001 | \$ 403.70 | \$ - | \$ - | \$ 3,472.70 | \$ - | \$ 3,876.40 | | | |
| MPR CO #002 | \$ 7,487.71 | \$ - | \$ - | \$ 8,783.21 | \$ (4,788.05) | \$ 11,482.87 | | | |
| MPR CO #003 | \$ 39,657.38 | \$ - | \$ - | \$ 52,349.47 | \$ - | \$ 92,006.85 | | | |
| MPR CO #004 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | |
| MPR CO #005 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | |
| | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | |
| Totals: | \$ 51,343.34 | 2% \$ - | 0% \$ 3,800.04 | 0% \$ 64,605.38 | 2% \$ (4,788.05) | 0% \$ 114,960.71 | \$ 114,960.71 | 3.6% | |
| Total Contract Amount with Adjustments | | | | | | | \$ | 3,318,460.71 | |



CHANGE ORDER

PROJECT NAME:
Juan Felipe Herrera Elementary School

| | |
|--------------------|-----------|
| CHANGE ORDER No. : | 006 |
| DSA File No. : | 10-48 |
| Application No. : | 02-117109 |

CONTRACTOR :
Davis Moreno Construction, Inc.
4720 N. Blythe
Fresno CA 93722

| | |
|--------------------------|--------|
| DESIGNER'S PROJECT No. : | 1749 |
| FUSD BID/CONTRACT No. : | 20-49 |
| CONTRACTOR P.O. No. : | 608393 |

Change Order not valid until signed by Designer, Contractor and Owner. The Contract is changed as follows:

| | |
|--|-------------------|
| The original Contract Sum was | \$ 37,621,226.00 |
| Net change by previously authorized Change Orders | \$ 821,874.99 |
| The Contract Sum prior to this Change Order was | \$ 38,443,100.99 |
| The Contract Sum will be adjusted by | \$ 856,651.63 |
| The new Contract Sum, including this Change Order will be | \$ 39,299,752.62 |
| The Contract Completion date prior to this Change Order was | 3/1/2022 |
| The Contract Time will be adjusted by | (0) Calendar Days |
| The new Contract Completion date, including this Change Order is therefore | 3/1/2022 |

NOTE: Contractor agrees to furnish all labor and materials and perform all of the work described herein, in accordance with the above terms and in compliance with the Contract Documents. The amount of the charges under this Change Order is limited to the charges allowed under the General Requirements. The adjustment in the Contract Sum, if any, and the adjustment in the Contract Time, if any, set out in this Change Order shall constitute the entire compensation and/or adjustment in the Contract Time and Contract Sum due to the Contractor arising out of the change in the work covered by this Change Order.

Recommended by:
Darden Architects, Inc.
6790 N. West Avenue
Fresno, CA 93711
ARCHITECT/ENGINEER:

By: Antonio J. Avila AIA
Date: 12/10/2021

Accepted by:
Davis Moreno Const. Inc
4720 N. Blythe
Fresno CA 93722
CONTRACTOR:

By: Stephen Davis
Date: 12/30/2021

Authorized by:
Fresno Unified School District
4600 N. Brawley
Fresno, CA 93722
OWNER:

By: Alex Belanger
Date: 12/30/2021

You are directed to make the following changes in this Contract:

Item 6-1 **DESCRIPTION OF CHANGE:**
Provide additional reinforcing steel (4) #4 ASTM A-706 bars welded to column base plates. 8 locations at building C and 3 locations building D.

REASON FOR CHANGE:
Additional reinforcing steel required by structural engineer.

CHANGE CATEGORY:
Designer E & O.

DOCUMENT REFERENCE:
CCR 059

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 8,421.98 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 6-2 **DESCRIPTION OF CHANGE:**
Offsite street lighting plan revisions at Church Ave.: Remove and replace sidewalk along north side of Church Ave. Install new conduit and wire to power street lights on north and south sides of Church Ave. Saw-cut, hydro-excavate and backfill conduit at two street crossings. Replace existing street light poles and install foundation upgrades.

REASON FOR CHANGE:
City of Fresno requirement for street light revisions.

CHANGE CATEGORY:
Governing agency required change after document approval.

DOCUMENT REFERENCE:
CCR 066-R1

| | | |
|--|--------------------|-------------------|
| Amount of this Change Order Item: | Increase \$ | 271,229.92 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 6-3 **DESCRIPTION OF CHANGE:**
Provide additional ornamental fencing, gates, concrete walks, and irrigation sleeving at Pre-school entrance.

REASON FOR CHANGE:
Staff requested a low fence around Pre-school entrances to provide check-in/out area adjacent to vehicle traffic.

CHANGE CATEGORY:
District Requested change.

DOCUMENT REFERENCE:
CCR 080-R1

| | | |
|--|--------------------|------------------|
| Amount of this Change Order Item: | Increase \$ | 33,800.64 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 6-4

DESCRIPTION OF CHANGE:

Provide Perimeter flashing with cleat around skylight opening between building A and B - Boot flashing at both ends of steel framing across skylight opening - Cap flashing with cleat at steel framing across skylight opening. Ice and water shield under perimeter and cap flashing. Add gravel stop style flashing at skylight openings.

REASON FOR CHANGE:

To provide sheet metal cap and flashing not shown in project documents.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

SI 20

Amount of this Change Order Item:

Increase \$ 15,301.20

Time adjustment by this Change Order Item:

Increase 0 Days

Item 6-5

DESCRIPTION OF CHANGE:

Relocation of HVAC duct work at stage.

REASON FOR CHANGE:

To resolve conflict between curtain track and HVAC duct work at stage.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

CCR 086

Amount of this Change Order Item:

Increase \$ 2,065.73

Time adjustment by this Change Order Item:

Increase 0 Days

Item 6-6

DESCRIPTION OF CHANGE:

Relocate irrigation control valves and quick disconnect and delete section of mainline north of Admin. office.

REASON FOR CHANGE:

Consultant recommendation to streamline system operation.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

CCR 087

Amount of this Change Order Item:

Decrease \$ (1,416.38)

Time adjustment by this Change Order Item:

Increase 0 Days

Item 6-7

DESCRIPTION OF CHANGE:

Slope exterior curb at building A2 handicap ramp access.

REASON FOR CHANGE:

Structural drawing section indicates stepped footing and should be sloped.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

CCR 090

| | | |
|--|--------------------|---------------|
| Amount of this Change Order Item: | Increase \$ | 780.78 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 6-8

DESCRIPTION OF CHANGE:

Add separate smoke detector at locations calling for combination smoke/CO detector.

REASON FOR CHANGE:

Manufacturer, Potter, does not carry a combo smoke/CO detector and a separate smoke and CO detector needs to be provided

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

CCR 094

| | | |
|--|--------------------|------------------|
| Amount of this Change Order Item: | Increase \$ | 19,178.71 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 6-9

DESCRIPTION OF CHANGE:

Revise Early Learning Play area to include additional play elements and provide rubber tile surfacing with rat slab in lieu of fiber material. Include drainage with drywell.

REASON FOR CHANGE:

Revisions to Early Learning Play area to better suit the needs of the students.

CHANGE CATEGORY:

District Requested change.

DOCUMENT REFERENCE:

CCR 088-R1

| | | |
|--|--------------------|-------------------|
| Amount of this Change Order Item: | Increase \$ | 181,650.90 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 6-10

DESCRIPTION OF CHANGE:

Revise Play Structure Play area to include additional play elements and provide rubber tile surfacing with rat slab in lieu of fiber material. Include drainage with drywell.

REASON FOR CHANGE:

Revisions to Play Struture Play area to better suit the needs of the students.

CHANGE CATEGORY:

District Requested change.

DOCUMENT REFERENCE:

CCR 091

Amount of this Change Order Item:

Increase \$ 325,638.15

Time adjustment by this Change Order Item:

Increase 0 Days

TOTAL CONTRACT SUM ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE \$ 856,651.63

TOTAL CONTRACT TIME ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE DAYS

*** End of CHANGE ORDER ***



Project Financial Summary

Facilities Management & Planning

Project Name: Juan Felipe Herrera Elementary School

Date: 1/31/22

Contractor: Davis Moreno

DSA #: 02-117109

Architect: Darden

BID #: 20-49

Change Order: 6

Contract Summary:

| | | | |
|--------------------------------|------------------------|----|----------------------|
| Bid Award Amount(s) | | | |
| Base Bid: | | \$ | 34,299,000.00 |
| Additive Alternate 1: | Primary Care Building | \$ | 1,947,805.00 |
| Additive Alternate 2: | Restroom / Snack Bar | \$ | 1,008,705.00 |
| Additive Alternate 3: | Southeast Parking Lot | \$ | 218,106.00 |
| Additive Alternate 4: | East Baseball Backstop | \$ | 147,610.00 |
| Total Agreement Amount: | | \$ | <u>37,621,226.00</u> |

Contract Adjustments:

| | | | | | | | | | | | |
|---|---------------------------|---|------------------------------------|---------------------------|--------------------------|-----------------------------|------------------------|-----------------------------|--|----|---------------|
| Total Contract Amount | | | | | | | | | | \$ | 37,621,226.00 |
| Contract Adjustments: | <u>District Requested</u> | <u>Governing agency req'd change post-bid</u> | <u>Unknown, unforeseen, hidden</u> | <u>Designer E & O</u> | <u>District/Designer</u> | <u>Total</u> | | | | | |
| CO #001 | \$ 5,965.96 | \$ - | \$ 4,733.52 | \$ 44,985.70 | \$ - | \$ 55,685.18 | | | | | |
| CO #002 | \$ 37,621.31 | \$ - | \$ - | \$ 86,974.79 | \$ (857.04) | \$ 123,739.06 | | | | | |
| CO #003 | \$ 111,751.34 | \$ 76,302.21 | \$ - | \$ 71,415.28 | \$ - | \$ 259,468.83 | | | | | |
| CO #004 | \$ 14,500.25 | \$ - | \$ - | \$ 69,142.67 | \$ - | \$ 83,642.92 | | | | | |
| CO#005 | \$ 275,098.66 | \$ 124.95 | \$ - | \$ 24,115.39 | \$ - | \$ 299,339.00 | | | | | |
| CO#006 | \$ 541,089.69 | \$ 271,229.92 | \$ - | \$ 44,332.02 | \$ - | \$ 856,651.63 | | | | | |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | | | | |
| Totals: | \$ 986,027.21 | 2.6% \$ 347,657.08 | 0.9% \$ 4,733.52 | 0.0% \$ 340,965.85 | 0.9% \$ (857.04) | 0.0% \$ 1,678,526.62 | \$ 1,678,526.62 | 4.5% | | | |
| Total Contract Amount with Adjustments | | | | | | | \$ | <u>39,299,752.62</u> | | | |



CHANGE ORDER

PROJECT NAME:
Juan Felipe Herrera Elementary School

CHANGE ORDER No. : 007

DSA File No. : 10-48

Application No. : 02-117109

CONTRACTOR :
Davis Moreno Construction, Inc.
4720 N. Blythe
Fresno CA 93722

DESIGNER'S PROJECT No. : 1749

FUSD BID/CONTRACT No. : 20-49

CONTRACTOR P.O. No. : 608393

Change Order not valid until signed by Designer, Contractor and Owner. The Contract is changed as follows:

| | |
|--|-------------------|
| The original Contract Sum was | \$ 37,621,226.00 |
| Net change by previously authorized Change Orders | \$ 1,678,526.62 |
| The Contract Sum prior to this Change Order was | \$ 39,299,752.62 |
| The Contract Sum will be adjusted by | \$ 62,889.82 |
| The new Contract Sum, including this Change Order will be | \$ 39,362,642.44 |
| The Contract Completion date prior to this Change Order was | 3/1/2022 |
| The Contract Time will be adjusted by | (0) Calendar Days |
| The new Contract Completion date, including this Change Order is therefore | 3/1/2022 |

NOTE: Contractor agrees to furnish all labor and materials and perform all of the work described herein, in accordance with the above terms and in compliance with the Contract Documents. The amount of the charges under this Change Order is limited to the charges allowed under the General Requirements. The adjustment in the Contract Sum, if any, and the adjustment in the Contract Time, if any, set out in this Change Order shall constitute the entire compensation and/or adjustment in the Contract Time and Contract Sum due to the Contractor arising out of the change in the work covered by this Change Order.

Recommended by:

Darden Architects, Inc.
6790 N. West Avenue
Fresno, CA 93711

ARCHITECT/ENGINEER:

By: Antonio J. Avila AIA

Date: 01/31/2022

Accepted by:

Davis Moreno Const. Inc
4720 N. Blythe
Fresno CA 93722

CONTRACTOR:

By: Stephen Davis

Date: 1/31/2022

Authorized by:

Fresno Unified School District
4600 N. Brawley
Fresno, CA 93722

OWNER:

By: Alex Belanger

Date: 2/11/2022

You are directed to make the following changes in this Contract:

Item 7-1 **DESCRIPTION OF CHANGE:**
Relocate wall phones in classrooms next to the door at multiple locations.

REASON FOR CHANGE:
Phone locations shown on contract documents not coordinated with wall and casework layout. Phone locations moved to opposite side of classroom doors.

CHANGE CATEGORY:
Designer E & O.

DOCUMENT REFERENCE:
RFP 440.

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 6,073.07 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 7-2 **DESCRIPTION OF CHANGE:**
Remove Casework and Repair Tackboard from the Principal Office A104 and two rows of shelving in the Reading room A125.

REASON FOR CHANGE:
To accommodate furniture and additional learning space in reading room.

CHANGE CATEGORY:
District Requested change.

DOCUMENT REFERENCE:
RFP 032.

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 6,489.16 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Item 7-3 **DESCRIPTION OF CHANGE:**
At building B - North Stair at transition from steel to concrete - construct new metal framed partition wall with drywall smooth finish, with paint.

REASON FOR CHANGE:
To conceal steel elements at base of stairs.

CHANGE CATEGORY:
District Request.

DOCUMENT REFERENCE:
RFP 036.

| | | |
|--|--------------------|-----------------|
| Amount of this Change Order Item: | Increase \$ | 2,664.48 |
| Time adjustment by this Change Order Item: | Increase | 0 Days |

Provide and install new safety rail system with side gate egress at Bldg. B 2nd floor roof hatch.

REASON FOR CHANGE:

Original rail configuration in contract documents in conflict with HVAC units.

CHANGE CATEGORY:

E&O.

DOCUMENT REFERENCE:

RFI 037.

Amount of this Change Order Item:

Increase \$ 2,954.41

Time adjustment by this Change Order Item:

Increase 0 Days

Item 7-5

DESCRIPTION OF CHANGE:

Modify 2 existing City Service Fire Valve Vaults that conflict with new ADA finish grades at the city sidewalk and approach.

REASON FOR CHANGE:

Existing vaults conflicted with ADA finish grades.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

RFI 425.

Amount of this Change Order Item:

Increase \$ 12,100.94

Time adjustment by this Change Order Item:

Increase 0 Days

Item 7-6

DESCRIPTION OF CHANGE:

Add 40 amp, 3-pole, breaker at Panel PAL22.

REASON FOR CHANGE:

Revised breaker size required for freezer/cooler.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

RFI 461.

Amount of this Change Order Item:

Increase \$ 499.89

Time adjustment by this Change Order Item:

Increase 0 Days

Item 7-7

DESCRIPTION OF CHANGE:



CHANGE ORDER

Provide revised grades for the playfield area.

REASON FOR CHANGE:

Playfield has areas of grade that exceeds acceptable slope.

CHANGE CATEGORY:

Designer E & O.

DOCUMENT REFERENCE:

RFP034.

Amount of this Change Order Item:

Increase \$ 32,107.87

Time adjustment by this Change Order Item:

Increase 0 Days

TOTAL CONTRACT SUM ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE \$ 62,889.82

TOTAL CONTRACT TIME ADJUSTMENT BY THIS CHANGE ORDER:

INCREASE DAYS

*** End of CHANGE ORDER ***



Project Financial Summary

Facilities Management & Planning

Project Name: Juan Felipe Herrera Elementary School

Date: 2/9/22

Contractor: Davis Moreno

DSA #: 02-117109

Architect: Darden

BID #: 20-49

Change Order: 7

Contract Summary:

| | | | |
|--------------------------------|------------------------|----|----------------------|
| Bid Award Amount(s) | | | |
| Base Bid: | | \$ | 34,299,000.00 |
| Additive Alternate 1: | Primary Care Building | \$ | 1,947,805.00 |
| Additive Alternate 2: | Restroom / Snack Bar | \$ | 1,008,705.00 |
| Additive Alternate 3: | Southeast Parking Lot | \$ | 218,106.00 |
| Additive Alternate 4: | East Baseball Backstop | \$ | 147,610.00 |
| Total Agreement Amount: | | \$ | 37,621,226.00 |

Contract Adjustments:

| Total Contract Amount | | | | \$ | 37,621,226.00 | |
|---|--------------------|---|-----------------------------|--------------------|-------------------|-------------------------|
| Contract Adjustments: | District Requested | Governing agency req'd change post-bid | Unknown, unforeseen, hidden | Designer E & O | District/Designer | Total |
| CO #001 | \$ 5,965.96 | \$ - | \$ 4,733.52 | \$ 44,985.70 | \$ - | \$ 55,685.18 |
| CO #002 | \$ 37,621.31 | \$ - | \$ - | \$ 86,974.79 | \$ (857.04) | \$ 123,739.06 |
| CO #003 | \$ 111,751.34 | \$ 76,302.21 | \$ - | \$ 71,415.28 | \$ - | \$ 259,468.83 |
| CO #004 | \$ 14,500.25 | \$ - | \$ - | \$ 69,142.67 | \$ - | \$ 83,642.92 |
| CO#005 | \$ 275,098.66 | \$ 124.95 | \$ - | \$ 24,115.39 | \$ - | \$ 299,339.00 |
| CO#006 | \$ 541,089.69 | \$ 271,229.92 | \$ - | \$ 44,332.02 | \$ - | \$ 856,651.63 |
| CO#007 | \$ 9,153.64 | \$ - | \$ - | \$ 53,736.18 | \$ - | \$ 62,889.82 |
| CO#000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Totals: | \$ 995,180.85 | 2.6% \$ 347,657.08 | 0.9% \$ 4,733.52 | 0.0% \$ 394,702.03 | 1.0% \$ (857.04) | 0.0% \$ 1,741,416.44 |
| Total Contract Amount with Adjustments | | | | | | \$ 39,362,642.44 |

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM A-14

AGENDA SECTION: A

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Ratify

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Ratify the Filing of a Notice of Completion

ITEM DESCRIPTION: Included in the Board binders is a Notice of Completion for the following project, which has been completed according to plans and specifications:

Bid 21-28, Sunnyside High School Boiler Replacement

For Information Only

| | |
|--------------------------------------|------------|
| Original contract amount: | \$ 462,485 |
| Change Order(s) previously ratified: | \$ 27,109 |
| Contract amount: | \$ 489,594 |

FINANCIAL SUMMARY: Retention funds are released in accordance with contract terms and California statutes.

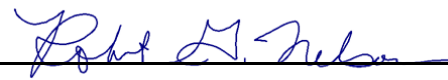
PREPARED BY: Ann Loorz,
Executive Director, Purchasing

DIVISION: Operational Services
PHONE NUMBER: (559) 457-3134

CABINET APPROVAL: Karin Temple,
Chief Operating Officer

SUPERINTENDENT APPROVAL:





NO FEE REQUIRED

No Fee for recording in accordance with California Government Code Sections 6103 and 27383



2021-0204858

FRESNO County Recorder
Paul Dicles, CPA

Wednesday, Dec 15, 2021 09:29:39 AM

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Fresno Unified School District
Purchasing Department
4498 N. Brawley Avenue
Fresno, CA 93722

Titles: 1 Pages: 1
Fees: \$0.00
CA SB2 Fee: \$0.00
Taxes: \$0.00
Total: \$0.00
FRESNO UNIFIED SCHOOL DISTRICT

NOTICE OF COMPLETION (AND ACCEPTANCE)

Notice pursuant to Civil Code Section 9204 must be filed within 15 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner if the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is FRESNO UNIFIED SCHOOL DISTRICT
3. The full address of the owner is 2309 Tulare Street, Fresno, California 93721
4. The nature of the interest or estate of the owner is: IN FEE

(If other than "In Fee" an insert, for example, "Purchase under contract of Purchase", "or lease")

5. A work of improvement on the property hereinafter described was accepted/completed on December 3, 2021. The work done was Sunnyside High School Boilers Replacement Bid No. 21-28.
This determination of acceptance/completion shall not be construed as a waiver of the undersigned owner's rights to enforce any provision of the contract accepted/completed, including but not limited to requiring any and all punch list, testing, startup, commissioning, or other contract work to be performed in its entirety in accordance with the Contract Documents, which rights are expressly reserved by the undersigned owner.

6. The Name of the contractor, if any, for such work of improvement was:
New England Sheet Metal and Mechanical Co. PO Box 27409 Fresno, CA 93744 March 18, 2021
(IF NO CONTRACTOR FOR WORK OR IMPROVEMENT AS A WHOLE, INSERT "NONE") (DATE OF CONTRACT)

7. The property on which said work of improvement was completed is in the City of Fresno, County of Fresno, State of California, and is described and the address is as follows:

Sunnyside High School 1019 S. Peach Ave., Fresno, CA 93727 DSA No.: n/a

Date: December 13, 2021

Ann Looorz, Executive Director of Purchasing
Fresno Unified School District

VERIFICATION

I, the undersigned say: I am the Executive Director of Purchasing the declarant of the foregoing notice of completion (and acceptance); I have read said notice of completion (and acceptance) and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2021 at Fresno,

Ann Looorz, Executive Director of Purchasing
Fresno Unified School District

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM B-15

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Adopt

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Discuss and Adopt High School Physics Curriculum

ITEM DESCRIPTION: Included in the Board binders for presentation and adoption is the proposed curriculum recommendation for the high school Physics course. The recommendation for instructional materials is a result of a deep review of teachers, students, and department staff.

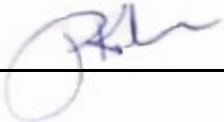
FINANCIAL SUMMARY: Sufficient funds in the amount of \$1,054,725 are available in the Curriculum and Instruction budget.

PREPARED BY: Carlos Castillo,
Instructional Superintendent

DIVISION: Instructional Division
PHONE NUMBER: (559) 457-3731

CABINET APPROVAL: Kim Mecum,
Chief Academic Officer

SUPERINTENDENT APPROVAL:







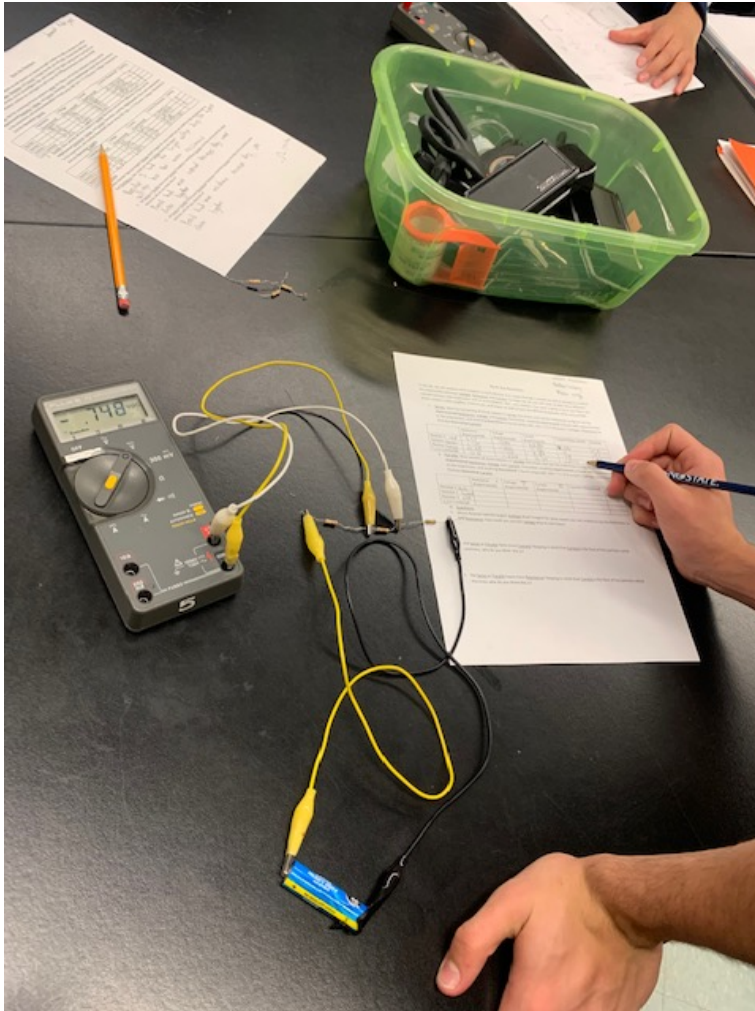
Fresno Unified
School District

Physics Curriculum Adoption Recommendation



Board Presentation- March 16, 2022

Instructional Shifts

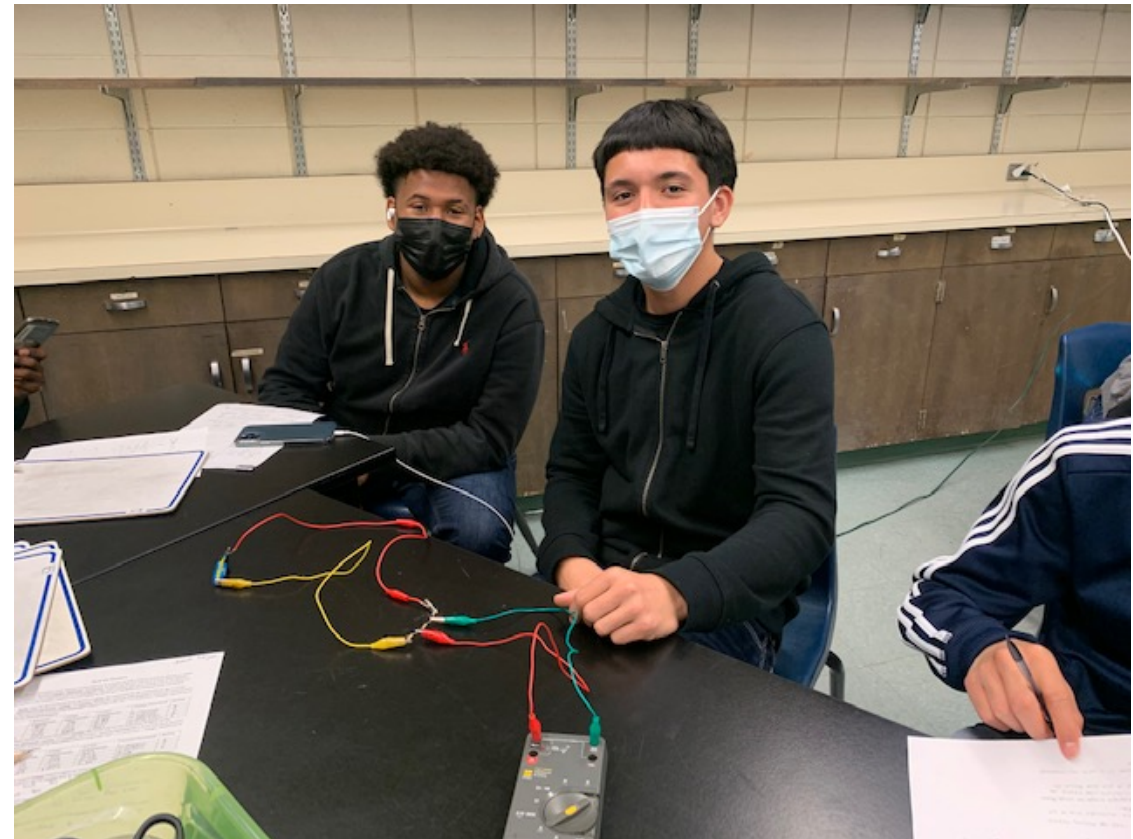
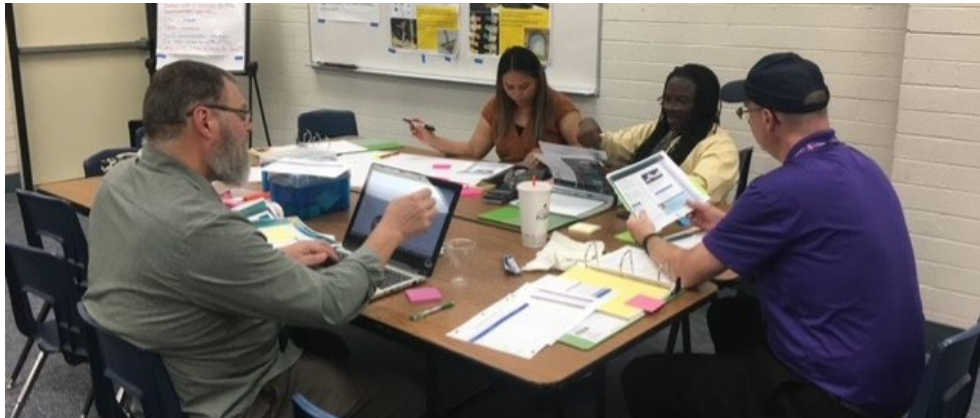


Students engage in “doing” science by asking questions, building models, conducting investigations, obtaining, analyzing, and communicating information. They develop critical-thinking and problem-solving skills as they explore topics connected to the real-world.

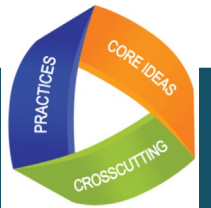
Physics Adoption



- Started with the state adoption (11/2018)
- Teacher review ran through 2019/2020, 2020/2021, and 2021/2022 school years
- Completes our Secondary Science Adoption with 24 Physics teachers



Timeline



2019-2020

- Adopted 7th-8th Grade Science, Biology, and Chemistry material; Approved in virtual board meeting
- Insufficient Physics material options- process paused

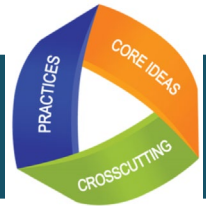
2020-21

- Physics adoption process resumed virtually through school closures and distance learning
- Vendor delays pushed timeline to Fall 2021

2021-22

- Sub shortages and social distancing prevented in-person meetings and trainings
- Physics adoption resumed virtually

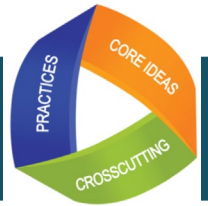
District Adoption Process



- Next Generation Science Standards (NGSS)
- Toolkit for Instructional Material Evaluation (TIME)

| Phase: | Time Frame: | Purpose: |
|----------------------------|---------------------|--|
| Developing a district lens | 2018-2019 | Building internal capacity: Trainer of Trainer, Advisory Team, Teacher Professional Learning |
| Pre-Screen | July 2019-Sept 2021 | Adoption Team reviewed all state-approved options to narrow choices |
| Paper Screen | Oct 2020 & 2021 | Adoption Team reviewed top choices to narrow further |
| Material Review | Nov 2020-Nov 2021 | Sample material available for trial use in Physics classrooms |

Educational Partners

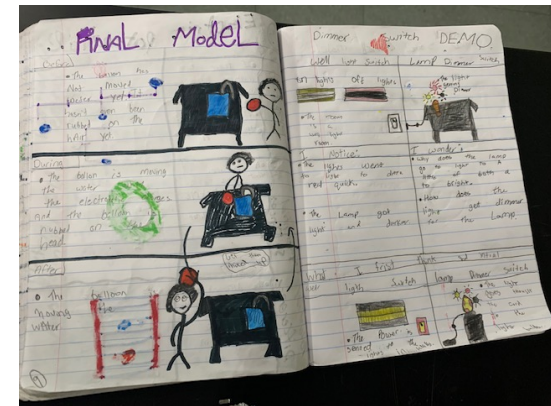


| | | | | |
|--|--|---|---|--|
| Physics Teachers | Science Advisory and Adoption Teams engagement and actions | Learning opportunities for all with sample materials | Inclusion of all content teachers through Material Review Phase | 86% physics teachers chose to participate in the process (19 of 22) |
| Physics Students | Discussion with Student Advisory Board in 2019-20 SY | Digital sample material available and used in some Physics classrooms | Feedback encouraged during class | 200 student surveys collected |
| Departments, Parents & School Board | Involvement from dept. Teachers on Special Assignment | Opportunities to provide feedback from departments, parents in DELAC | Criteria rubric included expert lenses from departments | Held an optional meeting for board members to preview material choices |

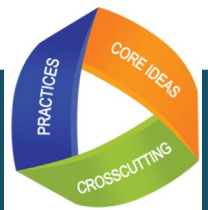
Teacher Material Review



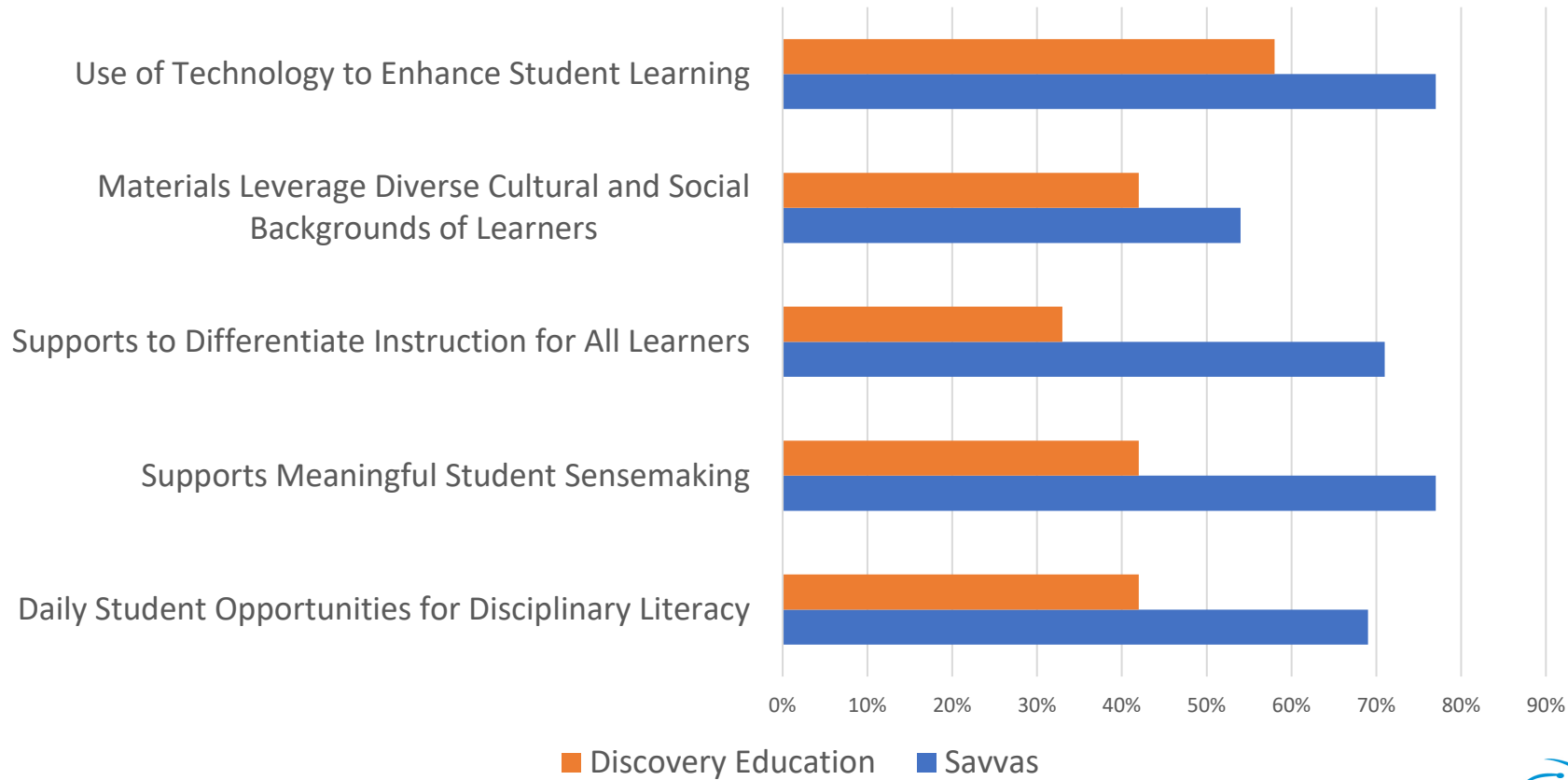
- 100% of Physics teachers had access to sample material, including digital demo accounts.
- 86% of current Physics teachers chose to submit feedback.
- 56% of Physics teachers chose to teach directly from this material for extended review.



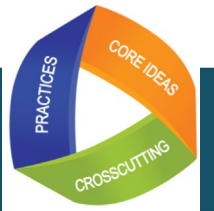
Percentage of Physics Teachers Rating Strongly Agree/Agree in Feedback Surveys



Physics Teacher Feedback



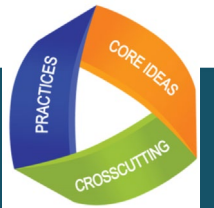
Student Responses



High School:

- Number of feedback surveys collected: 305
- Data showed insignificant difference between Savvas and Discovery Education
 - collected in different school years from two different groups of Physics students during the pandemic
- Results indicate that students had less opinion about the selection and are more interested in receiving updated material aligned to current standards.

Recommendation for Physics: Savvas, *Experience Physics*



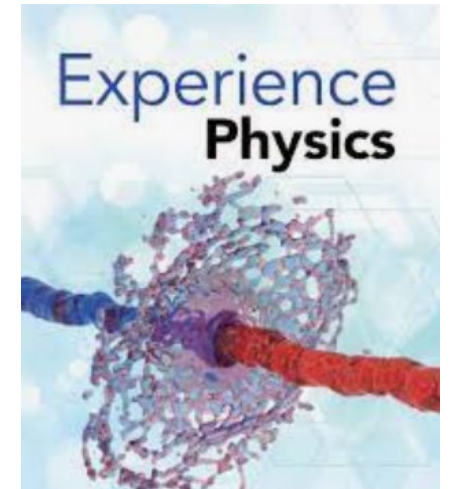
Input was requested from teachers, students, and departments, including English Language Services, Special Education, etc. This is also the publisher previously adopted in high school Biology and Chemistry.

Students:

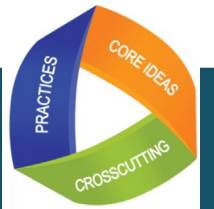
- “...informational and easy to read...”
- “...cool to learn it and have fun...”

Teachers:

- “As a new teacher, this curriculum was essential to my success so far...”
- “I love that the lab materials are very customizable...this is highly desirable, and a feature not seen with other curricula.”



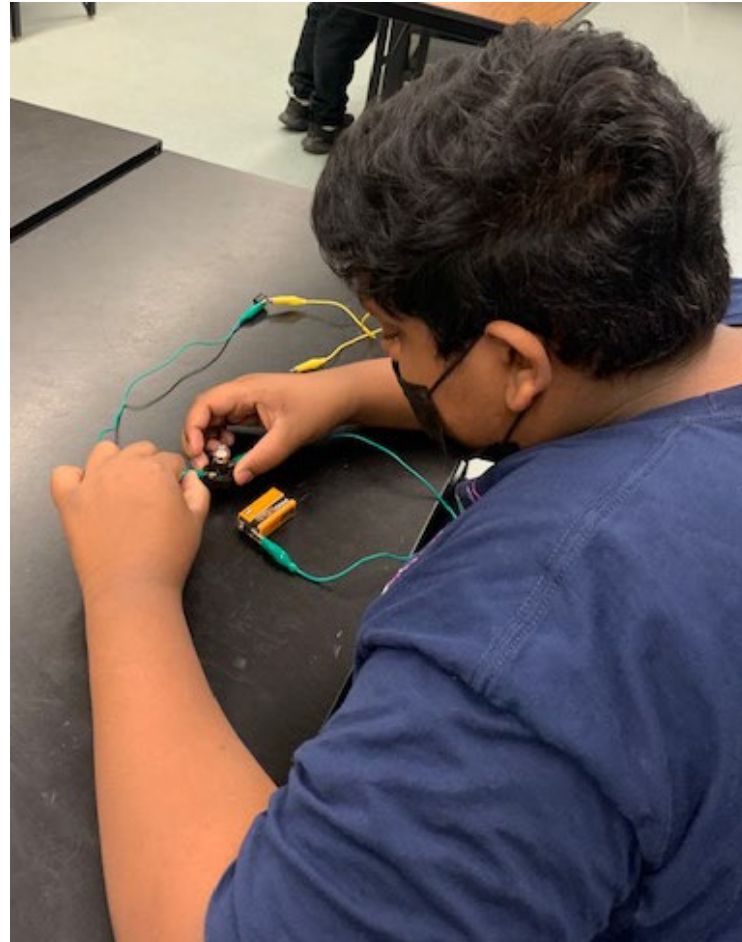
Physics Students in Action



Building a super magnet



Powering a light bulb



Highlights of Savvas



- Rich in print and virtual hands-on learning opportunities
- Editable resources to build in student accommodations as needed
- User-friendly digital tools, including use through Clever for single sign-on access
- Lab kit supplies to support instruction
- Alignment with Biology and Chemistry textbook adoption



Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM B-16

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Discuss

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Present and Discuss the 2022/23 Local Control and Accountability Plan Educational Partner Input

ITEM DESCRIPTION: In accordance with Education Code sections 52060(g) and 52066(g), school districts are required to consult with teachers, principals, administrators, other school personnel, local bargaining units of the district, parents, and pupils in developing the Local Control and Accountability Plan.

Fresno Unified School District staff has conducted roundtables with teachers, administration, students, parents, and community members to better understand the needs of students at this time. In addition, an online survey has been posted on the district website since December 13, 2021.


Staff will present and discuss the input received from educational partners in preparation for 2022/23 budget discussions and development of the Local Control and Accountability Plan.

FINANCIAL SUMMARY: All actions outlined in the Local Control and Accountability Plan are funded with General Fund resources, which include the Local Control Funding Formula funds.

PREPARED BY: Tammy Townsend,
Executive Officer 

DIVISION: Business and Financial Services
PHONE NUMBER: (559) 457-6226

CABINET APPROVAL: Santino Danisi
Chief Financial Officer


SUPERINTENDENT APPROVAL:


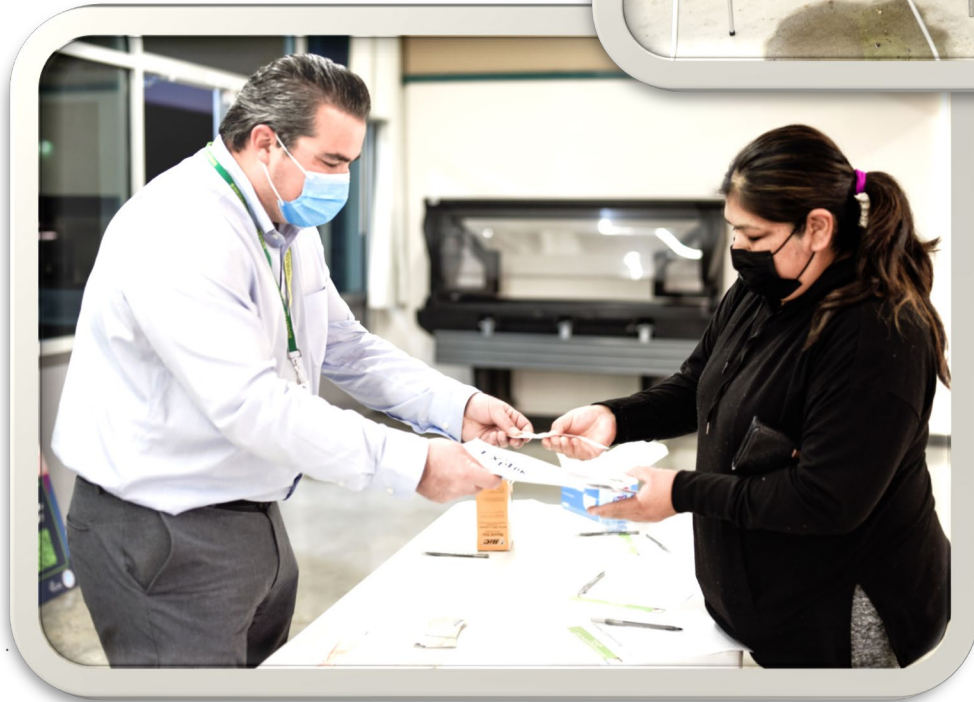


ACHIEVING
our **GREATEST**
Potential!

Local Control and Accountability Plan Educational Partners Update

WHAT WE WILL COVER

- LCAP Timeline
- Summary of Opportunities
- LCAP ThoughtExchange Results
- LCAP Survey Results
- LCAP Documents and Resources
- Questions



PURPOSE OF EDUCATIONAL PARTNERS INPUT

- District's desire to collect input from a diverse group of school and community representatives, to help refine district plans to improve student outcomes
- EC 52060 (g) The governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan



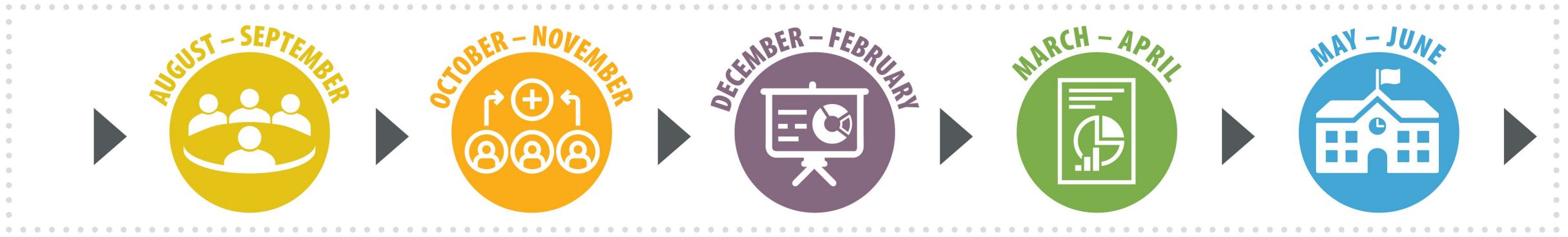
2021/22 PLANNING AND ENGAGEMENT TIMELINE

Key Point:

The final authority for all budget decisions at Fresno Unified School district is the Board of Education

- Board of Education approved ESSER III plan
- State released LCAP Supplemental Template

- Staff presents input to the Board of Education
- FUSD writes first draft of the LCAP plan
- Receive input on the draft
- Revise and update drafts



- Connect with staff, parents and community to understand challenges and opportunities
- Communicate input to the Board of Education

- LCAP Survey and Townhalls
- Supplement to the LCAP presented to the Board of Education
- FUSD updates the Safe Return to School plan

- Board of Education approves LCAP & budget

ENGAGEMENT OPPORTUNITIES – LCAP PARTICIPATION

DISTRICT COMMITTEES

- DAC (District Advisory Committee)
- DELAC (District English Learner Advisory Committee)
- CAC (Community Advisory Committee)
- SAB (Student Advisory Board)
- Foster Youth Roundtables

COMMUNITY/FAMILIES

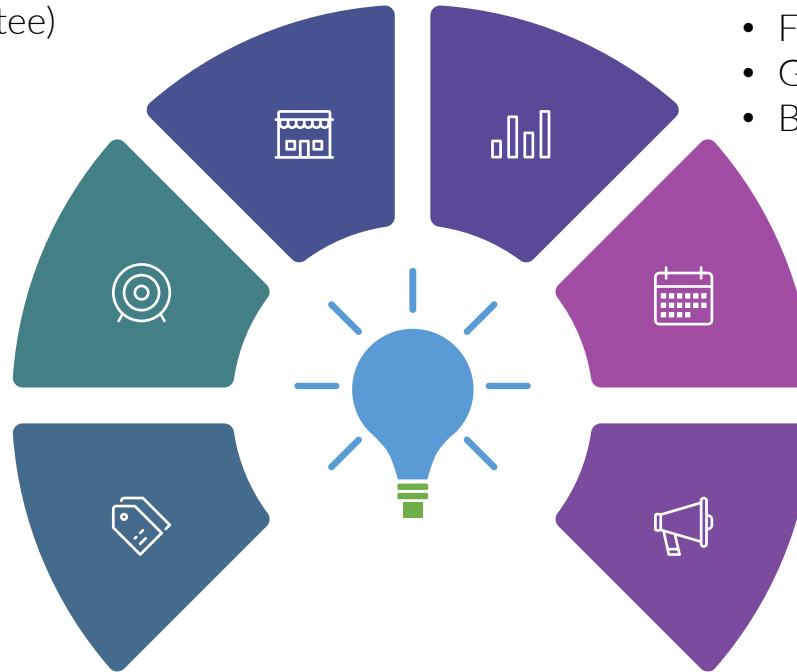
- Community Based Organization Brainstorm
- Fresno Rescue Mission
- CASA
- Fresno EOC
- GO Public Schools Fresno
- Back to School Saturday Family Fair

LCAP SURVEY

- 934 Participants

ROUNDTABLES

- Virtual and In-person
- 390 participants
- 10 Townhalls
- English, Spanish, Hmong



STAFF

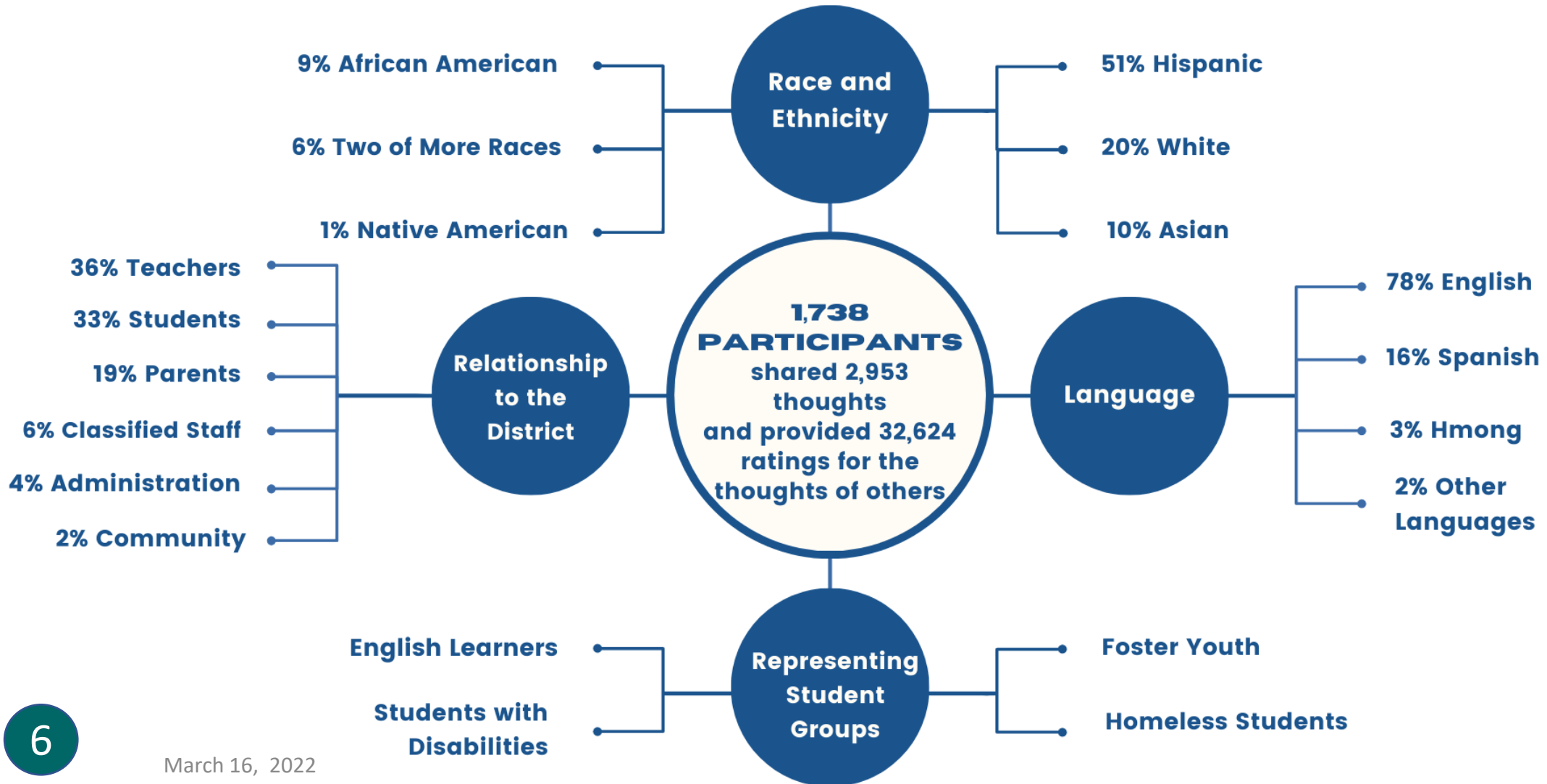
- Principal's Resource Fair
- Special Education Administrators
- Teacher's Buy Back Day

STUDENTS

- Foster Youth Student Voice
- Student Lunchtime Booths

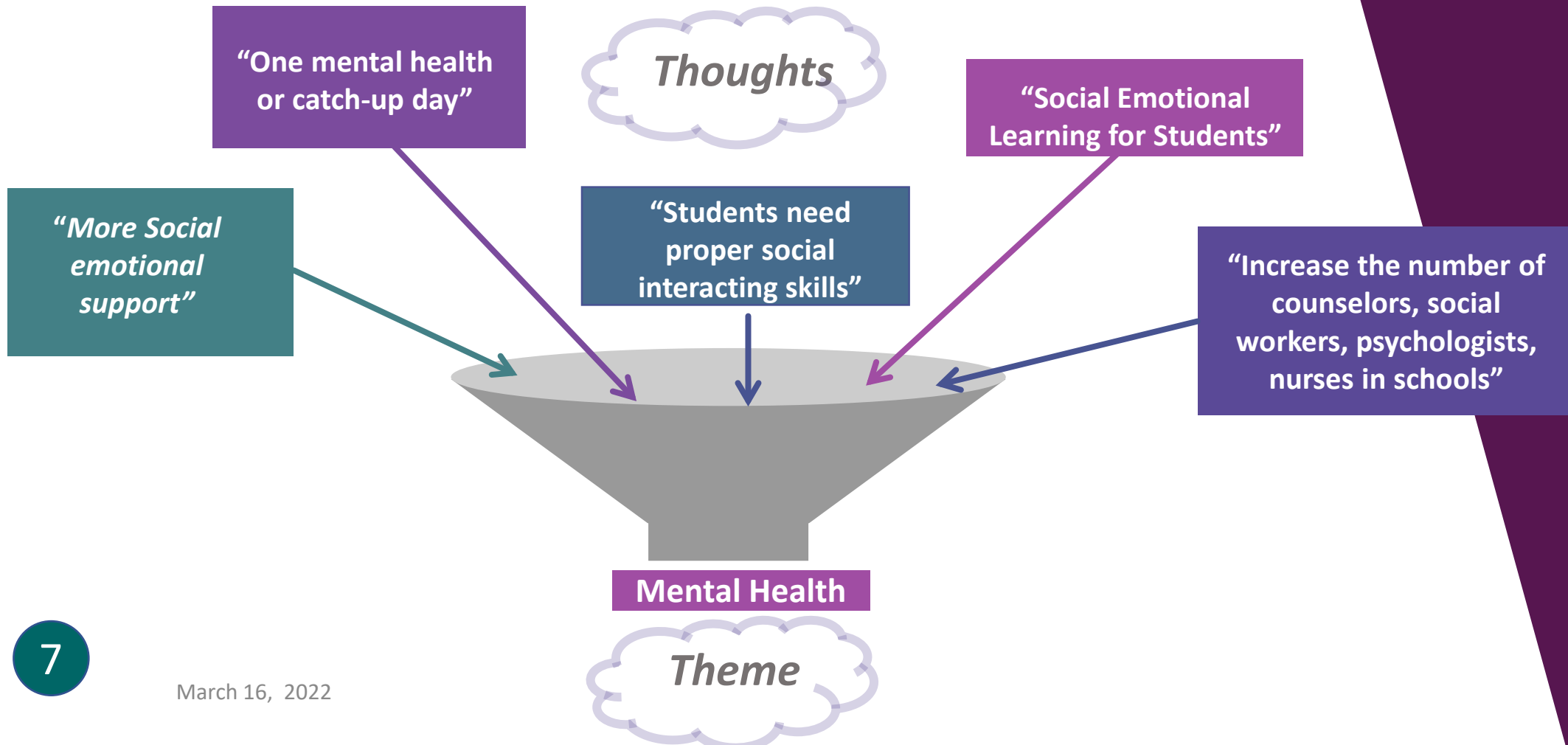
LABOR PARTNERS

PARTICIPANTS REFLECT THE DIVERSITY OF OUR DISTRICT AND COMMUNITY



What is the difference between a “Thought” and a “Theme” in ThoughtExchange?

Example:



TOP RATED THEMES AND THOUGHTS – ROUNDTABLES

| | TOP RATED THEME | 2 ND HIGHEST THEME | 3 RD HIGHEST THEME | TOP RATED THOUGHT |
|------------------------|----------------------|-------------------------------|-------------------------------|--|
| BULLARD | FOOD | POST SECONDARY | SCHOOL CLIMATE | <i>“More instruction on manners, especially at Middle and High School level”</i> |
| FRESNO HIGH | ACADEMICS | EARLY LEARNING | MENTAL HEALTH | <i>“More attention to students who need more academic support”</i> |
| ROOSEVELT | SAFETY | EARLY LEARNING | LANGUAGE ACQUISITION | <i>“Bullying”</i> |
| SUNNYSIDE | ACADEMICS | ENGAGEMENT | LANGUAGE ACQUISITION | <i>“Create a system for identifying students not on grade level on SBAC and iReady tests”</i> |
| MCLANE | LANGUAGE ACQUISITION | ENGAGEMENT | MENTAL HEALTH | <i>“Increase capacity of summer school for dual immersion learners ”</i> |
| HOOVER | MENTAL HEALTH | SCHOOL SUPPLIES | ACADEMICS | <i>“Clear and consistent expectations across campus”</i> |
| EDISON | MENTAL HEALTH | FOOD | TECHNOLOGY | <i>“Help students with mental health issues”</i> |
| VIRTUAL-ENGLISH | ENGAGEMENT | MENTAL HEALTH | ACADEMICS | <i>“After school tutoring”</i> |
| VIRTUAL-HMONG | LANGUAGE ACQUISITION | MENTAL HEALTH | ACADEMICS | <i>“Teach high schoolers about finance so they know how to manage their money after high school”</i> |
| VIRTUAL-SPANISH | FAMILIES | FOOD | ACADEMICS | <i>“Allow my child to actually attend school”</i> |

TOP RATED THEMES AND THOUGHTS – RELATIONSHIP TO THE DISTRICT

| | TOP RATED THEME | 2 ND HIGHEST THEME | 3 RD HIGHEST THEME | TOP RATED THOUGHT |
|------------------------------------|----------------------|-------------------------------|-------------------------------|---|
| CERTIFICATED STAFF | LANGUAGE ACQUISITION | POST SECONDARY | SCHOOL CLIMATE | <i>“Minimize class size so instruction supports all students”</i> |
| PARENTS | FOOD | MENTAL HEALTH | LANGUAGE ACQUISITION | <i>“I would like students to have more early learning, after school programs, arts, music and hands on learning.”</i> |
| K-12 STUDENTS | FAMILIES | FOOD | MENTAL HEALTH | <i>“More school opportunities for work”</i> |
| CLASSIFIED STAFF | ACADEMICS | MENTAL HEALTH | FOOD | <i>“More instruction on manners, specially at Middle and High School level.”</i> |
| MANAGEMENT / ADMINISTRATORS | MENTAL HEALTH | POST SECONDARY | SAFETY | <i>“Strong importance on reading and critical thinking at an earlier age”</i> |
| FRESNO ADULT SCHOOL STUDENT | FOOD | SAFETY | SCHOOL CLIMATE | <i>You should be careful with the Covid going around and to not leave trash around”</i> |
| NON-PROFIT | SAFETY | STAFF SUPPORT | FOOD | <i>“More staff needed to assist teachers”</i> |

TOP RATED THEMES AND THOUGHTS – STUDENT GROUPS

| | TOP RATED THEME | 2 ND HIGHEST THEME | 3 RD HIGHEST THEME | TOP RATED THOUGHT |
|----------------------------|-----------------|-------------------------------|-------------------------------|--|
| ENGLISH LANGUAGE LEARNERS | FOOD | POST SECONDARY | SCHOOL CLIMATE | <i>“Students need smaller classes or teachers need additional adults to provide small group instruction”</i> |
| FOSTER YOUTH | MENTAL HEALTH | TECHNOLOGY | SCHOOL CLIMATE | <i>“We have what we need since everyone helps with each other”</i> |
| STUDENTS WITH DISABILITIES | SCHOOL CLIMATE | FOOD | POST SECONDARY | <i>“Smaller class sizes”</i> |

Reminder: State statute requires new district goals focused on improving outcomes of low-performing student groups. For 2022/23 Fresno Unified will have two new goals for:

- Foster youth
- Students with disabilities

LCAP SURVEY RESPONSES*

| Answer Options | Parent | Classified Employees | Certificated Employees | Management or Administrators | Community Member/ Partner | Student K-12 |
|--|--------|----------------------|------------------------|------------------------------|---------------------------|--------------|
| Academic Supports for High Needs Students | 108 | 12 | 18 | 13 | 11 | 369 |
| Additional funding for supplemental classroom supplies | 105 | 10 | 13 | 8 | 6 | 414 |
| Free Enrichment Field Trips ▲ | 135 | 12 | 16 | 8 | 9 | 503 |
| Funding for School Clubs | 105 | 7 | 8 | 5 | 7 | 398 |
| Instruction/learning tied to real life job skills | 136 | 13 | 18 | 10 | 9 | 484 |
| Kids Invent/Hands on Instruction | 120 | 10 | 16 | 8 | 8 | 381 |
| More funding for sports | 102 | 9 | 7 | 3 | 6 | 422 |
| Social emotional supports ★ | 120 | 12 | 18 | 11 | 11 | 405 |
| Student computers | 114 | 11 | 9 | 10 | 9 | 399 |
| Supports for students in Foster Care | 95 | 11 | 11 | 10 | 8 | 417 |
| Technology support for students | 118 | 11 | 9 | 10 | 10 | 405 |
| Visual and Performing Arts | 116 | 9 | 16 | 9 | 8 | 376 |

▲ Top Response English Learners

★ Top Response Foster Youth

*# of LCAP survey responses indicating the District should “Expand”

LCAP SURVEY WRITE IN RESPONSES

Question asked: Please provide any additional input you feel will help with the planning process for future LCAP investments

26% of recommendations focus on improving school nutrition (92 responses)

- I feel that schools should invest in better school food
- Maintain healthy meals and offer snacks at breaks

20% of recommendations focus on engagement (72 responses)

- More clubs with different interests like coding and reading
- Expansion of the arts
- Field trips



LCAP DOCUMENTS AND RESOURCES

Want additional detail?

*To view all thoughts and ideas in detail
please visit:*

<https://stafed.fresnounified.org/lcap/>



QUESTIONS?



Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM B-17

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Discuss

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Present and Discuss the 2022/23 Strategic Budget Development

ITEM DESCRIPTION: The 2022/23 Governor's Proposed Budget was released on January 10, 2022. The Board of Education has discussed the Governor's proposal and the potential impacts on Fresno Unified, as well as the strategic budget development process, at the following Board of Education meetings:

- January 19, 2022
- February 16, 2022
- February 02, 2022
- March 09, 2022

On March 16, 2022, staff and the Board will continue budget development discussions including the following:

- Updated information regarding the 2022/23 Governor's Proposed Budget
- The specific impact to Fresno Unified School District
- The budget goals in connection with the Board adopted policies
- Preliminary recommendations for 2022/23 budget planning:
 - School Leadership
 - Leadership Development
 - Alternative Education
 - Adult Education
 - Instructional Division
 - Curriculum & Instruction
 - Educator Effectiveness Block Grant
 - Teacher Development
 - Library Services
 - English Learner Services
 - Translation Services

FINANCIAL SUMMARY: Not available at this time.

PREPARED BY: Kim Kelstrom
Executive Officer




DIVISION: Business and Financial Services
PHONE NUMBER: (559) 457-6226

CABINET APPROVAL: Santino Danisi
Chief Financial Officer



SUPERINTENDENT APPROVAL:





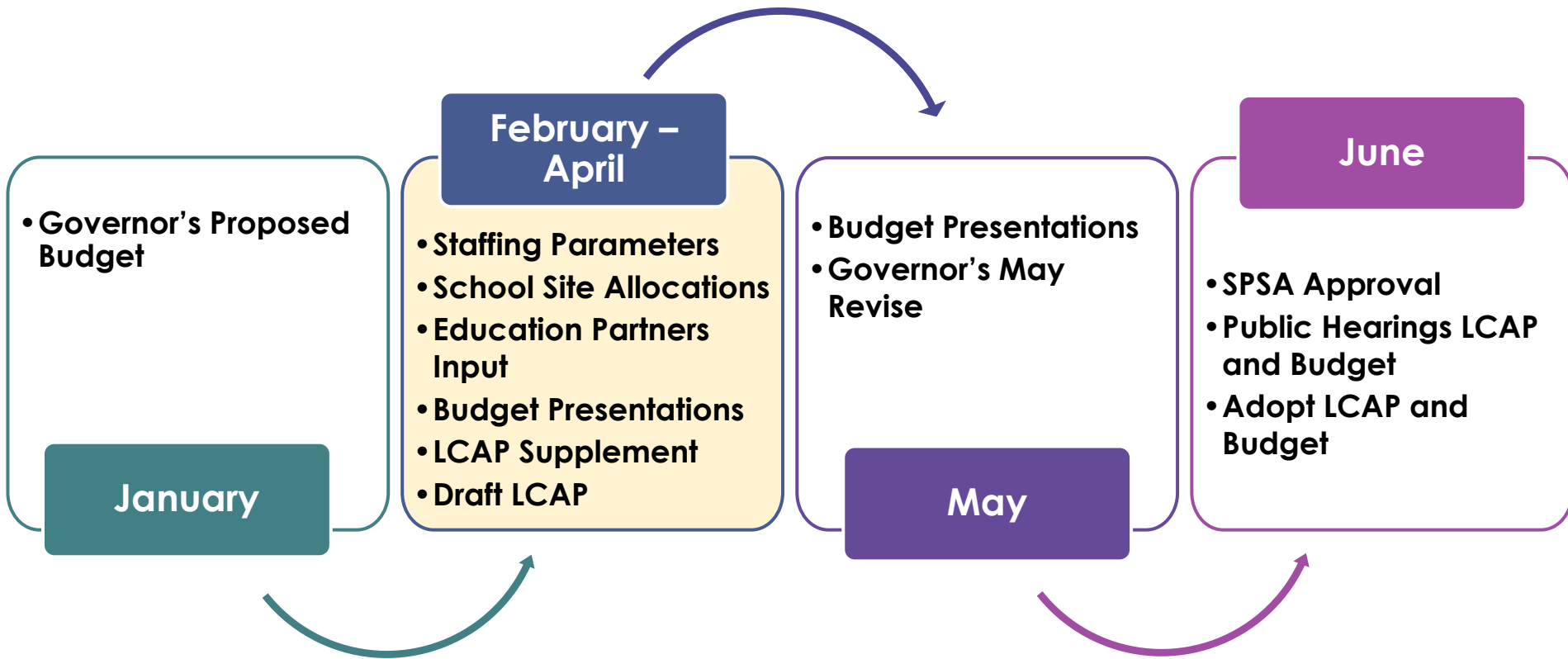
2022/23 Strategic Budget Development Phase IV – Preliminary Recommendations

Board of Education

Overview

- Budget Development Timeline and Updates
- Budget Recommendations – Phase IV
 - School Leadership
 - Leadership Development
 - Alternative Education
 - Adult Education
 - Instructional Division
 - Curriculum & Instruction
 - Educator Effectiveness Block Grant
 - Teacher Development
 - Library Services
 - English Learner Services
 - Translation Services
- Upcoming discussions

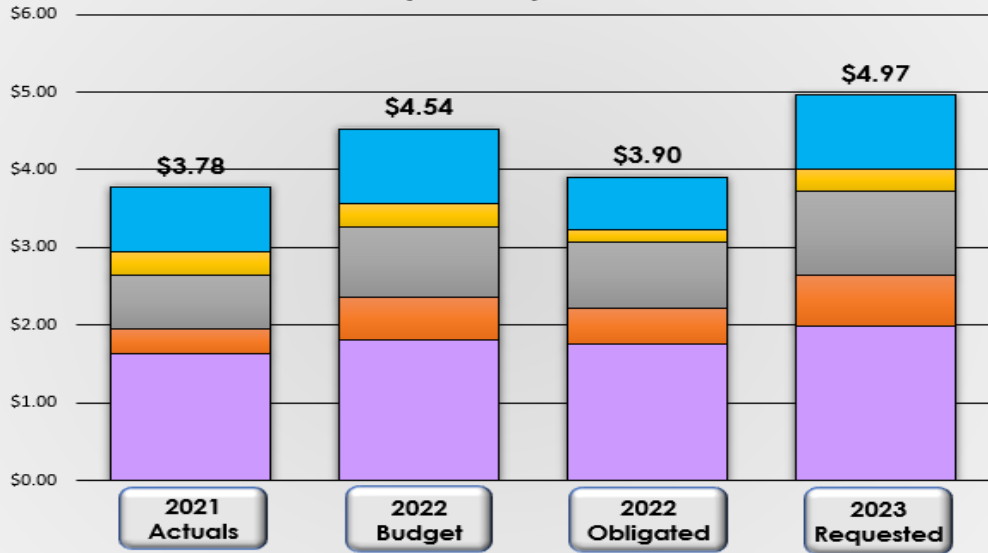
Financial Reporting Timelines



School Leadership

Budget Summary

(in millions)



■ Cert Salaries
 ■ Clas Salaries
 ■ Emp Benefits
 ■ Books & Supply
 ■ Serv & Oth Oper
 ■ Capital Outlay
 ■ Other Outgo

2022/23 Budget Notes:

- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|--------------|-------------|----------------|-------------|
| Certificated | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Classified | 6.80 | 6.00 | 0.80 | 6.80 | 0.00 |
| Management | 11.00 | 11.00 | 0.00 | 11.00 | 0.00 |
| Total FTE | 17.80 | 17.00 | 0.80 | 17.80 | 0.00 |

LCAP Action Items:

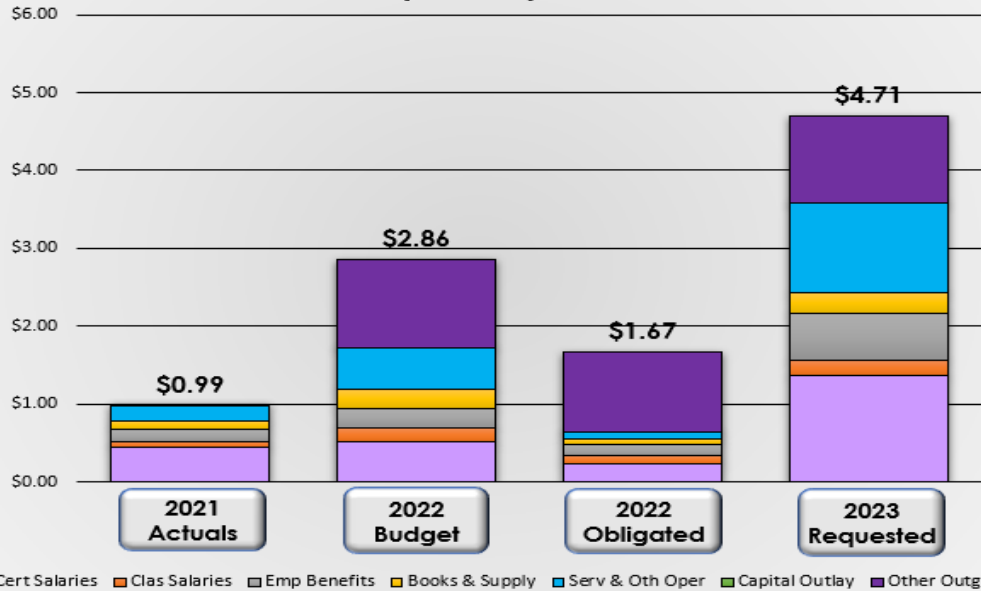
None



Leadership Development

Budget Summary

(in millions)



2022/23 Budget Notes:

- Add 1.0 FTE Principal on Special Assignment – \$187,000 (*Funded by Title II*)
- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time Recovery:

- Add 5.0 FTE TSAs for Vice Principal Pipeline – \$700,000
- Vice Principal Institute – \$276,000
- Administrative Coaches – \$227,000
- Leadership Tracking System – \$200,000
- Principal Pipeline – \$136,000
- Supervisor Academy – \$126,000
- Internal Credentialing Consultant – \$20,000

Augmentation 6.0 FTE – \$1.7 million (one-time)

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|-------------|-------------|----------------|-------------|
| Certificated | 0.00 | 0.00 | 0.00 | 5.00 | 5.00 |
| Classified | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 |
| Management | 3.00 | 2.00 | 1.00 | 4.00 | 1.00 |
| Total FTE | 4.00 | 3.00 | 1.00 | 10.00 | 6.00 |

LCAP Action Items:

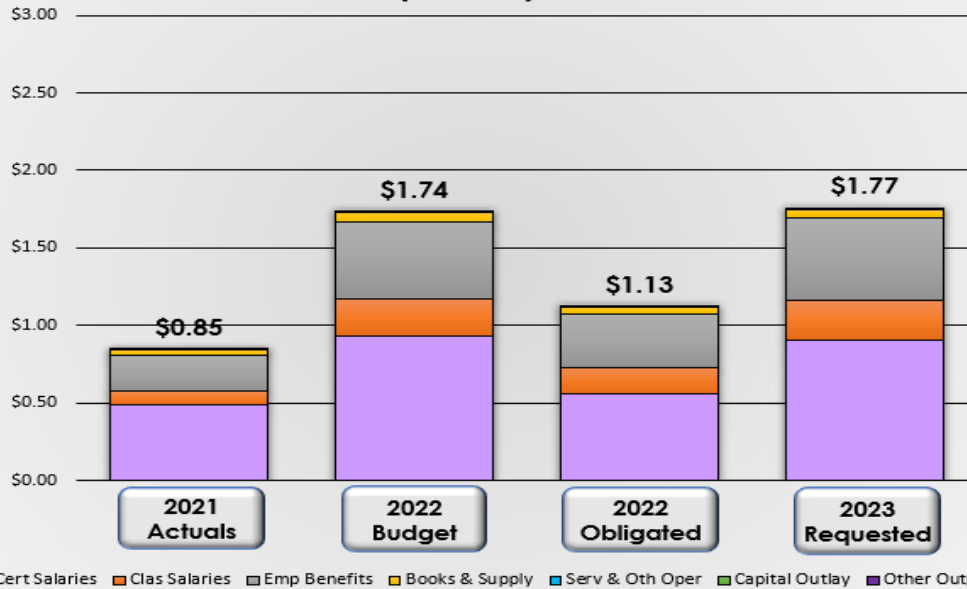
None



Alternative Education

Budget Summary

(in millions)



2022/23 Budget Notes:

- Includes the addition of 1.0 FTE Vice Principal and 2.0 FTE Child Welfare and Attendance Specialist II previously presented with the additional school site staffing recommendation
- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time Recovery:

- Credit Attainment Support – \$371,000

Augmentation \$371,000 (one-time)

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|-------------|-------------|----------------|-------------|
| Certificated | 0.80 | 0.20 | 0.60 | 0.80 | 0.00 |
| Classified | 2.00 | 1.00 | 1.00 | 2.00 | 0.00 |
| Management | 3.00 | 3.00 | 0.00 | 3.00 | 0.00 |
| Total FTE | 5.80 | 4.20 | 1.60 | 5.80 | 0.00 |

LCAP Action Items:

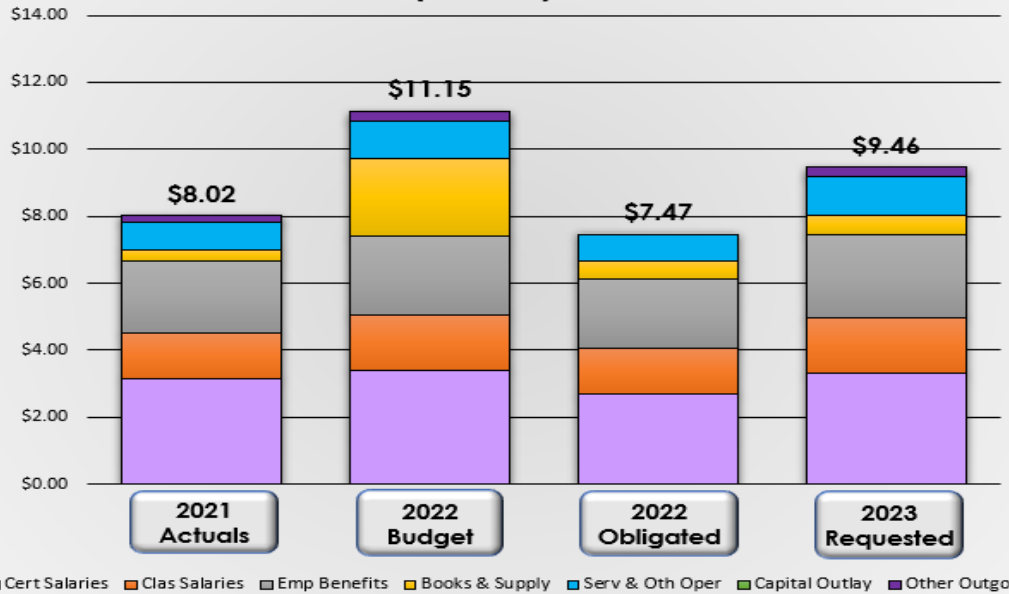
| | | |
|----|-----------------------------|--------|
| 15 | Alternative Education | \$1.2M |
| 49 | Targeted Improvement Action | \$0.2M |



Adult Education

Budget Summary

(in millions)



2022/23 Budget Notes:

- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|--------------|--------------|----------------|-------------|
| Certificated | 39.14 | 31.52 | 7.63 | 39.14 | 0.00 |
| Classified | 32.25 | 29.88 | 2.38 | 32.25 | 0.00 |
| Management | 9.00 | 8.00 | 1.00 | 9.00 | 0.00 |
| Total FTE | 80.39 | 69.39 | 11.00 | 80.39 | 0.00 |

LCAP Action Items:

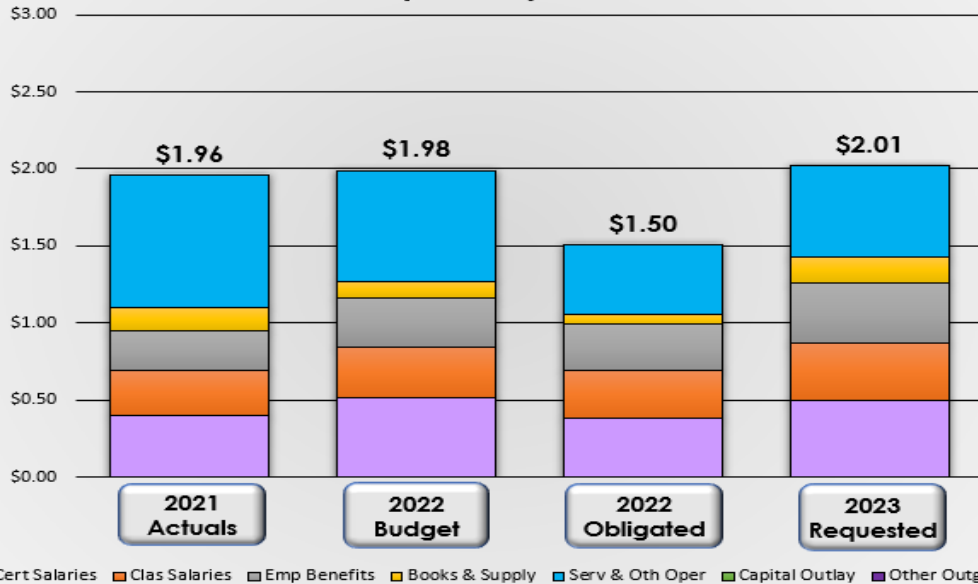
None



Instructional Division

Budget Summary

(in millions)



2022/23 Budget Notes:

- Add 1.0 FTE Budget Technician *offset* by reductions in contracts and supplies
- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

Augmentation 1.0 FTE (ongoing)

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|-------------|-------------|----------------|-------------|
| Certificated | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 |
| Classified | 1.20 | 1.00 | 0.20 | 2.20 | 1.00 |
| Management | 3.00 | 3.00 | 0.00 | 3.00 | 0.00 |
| Total FTE | 5.20 | 5.00 | 0.20 | 6.20 | 1.00 |

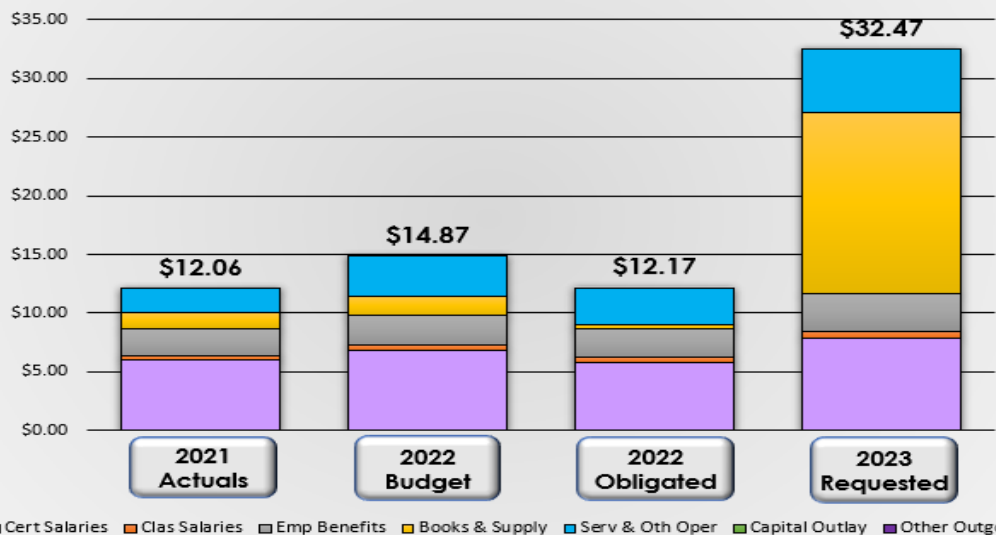
LCAP Action Items:

None

Curriculum & Instruction

Budget Summary

(in millions)



FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|--------------|-------------|----------------|-------------|
| Certificated | 27.60 | 26.60 | 1.00 | 28.60 | 1.00 |
| Classified | 6.00 | 6.00 | 0.00 | 8.00 | 2.00 |
| Management | 18.00 | 18.00 | 0.00 | 18.00 | 0.00 |
| Total FTE | 51.60 | 50.60 | 1.00 | 54.60 | 3.00 |

2022/23 Budget Notes:

- Add 1.0 FTE Customer Service Representative and 1.0 FTE Budget Technician offset by reductions in contracts and supplies
- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time:

- Textbook Adoption – \$14.0 million
(Already included in Multi-Year Projections)

One-Time Recovery:

- Professional Learning – \$6.4 million
- Digital Lessons and Licenses – \$1.3 million
- Tier 2 Intervention Materials – \$1.0 million
- Teaching Fellows Contract – \$700,000
- Add 1.0 FTE Teacher on Special Assignment for Science Adoption – \$130,000

**Augmentation 2.0 FTE (ongoing);
1.0 FTE – \$23.5 million (one-time)**

LCAP Action Items:

14

GATE / Advanced Placement (AP)
/ International Baccalaureate (IB)
/ SAT/PSAT Fees

\$1.2M



Educator Effectiveness Block Grant

Additional Staffing – \$1.5 million

- **Instructional Coaches for ELA, Math, New Teacher Support – (6.0 FTE)** – *Promote effective, standards-aligned instruction and improve instruction and provide regular coaching and feedback cycles that promote teacher self-reflection and development.*
- **Teacher on Special Assignment for Ethnic Studies – (1.0 FTE)** – *Support the development of cultural proficiency through Ethnic Studies curricula and program. Increase cultural proficiency job-embedded professional learning.*
- **Social Emotional Learning Content Manager II – (1.0 FTE)** – *Strengthen social emotional and behavioral support and build system capacity for implementation of social emotional learning.*

Professional Learning – \$3.0 million

Expand induction programs and job-embedded professional learning support for aspiring, new and existing staff members, with an equity focus

- **Administrators** – *Aspiring Leaders Learning Lab; Coaching Certification; New Co-Administrator Summer Residency; MCEL*
- **Teachers** – *Aspiring Teacher Leaders; FTRP Mod Severe; PLI; Professional Learning Networks; FTRP TK; ELA/ELD Framework; TNTP Contract; STAR Autism Coaching; Cullinan*
- **Classified/Paraprofessional** – *Grow2Teach*
- **Various Staff** – *Center for Black Educator Development; Professional Learning Communities Institute, LGBTQ PL and Support*

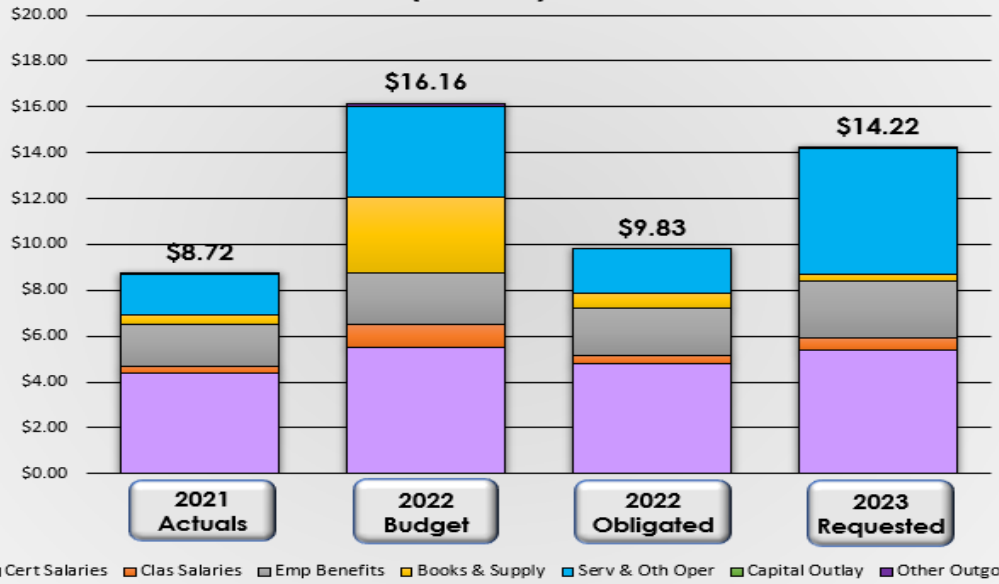
2022/23 Recommended Budget 8.0 FTE – \$4.5 million

**Total Educator Effectiveness Block Grant
\$18.2 million to be spent by 2025/26**

Teacher Development

Budget Summary

(in millions)



2022/23 Budget Notes:

- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time Recovery:

- Aspiring Teacher Pipeline – \$3.8 million
- Teacher Leadership – \$415,000
- Add 2.0 FTE Teacher on Special Assignment – \$157,000
- Continue with 1.0 FTE Manager II and 1.0 TSA – \$303,000

Augmentation 2.0 FTE – \$4.7 million (one-time)

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|--------------|-------------|----------------|-------------|
| Certificated | 38.00 | 37.00 | 1.00 | 40.00 | 2.00 |
| Classified | 3.00 | 3.00 | 0.00 | 3.00 | 0.00 |
| Management | 6.00 | 6.00 | 0.00 | 6.00 | 0.00 |
| Total FTE | 47.00 | 46.00 | 1.00 | 49.00 | 2.00 |

LCAP Action Items:

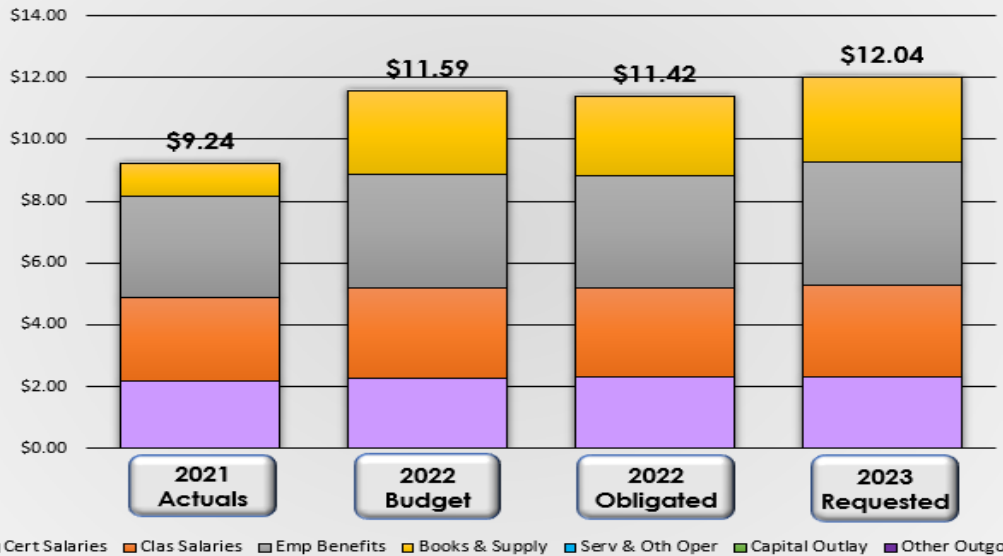
None



Library Services

Budget Summary

(in millions)



2022/23 Budget Notes:

- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time Recovery:

- Backpacks for students – \$1.6 million

Augmentation \$1.6 million (one-time)

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|---------------|-------------|----------------|-------------|
| Certificated | 23.00 | 23.00 | 0.00 | 23.00 | 0.00 |
| Classified | 88.00 | 84.00 | 4.00 | 88.00 | 0.00 |
| Management | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total FTE | 111.00 | 107.00 | 4.00 | 111.00 | 0.00 |

LCAP Action Items:

12

Additional Library Supplies

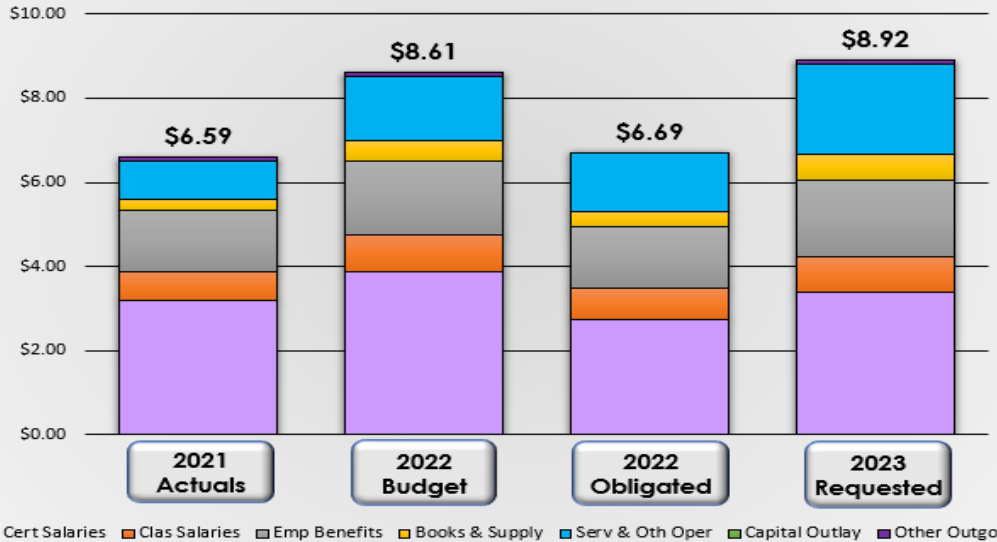
\$0.5M



English Learner Services

Budget Summary

(in millions)



2022/23 Budget Notes:

- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time Recovery:

- Interact Fellow Services – \$530,000
- Orchid Translation Services – \$240,000
- English Language Instructional Support – \$125,000
- Peer Mentoring Services – \$100,000
- Expand Rosetta Stone – \$75,000
- Hmong Consultant – \$10,000
- Tiger Bytes Custom Application – \$40,000

Augmentation \$1.1 million (one-time)

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|--------------|-------------|----------------|-------------|
| Certificated | 16.00 | 14.00 | 2.00 | 16.00 | 0.00 |
| Classified | 13.88 | 13.88 | 0.00 | 13.88 | 0.00 |
| Management | 7.00 | 7.00 | 0.00 | 7.00 | 0.00 |
| Total FTE | 36.88 | 34.88 | 2.00 | 36.88 | 0.00 |

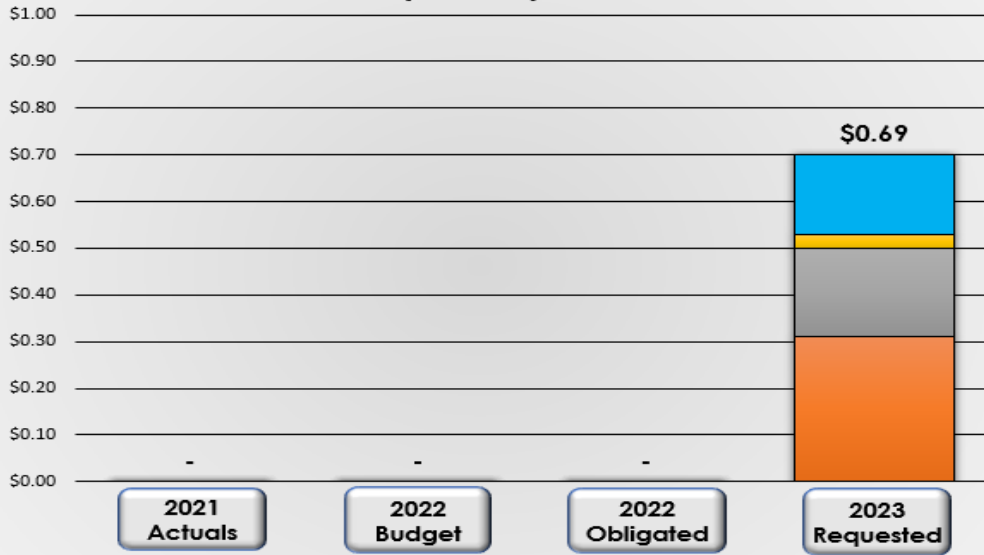
LCAP Action Items:

| | | |
|----|---------------------------|--------|
| 19 | LCFF For English Learners | \$1.7M |
| 20 | DI For English Learners | \$1.0M |

Translation Services

Budget Summary

(in millions)



■ Cert Salaries
 ■ Clas Salaries
 ■ Emp Benefits
 ■ Books & Supply
 ■ Serv & Oth Oper
 ■ Capital Outlay
 ■ Other Outgo

2022/23 Budget Notes:

- Add 1.0 FTE Manager I – \$182,000
- Add 3.0 FTE Material Translators – \$264,000
- Supplemental Time, Supplies, and Contracts - \$229,000
- Net increase includes: salary increase, statutory, health and welfare benefits, etc.

One-Time:

- Start-up Equipment and Supplies – \$15,000

**Augmentation 4.0 FTE – \$675,000 (ongoing);
\$15,000 (one-time)**

FTE SUMMARY

| Job Class | 2022 Budgeted | 2022 Filled | 2022 Vacant | 2023 Requested | 2023 Change |
|------------------|---------------|-------------|-------------|----------------|-------------|
| Certificated | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Classified | 0.00 | 0.00 | 0.00 | 3.00 | 3.00 |
| Management | 0.00 | 0.00 | 0.00 | 1.00 | 1.00 |
| Total FTE | 0.00 | 0.00 | 0.00 | 4.00 | 4.00 |

LCAP Action Items:

19

LCFF For English Learners

\$0.7M



Budget Recommendations – Phase IV

| Department | One-Time Recovery | One-Time Recovery FTE | One-Time | Ongoing | FTE |
|--------------------------|---------------------|-----------------------|---------------------|------------------|--------------------|
| School Leadership | -- | -- | -- | -- | -- |
| Leadership Development | \$1,685,000 | 5.0 | -- | -- | 1.0 ^(A) |
| Alternative Education | \$371,000 | -- | -- | -- | -- |
| Adult Education | -- | -- | -- | -- | -- |
| Instructional Division | -- | -- | -- | -- | 1.0 |
| Curriculum & Instruction | \$9,530,000 | 1.0 | \$14,000,000 | -- | 2.0 |
| Educator Effectiveness | -- | -- | -- | -- | 8.0 ^(B) |
| Teacher Development | \$4,650,000 | 2.0 | -- | -- | -- |
| Library Services | \$1,600,000 | -- | -- | -- | -- |
| English Learner Services | \$1,120,000 | -- | -- | -- | -- |
| Translation Services | -- | -- | \$15,000 | \$675,000 | 4.0 |
| Total | \$18,956,000 | 8.0 | \$14,015,000 | \$675,000 | 16.0 |

(A) Funded by Title II

(B) Funded by Educator Effectiveness Block Grant

Upcoming Budget Discussions

- Board Presentations – LCAP and Budget
 - April through May
- Governor’s May Revise
 - May 2022
- Public Hearings and Adoption of LCAP and Budget
 - June 2022

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM C-18

AGENDA SECTION: C

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Receive

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Receive Proposed Board Meeting Dates for 2022/23 and 2023/24

Included for the Board's consideration are proposed Board of Education meeting dates for the 2022/23 and 2023/24 school years. These dates will not preclude either additions or changes any time throughout the year. This item will return to Board for discussion and approval at a future meeting.

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

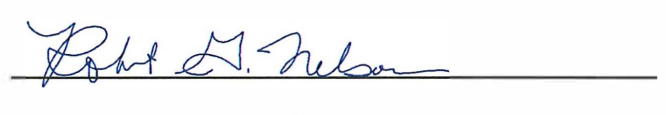
PREPARED BY: Patrick Jensen,
Interim, Chief of Staff

DIVISION: Superintendent's Office
PHONE NUMBER: (559) 457-3566

CABINET APPROVAL: Patrick Jensen,
Interim, Chief of Staff

SUPERINTENDENT APPROVAL:





**FRESNO UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR BOARD MEETING SCHEDULE 2022/23**

**ALL MEETINGS WILL BE HELD AT FRESNO UNIFIED SCHOOL
DISTRICT EDUCATION CENTER, 2309 TULARE STREET – 2ND FLOOR
MEETING TIMES WILL BE SPECIFIED ON THE AGENDA**

2022

August 10 and 24

September 07 (Board Workshop), 14 and 28

October 12 and 26

November 09

December 07 and 14

2023

January 11, 18 (Board Workshop), and 25

February 08 and 22

March 01 (Board Workshop), 08 and 22

April 12 and 26

May 10 and 24

June 14 and 21

(Approval of these dates will not preclude either additions or changes at any time)

**FRESNO UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
REGULAR BOARD MEETING SCHEDULE 2023/24**

**ALL MEETINGS WILL BE HELD AT FRESNO UNIFIED SCHOOL
DISTRICT EDUCATION CENTER, 2309 TULARE STREET – 2ND FLOOR
MEETING TIMES WILL BE SPECIFIED ON THE AGENDA**

2023

August 09 and 23

September 13, 20 (Board Workshop), and 27

October 04 and 18

November 01 and 15 (Board Workshop)

December 06 and 13

2024

January 10, 17 (Board Workshop), and 24

February 07, 21, and 28 (Board Workshop)

March 06 and 20

April 10 and 24

May 08 and 22

June 12 and 19

(Approval of these dates will not preclude either additions or changes at any time)

Fresno Unified School District
Board Agenda Item

Board Meeting Date: March 16, 2022

AGENDA ITEM C-19

AGENDA SECTION: C

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Receive

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Receive Proposed Revisions for Board Policies

ITEM DESCRIPTION: Included in the Board binders are proposed revisions for the following four (4) Board Policies (BP):

- BP 5131.2 Anti-Bullying
- BP 6145 Extracurricular & Cocurricular Activities
- BP 6145.2 Athletic Competition
- BP 6174 Education for English Learners

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.

Revision recommendations are color coded as follows:

Yellow highlight - CSBA recommended language policy

Peach font – Subcommittee recommendation

Grey font – New Policy, CSBA recommended

Green font – Legally mandated/reference changes

Teal header – *New Policy, non-CSBA proposed

Blue font – Clarification or readability changes

Red-strikeout – Recommended deletion

Green font – CDE/FPM required change

Purple font - Information change

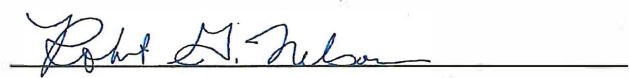

FINANCIAL SUMMARY: There is no fiscal impact to the district at this time.

PREPARED BY: Teresa Plascencia, Executive
Director

DIVISION: Constituent Services
PHONE NUMBER: (559) 457-3736

CABINET APPROVAL: Patrick Jensen
Interim, Chief of Staff

SUPERINTENDENT APPROVAL:



Fresno Unified Board Policy (BP) 5131.2 Anti-Bullying

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 – Conduct)
(cf. 5136 – Gangs)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)
(cf. 5145.9 – Hate-Motivated Behavior)

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900 (Internet, social media, or other technologies using a telephone, computer, or any wireless communication device). Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 – Freedom of Speech/Expression)
(cf. 6163.4 - Student Use of Technology)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 – School Plans/Site Councils)
(cf. 0450 – Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 – Citizen Advisory Committees)
(cf. 1400 – Relations between Other Governmental Agencies and the Schools)
(cf. 6020 – Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and

school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 – Positive School Climate)

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 – Student Use of Technology)
(cf. 6142.8 – Comprehensive Health Education)
(cf. 6142.94 – History-Social Science Instruction)

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, medical information, color, marital status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

(cf. 4131 – Staff Development)
(cf. 4231 – Staff Development)
(cf. 4331 – Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

Filing of Complaints and Investigation

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 – Sexual Harassment.

(cf. 1312.3 – Uniform Complaint Procedure)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

When circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service to bully or harass another student, the Superintendent or designee also may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(cf. 5138 – Conflict Resolution/Peer Mediation)

(cf. 5144 – Discipline)
(cf. 5144.1 – Suspension and Expulsion/Due Process)
(cf. 5144.2- Suspension and Expulsion/Due Process (Students with Disabilities)
(cf. 6159.4 – Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.3 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Fresno Unified School District prohibits discrimination, harassment (**including sexual harassment**), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (**40 and above**), religious creed, religion, political **belief or** affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, **childbirth, breastfeeding/lactation status, medical information condition**, military **and** veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibility of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of Notices
52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F. Supp. 2d 1094

Lavine v. Blaine School District, (2010) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public schools; Kindergarten Through Grade twelve, 2008
Bullying at School, 2003
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague letter: Harassment and Bullying, October 2010

Policy FRESNO UNIFIED SCHOOL DISTRICT
adopted: June 5, 2013 Fresno, California
revised: June 17, 2015
revised: June 13, 2018
revised: December 18, 2019
revised: Winter __, 2022

Policy Section: 5000 Students

Fresno Unified Board Policy (BP) 6145 Extracurricular And Cocurricular Activities

The Governing Board recognizes that extracurricular and cocurricular activities enrich the educational and social development of students and enhance students' feelings of connectedness with the schools and experiences of students. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities)
(cf. 5137 - Positive School Climate)
(cf. 6145.2 - Athletic Competition)
(cf. 5148.2 - Before/After School Programs)

No extracurricular or cocurricular program or activity shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 6145.5 - Student Organizations and Equal Access)

The district shall not provide or otherwise carry out any of its extracurricular or activities separately, or require or refuse participation therein by any of its pupils on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. (5 CCR Section 4925)

All pupil clubs shall have equal access to district facilities to conduct a meeting and a fair opportunity to meet within the limited open forum of the district, if the district has a limited open forum. (5 CCR Section 4927)

Membership in student clubs must be open to all pupils regardless of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. (5 CCR Section 4926)

A pupil shall be permitted to participate in sex-segregated school programs and activities and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC Section 221.5(f))

Any complaint alleging unlawful discrimination in the district's extracurricular or cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Unless specifically authorized by law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the educational program, including materials or equipment related to the activity.

(cf. 3260 - Fees and Charges)
(cf. 3452 - Student Activity Funds)

Extracurricular and cocurricular activities are an integral part of school life and often require as much careful planning and supervision as the academic subjects. However, care must be taken that these activities do not take precedence in importance over the subject matter areas, but remain in the position of supplementing the actual courses of study.

Eligibility Requirements

All students elected to student offices or who represent their schools in extracurricular and cocurricular activities shall maintain satisfactory citizenship records, and shall conform to the district's credit and grade requirements. Any student who does not maintain a satisfactory citizenship and academic record shall not be allowed to represent their fellow students, nor the school, for a period of time recommended by these regulations, but in no case, except when approved by the Governing Board, shall the time exceed 12 calendar months.

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes
2. Maintenance of minimum progress toward meeting high school graduation requirements

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6146.1 - High School Graduation Requirements)

The Superintendent or designee may grant ineligible students a probationary period not to exceed one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

However, Education Code 35160.5, as added by AB 908, allows the governing board of each school district to allow a probationary period to exceed one semester in length through the completion of the 2020–21 school year due to the impact of COVID-19.

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

Elementary, Intermediate and High School Interscholastic Athletics

The Board recognizes the California Interscholastic Federation (CIF) as the regulatory body for interscholastic athletics for grades nine through twelve. Interscholastic athletics for grades nine through twelve shall be conducted in accordance with this policy the accompanying Administrative Regulations and shall comply with CIF rules except when this Board Policy and accompanying Administrative Regulation establishes a higher standard than the CIF rules.

Although CIF is not the regulatory body for interscholastic athletics for grades seven and eight, the Board adopts CIF rules pertaining to residential and transfer eligibility to interscholastic athletics for grades seven and eight. However, any residential and/or transfer eligibility determinations with regard to seventh and eighth grades will be made by the District, and the District's determinations are final and not subject to appeal to CIF or any other administrative agencies. The District shall apply CIF rules as appropriate with respect to seventh and eighth grade interscholastic athletics in the District.

Administrative Regulations shall align with residential and transfer eligibility requirements for interscholastic athletics for seventh through twelfth grades as well as certain academic and other qualifications and requirements for participation in interscholastic athletics for all District students.

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct.

Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Annual Policy Review

The Board shall annually review this policy and implementing regulations. (Education Code 35160.5)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of homeless students and foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49010-49013 Student fees

49024 Activity Supervisor Clearance Certificate

49700-49703 Education of children of military families

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils

UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

Hartzell v. Connell, (1984) 35 Cal. 3d 899

WEB SITES

CSBA: <http://www.csba.org>

California Association of Directors of Activities: <http://www.cada1.org> California

Department of Education: <http://www.cde.ca.gov> California Interscholastic

Federation: <http://www.cifstate.org> Commission on Teacher Credentialing:
<http://www.ctc.ca.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT
adopted: March 26, 1992 Fresno, California
reviewed: February 2003
revised: May 14, 2014
revised: December 18, 2019
revised: March 17, 2021
revised: Winter __, 2022

Policy Section: 6000 Instruction

Fresno Unified Board Policy (BP) 6145.2 Athletic Competition

The Governing Board recognizes that the district's athletic program constitutes an integral component of the district educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The district's athletic program shall be designed to meet students' interests and abilities and shall be varied in scope to attract wide participation.

(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5030 - Student Wellness)
(cf. 5137 - Positive School Climate)
(cf. 6142.7 - Physical Education and Activity)
(cf. 7110 - Facilities Master Plan)

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, sports skills, and sportsmanship. Athletic events shall be officiated by qualified personnel.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

The Board encourages business and community support for district athletic programs, subject to applicable district policies and regulations governing advertisements and donations.

(cf. 1260 - Educational Foundation)
(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 1325 - Advertising and Promotion)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 3290 - Gifts, Grants and Bequests)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The district's athletic program shall be free from discrimination and discriminatory practices prohibited by state and federal law, including, but not limited to, the use of any racially derogatory or discriminatory school or athletic team name, mascot, or nickname. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for males and females, and that students are permitted to participate in athletic activities consistent with their gender identity.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

No person shall on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise discriminated against in interscholastic, intramural, or club athletics. (5 CCR Section 4920).

A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC Section 221.5(f))

The district shall not, on the basis of sex, exclude from participation in, or deny equivalent opportunity in, athletic programs. In determining whether equivalent opportunities are available to both sexes in athletic

programs, the factors a district shall consider, include, but are not limited to(5 CCR 4922(a)):

- (a) Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes;
- (b) The provision and maintenance of equipment and supplies;
- (c) Scheduling of games and practice times; selection of the season for a sport; location of the games and practices;
- (d) Travel and per diem allowances;
- (e) Opportunities to receive coaching and academic tutoring;
- (f) Assignment and compensation of coaches and tutors;
- (g) Provision of locker rooms, practice and competitive facilities;
- (h) Provision of medical and training facilities and services;
- (i) Provision of housing and dining facilities and services;
- (j) Publicity.

The district shall ensure that athletic programs supported by public funds provide equal opportunity to both sexes for participation and for use of facilities. (EC Section 221.7(b)).

- (a) A school may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex. (34 CFR Section 106.33)

The district accommodates the interests and abilities in athletics of both sexes by any one of the following tests (EC Section 230(d)):

- (a) Opportunities for interscholastic-level participation for male and female pupils are provided in numbers substantially proportionate to their respective enrollments.
- (b) The history of the program and continuing practice of program expansion are demonstrably responsive to the developing interest and abilities of members of the sex that has been and is underrepresented among interscholastic athletes.
- (c) Interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the present program.

A school which only provides one team in a particular sport for members of one sex but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have previously been limited, members of the excluded sex must be allowed to try out and compete with the school's team. The same standards for eligibility shall be applied to every pupil trying out for a team, regardless (5 CCR Section 4921(b))

Any complaint regarding the district's athletic program shall be filed in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Student Eligibility

Eligibility requirements for student participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement and residency, shall be the same as those set by the district for participation in extracurricular and cocurricular activities.

(cf. 3530 - Risk Management/Insurance)

(cf. 5111.1 - District Residency)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

In addition, the Superintendent or designee shall ensure that students participating in interscholastic athletics governed by CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program, including, but not limited to, a fee to cover the cost of uniforms, locks, lockers, or athletic equipment.

(cf. 3260 - Fees and Charges)
(cf. 5143 - Insurance)

Participation in the district interscholastic athletic program shall be made available to those students who meet the eligibility requirements and demonstrate successful progress towards meeting graduation requirements.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Sportsmanship

The Board values the quality and integrity of the athletic program and the character development of student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct adopted by CIF.

Students and staff may be subject to disciplinary action for improper conduct.

(cf. 1265 – Civility Policy)
(cf. 3515.2 - Disruptions)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.4 - Student Disturbances)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities.

Students shall have a medical clearance before participating in interscholastic athletic programs. Care shall be taken to ensure that all athletic training and competition are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)
(cf. 5131.63 - Steroids)
(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School Health Services)
(cf. 5141.7 - Sun Safety)

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition. The Superintendent or designee shall ensure that all athletic equipment is cleaned and inspected for safety before the beginning of each school year.

(cf. 5142 - Safety)

The Superintendent or designee shall develop a written emergency action plan that describes the location of automated external defibrillator(s) and procedures to be followed in the event of sudden cardiac arrest or other medical emergency related to the athletic program's activities or events. The plan shall be posted in accordance with guidelines of the National Federation of State High School Associations. (Education Code 35179.4)

In the event of a serious injury or a perceived imminent risk to a student's health during or immediately after an athletic activity, the coach or other district employee who is present shall remove the student athlete from the activity, observe universal precautions in handling blood or other bodily fluid, and/or seek medical treatment for the student as appropriate.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.22 - Infectious Diseases)

California Interscholastic Federation

Any district school that participates in the California Interscholastic Federation (CIF) shall conduct its athletic activities in accordance with CIF bylaws and rules, and any applicable district policy and regulation. The Superintendent or designee shall have responsibility for the district's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for site-level decisions, as appropriate.

The designated representative(s) shall vote on issues that impact interscholastic athletics at the league and section levels, perform any other duties required by the CIF league, and report regularly to the Board on league, section, and statewide issues related to athletic programs.

(cf. 0500 - Accountability)

The district ensures that each public elementary school, secondary school, and charter school offering competitive athletics shall make all of the following information publicly available at the end of the school year: (1) total enrollment of the school, classified by gender; (2) number of pupils enrolled at the school who participate in competitive athletics, classified by gender; and (3) number of boys' and girls' teams, classified by sport and competition level. (EC Section 221.9(a))

- (a) The information shall reflect the total number of players on a team roster on the first official day of team competition. (EC Section 221.9(b))
- (b) This information shall be posted on the school's internet website, or if the school does not maintain an internet website, on the district or charter school operator's internet website and the information for each school shall be shall be disaggregated by school site. (EC Section 221.9(c))
- (c) All materials used to compile each school's information shall be retained by the school for a minimum of three years after the information is posted on the Internet. (EC Section 221.9(d))

If the district reduces its athletic budget, it does so consistently with its legal obligation to comply with both state and federal gender equity laws. (EC Section 230(e))

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
17578 Cleaning and sterilizing of football equipment
17580-17581 Football equipment
32220-32224 Insurance for athletic teams, especially:
32221.5 Required insurance for athletic activities
33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program
33354 California Department of Education authority over interscholastic athletics
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act
35160.5 District policies; rules and regulations
35179 Interscholastic athletics
35179.1 California High School Coaching Education and Training Program
35179.4 Emergency action plan
35179.5 Interscholastic athletics; limitation on full-contact practices
35179.6 Automated external defibrillator, athletic activities
48850 Interscholastic athletics; students in foster care and homeless students
48900 Grounds for suspension and expulsion
48930-48938 Student organizations
49010-49013 Student fees
49020-49023 Athletic programs; legislative intent, equal opportunity
49030-49034 Performance-enhancing substances
49458 Health examinations, interscholastic athletic program
49475 Health and safety, concussions and head injuries
49700-49701 Education of children of military families
51242 Exemption from physical education for high school students in interscholastic athletic program

HEALTH AND SAFETY CODE

1797.196 Automated external defibrillator

PENAL CODE

245.6 Hazing

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs, especially:
4920-4922 Nondiscrimination in intramural, interscholastic, and club activities
5531 Supervision of extracurricular activities of students
5590-5596 Employment of noncertificated coaches

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34

106.31 Nondiscrimination on the basis of sex in education programs or activities
106.33 Comparable facilities
106.41 Nondiscrimination in athletic programs

COURT DECISIONS

Mansourian v. Regents of University of California, (2010) 602 F. 3d 957
McCormick v. School District of Mamaroneck, (2004) 370 F.3d 275
Kahn v. East Side Union High School District, (2003) 31 Cal. 4th 990
Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

Athletic Department Emergency Action Plan: Response Teams

California Interscholastic Federation Constitution and Bylaws A

Guide to Equity in Athletics

Guidelines for Gender Identity Participation

Keep Their Heart in the Game: A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians Event

Emergency Guidelines, 2013

Pursuing Victory with Honor, 1999

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: March 26, 1992 Fresno, California

revised: March 27, 1997

reviewed: August 22, 2001

revised: May 14, 2014

revised: December 18, 2019

revised: Winter __, 2022

Policy Section: 6000 Instruction

Fresno Unified Board Policy (BP) 6174 Education for English Learners

The Governing Board intends to provide English learners (ELs) with challenging curriculum and instruction that maximize the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate student achievement in the district's regular course of study.

English learners shall be provided English language development (**ELD**) instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6171 - Title I Programs)

English Learners have particular educational needs which must be addressed if they are to fully participate in the educational process. The district will provide an instructional program called Standards-based Content and Language Model that provides access to a challenging core curriculum while at the same time developing the full acquisition of English as rapidly and effectively as possible. The program for English learners shall be designed to promote positive self-concepts and cross-cultural understanding.

No middle or high school student who is an English learner shall be denied enrollment in any of the following: (Education Code 60811.8)

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion

Any secondary English Learner student enrolled in U.S. schools for less than three years shall receive designated English Language Development according to the District English Learner placement guidelines. All English Learners, regardless of grade level and status (newcomer, on track, at-risk, LTEL) shall receive designated and integrated ELD.

2. A full course load of courses specified in item #1 above
3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the student's classification as an English learner

(cf. 0415 - Equity)

(cf. 6141.4 - International Baccalaureate Program)

(cf. 6141.5 - Advanced Placement)

The district shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners. The Superintendent or designee may also provide an English development literacy training program for parents/guardians and community members so that they may better support students' English language development.

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)

Staff Qualifications and Training

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

(cf. 4112.22 - Staff Teaching English Learners)

Professional Development

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Staff development shall also address the sociocultural needs of English learners and provide opportunities for teachers to engage in supportive, collaborative learning communities.

Identification and Assessment

The Superintendent or designee shall maintain procedures which provide for the early identification of English learners and an assessment of their proficiency early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a district ELPAC coordinator and a site coordinator for each test site in accordance with 5 CCR 11518.40-11518.45.

Once identified as an English learner, a student shall be annually assessed for language proficiency until they are reclassified based on criteria specified in administrative regulation.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with testing variations in accordance with 5 CCR 854.1-854.3 English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 854.1-854.3)

(cf. 6162.51 - State Academic Achievement Tests)

Formative assessments may be utilized to analyze student performance and appropriately adapt teaching methodologies and instructions.

(cf. 6162.5 - Student Assessment)

Language Acquisition Programs

The district shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. (Education Code 306; 5 CCR 11300)

At a minimum, the district shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305- 306; 5 CCR 11309)

Designated ELD means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted ELD standards to assist English learners to develop critical English language skills necessary for academic content learning in English. Integrated ELD means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English. (5 CCR Section 11300 [a, c])

For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

A dual-language immersion program that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(cf. 6142.2 - World Language Instruction)

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

(cf. 6151 - Class Size)

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program. (Education Code 310; 5 CCR 11310)

(cf. 5145.6 - Parental Notifications)

Whenever a student is identified as an English learner based on the results of the ELPAC, the student's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310; 5 CCR 11311)

Redesignation (Reclassification)

When an English learner is determined based on state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Program Evaluation

To evaluate the effectiveness of the district's educational program for English learners, the Superintendent or designee shall report to the Board, at least annually, regarding:

1. Progress of English learners towards proficiency in English
2. The number and percentage of English learners reclassified as fluent English proficient
3. The number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1
4. The achievement of English learners on standards-based tests in core curricular areas
5. For any language acquisition program that includes instruction in a language other than English, student achievement in the non-English language in accordance with 5 CCR 11309
6. Progress toward any other goals for English learners identified in the district's LCAP
7. A comparison of current data with data from at least the previous year in regard to items #1-6 above
8. A comparison of data between the different language acquisition programs offered by the district

The Superintendent or designee also shall provide the Board with regular reports from any district or school wide English learner advisory committees.

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical information condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

300-340 English language education, especially:
305-310 Language acquisition programs
313-313.5 Assessment of English proficiency
430-446 English Learner and Immigrant Pupil Federal Conformity Act
33050 State Board of Education waiver authority
42238.02-42238.03 Local control funding formula
44253.1-44253.11 Qualifications for teaching English learners
48980 Parental notifications
48985 Notices to parents in language other than English
52052 Accountability; Numerically significant student subgroups
52060-52077 Local control and accountability plan

52160-52178 Bilingual Bicultural Act
56305 CDE manual on English learners with disabilities
60603 Definition, recently arrived English learner
60640 California Assessment of Student Performance and Progress
60811-60812 Assessment of language development
62002.5 Continuation of advisory committee after program sunsets
CODE OF REGULATIONS, TITLE 5
854.1-854.3 CAASPP and universal tools, designated supports, and accommodations
854.9 CASSPP and unlisted resources for students with disabilities
11300-11316 English learner education
11517.6-11519.5 English Language Proficiency Assessments for California
UNITED STATES CODE, TITLE 20
1412 Individuals with Disabilities Education Act; state eligibility
1701-1705 Equal Educational Opportunities Act
6311 Title I state plan
6312 Title I local education agency plans
6801-7014 Title III, language instruction for English learners and immigrant students
7801 Definitions
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Discrimination prohibited
200.16 Assessment of English learners
COURT DECISIONS
Valeria O. v. Davis, (2002) 307 F.3d 1036
California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141
McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196
Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp.698
ATTORNEY GENERAL OPINIONS
83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources:

CSBA PUBLICATIONS

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016
English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016
English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Reclassification Guidance for 2017-18, CDE Correspondence, April 28, 2017
Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015
Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013
English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017
English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016
English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016
Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: March 26, 1992 Fresno, California
revised: September 12, 1996
revised: December 15, 1999
revised: June 18, 2014
revised: May 31, 2017
revised: June 2, 2021
revised: Spring __, 2022

Policy Section: 6000 Instruction