

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
FEBRUARY 4, 2009**

BOARD AGENDA PACKETS AND INFORMATION:

Complete Board meeting packets are available for review at the Administration Building, the District's six high schools, and at public libraries throughout West County.

Complete Board agendas and packets are available online at: http://www.wccusd.net/board/APM_index.shtml

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District office located at 1108 Bissell Avenue, Richmond, CA 94801 during normal business hours. In addition, such writings and documents may be posted on the District's website as noted above.

VIEWING AND LISTENING TO THE BOARD MEETINGS:

Radio: Regularly scheduled Board meetings are broadcast live over Radio Station KECG 88.1 and 97.7 FM.

Television: Regular Board meetings are also broadcast by the City of Pinole on PCTV Channel 26 and HCTV Channel 25, and the Hercules city cable channel 28.

Audio tapes of Board meetings are kept on file in the Communications Office, Room 215, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1132). The Board of Education would like to acknowledge the City of Pinole for their generosity in helping to televise WCCUSD Board of Education meetings.

ATTENDING BOARD MEETINGS:

The public is warmly invited to attend and participate in all WCCUSD Board of Education meetings.

Location: *Note the temporary change in location will allow broadcast by cable television and radio.*

**PINOLE VALLEY HIGH SCHOOL - CAFETERIA
2900 Pinole Valley Road
Pinole, CA 94564**

Time: The **Board of Education's Open Session meeting will begin at 6:30 PM.** The Board will convene at **5:30 PM** in the Cafeteria to receive comments from anyone wishing to address the Board regarding closed session items (see Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

Special Accommodations: Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.

"of children be more careful than anything."
e.e. cummings

B. OPENING PROCEDURES

B.1 Pledge of Allegiance

B.2 Welcome and Meeting Procedures

B.3 Roll Call

* **B.4 Presentation of Student Board Representative Val Poquiz, Hercules High School**

Comment:

Student Board Representative Val Poquiz will be representing Hercules High School at the Board of Education on February 4, 2009. We would like to recognize and commend her participation.

Recommendation: For Information Only

Fiscal Impact: None

B.5 Report/Ratification of Closed Session

* **B.6 Agenda Review and Adoption** (Public Comment)

* **B.7 Board Minutes:** January 21, 2009; January 24, 2009

C. BUSINESS ITEMS

CONSENT ITEMS (Routine Matters)

Consent Calendar Items designated by “CI” are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section E.

*CI **C.1 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated February 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

*CI **C.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated February 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools.

***CI C.3 Acceptance of Donations**

Comment:

The District has received donations as summarized dated February 4, 2009. The estimated values for any non-cash donations are those provided by the donor. Staff recommends acceptance of these donations.

Recommendation: Recommend Approval

Fiscal Impact: As noted per donations summary

***CI C.4 Notification of Claims Rejected**

Comment:

The District has received claims requesting compensation for personal injury and property damage. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized claim rejections.

Recommendation: Ratify the rejection of claims

Fiscal Impact: None

***CI C.5 2008-2009 Consolidated Application for Funding Categorical Aid Programs, Part II**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District's application for categorical funding for the following academic year for both public and non-public schools. This report also includes a summary of participation in the NCLB Supplemental Educational Services (SES) program and the choice option. Expulsion, suspension and truancy data, as well as progress towards meeting the Highly Qualified Teacher and Highly Qualified Paraprofessional requirements are included.

Part II is submitted at the end of January. It contains information, in specified programs, related to entitlements, allocations, carryover, number of participants, and legal assurances of compliance, as required by State and Federal statute. A copy of the document is available for review at the Administration Building and at the State and Federal Programs office located at the Seaview Campus.

Recommendation: Recommend Approval

Fiscal Impact: Categorical Revenue

***CI C.6 Routine Personnel Changes - Classified**

Comment:

Routine personnel changes include actions to hire, promote, or terminate classified employees in accord with appropriate laws, established policies and procedures.

Recommendation: For Information Only

Fiscal Impact: None

***CI C.7 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:

The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully credentialed teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.8 Approval of School Calendar for 2009-2010**

Comment:

All four labor groups (Local One, SSA, UTR and WCCAA) met and conferred about the school calendar. The proposed school calendar for 2009-2010 is provided.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.9 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified engineering, architectural, or landscape architectural firms to assist in completion of the referenced projects. Many of the firms are already under contract and the staff-initiated work may be an extension of the firm's existing contract with the District. Public contracting laws have been followed in initially qualifying and selecting these professionals.

Recommendation: Ratify and approve contracts

Fiscal Impact: Total for this action: \$28,500. Funding sources as noted.

***CI C.10 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: DeAnza High School Fieldhouse; DeAnza High School Demolition & Sitework; Hercules Middle High School Fields, and Pinole Middle School New Gym & Classroom Projects. Change Orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted Change Orders for the DeAnza High School Fieldhouse; DeAnza High School Demolition & Sitework; and Pinole Middle School New Gym & Classroom projects are required by the Board, with special findings as noted below, because these are in excess of the Public Contract Code limit of 10% of the original contract value. In accordance with Public Contract Code 20118.4, the Board, by approving and ratifying these Change Orders, finds that it would have been futile to publicly bid the work in question because of the tight time frames to complete this work without affecting the operations of the District, and that the public is best served by having this work completed by the contractor on the project.

Recommendation: Ratify negotiated Change Orders as noted

Fiscal Impact: Total ratification and approval by this action: \$220,978.34.

***CI C.11 Resolution No. 58-0809, in Support of Applications for Eligibility Determination, Hardship Applications, and Signature Authorization for Applications and Associated Documents for the Office of Public School Construction**

Comment:

The District must submit applications and other documents to the Office of Public School Construction in reference to its construction projects. It is required that the District's Board adopt a resolution in support of the applications and also authorize District staff to sign documents and forms related to the applications. The attached resolution is an update to Resolution 26-0607, to delete Jeff Edmison, former Associate Superintendent, and to add Mr. Bill Fay and Mr. Luis Freese as designees authorized to sign all documents and papers associated with applications.

Recommendation: Adopt Resolution No. 58-0809

Fiscal Impact: None

***CI C.12 Transition Learning Center ("TLC") Access Ramps Replacement Project Award of Contract**

Comment:

The District has received funding for the replacement of damaged wood ramps to the existing modular buildings at TLC. These access ramps will be removed and replaced at seven buildings on the North Campus site of TLC. The Seville Group ("SGI") has prepared bid specifications for the project. A public bid process was completed for the project. Bids were opened on January 27, 2009. Four Contractors submitted bids. They are as follows: Coast Side Associates \$39,620; ERA Construction \$38,150; BHM Construction \$37,483; and Streamline Builders \$33,000. The lowest responsive, responsible bidder is Streamline Builders at \$33,000.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

Fiscal Impact: \$33,000. Funded from the state Emergency Repair Program (“ERP”).

***CI C.13 Award of Contract for Testing and Inspection Services for Measure J Schools: Ford, Dover, and King**

Comment:

The District is ready to start construction on the first elementary school renovations under the Measure J Bond Program. As a part of any school construction project, the Division of State Architect (“DSA”) requires materials testing and inspection during the course of the work. The Structural Engineer of Record and the Architect of Record for the King, Dover and Ford Elementary projects have indicated in the plans and specifications for their projects which items require testing and inspection. The District has issued a Request for Proposals, advertised the process, held a pre-proposal conference, and is entertaining firms which are reviewing all of the plans and specifications for the project. The proposals are due on January 29, 2009. Staff will bring a recommendation for award to the meeting of February 4, 2009.

Recommendation: Award contract to _____ for Inspection and Testing Services for Measure J Schools: Ford, Dover, King.

Fiscal Impact: \$_____. Funded by the Measure J Bond.

***CI C.14 DeAnza High School Fieldhouse Anti-Graffiti Coating Project Award of Contract**

Comment:

The DeAnza High School Fieldhouse project is nearing completion. The exterior finish of the building is a mix of stucco and brick, which is the overall finish for the future new campus providing an appropriate educational building aesthetic for the facility. Concerns have been raised regarding graffiti removal from natural brick surfaces. Staff has reviewed and discussed these concerns with the Board’s Facilities Subcommittee. It has been determined that it would be important to apply an anti-graffiti coating to the brick surfaces. This was not included in the original bid documents. Seville Group, the District’s Program Manager, has prepared a bid package using the product specified and included in the El Cerrito HS project. The project for the application of the anti-graffiti coating is currently out for public bid. The bids are due to be opened on February 3, 2009. Staff will bring a recommendation for award to the meeting of February 4, 2009.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board’s action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

Fiscal Impact: \$_____. Funded from the Measure J Bond.

***CI C.15 Resolution No. 62-0809: Arts in Education Month – March 2009**

Comment:

This resolution proclaims the month of March as Arts Education Month and encourages all educational communities to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Recommendation: Approval

Fiscal Impact: None

***CI C.16 Resolution No. 63-0809: Disabilities Awareness Month – March 2009**

Comment:

This resolution proclaims the month of March 2009 as Disabilities Awareness Month and encourages all schools and educational communities to commemorate this occasion with meaningful student activities and programs that promote and demonstrate learning about and understanding individuals with disabilities.

Recommendation: Approval

Fiscal Impact: None

***CI C.17 Resolution No. 64-0809: Women’s History Month – March 2009**

Comment:

This resolution proclaims the month of March as Womens’ History Month and encourages all educational communities to commemorate this time with appropriate instructional activities.

Recommendation: Approval

Fiscal Impact: None

***CI C.18 Resolution No. 65-0809: Week of the School Administrator – March 2–6, 2009**

Comment:

Administrators of California’s public schools are commended for their support of, and contribution to, quality education in the state.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.19 Certification of Athletic Coaches – Winter Sports**

Comment:

Under California Education Code Section 5593, all athletic team coaches are required to be certified annually. Topics covered during the training include first aid, CPR, coaching techniques, adolescent

psychology (as it relates to sports participation), and ethics. The lists of coaches from each of the high schools for winter sports is provided.

Recommendation: Approval

Fiscal Impact: None

***CI C.20 Board Assignments**

Comment:

At the December reorganization meeting, Board President Audrey Miles made preliminary appointments for various subcommittees pending the opportunity for the Board to discuss these more fully at the Board retreat. At the January 24, 2009 governance retreat, the Board discussed various options for appointments and protocols as follows:

High School Assignment Preferences

El Cerrito High School – Madeline Kronenberg
Hercules High School – Charles Ramsey
Kennedy High School – Audrey Miles
Pinole Valley High School – Charles Ramsey
Richmond High School – Antonio Medrano
DeAnza High School – Tony Thurmond

Middle College – Antonio Medrano
Adult Education – Madeline Kronenberg
Gompers-North Campus – Tony Thurmond
Vista High – Audrey Miles

Committee Assignments

Special Education CAC – Audrey Miles
Community Budget Advisory Committee – Tony Thurmond

Liaison to Five City Councils

El Cerrito – Audrey Miles
Hercules – Madeline Kronenberg
Pinole – Charles Ramsey
Richmond – Tony Thurmond
San Pablo – Antonio Medrano

Recommendation: That the Board President make the subcommittee and liaison appointments

Fiscal Impact: None

***CI C.21 Citizens Bond Oversight Committee Member Appointment**

Comment:

There is currently a vacancy in the membership of the Citizen’s Bond Oversight Committee for the statutorily-required representative of Parent/Guardian of a student in the District. The Superintendent recommends the appointment of Cheryl Sudduth to fill the position. Ms. Sudduth is a parent at Valley View Elementary School.

Recommendation: Confirm the appointment of Cheryl Sudduth as the Superintendent’s appointee to the Citizens Bond Oversight Committee representing Parent/Guardian of a student.

Fiscal Impact: None

***CI C.22 Resolution 66-0809: In Support of Solving the Budget Crisis**

Comment:

Facing even further reductions in State funding for schools over the next two years, the Board of Education seeks to adopt Resolution 66-0809 to oppose further cuts to education funding and urge the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases. The resolution supports broad local budget flexibility to help school districts prioritize resources to best serve the needs of students.

Recommendation: That the Board approve Resolution 66-0809: In Support of Solving the Budget Crisis

Fiscal Impact: None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Two minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee
Facilities Subcommittee
Safety Committee
Ivy League Connection
Citizens' Bond Oversight Committee
Bayside Parent Teacher Association
Special Education Citizens Advisory Committee
Community Budget Advisory Committee
United Teachers of Richmond
Public Employees Local 1
School Supervisors Association
West Contra Costa Administrators Association

*** D.2 In Memory of Members of the School Community**

Comment:

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Dr. W.W. "Woody" Snodgrass passed away Sunday, January 25, at the age of 95. Dr. Snodgrass began his career with the Richmond Unified School District in 1937. He served as Teacher, Counselor, Dean of Boys, Director of Adult Education, Principal, Deputy Superintendent and Superintendent. After his retirement in 1975, he continued to serve as Chief Negotiator, Board Trustee and Member of the Facilities Bond Committee.

Our thoughts go out to the family and friends in the loss of their loved one.

Recommendation: For Information Only

Fiscal Impact: None

E. PUBLIC AND COMMITTEE COMMUNICATIONS

(Education Code 35145.5; Government Code 54950 et seq.)

* **E.1 Superintendent’s Report**

* **E.2 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** If there are more requests to speak than can be heard within this time limit, “WCCUSD Public Comment” will continue after Item G. Individuals wishing to speak must submit a “WCCUSD Public Comment” form prior to the beginning of this item on the agenda. Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

F. ACTION ITEMS

* **F.1 Charter School Facilities Preliminary Offer to Leadership Public Schools**

Comment:

At the meeting of January 21, 2009, the Board directed staff to modify the proposed Charter School Facilities Preliminary Offer to Leadership Public Schools (“LPS”) and prepare a new offer for placement at the Kennedy High School campus. Since that meeting, staff has reviewed options for placement at the site and engaged in dialogue with both Leadership and Kennedy staff to consider the proposal. The resultant of those planning meetings was a consensus of both staffs that the proposed offer of facilities at Kennedy High School for the 2009/2010 school year would cause an extreme hardship to the respective educational programs. Pursuant to the provisions of Proposition 39, LPS would be obligated to vacate district facilities in the event that they did not accept the District’s offer for 2009/2010. Both groups are requesting the Board to reconsider the action. This would allow additional time for planning and preparation, giving the District and its Charter partner time to develop an appropriate shared facilities model at the Kennedy High site. Both LPS and the District have jointly agreed to waive the statutory deadline of February 1st for the preliminary offer, in anticipation that the Board would agree to reconsider. The Charter School Facilities Preliminary Offer to Leadership Public Schools for the Nystrom Temporary Campus is attached.

Recommendation: Reconsider previous action and authorize staff to submit Charter School Facilities Preliminary Offer to Leadership Public Schools for placement at the Nystrom Temporary Campus for the 2009/2010 school year. Direct staff to initiate a planning process for the 2010/2011 school year to place LPS at the Kennedy High School campus.

Fiscal Impact: Not known at this time

* **F.2 Public Hearing Regarding Request for Bond Waiver**

Comment:

The West Contra Costa Unified School District Board of Education will hold a public hearing to review and consider adoption of Resolution No. 59-0809 Requesting the State Board of Education to Waive West Contra Costa Unified School District Measure J Bonding Limit, as provided by Education Code Sections 15106 and 15270. The public hearing, pursuant to Education Code 33050(a), will be held at a regular board meeting that begins at 6:30 p.m. on February 4, 2009, at Pinole Valley High School, Cafeteria, Pinole, CA 94564.

The purpose of the waiver will be to permit the District to issue all the remaining authorized Measure J bonds for modernization and construction related projects.

Interested persons wishing to comment on the proposed waiver request may be heard at the public hearing, or may submit written comments and questions to the Office of Business Services no later than February 3, 2009.

The documentation for the Bond Waiver is available for review at 1108 Bissell Avenue, Richmond.

Recommendation: For Information Only

Fiscal Impact: None

* **F.3 Resolution No. 59-0809 Requesting the State Board of Education to Waive West Contra Costa Unified School District Measure J Bonding Limit**

Comment:

The Education Code provides that bonds of a unified school district may be issued in amounts up to a statutory bonding limit of 2.5% of the district's assessed valuation, as calculated by the county assessor. The District's outstanding bonds from all ballot measures currently total approximately \$636 million, compared to an estimated bonding capacity of \$676 million. The District has remaining Measure J bonding authorization of \$210 million. To issue these bonds within the statutory bonding limit would require an unknown delay until assessed valuation can grow or outstanding bonds can be paid down in a sufficient amount. Delaying issuance of the remaining bonds will drive the building program seriously off schedule, and increase costs significantly.

The State Board of Education has the power to waive certain provisions of the Education Code, and has waived the bonding limit for other school districts (including the District in 2002). Measure J included a statement to the voters informing them that the District would likely seek a waiver of the statutory bonding limit. If the State Board grants the waiver, staff estimates that issuance of the bonds would cause the District's debt to be at 3.15% of total assessed valuation, and that debt would be above the 2.5% bonding limit until approximately 2012-2013, depending on actual growth in property values in the District. Bonds would be issued such that the property tax rate would not exceed the promise to the voters and the Proposition 39 limit of \$60 per \$100,000 of assessed valuation. The Bonds would be issued during the summer of 2009.

Preceding adoption of this resolution, the Board will conduct the requisite public hearing, scheduled during the February 4th meeting, following notice to the public. This resolution will authorize District staff to

submit the waiver request to the State Board, and to work with them as required to document and support the request.

Recommendation: Recommend approval of Resolution 59-0809

Fiscal Impact: None

* **F.4 Resolution No. 60-0809 Approving Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement and Agreement to Waive Future Claims**

Comment:

The Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement settles the test claim CSM-4464 initiated by San Diego Unified School District, Butte County Office of Education, and San Joaquin County Office of Education, and the related Sacramento Superior Court case, Case No. 03CS01432, regarding reimbursement for costs associated with behavioral intervention plans required by the Hughes Bill statute and regulations under state law. If approved, it ends a fourteen-year dispute with the State of California regarding funding for state behavioral intervention plan requirements that are in excess of federal law. The settlement provides reimbursement for past costs associated with behavioral intervention plans and certain funding for ongoing costs. The Legislature's obligation to fund the settlement is contingent on 85% of all districts, county offices of education, and special education local plan areas constituting 92% of statewide ADA waiving their rights to file additional mandated cost claims on the current Hughes Bill statute and regulations.

In the resolution, the Board (1) approves the settlement which will bring the District approximately \$14.85 per 2007-08 ADA annually for the six-year period beginning 2011-12 through 2016-17, the SELPA approximately \$8.85 per December 2007 special education pupil count in 2009-10 and approximately \$10.92 per ADA (ongoing) for the SELPA as part of the AB 602 funding formula, beginning in 2009-2010, and increasing by COLA and ADA growth in subsequent years; (2) agrees to waive its ability to file future mandated cost claims on the Hughes Bill statute and regulations as currently worded; and (3) directs the District's authorized representative to sign the Waiver to implement this action.

Recommendation: Recommend approval of Resolution 60-0898.

Fiscal Impact: Increase in estimated revenues for 2009/10 through 2017/18

- \$416,000 – six annual installments (2011/12 through 2017/18)
- \$39,000 – one time (2009/10)
- \$10.92 per ADA or \$300,000 ongoing (beginning 2009/10)

* **F.5 Resolution No. 61-0809 Temporary Borrowing Between Funds**

Comment:

Due to concerns regarding the status of cash at the State level and the possibility that the normal flow of State deposits may be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the school district to temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

If the State Controller were to defer the deposits for our District, as has been proposed, our regular deposits would be cut in half in February. The deposits would then be restored in April and July. The District has implemented cost containment measures in an effort to preserve cash and avoid the need for temporary borrowing. In the event that temporary borrowing is needed, staff will provide the Board with a report with detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2008-09 fiscal year.

Recommendation: To approve Resolution 61-0809 for Temporary Borrowing Between Funds

Fiscal Impact: No fiscal impact

G. DISCUSSION ITEMS

*** G.1 Public Hearing / Board Discussion School Closures**

Comment:

In December, the Board approved a process for gathering public input and expert recommendations regarding the Board's commitment to close schools and consolidate students for 2009-10 and 2010-11. The final two stages in that process were to hold a public hearing on the recommended closures and to make a decision. The public hearing has been scheduled for this meeting (February 4, 2009) and the decision is scheduled for a special Board meeting on February 11.

Recommendation: That the Board hold a public hearing and discuss the recommendations for school closures.

Fiscal Impact: Operational savings of at least \$16 million over the next five years.

*** G.2 Board Review of Vacant Positions**

Comment:

Based on the current financial crisis facing the district, board members have expressed interest in reviewing the list of vacant positions prior to posting and hiring. Staff is requesting discussion and direction.

Recommendation: For Discussion Only

Fiscal Impact: None

*** G.3 Donations**

Comment:

The recent community meetings surrounding school closure have increased interest among parents and community stakeholders in providing funds through donations to the school district. The attached memorandum and information from a community member is provided for consideration by the Board.

The purpose of this agenda item is to provide the board an opportunity to discuss the topic and provide direction to staff.

Recommendation: For Discussion

Fiscal Impact: None

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

February 11, 2009 - Location to be determined

K. ADJOURNMENT

At 10:00 PM, any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 PM. The meeting may be extended by a majority vote of the Board of Education.

The public may address items which are marked with an asterisk (*).

A. CLOSED SESSION

A.1 CALL TO ORDER

A.2 DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
(Government Code 54957.7)

A.3 RECESS TO CLOSED SESSION AS SCHEDULED

See Exhibit A

(Government Code Section 54954.5)

The **Open Session** will resume at the end of the **Closed Session** in the Multi-Purpose Room at approximately **6:30 PM**.

EXHIBIT A

(Government Code Section 54954.5)

CLOSED SESSION AGENDA

February 4, 2009

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

1. Negotiator: Superintendent / Dr. Bruce Harter
2. Property: Land located on either side of Lexington Avenue between Stockton Avenue and Eureka Street in El Cerrito, CA. Price and all terms of agreement.
3. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Government Code Section 54956.9(a)]

1. WCCUSD v. RDS Architects
2. Lumagbas et al. v. WCCUSD et al.
3. S.H. v. WCCUSD

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION

[Government Code Section 54956.9(b)]

Four cases

4. LIABILITY CLAIMS (Government Code Section 54956.95)

5. CONFERENCE WITH LABOR NEGOTIATORS

- a. Superintendent/Dr. Bruce Harter
- b. Employee Organizations
 - UTR
 - Local One
 - School Supervisors Association
 - WCCAA
- c. Unrepresented Employees
 - Confidential and Management

6. PUBLIC EMPLOYEE APPOINTMENT

7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

8. STUDENT DISCIPLINE (Education Code Section 35146)

- a. Expulsions

**9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT
(Government Code Section 54957)**

10. REPORT OF CLOSED SESSION ACTIONS