

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
MARCH 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:

Television:

Live television broadcast of regularly scheduled Board meetings is temporarily suspended due to construction at the Richmond Civic Center. Board meetings will be rebroadcast by the City of Pinole on PCTV Channel 26/28, the City of Richmond KCRT Channel 28 and the City of Hercules Cable Channel 28. Please check the city websites for local listings of rebroadcast schedules.

You may also find the complete meeting available on line through the Pinole City Web Page at:

<http://www.ci.pinole.ca.us/admin/index.html> or <http://www.kcrt.com> within a few days of the recording date.

Radio:

Radio broadcast of regularly scheduled Board meetings is temporarily suspended.

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 cities of Pinole and Richmond 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: **LOVONYA DEJEAN MIDDLE SCHOOL
3400 MACDONALD AVENUE
RICHMOND, CA 94805**

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 Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (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 Gerard Markham, John F. Kennedy High School**

Comment:

Student Board Representative Gerard Markham will be representing John F. Kennedy High School at the Board of Education on March 4, 2009. We would like to recognize and commend his 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: February 2, 2009; February 4, 2009; February 11, 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 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve contracts for services as detailed dated March 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per contracts summary

- ***CI C.2 Grants/Awards/Agreements**

Comment:

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

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

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

Comment:

The District has received donations as summarized dated March 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 Approval of Fund-Raising Activities**

Comment:

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

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.5 Acceptance of Contracts for Placement of Student Teachers**

Comment:

Teachers in this district provide supervision and evaluation for students seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher at no cost to the district.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed dated March 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.6 Agreements for Nonpublic, Nonsectarian School/Agency Services**

Comment:

Permission is requested of the Board of Education to approve the Master Contracts between the District and the additional named agencies for nonpublic, nonsectarian school/agency services for the period of December 1, 2008 through June 30, 2009.

Non Public Agency:

Hallsten Speech Pathology
Quality Behavioral Outcome

Recommendation: Recommend Approval

Fiscal Impact: \$75,000.00* - Non-LCI *No budgetary impact, included in previously approved Master Contract for services

***CI C.7 Summary of Payroll and Vendor Warrant Reports**

Comment:

The summaries of Payroll and Vendor Warrants issued during the month of January, 2009 are provided.

Total of payroll warrants: \$11,173,971

Total of vendor warrants: \$22,704,497

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted above

***CI C.8 Adoption of Resolution 74-0809: Replacement of Outdated Warrants**

Comment:

Government Code Section 29802(c) allows the governing board, by resolution, to order a replacement check be issued for a warrant that is stale dated. This resolution authorizes the issuance of a check to replace the outdated warrants for Steven Paul Ziem. Staff recommends replacement of the stale dated warrants.

Recommendation: Recommend approval to replace the outdated warrants

Fiscal Impact: No impact

***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 \$214,330. 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 Track and Field; Downer Elementary New School; El Cerrito High School New Campus; El Cerrito High School Admin/Theater; Helms Middle School New School; Leadership Public Schools Temp Campus; Kennedy High School Painting; and Murphy Elementary Site Improvements 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; Ford Elementary Temp Campus; 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: \$1,339,752.51.

***CI C.11 King Elementary New Campus Construction Project Award of Contract**

Comment:

Construction is already underway on the demolition and site grading for the King Elementary project. The next step in the reconstruction of King Elementary School is to build the new school, move into the facility, demolish the old school, and construct the playground and field. All of this work is contained in the King Elementary New Campus Construction Project. Quattrochi Kwok Architects has prepared plans and specifications for the King project. The District conducted a public bid process for the project. Bids were opened on February 19, 2009. Fourteen pre-qualified General Contractors submitted bids. They are as follows: Cal Pacific \$17,775,000; Midstate Construction \$17,512,000; W.A. Thomas \$17,145,000; Roebbelen Contracting \$17,123,000; Wright Contracting \$16,965,000; Alten Construction \$16,733,959; C Overaa and Co. \$16,685,000; Zovich and Sons \$16,630,000; Arntz Builders \$16,444,296; West Coast Contractors \$16,403,000; Lathrop Construction Associates \$16,289,000; SJ Amoroso \$16,147,000; Zolman Construction & Development \$15,775,000; West Bay Builders \$15,595,000. The lowest responsive, responsible bidder is West Bay Builders at \$15,595,000.

District staff and SGI, Bond Program Managers, have confirmed that sufficient funds are available for the award of this project, even prior to completing future bond sales authorized under Measure J. This bid is significantly below the District's construction estimate and budget for the project. This appears to reflect unusual market conditions related to the financial crisis and recession. The bid savings will assist the District in balancing other impacts to the Bond Program budget. Staff will bring an updated program budget forward at a future meeting of the Board and after review with the Board's Facilities Subcommittee.

Recommendation: Award contract to the lowest responsive, responsible bidder.

Fiscal Impact: \$15,595,000. Funded from the Measure J Bond.

***CI C.12 Pinole Middle School Temporary Kitchen Utilities Project Award of Contract**

Comment:

During the renovation of the original main building at Pinole Middle School, there will be no kitchen available for the site. It is proposed to provide a temporary kitchen using a modular Food Service building and a deck with ramps on the playground area adjacent to Appian Way. Powell and Partners Architects have prepared plans and specifications for the project, which have been approved by the Division of State Architect and the Contra Costa County Environmental Health Dept. The modular building vendor will be

providing internal modifications, prior to delivery, to the building to accommodate the District's Food Service needs on the site. The scope of work in this project is the sitework, utility hookups, and miscellaneous installation and preparation tasks to get the temporary kitchen up and running. The District conducted a public bid process for this project. Bids were opened on February 24, 2009. Five Contractors submitted bids. They are as follows: Gold Spring Construction \$329,950; Kin Woo Construction \$228,000; ERA Construction \$184,460; Trinet Construction \$177,000; and, A&E Emaar \$175,000. The apparent low bidder is A&E Emaar at \$175,000.

Subsequent to the bids being opened, the District has received a bid protest. The bid protest is currently being reviewed by legal counsel and responded to by the apparent low bidder. This item is being presented prior to the resolution of this bid protest. 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 upon the resolution of this, or any other bid protest, 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 the Notice of Award, at the end of the bid protest period, to the lowest responsive, responsible bidder.

Fiscal Impact: \$175,000. Funded from the Measure J Bond.

***CI C.13 Approval of Board Member to Attend CSBA Delegate Assembly May 16-17, 2009**

Comment:

Board Bylaw 9250 stipulates members of the Board shall be reimbursed for allowable expenses incurred in attending any meetings or in making any trips on official business of the school district when so authorized in advance by the Board of Education. (Education Code 35044). Board member, Charles Ramsey, Delegate to the California Schools Boards Association Assembly, will attend this year's May Delegate Assembly meeting held Saturday, May 16 through Sunday, May 17 in Sacramento. Expenses including registration fees, mileage, meals and lodging are estimated to total approximately \$600.00. Funds for Board travel and conference are budgeted and there is sufficient funding within that budget.

Recommendation: That the Board authorize member Charles Ramsey to attend the CSBA Delegate Assembly meeting.

Fiscal Impact: General Fund

***CI C.14 2009 CSBA Delegate Assembly Election Ballot**

Comment:

The California School Boards Association (CSBA) is accepting nominations for its Delegate Assembly, Subregion 7-A, to serve a two-year term beginning April 1, 2009 to March 31, 2011.

The Board of Education is recommending the nomination of Antonio Medrano as representative from Subregion 7-A for the CSBA 2009 Delegate Assembly.

Recommendation: Nominate Antonio Medrano as Subregion 7-A representative to the CSBA 2009 Delegate Assembly.

Fiscal Impact: None

***CI C.15 Resolution No. 73-0809: California Adult Education Week – March 9-13, 2009**

Comment:

The administration, teachers and students of the West Contra Costa Adult School are recognized for their efforts and accomplishments.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.16 Request Textbook Materials Waiver**

Comment:

Historically West Contra Costa Unified School District has established and maintained an instructional materials program that fully aligns the use of state adopted textbooks with standards based instruction; meeting the requirements of the Williams settlement with regard to sufficiency of standards aligned textbooks. Currently WCCUSD has standards-aligned textbooks and basic instructional materials in place for every student and are fully confident that we will continue to provide sufficient copies of the currently adopted standards-aligned textbooks for Mathematics and Reading Language Arts in the school years covered by the proposed waiver. Furthermore, the WCCUSD waiver proposal includes a provision for re-establishing adherence to state adoption cycles following the end of the waiver period.

Reason (Mathematics):

The purchase of new pre-Algebra and Algebra 1 books for school year 2009 would pose both an instructional and fiscal challenge to the district. Instructionally, our pilot teachers recognized that in the first year of implementation of the K-6th Everyday Math program, teachers teach 3 lessons per week vs. in future years the recommended 4-5 lessons. Therefore, the piloting pre-Algebra/Algebra teachers recommended and requested an extra year to ensure the most seamless transition from Everyday Math to pre-Algebra and Algebra 1. If the waiver is approved WCCUSD would extend the algebra pilot, and begin to integrate 6th grade teachers into discussions. Thus when selecting, it truly would be based upon a program that would best meet the needs of students facing more advanced algebraic concepts.

Reason (Reading Language Arts):

From a fiscal point of view, purchasing the Reading/Language Arts Adoption immediately after the recent grades K-6 math adoption is prohibitive. A combination of increased per pupil costs for the new adoption, combined with decreasing resources in this time of fiscal crisis, places an unrealistic financial burden on the District. This is especially true in terms of anticipated cuts in the amount of IMFRP funds.

From an instructional standpoint, it makes pedagogical sense to provide teachers (especially elementary teachers) with an additional year to build strong implementation of the new math program before asking them to implement a new Reading/Language Arts program with equal fidelity.

It is important to note that WCCUSD is a Program Improvement Corrective Action district and that our DAIT providers have been consulted and support these requests for waivers. We have demonstrated to them that extending the adoption of new Reading Language Arts and pre-Algebra and Algebra 1

materials for one year will not impact our ability to successfully address the goals of the Corrective Actions program.

Recommendation: Approve request for textbook waivers for submission to CDE for authorization.

Fiscal Impact: Approving the waiver will create a savings of \$2,480,000 - \$2,860,000 - based upon adopted program - if request is denied this will need to be allocated in the 2009-10 budget.

***CI C.17 Memorandum of Understanding (MOU) between West Contra Costa Adult Education and North Richmond Young Adult Empowerment Center**

Comment:

The adult school, in partnership with North Richmond Young Adult Empowerment Center (NRYAEC), located at 50 Silver Avenue, Richmond, will be providing educational services to the adult clients of North Richmond. This agreement will enable the adult school to expand our training to an underserved area without cost to the District. The instructional cost of the classes will be funded by ADA and the operational and material costs will be covered by NRYAEC.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.18 Memorandum of Understanding (MOU) between West Contra Costa Adult Education and Pathway to Choices Inc. (PTC)**

Comment:

The adult school, in partnership with PTC, located at 751 Belmont Way, Richmond, will be providing educational services to the special needs adult clients of PTC. The agreement will enable the adult school to expand our Adult with Disabilities training without cost to the District. The instructional cost of the classes will be funded by ADA and the operational and material costs will be covered by PTC.

Recommendation: Recommend Approval

Fiscal Impact: None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Recognition of AT&T Contributions to the West Contra Costa Unified School District**

Comment:

AT&T has been an exemplary Business and Community partner to the WCCUSD. AT&T is committed to advancing education, strengthening communities and improving lives. Through philanthropic initiatives and partnerships, AT&T and the AT&T Foundation support projects that create opportunities, make connections and address community needs where customers live and work. Supporting education has been a major focus for AT&T for more than a century, and education is its key philanthropy focus. AT&T is driven to help students succeed — in school, in the workforce and in life. AT&T Aspire is a \$100 million initiative to address high school success and college and workforce readiness around the

country. This program is AT&T's most significant education initiative to date and one of the largest corporate commitments ever to address high school success and workforce readiness.

West Contra Costa has been the fortunate recipient of an AT&T grant of \$150,000 for three successive years targeted at students enrolled in Information Technology Programs to support their technology needs and to enhance their internships in the community.

The board would like to acknowledge and appreciate Mr. Will Rigney, Vice President of Community Relations – AT&T Northern California, for his guidance through the application process and AT&T for this generous award for the students of West Contra Costa.

Recommendation: For Information Only

Fiscal Impact: None

* **D.2 Recognition of Dartmouth Intern Harmony Gbe**

Comment:

In the summer of 2007, six El Cerrito High School students participated in the Summer Enrichment at Dartmouth (SEAD) program at Dartmouth College in Hanover, New Hampshire. The students and faculty sponsors made a connection with Dartmouth Junior Harmony Gbe. During the winter quarter at Dartmouth, Ms. Gbe is serving as an unpaid intern at El Cerrito High School, serving students and staff while learning about public education. Ms. Gbe is majoring in Government and Sociology.

Recommendation: For Recognition Only

Fiscal Impact: None

* **D.3 Budget Report Update**

Comment:

Staff will provide information for the 2008-09 and 2009-10 District budget.

Recommendation: For Information Only

Fiscal Impact: Further analysis will be necessary to fully quantify the financial impact.

* **D.4 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	Public Employees Local 1
Bayside Parent Teacher Association	School Supervisors Association
Citizens' Bond Oversight Committee	United Teachers of Richmond
Community Budget Advisory Committee	West Contra Costa Administrators Association
Facilities Subcommittee	
Ivy League Connection	
Safety Committee	
Special Education Citizens Advisory Committee	

* **D.5 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.

Nancy Lewis Teese passed away recently at the age of 72. Ms. Teese was the librarian clerk at Adams Jr. High School, helped open John F. Kennedy High School and retired as secretary to the superintendent.

Howard Miller passed away on January 9, 2009. Mr. Miller retired as a counselor from Crespi Middle School and also worked many years at Helms.

Cameron Russell, Freshman at Kennedy High School, passed away on January 23, 2009.

Angel Beltran, Sophomore at Kennedy High School, passed away on January 26, 2009.

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

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 Deferral of Closure of Lake Elementary School**

Comment:

On February 11, 2009 and after a lengthy process for school closures, the Board approved the closure of Lake Elementary school for the 2009-10 school year. On February 17, 2009, the San Pablo City Council unanimously approved a resolution that would provide \$300,000 per year for the 2009-10 and 2010-11

school years in exchange for non-school time use of district facilities at Downer and Lake Elementary Schools and Helms Middle School as well as the District's agreement to develop a Civic Engagement curriculum, allowing the city to build a community center at Helms Middle and providing the city with the first right of refusal on the sale of school properties in San Pablo. The resolution also stipulates that WCCUSD maintain the operation of all of its schools in San Pablo to the best of their ability at least through June of 2011. Upon both the City of San Pablo and WCCUSD Board approval of a detailed agreement, the City will provide the funding (\$300,000 each year) that will keep Lake Elementary School open for both the 2009-10 and 2010-11 school years.

Recommendation: That the Board approve the deferral of the previously approved closure of Lake Elementary school until 2011-12 unless additional external funding is identified to keep the school open past June 30, 2011.

Fiscal Impact: \$600,000 contribution to the General Fund

* **F.2 Attendance Area Reassignment for Students in Schools Approved for Closure for 2009-10**

Comment:

On February 11, after a lengthy process, the Board approved the closures of El Sobrante Elementary, Castro Elementary and Adams Middle School effective for the 2009-10 school year. The Board also approved changing the grade levels at Chavez, Coronado, Dover, King, Lincoln, Nystrom, Stege and Wilson from K-5 to K-6 beginning with the 2009-10 school year.

Closing El Sobrante, Castro and Adams will necessitate designating attendance areas for students who live within the attendance boundaries for these schools. Students in the El Sobrante attendance area will be re-assigned to Murphy Elementary School; students in the Castro attendance area will be divided among the Madera, Fairmont and Stege attendance areas; students in the Adams attendance area will be re-assigned to Crespi, Helms and Lovonya DeJean middle schools. Students who attended these schools during the 2008-09 school year or would have been in the feeder pattern to attend these schools for 2009-10 will be placed at the top of the transfer list for transfers for the 2009-10 school year.

Recommendation: That the Board approve the reassignment of students at El Sobrante, Castro and Adams as designated and approve the priority for student transfers from closed schools.

Fiscal Impact: \$1.7 million in General Fund savings for 2009-2010

* **F.3 Resolution No. 68-0809: Same Date of Hire Criteria**

Comment:

In the event the district must reduce certificated staff for the 2009-2010 school year, such reductions must be made on the basis of seniority. Whenever two or more employees have the same date of hire, it is necessary to have specific criteria upon which to base reduction decisions. The criteria for the same date of hire are listed on the attached resolution. Upon approval of the criteria the district certificated seniority list can be finalized and posted at all sites where certificated staff are employed.

Recommendation: Recommend Approval

Fiscal Impact: None

* **F.4 Resolution No. 70-0809: Resolution to Decrease the Number of Certificated Employees Due to a Reduction in Particular Kinds of Services**

Comment:

Pursuant to Education Code Section 44955, the District must adopt a resolution to reduce or eliminate particular kinds of services and notice the appropriate certificated staff prior to March 15, 2009, in order to meet the necessary budget reductions for the 2009-2010 school year.

Recommendation: Recommend Approval

Fiscal Impact: To be determined

* **F.5 Resolution No. 69-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees**

Comment:

A lack of work and/or funds necessitates the elimination of classified positions.

Recommendation: Recommend Approval

Fiscal Impact: To be determined

* **F.6 Resolution No. 72-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees, After School Program**

Comment:

A lack of work and/or funds necessitates the elimination of classified positions.

Recommendation: Recommend Approval

Fiscal Impact: To be determined

* **F.7 Second Interim Report, 2008-09**

Comment:

A summary of the District's Second Interim Report for 2008-09 covers the financial and budgetary status of the District for the period ended January 31, 2009. The entire report, including state forms, is provided under separate cover and on the District's website at www.wccusd.net.

Education Code Section 42130 requires school districts to prepare interim financial reports each year. The First Interim Report covers the period ending October 31; the Second Interim Report covers the period ending January 31. These financial reports are subject to standards and criteria adopted by the State Board of Education to monitor the fiscal stability of local educational agencies.

The District shall certify whether it is able to meet its financial obligations for the current fiscal year and, based on current forecasts, for the two subsequent fiscal years. A positive certification shall be assigned when a district will meet its financial obligations for the current fiscal year and subsequent two fiscal years. A qualified certification shall be assigned when a district may not meet its financial

obligations for the current fiscal year and subsequent two fiscal years. A negative certification shall be assigned when a district will be unable to meet its financial obligations for the remainder of the fiscal year.

The District will meet its financial obligations for the current year. However, due to the Governor's proposed State budget, the District anticipates it may not meet its financial obligations for the subsequent two fiscal years. Therefore, staff recommends approval of the Second Interim Report with a Qualified Certification.

Recommendation: Recommend approval of the Second Interim Report for 2008-09

Fiscal Impact: Qualified Budget Certification

G. DISCUSSION ITEMS

*** G.1 Status Reports – Facilities Planning and Construction**

Comment:

The following are provided for review of Facilities Planning and Construction in the District's Bond Program and for information regarding individual projects:

- Engineering Officer's Report—Verbal Presentation
- Construction Status Reports—Current Construction Projects

Recommendation: For Information Only

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

March 18, 2009 – Lovonya DeJean Middle School

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

March 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
4. Srago 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)

Non-Reelection of Probationary Certificated Employees
Release of Temporary Certificated Employees
Reassignment of Administrators

10. REPORT OF CLOSED SESSION ACTIONS