

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
MARCH 18, 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 a tape-delay basis through the Richmond City Web Page at: <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 **6:00 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 Mia Montemayor, Pinole Valley High School**

Comment:

Student Board Representative Mia Montemayor will be representing Pinole Valley High School at the Board of Education on March 18, 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:** March 4, 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 March 18, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

*CI **C.2 Acceptance of Donations**

Comment:

The District has received donations as summarized dated March 18, 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.3 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated March 18, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.4 Summary of Payroll and Vendor Warrant Reports**

Comment:

Attached are the summaries of Payroll and Vendor Warrants issued during the month of February, 2009.

Total of payroll warrants: \$10,254,495

Total of vendor warrants: \$19,089,912

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted above

***CI C.5 Adoption of Resolution 76-0809: Replacement of Outdated Warrant**

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 warrant for Barbara Mallon. Staff recommends replacement of the stale dated warrant.

Recommendation: Recommend approval to replace the outdated warrant

Fiscal Impact: No impact

***CI C.6 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 dated March 18, 2009.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.7 Notification of Claims Rejected**

Comment:

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

Recommendation: Ratify the rejection of claim

Fiscal Impact: None

***CI C.8 Resolution No. 75-0809 Directing Preparation of Annual Report - MRAD**

Comment:

In order to make a determination of improvements and any substantial changes proposed to be made to the existing improvements of the district's public recreational facilities, a resolution directing preparation of an annual engineering report is required, including a list of schools for which the improvements will be made during the fiscal year 2009-10.

Staff recommends approval of this resolution for purposes of the Maintenance Recreation and Assessment District in accordance with Sections 22565 et seq., of the Landscaping and Lighting Act of 1972, (Streets and Highways Code Section 22565 et seq.). Once the report has been completed, it will be presented to the Board for preliminary approval.

Recommendation: Recommend approval of this resolution for MRAD

Fiscal Impact: Revenue for MRAD Fund

***CI C.9 Certificated Personnel Changes**

Comment:

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

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.10 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: \$788,235. Funding sources as noted.

***CI C.11 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Dover Elementary School Sitework Ph. I; El Cerrito HS Admin/Theater Building; El Cerrito HS New Campus; Leadership Public Schools Temporary Campus; and Community Kitchens Package 3. 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.

Recommendation: Ratify negotiated Change Orders as noted

Fiscal Impact: Total ratification and approval by this action: \$335,263.55.

***CI C.12 Ratification of Previously Awarded Contracts**

Comment:

The following construction contracts were approved by the Board at regularly scheduled meetings throughout the year. These actions were taken prior to the expiration of the Bid Protest period in order to expedite the start of the work. In each case, the Board authorized staff to issue the Notice of Award. The Education Code requires the Board to ratify these award actions by staff. The following contracts were awarded by staff pursuant to Board authorization after successful completion of the Bid Protest period:

1. **Trinet Construction.** Dover Elementary Sitework Phase II Contract. Contract award: \$77,000. No bid protest received. Authorization to award at Board meeting December 10, 2008.
2. **Bay Cities Paving and Grading.** Ford Elementary School Demolition, Sitework, and Grading. Contract award: \$697,000. No bid protest received. Authorization to award at Board meeting January 21, 2009.
3. **Streamline Builders.** Transition Learning Center Access Ramps Replacement Project. Contract award: \$33,000. No bid protest received. Authorization to award at Board meeting February 4, 2009.

Recommendation: Ratify previously awarded contracts

Fiscal Impact: No additional fiscal impact; see previous authorizations to award.

***CI C.13 Portola Middle School at the Castro Site Preliminary Architectural Services Contract**

Comment:

The District has completed Environmental Review of the Portola Middle School at the Castro site. The Board has adopted the Final Environmental Impact Report (FEIR). The District is engaged in resolving a petition seeking to vacate the Board's adoption of the FEIR. As such, any foreseeable outcome and its resolution must be completed prior to the start of the construction phase. Because the architectural design, Division of State Architect (DSA) approval and the solicitation processes are in excess of 12 months, staff feels it is prudent to begin this non-concurrent process, to minimize the temporary housing status that students/staff will need to endure.

The District selected HY Architects for the renovation and new construction of Portola Middle School in 2004 based upon their experience with middle school projects and their work on previous district elementary school projects. The firm has prepared the preliminary review plans for the Portola-Castro site project.

The term “Preliminary Architectural Services” is prudent because these services are a coefficient of construction costs. As the District cost estimators are responding to the current contracting environment, the projection of project costs have been declining; and we will see that adjustment reflected in HY Architect’s fee proposal in the final staff recommendation tendered for board approval.

The proposed Preliminary Architectural Services contract includes: educational program confirmation; update of the conceptual design—including site design and building plans; preliminary systems, materials, finishes identification; and confirmation of the scope of work to modernize existing buildings. This will allow the District to complete updated cost estimates based upon the more clearly defined scope of work.

Recommendation: Award preliminary Architectural Services Contract to HY Architects

Fiscal Impact: \$162,700. Funded from the Measure J Bond.

***CI C.14 Transition Learning Center (“TLC”) Fence and Gates Project Award of Contract**

Comment:

The District has received funding for the replacement of damaged fencing and gates at TLC. Funding is under the Office of Public School Construction’s Emergency Repair Program. The Seville Group (“SGF”) has prepared bid specifications for the project. The project is currently out for public bid. Bids are due to be opened on March 12, 2009. Staff will bring a recommendation for award to the meeting of March 18, 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 state Emergency Repair Program (“ERP”).

***CI C.15 Montalvin Manor Elementary Trash Enclosure Project Award of Contract**

Comment:

In order to complete the work on the Kay Road Extension and the Montalvin Manor Elementary New Entry Plaza, the District needs to construct an appropriate trash enclosure area. This will be adjacent to the new plaza, with screening and a size adequate for bins and recycling containers. Baker Vilar Architects prepared construction documents for the project. The project is currently out for public bid. Bids are due to be opened on March 12, 2009. Staff will bring a recommendation for award to the meeting of March 18, 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 Capital Facilities Fund.

***CI C.16 Resolution No. 77-0809: Day of Recognition for César Chávez, March 31, 2009**

Comment:

This resolution is in recognition of César Chávez for his great leadership in bringing social justice to California's migrant farm workers, providing a model of solving problems through non-violent, democratic actions and a life of service to others.

Recommendation: For Information Only

Fiscal Impact: None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Richmond Association of School Administrators (RASA) Award Recipients**

Comment:

Each year the Richmond Association of School Administrators acknowledges exemplary administrators and participates in the Association of California School Administrator (ACSA) Administrator of the Year awards.

RASA is a chapter of ACSA Region VI. The RASA Board selects candidates based upon nominations by West Contra Costa Unified School District (WCCUSD) administrators and individual accomplishments within the district. The individuals selected from WCCUSD move on to the ACSA Region VI competition.

Administrator of the Year awards for WCCUSD 2008-09 are:

Ora Anderson, Special Education Administrator
Liz Torio, Central Office Administrator
Janet Scott, Elementary Principal, Peres
Bea Ponce, Confidential
Antoinette Henry-Evans, Middle School Principal, DeJean
Sue Kahn, High School Principal, Pinole Valley

Recommendation: For Recognition Only

Fiscal Impact: None

* **D.2 Recognition of West County Reads & Richmond Tales**

Comment:

All 4th and 5th grade students who attend school in Richmond’s Iron Triangle will be receiving a copy of Summer Brenner’s new book *Richmond Tales*, the story of two children growing up in Richmond. Two students from our schools will be presenting the characters and telling some of the story of the book.

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. Please sign up to speak prior to the beginning of this item on the agenda by submitting a “Request to Address the Board” form. 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.

Alexander Edward Forristall, a 2007 graduate of Pinole Valley High School, passed away January 11, 2009. Alex was a good student and participated on the PVHS golf team for three years. He worked as a Customer Service Representative at the Hilltop branch of The Mechanics Bank and was looking forward to continuing his education at Diablo Valley College. He will always be remembered for his friendly personality and welcoming smile.

Salvador Cortez-Mendez, a Junior at Gompers Continuation High School, passed away February 28, 2009. Salvador was a student in the Gompers family for a year and a half and had made steady progress towards graduation. He was known for a ready smile and sincere love of life. He demonstrated in his classes an ongoing curiosity and sincere compassion for his classmates.

Oline Floe, retired English teacher, passed away recently. Ms. Floe began teaching in 1974 at Harry Ells High School. She continued teaching English at Richmond High School, and later at Adams Middle School, retiring in 2007. Ms. Floe will be remembered as a great educator and great inspiration to her students and all who knew her.

Our thoughts go out to 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 Charter Facilities Assignments – Proposition 39 Final Offer to Leadership Public Schools
Richmond Charter School**

Comment:

The District has received a Proposition 39 charter facility request from Leadership Public Schools, Inc. The District is obligated by statute to make a preliminary offer and a final offer by April 1, 2009. At the January 21, 2009 Board meeting, a proposed preliminary offer was identified.

Recommendation: Approval of the Proposition 39 final offer to Leadership Public School, Inc.

Fiscal Impact: As identified in the final offer proposal

* **F.2 Charter Facilities Assignments – Proposition 39 Final Offer to Manzanita Charter School**

Comment:

The District has received a Proposition 39 charter facility request from Manzanita Charter School. The District is obligated by statute to make a preliminary offer and a final offer by April 1, 2009. At the January 21, 2009 Board meeting, a proposed preliminary offer was identified.

Recommendation: Approval of the Proposition 39 final offer to Manzanita Charter School

Fiscal Impact: As identified in the final offer proposal

* **F.3 Charter Facilities Assignments – Proposition 39 Final Offer to Richmond College Preparatory K-5 Charter School (Richmond College Prep)**

Comment:

The District has received a Proposition 39 charter facility request from Richmond College Prep. The District is obligated by statute to make a preliminary offer and a final offer by April 1, 2009. At the January 21, 2009 Board meeting, a proposed preliminary offer was identified.

Recommendation: Approval of the Proposition 39 final offer to Richmond College Prep

Fiscal Impact: As identified in the final offer proposal

G. DISCUSSION ITEMS

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

April 1, 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 18, 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. 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)**

10. REPORT OF CLOSED SESSION ACTIONS