

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

**BOARD OF EDUCATION
LOVONYA DEJEAN MIDDLE SCHOOL
3400 Macdonald Avenue
Richmond, CA 94805**

ADDENDUM

April 28, 2010

The following is a revision to the agenda of the April 28, 2010, Board of Education Meeting:

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENTS:

A.6 Administrative Appointments for the 2009-2010 and 2010-2011 School Year

Comment:

The following administrative appointments will be reported for the 2009-2010 school year:

Interim, K-12 Instructional Specialist-Elementary
Bond Facility Project Managers

The following administrative appointments will be reported for the 2010-2011 school year:

Principal, High School
Principal, Elementary School
Vice Principal, Elementary School
Coordinator of State and Federal
Coordinator of Educational Services

Recommendation:

Recommend Approval

Fiscal Impact:

None

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
APRIL 28, 2010**

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: www.wccusd.net/Documents/Board/boardinformation.aspx

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 THE BOARD MEETINGS:

Television:

Live television broadcast of regularly scheduled Board meetings is available 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 broadcast 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.

Audio tapes of Board meetings are kept on file at the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1101).

The Board of Education would like to acknowledge Comcast, the cities of Pinole and Richmond, and WCCUSD staff for their generosity and efforts 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**

Comment:

Student Board Representative Matthew Arciniega will be representing El Cerrito High School at the Board of Education on April 28, 2010. We would like to recognize and commend his participation.

Recommendation:

For Information Only

Fiscal:

None

- B.5 Report/Ratification of Closed Session**
- * **B.6 Agenda Review and Adoption (Public Comment)**
- * **B.7 Minutes: April 14, 2010**

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 April 28, 2010.

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 April 28, 2010. 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 2009-10 school year are summarized as dated April 28, 2010.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

***CI C.4 Contracted Services**

Comment:
Permission is requested of the Board of Education to approve contracts for services as detailed dated April 28, 2010.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per contracts summary.

***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 April 28, 2010.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.6 Notice of Completions: Bid J068097 Richmond High School New Bleacher and Field House, J068163 Verde Playground and Site Work Upgrades, W068172 Chavez Elementary Wall and Window Repair**

Comment:

A substantial Completion Notice has been received for:

Bid J068097, Bid J068163, Bid W068172.

Major construction projects are subject to acceptance by the governing board before a Notice of Completion can be processed, and final payment of the contract made. (BP 7470)

Staff recommends acceptance of the work completed by the following contractors:

West Bay Builders Bid J068097 Richmond High School New Bleacher and Field House
Bay Cities Paving & Grading J068163 Verde Playground and Site Work Upgrades
Streamline Builders W068172 Chavez Elementary Wall and Window Repair

Recommendation:

Recommend approval of these notices of completions

Fiscal Impact:

None

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

Comment:

The District has received claims requesting compensation for 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 claim

Fiscal Impact:

None

***CI C.8 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.9 Routine Personnel Changes - Certificated**

Comment:

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

Recommendation:

For Information Only

Fiscal Impact:

None

***CI C.10 Approve Revised Job Description: Risk Manager**

Comment:

The job description for the Risk Manager will be presented. The job description has been approved by SSA.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.11 Resolution No. 84-0910: Classified School Employee Week, May 16-22, 2010**

Comment:

The State of California has designated May 16-22, 2010 as Classified School Employee Week. We honor their time, their energy, and their commitment to the children of West Contra Costa Unified School District.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.12 Resolution No. 83-0910: National “Day of the School Nurse”**

Comment:

We wish to recognize all the school nurses who give their energy, their intellect, their commitment, and their love to the students of West Contra Costa Unified School District with a resolution proclaiming April 28, 2010 as the “Day of the School Nurse.”

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.13 Resolution No. 82-0910: California “Day of the Teacher”**

Comment:

We wish to recognize all of the teachers who give their energy, their intellect, their commitment, and their love to the students of West Contra Costa Unified School District with a resolution proclaiming May 12, 2010 as the “Day of the Teacher.”

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.14 Resolution No. 86-0910: School Nutrition Employee Appreciation Week – May 3-7, 2010**

Comment:

We wish to recognize all of the Child Nutrition personnel who give their energy, their commitment, and their love to the students of West Contra Costa Unified School District with a resolution proclaiming May 3-7, 2010 as School Nutrition Employee Appreciation Week.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.15 Uniform Public Construction Cost Account Procedures**

Comment:

On May 20, 2009 the Board of Education approved Resolution No. 90-0809 to become part of the Uniform Public Construction Cost Account Procedures. The procedures allow the Board to delegate authorization to award these contracts to District Staff.

Staff is requesting that the Board delegate authority to award informal contracts to specific staff members. That that the Board delegate authorization to award contracts of \$100,000 or less to the Superintendent and the Associate Superintendent of Operations.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.16 Williams Lawsuit Complaints Quarterly Report**

Comment:

The Williams Lawsuit requires that a quarterly report be brought before the Board of Education reflecting the number of complaints filed with any school in the district during a particular quarter. This report reflects the time period from January 1, 2010 through March 30, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.17 Crespi Jr. High Emergency Repair Program Gym Wall Repair Contract Award**

Comment:

The District has received funding from the state Emergency Repair Program (“ERP”) to replace seriously deteriorated concrete wall areas of the gymnasium at the Crespi Jr. High site. The work includes concrete spall and crack repairs.

HY Architects prepared bid documents for the state-approved project. The District conducted a public bid process for the project. Bids were opened on April 1, 2010. Five Contractors submitted bids. They are as follows: Goldspring Construction \$260,997; NS Construction \$243,000; Pinguelo Construction \$243,000; Alpha Restoration \$206,850; and, Ionian Construction \$174,000. After receipt of the bids, and within the 5 day Bid Protest period as established by the District, the second low bidder, Alpha Restoration, submitted a bid protest. After consideration of the issues and in consultation with legal counsel, the District has confirmed that the low bidder is non-responsive. Therefore, the lowest responsive, responsible bidder is Alpha Restoration at \$206,850.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$206,850. Funded from the Emergency Repair Program (“ERP”)

***CI C.18 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Helms Middle School New Campus. 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: \$101,814.24

***CI C.19 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified consulting, 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 as noted

Fiscal Impact:

Total for this action: \$667,603. Funding sources as noted.

***CI C.20 Citizens' Bond Oversight Committee (CBOC) Appointments: Anton Jungherr Change of Appointment Status**

Comment:

In order to fill a vacant membership position required by Proposition 39, it is recommended that the Board change the status of Mr. Jungherr from "Board of Trustees WCCUSD"—Board Member Miles appointee, to "Senior Citizen Group" appointee. Mr. Jungherr is an active member of AARP (American Association of Retired People). This action will ensure that the District's Citizen's Bond Oversight Committee has filed this important, statutorily-required position on the committee.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.21 Approval of Contract for Furniture, Setup and Installation at Kennedy High School**

Comment:

Bond Program renovations at Kennedy High School are ongoing. An important next step for the District is to purchase new furniture for the school for use in classrooms and support spaces. We have completed work with the site staff on classroom configurations, specialty spaces, library, offices and staff work areas. New furnishings will be comparable to those installed in our other completed secondary sites Helms, Pinole Middle and El Cerrito High.

The proposed contract is through Young Office Solutions. The pricing for the furniture is by a competitively bid bulk purchasing contract through The Cooperative Purchasing Network (TCPN Contract M0732) and through the CPA Number CA 1201. These are "piggyback" type contracts which meet the state's procurement requirements for these furnishings. In addition, the contract includes installation labor provided through Young Office Solutions.

Recommendation:

Approve contract with Young Office Solutions for Helms furniture, setup and installation

Fiscal Impact:

\$235,401.94. Funded by the Measure J Bond

D. AWARDS, RECOGNITIONS, AND REPORTS

* **D.1 West Contra Costa Unified School District presents:
“Classified Employee of the Year”**

Comment:

Our classified employees are an integral part of the West Contra Costa Unified School District. We are expanding our staff recognition program to pay tribute to the tireless efforts of our outstanding classified employees and focus attention on the positive accomplishments that these employees contribute to the services provided to our students.

For the 2009-2010 school year, the District would like to recognize and acknowledge the following classified employees:

Classified Supervisor	Virginia (Ginny) Gardner, Office Manager, Hercules M/H School
General Services M & O	Kevin Duggan, Auto Mechanic
Office & Technical	Loretta Varnado, School Secretary, Ellerhorst Elementary School
Paraprofessional	Elaine Filippi, Special Education Assistant, DeAnza High School

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.2 Community Budget Advisory Committee (CBAC) Report**

Comment:

On February 25, 2010, the Community Budget Advisory Committee approved a resolution concerning the 2009-2010 Parcel Tax Expenditures and Scope of Measure D, finding that the expenditures budgeted for Fiscal Year 2009-2010 are within the stated purposes for Measure D funds. Committee Chair Charles Cowens has requested the opportunity to present this resolution to the Board.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.3 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a “Request to Address the Board” form. Five 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	
Youth Commission	

* **D.4 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.

James “Jim” Morehouse passed away on April 7, 2010. Mr. Morehouse began employment with the Richmond Unified School District in 1964. In 1968 he came to El Cerrito High School as a Site Supervisor where he worked until his retirement in 2003. In almost 35 years, Mr. Morehouse did not miss a single ECHS football game and missed only one half of one basketball game when his son was injured and had to be taken to the hospital. He is remembered for his generous spirit, love and wisdom and was a mentor to students, teachers and administrators. In January of this year, the El Cerrito High School Community Project changed its name to the James Morehouse Project with the commitment to carry on his legacy of love, respect and service to others.

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 Competencies for State-identified Persistently Lowest-Achieving Schools**

Comment:

Federal and state laws and guidance associated with the American Recovery and Reinvestment Act of 2009 (AARA), the School Improvement Grant (SIG) program, and the Race to the Top (RTTT) program require California to identify the state’s persistently lowest-achieving schools and require the lowest 5% to implement one of four school intervention models beginning in the 2010-11 school year.

On March 8, 2010, the California Department of Education designated Lincoln Elementary School on its list of the 5% persistently lowest-achieving schools in the state of California.

The Turnaround model will be implemented at Lincoln School for the 2010-11 school year. The Turnaround model requires, amongst many actions, that a Local Educational Agency (LEA) adopt teacher competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students.

The competencies were developed from the California Standards for the Teaching Profession (CSTPs) and the Four Major Domains of the Teaching Profession. They are comprehensive and highly supportive of a school environment conducive to learning and successful achievement for all students.

Recommendation:

Recommend Approval

Fiscal Impact:

None

*** F.2 Resolution No. 85-0910 Measure “J” Series “D” Bond Issuance**

Comment:

The Board is requested to approve the Resolution authorizing the issuance of not to exceed \$30,000,000 of the District’s general obligation bonds. The bonds are being issued on behalf of the District by Contra Costa County.

BACKGROUND

Actions at both the state and federal level have ratified the allocations of Qualified School Construction Bond Authorization authorizations made by the State Department of Education last August. Such actions put the District back on track to issue its fourth series of bonds under the Measure J bond program. The Series D Bonds will be issued in the amount of not-to-exceed \$30,000,000 and will be comprised of \$25,000,000 in QSCBs and \$5,000,000 in traditional tax-exempt bonds (which will be structured as capital appreciation bonds). The structure will be similar to that used for the Build America Bond portion of the District's Series C Bonds last summer and should produce substantial savings to the District. Under the direct pay structure, the District expects to achieve a net interest rate that could approach 1%.

The resolution authorizes the District to sell up to \$30 million of bonds approved by District voters at the November 8, 2005, bond election. Pursuant to the Education Code, the bonds will be sold on behalf of the District by the County Treasurer and issued by the Board of Supervisors. The bonds will be sold by negotiated sale with Piper Jaffray serving as lead underwriter. The bonds are tentatively scheduled to price in late May with funds available for delivery in early June. In addition to establishing the broad parameters for the financing and requesting the board of supervisors to approve the sale of the bonds, the resolution approves the following documents as to form:

1. Official statement
2. County Resolution
3. Bond purchase contract

The official statement will be distributed under separate cover.

This resolution will supersede Resolution No. 46-0910 which was approved by the Board last November.

DISCUSSION

The Resolution will enable the District to issue this series of bonds in an amount of not-to-exceed \$30,000,000.

Recommendation:

It is recommended that the Board of Education adopt the Resolution.

Fiscal Impact:

\$30,000,000 will allow the District Bond Program to continue as scheduled.

G. DISCUSSION ITEMS

*** G.1 Manzanita Charter Middle School**

Comment:

Manzanita Charter Middle School submitted a petition renewal to West Contra Costa Unified School District (WCCUSD) on March 30, 2010. Pursuant to the Charter School Act of 1992 (the "Act"), Education Code section 47600 et seq., the Legislature has charged local school boards with the responsibility of reviewing and acting on petitions for charter schools.

Education Code section 47605(b) requires the Board, within 30 days of submission of the petition, to hold a public hearing to receive public comment on the Petition. That is the purpose of this agenda item.

The Act also requires the Board to either grant or deny the Petition within 60 days of submission. Staff and legal counsel are reviewing and analyzing information related to the Petition, as well as the operation and potential effects of the proposed charter school, and will make a recommendation as to the petition at a subsequent board meeting.

Recommendation:

Public Hearing only at this time

Fiscal Impact:

To Be Determined

* **G.2 Community Roots Academy**

Comment:

Community Roots Academy submitted a petition to West Contra Costa Unified School District (WCCUSD) on April 8, 2010 to establish an independent charter school. Pursuant to the Charter School Act of 1992 (the “Act”), Education Code section 47600 et seq., the Legislature has charged local school boards with the responsibility of reviewing and acting on petitions for charter schools.

Education Code section 47605(b) requires the Board, within 30 days of submission of the petition, to hold a public hearing to receive public comment on the Petition. That is the purpose of this agenda item.

The Act also requires the Board to either grant or deny the Petition within 60 days of submission. Staff and legal counsel are reviewing and analyzing information related to the Petition, as well as the operation and potential effects of the proposed charter school, and will make a recommendation as to the petition at a subsequent board meeting.

Recommendation:

Public Hearing only at this time

Fiscal Impact:

To Be Determined

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

Lovonya DeJean Middle School – May 12, 2010

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

April 28, 2010

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Government Code Section 54956.9(a)]

1. Srago v. WCCUSD
2. WCCUSD v. Orrick
3. Signature at Anchor Cove 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

Administrative Appointments for the 2009-2010 and 2010-2011 School Year

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)

Teachers (2)

10. REPORT OF CLOSED SESSION ACTIONS