

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JUNE 1, 2011**

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.

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 5:00 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.

Order of Business: **ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE.**

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 from Kennedy High School**

Comment:

A Student Board Representative from Kennedy High School will attend the Board of Education meeting on June 1, 2011. We would like to recognize and commend their 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 Minutes: May 18, 2011**

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 Acceptance of Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements as detailed, dated June 1, 2011.

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 June 1, 2011.

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 2010-11 school years are summarized, dated June 1, 2011.

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 June 1, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.5 Notices of Completion: Bid J068252 Verde Elementary School Restroom Surface Repair and Bid J068249 Lupine Hills Elementary School Restroom Surface Repair**

Comment:

Substantial completion notices have been received for: Bid J068252, and J068249.

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 contractor:

Southland Construction Management Bid J068252 Verde Elementary School Restroom Surface Repair.

Southland Construction Management Bid J068249 Lupine Hills Elementary School Restroom Surface Repair.

Recommendation:

Recommend approval of these notices of completion

Fiscal Impact:

None

***CI C.6 Certificated Board Authorization - Education Code 44328**

Comment:

Ed Code 44328. (a) Unless the commission determines that substantial evidence exists that a person is unqualified to teach, upon the completion of successful service as a district intern pursuant to subdivision (b) of Section 44325, and upon the recommendation of the school district governing board, the commission shall award preliminary credentials to district interns in the same manner as applicants recommended for credentials by institutions that operate approved programs of professional preparation.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.7 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.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

Fiscal Impact:

None

***CI C.9 Resolution No. 71-1011: Credential Assignment Options**

Comment:

This resolution will provide the District with assignment options of a temporary nature when a teacher with an appropriate credential is not available to the district.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.10 Educator-on-Loan Agreement with Alameda County Office of Education**

Comment:

The Alameda County Office of Education and the West Contra Costa Unified School District enter into this Educator-On-Loan agreement to release two teachers to work with ACOE for the 2011-2012 school year.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.11 Community Advisory Committee (CAC) for Special Education**

Comment:

The Community Advisory Committee (CAC) for Special Education is a state mandated parent/community advisory group. The members are composed of special education parents, members of the community, teachers and other staff members who are interested in participating. The CAC advises the special education department and reviews the Special Education Local Plan.

The CAC By-Laws stipulate that “The CAC shall submit names of nominees to the Superintendent for approval. Formal appointment shall be made by the School Board” (CAC By-Laws, November, 2002).

The nominees listed are to serve as members of the CAC Membership for 2011-13. Also provided, are the current members who are serving from 2010-12.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.12 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: \$143,251. Funding sources as noted

***CI C.13 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Nystrom Elementary New Multi-Purpose and Ford Elementary 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.

In addition to normal ratification, approval of the noted change order for the Pinole Middle School Modernization project is required by the Board, with special findings as noted below, because this is 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: \$110,221.20

***CI C.14 Measures J and D 2010 Bond Program Budget**

Comment:

The District needs to update budgets for all of its current and planned Bond Construction Program projects on a yearly basis. Worksheets include all proposed adjustments reflecting project budgets adjusted and confirmed during 2010 and early 2011.

This material was presented to the Board's Facilities Subcommittee meeting of May 10, 2011. The Facilities Subcommittee recommends approval of the budget by the full Board.

Recommendation:

Approve Measure J and D 2010 Bond Program Budgets

Fiscal Impact:

As noted, updated budgets for current and future Measure J and D 2010 Bond projects.

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Preliminary Budget for 2011-12**

Comment:

Staff is presenting a report on the general fund portion of the preliminary budget for 2011-12, along with information regarding the Governor's May Revision Proposal for 2011-12. The final 2011-12 budget is scheduled for a public hearing and adoption at the meeting of the Board of Education on June 28, 2011.

Recommendation:

For Information Only

Fiscal Impact:

None

*** D.2 Report on Student Demographics**

Comment:

Davis Demographics has completed the 2011-12 Student Population Projection Report. The report provides projected student demographics for the District from school years 2011-12 to 2020-21.

Recommendation:

For Information Only

Fiscal Impact:

None

*** D.3 WCCUSD Seamless Summer Feeding Program**

Comment:

Summer Food Service Program Meets Children's Summer Nutritional Needs in Richmond, CA. West Contra Costa Unified School District (WCCUSD) is working to make sure that no children in West Contra Costa County go hungry when school is closed this summer. Over 16,500 children in West Contra Costa County receive free or reduced-price meals during the school year, but many of these children do not get enough to eat when school is out. The WCCUSD Summer Food Service Program (SFSP), which begins Monday, June 13, 2011, ensures that low-income children continue to grow and learn during the summer.

The Summer Food Service Program, sponsored by the U.S. Department of Agriculture, is the largest federal resource available for local programs that combine mealtime with recreational and educational activities.

Barbara Jellison, Director of Food Services, recognizes the need for the program in West Contra Costa County. Many of our children, who rely on school breakfast and lunch during the school year, do not have the energy they need during the summer. That's where we come in, by providing nutritious meals and activities to keep kids nourished and engaged. Kids who get enough to eat and have safe activities to participate in during the summer are less likely to get into trouble. Our Summer Meals Program is a building block in the community for healthy, happy kids who are ready to learn.

The Summer Food Service Program for Children is a federally funded program operated nationally by the U.S. Department of Agriculture (USDA) and administered by a State Agency.

Eligible sponsors such as non-profit organizations, schools and local governments serve nutritious meals and snacks free to low-income children during the summer months. Summer programs are located at approved sites that are either in low-income areas or serve a group of children, most of whom are low-income.

To find out about the Summer Food Program in West Contra Costa County and the location of the nearest site, contact WCCUSD Food Services Department, 510-307-4580.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.4 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	
Linked Learning – Multiple Pathways	
Safety Committee	
Special Education Citizens Advisory Committee	
Youth Commission	

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

* **E.1 Superintendent’s Report**

* **E.2 Request to Address the Board – Kelli Barram, Growing West County School Gardens**

Comment:

The group, Growing West County School Gardens, would like to share information about the group’s activities with students and school communities.

Recommendation:

For Information Only

Fiscal Impact:

None

* **E.3 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 Affirmation or Reconsideration for Shannon’s Closure**

Comment:

In February 2009, the Board approved a comprehensive school closure plan. Over the previous six years, enrollment in WCCUSD had declined by more than 5,000 students and the district could no longer afford to operate as many schools as it had in the past. Since February 2009, the District’s enrollment has decreased by another 783 students.

The closure plan included a phased closure for eight schools. Shannon Elementary was scheduled to close at the end of the 2010-11 school year. In January 2011, the Board approved the reassignment of Shannon students to the three schools surrounding the Shannon attendance area, Montalvin, Collins and Tara Hills. The Board also approved the architectural services (April 13) and the bid for the relocatable classrooms (May 18) that are necessary to increase the enrollment capacity at the three schools into which the Shannon students have been reassigned. The total estimated cost for the relocatable classrooms and installation of those classrooms at the three schools is \$1.2 million. The District’s Capital Facilities Fund 40 (non-bond funding) would be utilized for the one-time cost of accommodating the students from the Shannon closure. The projected General Fund operating savings from the closure is estimated to be \$325,000 per year or \$1.3 million over four years.

Recommendation:

That the Board consider the cost / benefit of the closure of Shannon and act either to affirm the closure as planned or to keep Shannon open for the 2011-12 school year in order to allow for a housing plan that would reduce the capital costs of providing relocatable classrooms. Since the District is under the financial supervision of a State Trustee, the Trustee may rescind the Board’s decision on this matter or any Board decision that has a financial impact on the District.

Fiscal Impact:

The Shannon closure generates a \$325,000 per year, ongoing savings to the general fund and a one-time capital facilities fund cost of \$1.2 million.

* **F.2 Resolution No. 75-1011 Intention to Levy Assessments for Fiscal Year 2011-12, Preliminarily Approving Engineer’s Report and providing for Notice of a Public Hearing**

Comment:

This resolution will set the date and place of the public hearing, calls for the notice of the public hearing to be published ten days or more ahead of the meeting, and preliminarily accepts the engineer’s report. The engineer’s report contains the proposed budget for the 2011-12 year for the Maintenance and Recreation Assessment District (MRAD).

Should the Board adopt the resolution tonight, a public hearing will be held on the MRAD on June 28, 2011, at the hour of 6:30 p.m., a regular board meeting date, at Lovonya DeJean Middle School Multipurpose Room, 3400 Macdonald Ave., Richmond, CA 94805. At the conclusion of the public hearing on June 28, 2011, the Board may adopt a resolution that gives final approval to the engineer’s report, levies the assessment and directs that the assessment diagram and individual assessments be filed with the County.

The Engineer’s Report for MRAD is posted on the WCCUSD web site and a copy is at the front counter at 1108 Bissell Avenue, Richmond, CA.

Recommendation:

Recommend approval of this resolution for MRAD

Fiscal Impact:

Revenue for MRAD Fund

* **F.3 Resolution No. 72-1011: Declaration to Hire 30-Day Substitutes on CBEST Waivers**

Comment:

There is a statewide shortage of qualified substitutes. The Commission on Teacher Credentialing requirement that each 30-day substitute CBEST waiver request be approved by the Board of Education before the waiver request is submitted has been relaxed by the Commission on Teacher Credentialing (CCTC). This declaration need be approved only once for all CBEST waivers requested in 2011-2012. This item may not appear on the consent calendar for the governing board meeting. Our District will continue to recruit and search for fully credentialed teachers while using this assignment option.

Recommendation:

Recommend Approval

Fiscal Impact:

None

G. DISCUSSION ITEMS

* **G.1 Shining Crescent Charter School**

Comment:

Shining Crescent Foundation submitted a petition to West Contra Costa Unified School District (WCCUSD) known as Shining Crescent Charter School on April 18, 2011 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 receipt of the Petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. Education Code section 47605(b). A written agreement was made between Shining Crescent Charter School and West Contra Costa Unified School District to defer the meeting until June 1, 2011.

After review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days.

Staff and legal counsel are receiving 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 regarding the Petition at a subsequent board meeting.

Recommendation:
Public Hearing Only

Fiscal Impact:
To Be Determined

*** G.2 Project Status Report – 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

Lovonya DeJean Middle School – *Tuesday, June 28, 2011*

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

June 1, 2011

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
[Government Code Section 54956.9(a)]

WCCUSD v. Orrick

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

a. Administrative Appointments for 2011-2012 School Year

Principal, Elementary School
Vice Principal, Middle School
Assistant Principal, High School
K-12 Instructional Specialist
Principal, Adult Education
Vice Principal, Adult Education
Principal, Alternative Education
Coordinator of Education Services
Special Education, Administrator
Executive Director K-12 Schools

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

8. STUDENT DISCIPLINE (Education Code Section 35146)

Expulsions

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

a. Certificated Employee Dismissal

10. REPORT OF CLOSED SESSION ACTIONS