

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
OCTOBER 6, 2010**

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**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](http://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.

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**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.

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**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.

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"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 Suzanna Tran, El Cerrito College High School**

Comment:

Student Board Representative Suzanna Tran will be representing El Cerrito High School at the Board of Education on October 6, 2010. 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 Minutes: September 15, 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 October 6, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

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

Comment:

The District has received donations as detailed, dated October 6, 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 2010-11 school year are detailed, dated October 6, 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 October 6, 2010.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.5 Adoption of Resolution No. 21-1011: Replacement of Outdated Warrant**

Comment:  
Government Code Section 298029(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 Patricia Gangwer. Staff recommends replacement of the stale dated warrant.

Recommendation:  
Recommend approval to replace the outdated warrant

Fiscal Impact:  
None

**\*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 as detailed, dated October 6, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

None

- \*CI C.7 Notices of Completion: Bid D06075 Helms New Construction, J068233 Portola Middle School Temp Housing Underground Utilities and Site Work Phase I, J068236 Portola Middle School Temp Housing Underground Utilities and Site Work Phase II, J068243 Richmond College Prep Portable Building Utility Installation & Site Work, J068193 El Cerrito Portable Building Utility Removal & Misc Site Work, E068213 Crespi Exterior Gymnasium Wall Project, W068214 Coronado MP Demolition, E068225 Adams Paving & General Site Work**

Comment:

Substantial completion notices have been received for: Bid D06075, Bid J068233, Bid J068236, Bid J068243, Bid J068193, Bid E068213, Bid W068214 and Bid E068225.

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 Helms New Construction Bid D06075

Evans Brothers, Inc. Portola Temp Housing Underground Utilities/Site Work Phase I Bid J068233

B Brothers Construction, Inc. Portola Temporary Housing Underground Utilities & Site Work Phase II Bid J068236

Builder-Max, Inc. RCP Portable Building Utility Installation/Site Work Bid J068243

Michael Paul Company, Inc. El Cerrito Portable Housing Utility Removal/Site work Bid J068193

Alpha Restoration Crespi Exterior Gymnasium Wall Project Bid E068213

Evans Brothers, Inc. Coronado MP Demolition Bid W068214

ABSL Construction Adams Paving & General Site Work Bid E068225

Recommendation:

Recommend approval of these notices of completion

Fiscal Impact:

None

- \*CI C.8 Resolution No. 25-1011: Local Agency Investment Fund**

Comment:

District funds are kept in the Contra Costa County Treasury. During any given period when there may be excess funds, beyond the immediate cash flow requirements, it is advantageous to invest the funds in the Local Agency Investment Fund (LAIF). These funds would typically be accounted for in the Bond

Fund (21) and the General Fund (01). The State of California, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1, added to the California Government Code to create a Local Agency Investment Fund (LAIF) in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer. The District has used the LAIF program for many years, however a new resolution is authorizing this activity is now in order. In the future, this resolution will be part of the annual signatory resolutions for the District.

Recommendation:

Approval of Resolution 25-1011: Local Agency Investment Fund

Fiscal Impact:

None

**\*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 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.11 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:

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

Recommendation:  
Recommend Approval

Fiscal Impact:  
None

**\*CI C.12 Resolution No. 22-1011: Red Ribbon Week**

Comment:

Our District has been involved in Red Ribbon Week for the past twenty years. Congress officially proclaimed the first National Red Ribbon Week October 23 – 31, 1988. The Red Ribbon has now become a symbol for drug-free environments.

This resolution represents the West Contra Costa Unified School District's support of the Red Ribbon Campaign October 25 – 29, 2010. Red Ribbon Week may be celebrated one week during the year, but its effects last throughout the year.

This year, some of the school activities will include prevention curriculum lessons, poster/essay/decoration contests, wear-red days, letter writing, school assemblies, etc. The focus of this week is not only on drug-free youth but also on safe and healthy communities.

Recommendation:  
Formal Recognition

Fiscal Impact:  
None

**\*CI C.13 Clarification of Board's Intention**

Comment:

In February 2009, the Board approved a resolution to close three schools at the end of 2008-09 and five other schools at the end of 2010-11 if additional external resources were not available. The resolution included a provision that the Gompers Continuation High School would move to the Kennedy building when Kennedy was closed. Since that resolution was passed the voters approved a bond measure, Measure D 2010, which includes funding to rebuild Gompers and construct a new facility for Leadership High School at the Gompers site at Bissell Avenue & 8<sup>th</sup> Street in Richmond. In September 2010, the Richmond City Council approved the allocation of an additional \$1.5 million that will keep Kennedy High (along with two elementary schools, Grant and Olinda) open at least through the 2011-12 school year. Since the building of new schools for Gompers and Leadership represents a long term commitment of capital funds, the Board needs to clarify its intention regarding the location of Gompers High School.

Recommendation:

That the Board affirms the decision to co-locate Gompers High School and Leadership High School at the Bissell & 8<sup>th</sup> Street site and that the Board approves moving ahead with construction of two campuses as funded by the combination of state funds and funding provided by Measure D 2010.

Fiscal Impact:

The Board's Facilities Subcommittee has recommended that up to \$46 million from state and bond funds be allocated for this project.

**\*CI C.14 Resolution No. 24-1011: In Support of Efforts to Substantially Increase the Ability of Local School Districts to Deliver Content and Services Through the Use of Broadband Technology**

Comment:

The use of technology has the potential to transform classroom instruction, learning and a wide range of student and teacher support activities performed in public schools. The passage of HR 3646, authored by Congresswoman Doris Matsui, seeks to replicate the current federal position for lifeline telephone access using the same eligibility rules. As communities have dramatically greater universal access to broadband, our ability to serve them with educational technology will expand.

Support for this initiative will recognize the significant impact this and similar federal programs will have in schools' efforts to close the achievement gap and accelerate achievement for all students.

Recommendation:

Recommend Approval of Resolution No. 24-1011: Resolution No. 24-1011: In Support of Efforts to Substantially Increase the Ability of Local School Districts to Deliver Content and Services Through the Use of Broadband Technology

Fiscal Impact:

None

**\*CI C.15 Citizens' Bond Oversight Committee (CBOC) Appointment: Frank Borg representing Citizens Advisory Committee on Special Education (CAC)**

Comment:

The CAC position on the District's Citizens Bond Oversight Committee is currently vacant. The Committee has forwarded a recommendation from a recent meeting. Frank Borg has been recommended for appointment to the Citizens Bond Oversight Committee by the CAC.

Recommendation:

Approve appointment as noted

Fiscal Impact:

None

**\*CI C.16 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Kennedy HS Restroom Improvements; Richmond HS ERP; Chavez Exterior Painting; Coronado ES Multipurpose Building Demolition; Portola MS Modular Building Purchase; Crespi MS Exterior Wall Repair; and Ford ES 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 Richmond College Prep Modular Addition 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: \$116,640.35.

**\*CI C.17 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: \$689,436. Funding sources as noted

**\*CI C.18 2010 Developer Fee Justification Study**

Comment:

In September, 1986, the Governor signed into law Assembly Bill 2926 (Chapter 887/Statutes 1986) which granted school district governing boards the authority to impose developer fees. This authority is codified in Education Code Section 17620 which states in part "...the governing board of any school district is authorized to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of school facilities." The maximum fee that can be levied is adjusted every two years according to the inflation rate, as listed by the statewide index for Class B construction set by the State Allocation Board.

At the regular meeting of the State Allocation Board in January 2010, the SAB opted to maintain the statutory developer fee of \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction. This action was largely due to the downturn in development throughout the State.



In order to maintain its legal ability to collect the statutory developer fees, the West Contra Costa Unified School District has updated its 2008 developer fee justification in order to collect statutory fees on residential and commercial/industrial development. The current study, prepared by Jack Schreder & Associates, demonstrates that the District is eligible to continue to collect the statutory fees at the SAB adopted rates of January 2010. Therefore, by adopting the current study, the Board of Education affirms the District's ability to continue to collect the current fees.

Recommendation:

Adopt the 2010 Developer Fee Justification Study

Fiscal Impact:

Not known

**\*CI C.19 Chavez Elementary Window and Door Replacement Project Contract Award**

Comment:

Chavez Elementary School was completed in the mid 1990's. Over time several elements of the schools exterior systems have become severely deteriorated and are creating water intrusion issues. The District has already completed major window, flashing and stucco repairs at the main rotunda area. This current project has been undertaken to remedy two additional elements. First, the window glazing originally installed in the school is a plastic product which has been impacted by sun exposure and is seriously yellowing. Second, the exterior doors originally installed are wood and they are delaminating and deteriorating. The project includes new glass windows and exterior metal doors. HMR Architects has prepared plans and specifications for the project.

The District conducted a public bid process for the project. Bids were opened on September 21, 2010. Three Contractors submitted bids. They are as follows: On Point Construction \$328,075; E.F. Brett & Co. \$302,942; and, Pinguelo Construction \$262,510. The lowest responsive, responsible bidder is Pinguelo Construction at \$262,510.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$262,510. Funded from the Deferred Capital Projects Budget of the Measure J Bond

**\*CI C.20 Verde Elementary School and Lupine Hills Elementary School Tile Wall Repairs Projects Contract Award**

Comment:

The initial installation of restroom wall surfaces in several of the Measure M Ph. 1A projects has deteriorated severely since installation. There are cracked surfaces and delaminating epoxy finishes due to improper substrate application and preparation. The District has been involved in a process to determine a suitable repair and has settled on a tile overlay of the walls. These are the first projects to test this repair application and are considered as a prototype for the completion of repairs on the remaining deteriorated walls at other sites. The Board's Facilities Subcommittee has reviewed this approach and recommended proceeding with these repair projects. WLC Architects has prepared plans and specifications for the projects.

The District conducted a public bid process for the project. Bids were opened on September 23, 2010. For the Verde Project eight Contractors submitted bids. They are as follows: Southland Construction, \$143,688; Affordable Painting, \$157,000; Hung Construction, \$182,900; Goldspring Construction, \$199,167; Precision Tile, \$200,000; B-Side, Inc., \$215,000; Romkon, \$220,102; and John Plane, \$275,485. The lowest responsive, responsible bidder is Southland Construction at \$143,688.

For the Lupine Hills Project, eight Contractors submitted bids. They are as follows: Southland Construction, \$152,540; Hung Construction, \$192,000; Affordable Painting, \$197,000; John Plane Construction, \$300,089; Goldspring Construction, \$244,970; B Bros. Construction, \$286,300; B Side, Inc., \$243,000; and EF Brett & Co., \$395,953. The lowest responsive, responsible bidder is Southland Construction at \$152,540.

Recommendation:

Award contract to lowest responsive, responsible bidder for each project as noted.

Fiscal Impact:

\$143,688 for the Verde project and \$152,540 for the Lupine Hills project. Funded from the Measure J Bond.

**\*CI C.21 Recommendations from Citizens Bond Oversight Committee (“CBOC”) regarding the Annual Performance Audit**

Comment:

The CBOC has approved a recommendation to the Board for the scope of the performance audit for the bond program for period ending June 30, 2010. The CBOC is recommending also that the District staff direct Total School Solutions, the contractor for the audit, to complete the audit in accordance with Government Auditing Standards as required by the contract with Total School Solutions and to include specific focus on the items as approved by the CBOC.

Recommendation:

Accept the report from the CBOC

Fiscal Impact:

The cost of the performance audit and the recommended changes are all within the contract with Total School Solutions. Any items that would increase the scope and thus the cost of the audit would be brought before the Board for approval.

**D. AWARDS, RECOGNITIONS, AND REPORTS**

**\* D.1 Contra Costa County Teacher of the Year (TOY), Michele Lamons**

Comment:

Pinole Valley High School (PVHS) teacher Michele Lamons was named County Teacher of the Year on September 23, 2010 at the annual county TOY dinner. Michele teaches English and American Sign Language at PVHS, coaches the debate and forensics teams, and sponsors the African American Student Union.

Tonight, we will congratulate Mrs. Lamons on a job well done.

Recommendation:

Board celebrates Mrs. Lamons accomplishments

Fiscal Impact:

None

\* **D.2 Report on Volunteer Efforts in WCCUSD**

Comment:

Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety, while strengthening the schools' relationships with the community. The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students.

Tonight, we will give a report on our volunteer plans for 2010-2011 school year.

Recommendation:

For Information Only

Fiscal Impact:

None

\* **D.3 Report on the Readiness and Emergency Management for Schools (REMS) Grant**

Comment:

The U.S. Department of Education, Office of Safe and Drug Free Schools has awarded the District \$578,262 for use in improving and strengthening school emergency management plans and coordination with local partners. This grant will be supported through July 31, 2012.

Recommendation:

Report 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  
Bayside Parent Teacher Association  
Citizens' Bond Oversight Committee  
Community Budget Advisory Committee  
Facilities Subcommittee

Public Employees Local 1  
School Supervisors Association  
United Teachers of Richmond  
West Contra Costa Administrators Association

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 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 agendaized, but may refer these to staff for response and/or placement on future agendas.

**F. ACTION ITEMS**

\* **F.1 Public Hearing: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2010-2011**

Comment:

California Education Code Section 60119 guidelines require the governing board of each California school district to hold a public hearing after which the Board will determine, through a resolution, as to whether each pupil in each school in the District has sufficient textbooks and instructional materials that are aligned with the academic content standards and are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education in these subjects:

English/Language Arts, including English language development  
Mathematics  
Science  
History/Social Science  
Foreign Language (if the student is enrolled in a Foreign Language course);  
Health (if the student is enrolled in a Health course).

The governing board shall also determine the availability of science laboratory equipment as applicable to science laboratory courses in grades 9 through 12.

Immediately after this hearing, as a separate action item, the Board is requested to approve Resolution No. 26-1011: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2010-2011.

Recommendation:

The Board conducts the hearing in compliance with the Education Code of the State of California.

Fiscal Impact:

None

\* **F.2 Adoption of Resolution No. 26-1011: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2010-2011**

Comment:

The proposed resolution is required under Education Code Section 60119 in order for the District to allocate funding from any state sources for the purchase of instructional materials.

In addition to the proposed resolution, the board is being asked to verify continued approval of the accompanying list of currently adopted texts for the District. Prior to adopting this resolution, the Board will hold a public hearing to discuss textbook sufficiency for all district schools.

Recommendation:

Approve Resolution No. 26-1011: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2010-2011

Fiscal Impact:

None

\* **F.3 Pinole Valley High School Reconstruction Site Master Plan and Architectural Services Contract**

Comment:

The Board has previously approved an updated educational programming and master planning process for the reconstruction of Pinole Valley High School in the spring of 2010. WLC Architects was awarded a contract for this phase of services. At this time they have completed work on the educational programming and updated master plan after a series of meetings with the Site Committee. The Site Committee, led by Principal Sue Kahn, has included teachers, staff, parents, community members, and members of the Pinole City Council. The site reconstruction Master Plan has also been reviewed in draft form with the City Council at a meeting in May 2010.

In addition, the architects and the District have met and reviewed the project parameters, including phasing options. The preferred option for the work is construction of a full new campus for the site at the location of the existing campus. The District has also completed a cost estimate which will provide a basis for the District to include within the 2010 Facilities Master Plan.

The architects have prepared a presentation for the Board and community.

At this time it is appropriate to proceed to the next level and authorize preparation of construction documents for the project. This will allow the District to begin design on this signature project of the Measure D 2010 Bond.

Recommendation:

Approve Master Plan and authorize the District to negotiate a full Architectural Services Contract with WLC Architects for the reconstruction of Pinole Valley High School.

Fiscal Impact:

\$120,000,000. Total Project Budget. Funded from the Measure D 2010 Bond

**G. DISCUSSION ITEMS**

**\* G.1 Alvarado Unity High Charter School**

Comment:

Alvarado Unity High Charter School submitted a petition to West Contra Costa Unified School District (WCCUSD) on September 9, 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 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 as to the petition at a subsequent board meeting.

Recommendation:

Public hearing only at this time

Fiscal Impact:

To be determined

**\* G.2 Review of Board Policy 5145.7 – Sexual Harassment**

Comment:

Board Policy 5145.7 has been brought forth for review and revision. The first stage of the process is to bring to the Board the Board Policy for first reading. At that time, the Board provides feedback and suggestions for revision. Next, policy will be distributed widely to the various stakeholder groups for feedback and input. The Superintendent’s Cabinet reviews the feedback and incorporates it into the various policies as appropriate. Once that has been completed, the policy section will come back to the Board for adoption. As the section is approved, the adopted/revised items become the policies of the Board of Education.

Recommendation:

For Review

Fiscal Impact:

None

\* **G.3 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**

Lovonya DeJean Middle School – October 20, 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**

**October 6, 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. 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**