

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
AUGUST 18, 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 Report/Ratification of Closed Session

* **B.5 Agenda Review and Adoption (Public Comment)**

* **B.6 Minutes: July 28, 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 August 18, 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 August 18, 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 as dated August 18, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

***CI C.4 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 August 18, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.5 Summary of Payroll and Vendor Warrant Reports**

Comment:

Summaries of Payroll and Vendor Warrants issued during the month of July, 2010:

Total of payroll warrants:	\$ 3,953,216
Total of vendor warrants:	\$26,097,347

Recommendation:

Approval of the payroll and vendor warrant reports

Fiscal Impact:

As noted above

***CI C.6 Notification of Claim 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.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 Only

Fiscal Impact:

None

***CI C.9 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.10 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: \$328,615.25. Funding sources as noted

***CI C.11 Bond and Non-Bond Revised Change Order Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects. Change orders for bond expenditures are: Helms Middle School New Campus; Ford Elementary New Campus; DeAnza High School Baseball Field; King Elementary School Construction and Demolition; Pinole Middle School Renovations; and Dover Elementary New School. Change orders for Non-Bond change orders are: Adams Middle School Site Improvements (Emergency Repair Project); Crespi Middle School Fire Reconstruction; and Richmond High School ERP. Change orders were 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: \$593,847.47

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

Comment:

The following construction contracts were approved by the Board at regularly scheduled meetings during 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 these cases, the Board authorized staff to issue the notice of award upon expiration of the bid protest period or upon successful resolution of any bid protest received. 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. **Wright Contracting** - DeAnza High School Main Campus Project. Contract award: \$62,508,000. No Bid protest received. Authorization to award at the Board meeting of April 14, 2010.
2. **Mobile Modular** - Portola Temporary Campus Modularity Purchase. Contract award: \$1,967,327. No Bid protest received. Authorization to award at the Board meeting of May 12, 2010.

In addition to the above ratifications, the following construction contracts have been awarded by the Superintendent's designee. These contracts were prepared and circulated under the Board-approved California Uniform Public Construction Cost Accounting Act ("CUPCAA") procedures. This included advertising in a trade journal and mailing notices of bid to contractors ten days prior to opening bids. The education code requires the Board to ratify these award actions.

1. **Alaniz Construction** - Helms Street Improvements. Bids opened July 21, 2010. Contract award: \$45,200.
2. **Calico Construction** - Helms Rear Access Road. Bids opened August 2, 2010. Contract award: \$93,000.

Recommendation:

Ratify previously authorized staff awarded contracts

Fiscal Impact:

No additional fiscal impact, ratification of staff action only

***CI C.13 Purchase of State Relocatable Buildings**

Comment:

The District is currently using 30 modular buildings which are leased from the State of California through the Office of Public School Construction (“OPSC”). The State Allocation Board (“SAB”) has taken action to end the leasing of state relocatables. The District has been notified that if we wish to continue to utilize our leased buildings then we must purchase them. The District originally leased these buildings during the Measure M Elementary School renovations. They have been utilized since then to house students in the Leadership Public School Temporary Campus. We have already exhausted a 2-year lease extension and have been notified that there will not be further extensions. The buildings are currently in use and it would be difficult and very costly to replace them. It is recommended that the District purchase the buildings. The current cost for purchase is \$12,000 per classroom. This is a competitive price, and lower than current market rates from private vendors. These buildings will have a useful service life of another 10+ years and can be used as a part of our temporary housing strategy for the new Measure D projects.

Recommendation:

Ratify and approve contracts as noted

Fiscal Impact:

Total for this action: **\$360,000**. Funded from the Measure J Bond.

***CI C.14 Agreement with Bay Area Community Resources, YMCA of the East Bay and Contra Costa County Health Services for School Based Health Center Coordinator Services**

Comment:

The District has finalized individual agreements with Bay Area Community Resources to continue providing coordination and services at DeAnza High School and Hercules High School. The YMCA of the East Bay will continue providing coordination and health services at Pinole Valley High School, Kennedy High School and El Cerrito High School. Contra Costa County Health Services will provide services at Richmond High School.

Recommendation:

Recommend Approval

Fiscal Impact:

\$360,000.00, ARRA

***CI C.15 Agreement with the Cities of Richmond, El Cerrito, Pinole and Hercules and the Office of the Sheriff-Coroner to Provide School Resource Officer (SRO) Services to District Campuses**

Comment:

The District has finalized the second year of individual three-year agreements with the Cities of Richmond, El Cerrito, Pinole and Hercules and the Office of the Sheriff-Coroner to provide a total of eighteen full-time School Resource Officers (SRO) to the District. These agreements include revised scope of work for SROs.

Recommendation:

Recommend Approval

Fiscal Impact:

\$1,969,000.00, General Fund

***CI C.16 Terence Martin Day – August 23, 2010**

Comment:

Terence Martin was a dedicated father, community member and school employee who gave his life while going to the assistance of a citizen of our community. In 2005 the Board of Education declared, in perpetuity, August 23rd as Terence Lionel Martin Day in honor of his dedication and commitment to our school district and community. August 23rd is a day to remember Terence and what he stood for and believed in: taking care of one another.

Recommendation:

For Information Only

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 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
Ivy League Connection
Safety Committee
Special Education Citizens Advisory Committee
Youth Commission

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

* **D.2 Expulsion Process**

Comment:

The Director of Adult and Alternative Educations will report on the process of expulsion and how it works in West Contra Costa Unified School District.

Recommendation:

Report Only

Fiscal Impact:

None

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

E.1 Request to Address the Board – Campaign Contribution Limits

Comment:

Mr. Jungherr, a resident of the West Contra Costa Unified School District, has requested an opportunity to address the Board of Education on the topic of campaign contribution limits related to ballot initiatives and trustee elections.

Mr. Jungherr has been notified that he will be allotted 10 minutes to make his presentation to the Board.

Recommendation:

For Information Only

Fiscal Impact:

None

* **E.2 Superintendent’s Report**

* **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

G. DISCUSSION ITEMS

*** G.1 Preventing School Closures in the City of Richmond**

Comment:

In 2008, the West Contra Costa Unified School District Board of Education was facing a certain return to bankruptcy without an aggressive financial recovery plan that included school closures, capping health benefits and phasing out lifetime benefits for future retirees. Like more than half the districts in the state, WCCUSD had experienced a sharp decline in student enrollment due to declining birth rate. With 5,000 fewer students than just five years earlier, the Board could no longer afford to operate all of the district's low enrollment schools.

At the December 2008 meeting, the Board approved a community involvement process to identify which schools would have to be closed. Over the next two months and with numerous opportunities for public input, a closure plan emerged. On February 9, 2009, the Board approved the closure of eight schools over a two year period. Four schools would be closed in June 2009, Castro, El Sobrante, Adams and Lake. The Board decided to close three others in June 2010, Olinda, Grant and Kennedy and in June 2011 to close Shannon as well. The City of San Pablo approved a resolution to provide funding to keep Lake School open for 2009-10 and 2010-11. The Richmond City Council agreed to provide \$1.5 million to keep Olinda, Grant and Kennedy open through the 2010-11 school year.

The Great Recession of 2009 devastated state funding for schools, causing the District to cut more than \$39 million from the budget. Employees were laid off; programs were reduced or eliminated and employee groups made concessions in workyear and benefits. To maintain some key programs, the Board used one-time federal and state funding to prevent much deeper reductions for 2010-11. But those funds go away in June 2010 and given the state's budget deficit there's no hope that the state will find funding to prevent cuts that will hurt children and curtail their futures.

Various community members including city council and board members have worked diligently over the past 18 months to find additional funding sources to keep open some or all of the remaining schools that are targeted for closure in June 2011. Other efforts to find independent funding are on-going. The City has expressed an interest in a continued support model that would provide funding to keep the schools open. It is possible that the City would be able to provide operating funds through a joint use agreement that could include Kennedy and other sites that may benefit the recreational program operated by the City such as the swim center at the Richmond Swim Center. In addition, there are preliminary conversations regarding the potential of a mutually beneficial property exchange and/or joint use agreement involving the parcel where the Martin Luther King Community Center is currently situated (adjacent to Nystrom).

Recommendation:

That the Board discuss ways that an enhanced partnership with the City of Richmond could identify funding that would allow Kennedy, Grant and Olinda to remain open.

Fiscal Impact:
Unknown at this time

* **G.2 Attendance Improvement**

Comment:

During the budget adoption process, the Board discussed ways to improve the financial picture for the District by improving student attendance. As a follow up, staff agreed to bring back for Board discussion a summary of practices of other districts similar to WCCUSD that have a higher rate of attendance. Although WCCUSD's attendance rate is significantly higher than Oakland or San Francisco, and although the attendance rate in WCCUSD has improved over the past four years, there are other districts that have higher rates of attendance. The staff report will include practices that those districts use that have helped them achieve higher rates of attendance.

Recommendation:

That the Board discuss the findings and provide direction for next steps in WCCUSD.

Fiscal Impact:
Unknown at this time

* **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 – September 1, 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

August 18, 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

- a. Administrative Appointments for 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)**

10. REPORT OF CLOSED SESSION ACTIONS