

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
SEPTEMBER 15, 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 **5:00 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

Special Accommodations: Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.

"of children be more careful than anything."
e.e. cummings

B. OPENING PROCEDURES

- B.1 Pledge of Allegiance**
- B.2 Welcome and Meeting Procedures**
- B.3 Roll Call**
- B.4 Presentation of Student Board Representative from DeAnza High School**

Comment:

A Student Board Representative from DeAnza High School will attend the Board of Education meeting on September 15, 2010. 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: September 1, 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 September 15, 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 September 15, 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 September 15, 2010.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

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

Comment:
Summaries of Payroll and Vendor Warrants issued during the month of August 2010:

Total of payroll warrants (August 2010):	\$ 3,716,883.00
Total of vendor warrants accrual (2009-2010):	\$ 1,848,135.00
Total of vendor warrants (2010-2011):	\$14,727,726.00

Recommendation:
Recommend approval of the vendor warrant reports

Fiscal Impact:
As noted above

***CI C.5 Notification of Claim Rejected**

Comment:
The District has received a claim requesting compensation for property damage. 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.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 September 15, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.7 Notices of Completion: Bid E068185 Crespi Kitchen Flooring Demolition & Replacement**

Comment:

Substantial completion notice has been received for: Bid E068185.

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:

Michael McKim Company E068185 Crespi Kitchen Flooring Demolition & Replacement

Recommendation:

Recommend approval of this notice of completion

Fiscal Impact:

None

***CI C.8 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.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 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.11 Right of Entry Agreement with the West County Wastewater District for Construction Access and Work at Seaview Site**

Comment:

The West County Wastewater District (“WCWD”) has existing drainage and sewer easements across the Seaview site. The WCWD needs to perform significant upgrade work on these systems and has requested access to the site to perform construction. The Right of Entry agreement has been prepared by the WCWD and modified after review with the school District’s legal counsel. The agreement requires the WCWD to protect all improvements on our site and to restore the site to the existing conditions. A description of the work is also included. None of the work impacts the existing structures. This work will provide a significant upgrade to the sanitary system of the WCWD. It is anticipated that there will be a future action by the Board to grant a new easement at this site.

Recommendation:

Approve Right of Entry Agreement with West County Wastewater District for work at the Seaview site

Fiscal Impact:

None

***CI C.12 Richmond High School Security Cameras Project Change Order Approval**

Comment:

The Richmond High Security Cameras project is completed. Walsh Electronic Systems Technology is the contractor. This project includes installation of a full system of surveillance cameras with all supporting infrastructure and head end equipment. The Board has previously approved a change in the work to include high resolution cameras. This final change order closes out the project and includes the following: Electrical power feeds to multiple video recorder locations; additional pan tilt zoom cameras at the football field area; and a new conference room monitoring station. These increases to the project have resulted in potential change orders in excess of Public Contract Code 10% limit. Staff is requesting Board approval of change orders, with the findings as noted below, on the project as follows:

Base Bid	\$ 308,988
Allowance	\$ 30,000
Total Base Contract Award	\$ 338,988
Change Order #1	\$ 208,186
Previous Adjusted Amount	\$ 547,184
Change Order #2	\$ 43,001
Adjusted Total Contract Amount	\$ 590,185

Approval is required by the Board, with special findings, because this is in excess of the Public Contract Code limits of 10% of the original contract value. In accordance with Public Contract code 20118.4, the Board, by approving 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:

Adopt findings of futility and approve Change Order to CF Contracting

Fiscal Impact:

Total for this action: \$43,001. Funded by the Measure J Bond, Richmond HS Fence and Gates Project

***CI C.13 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: \$910,290. Funding sources as noted

***CI C.14 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction project: Portola Temporary Campus Construction Sitework Phase II. 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: \$126,929.27

***CI C.15 Citizens' Bond Oversight Committee (CBOC) Appointment: Linda Ruiz-Lozito to represent the Contra Costa Taxpayers Association**

Comment:

The appointee from the Contra Costa Taxpayers Association, Sue Pricco, has completed her term on the CBOC. The Association has recommended Linda Ruiz-Lozito as their new representative to the committee.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.16 Resolution No. 23-1011: Resolution in Opposition to Proposition 19**

Comment:

The West Contra Costa Unified School District Board of Education opposes Proposition 19 as an increased risk to student and employee health and safety, a possible threat to receipt of critical federal funding, and a potential source of costly workplace litigation.

Recommendation:

Recommend Approval of Resolution No. 23-1011

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Mexican Independence Day 2010**

Comment:

Mexican Independence Day, September 16, celebrates the events and people that eventually resulted in Mexico's independence from Spanish rule.

A few of our schools will share presentations that showcase and celebrate some of the cultural traditions of Mexico.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.2 National Education Association’s (NEA) Priority Schools Campaign**

Comment:

The National Education Association (NEA) is committed to transforming the nation's persistently low-performing, priority schools into great public schools for all students.

Through a six-year Priority Schools Campaign (NEA’s title for these schools), NEA will partner with state and local affiliates to assist priority schools identified by the U.S. Department of Education. The Campaign began in Spring 2010 and will run through 2015-2016.

The main objective of the campaign is to increase student achievement through four actions:

- Creating strong partnership between schools and students' families;
- Augmenting the skills and effectiveness of school staffs,
- Increasing community-provided social and health services for students and their families, and
- Finely-tuning district and union collaboration practices

NEA representative, Dr. Sheila Simmons, will give a report on the Priority Schools Campaign.

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
Bayside Parent Teacher Association
Citizens' Bond Oversight Committee
Community Budget Advisory Committee
Facilities Subcommittee
Ivy League Connection
Linked Learning – Multiple Pathways
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.4 2010 Academic Performance Index Growth (API) Targets – Recognition of Schools
2010 Adequate Yearly Progress (AYP) – Recognition of Schools**

Comment:

API -The California Department of Education (CDE) sets API growth targets for all public schools annually and has computed Academic Performance Indices (APIs) for all public schools since 1999. California draws achievement information from state assessments to calculate one number called the API.

In order for a school to make its API, it must achieve its schoolwide target, as well as targets for all numerically significant subgroups. Any subgroup for which there are 100 valid scores or 50 valid scores comprising at least 15% of the valid scores for a school is identified by CDE as a numerically significant subgroup. Possible numerically significant subgroups include: African American, American Indian, Asian, Filipino, Hispanic, Pacific Islander, White, Socioeconomically Disadvantaged, English Learners, and Students with Disabilities. Meeting the comparable improvement target means that each student subgroup in the school met its individual achievement goals.

AYP - The No Child Left Behind Act of 2001 is Federal legislation that established an accountability program including AYP for all schools and Local Educational Agencies beginning with the 2002-2003 school year.

In order for a school to make AYP, it must achieve all of the schoolwide targets as well as targets for all numerically significant subgroups. AYP targets are set by the California Department of Education (CDE) for participation rate, percent proficient in English Language Arts and Math, Academic Performance Index (API) and graduation rate.

Tonight we recognize the schools for making API and/or AYP targets (subject to release of results from the California Department of Education).

Recommendation:

School Board recognition of schools meeting all 2010 API and/or 2010 AYP criteria (*)

Fiscal Impact:

None

E. PUBLIC AND COMMITTEE COMMUNICATIONS
(Education Code 35145.5; Government Code 54950 et seq.)

* **E.1 Request to Address the Board – Youth Leadership Forum and College Career Options**

Comment:

Executive Director Carol Lee Tolbert has requested opportunity to address the Board of Education regarding Civic Pride’s upcoming Youth Leadership Forum and College Career Options Fair planned for October 9, 2010. Workshops for students in grades 6 – 12, parents, educators and organizations will be offered. This event will offer a roadmap to stay on track for college, internships, careers and community service.

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

* **F.1 Adoption of a Mandatory Local Business Capacity Utilization Program for the District’s Bond Construction Projects**

Comment:

The District’s Bond Construction program currently has Local Hiring and Local Business Utilization programs in place to ensure that bonds support local businesses and go toward hiring local residents. While the programs have been successful, their goals are currently not mandatory, requiring only a good faith effort by contractors. Over the last year the District’s Local Capacity Building Committee has considered ways to strengthen the programs, especially for the utilization of local businesses. After extensive review of other school district and public agency models, and after legal review of the proposed structure, the committee has recommended that the provided Mandatory Local Business Capacity Utilization program be adopted for the District’s Bond Construction projects. The key element of the program is a project by project determination of available local capacity to perform work in the

project. Once that capacity is determined, the mandatory local business goal for the project is set. This will ensure maximum local business utilization but not set unrealistic goals for any one project. Staff will provide a full presentation of the proposed program elements at the Board meeting and be available to answer questions. The Board's Facilities Subcommittee reviewed the program at its meeting of August 24, 2010 and recommended it for approval by the full Board.

Recommendation:

Approve new Mandatory Local Business Capacity Utilization Program

Fiscal Impact:

Not known. Consulting costs for Local Business Capacity Utilization outreach, review, and certification estimated at less than \$100,000 based upon anticipated projects.

* **F.2 Approval of the 2009-2010 Unaudited Actuals Financial Report**

Comment:

By September 15 of each year, the District must file the Unaudited Actuals Financial Report for the prior year with the Contra Costa County Office of Education and the California Department of Education. This report reflects the financial activities of the District by major object of revenue and expense for each fund operated in the District.

Staff will present an overview of the financial activity and its impact on the ending balance.

Included in the Unaudited Actuals is a Summary of the General Fund and all Funds. The complete Unaudited Actuals Financial Report will be delivered under separate cover.

Recommendation:

Staff requests approval to file this report with the County Superintendent

Fiscal Impact:

Year end closing

* **F.3 Resolution No. 20-1011: Adoption of Gann Limit, 2010-2011**

Comment:

Education Code Section 42132 specifies that school district governing boards shall adopt a resolution identifying their annual appropriations limit for the preceding fiscal year, known as the Gann Limit. The Gann Limit Calculation is part of the year end closing, unaudited actuals, reports submitted under separate cover. It establishes limits on allowable growth in government spending.

Recommendation:

Staff requests Board adoption of the 2010-2011 annual appropriations

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 6, 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

September 15, 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)

- a. Certificated Employee Dismissal
- b. Release of Temporary Certificated Teachers

10. REPORT OF CLOSED SESSION ACTIONS