

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JULY 13, 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 **5:45 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 Report/Ratification of Closed Session

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

* **B.6 Minutes: June 28, 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 July 13, 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 July 13, 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 July 13, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

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

Comment:

The summaries of Payroll & Vendor Warrants issued during the month of June are:

Total of payroll warrants (June 2011):	\$14,560,456
Total of vendor warrants (June 2011):	\$27,911,717

Recommendation:

Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:

As noted above

***CI C.5 Adoption of Resolution No. 13-1112: 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 Gloria Bravo. Staff recommends replacement of the stale dated warrant.

Recommendation:

Recommend approval to replace the outdated warrant

Fiscal Impact:

None

***CI C.6 Annual Renewal of Continuing Services**

Comment:

Permission is requested of the Board of Education to approve contracts for services as detailed, dated July 13, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.7 Notice of Completion: Bid W068264 De Anza High School Interim Warming Kitchen**

Comment:

Substantial completion notice has been received for: Bid W068264.

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:

B-Side, Inc. Bid W068264 De Anza High School Interim Warming Kitchen.

Recommendation:

Recommend approval of these notices of completion

Fiscal Impact:

None

***CI C.8 Community Budget Advisory Committee Charter**

Comment:

The Community Budget Advisory Committee (CBAC) is submitting the revised charter for approval of the Board. The Committee has re-written the charter over the course of two meetings and has adopted the revision presented. The strikethrough format provides information as to the current wording and proposed changes to the charter. The main addition to the charter provides the option of alternates for all members of the committee. Once approved, the final format will be presented back to the CBAC.

Recommendation:

Adopt Revised CBAC Charter

Fiscal Impact:

None

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

Comment:

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

Recommendation:

For Information Only

Fiscal Impact:

None

***CI C.10 2010-11 Consolidated Application for Funding Categorical Aid Programs, Part I**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District's application for categorical funding for the following academic year for both public and non-public schools. This report includes information about Title I Program Improvement schools. Expulsion, suspension and truancy data are also included.

A copy of the document is available at the front desk of the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 for review.

Recommendation:

Recommend Approval

Fiscal Impact:

Categorical Revenue

***CI C.11 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: \$66,140. Funding sources as noted.

***CI C.12 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Helms Middle School Demolition and Site work; and, DeAnza HS Replacement 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: \$543,907.30

***CI C.13 Hercules Middle High School New Building Approval of Architect and Contract for Master Planning**

Comment:

A new Classroom Building for Hercules Middle High School is one of the listed projects in the Measure D 2010 Bond. In order to develop the scope of work for this campus the District needs to engage in a Programming and Master Planning process to determine project priorities and configuration for a new building at the site.

District staff conducted an Architect selection process for this work that included interviews and a design charette with four pre-qualified District architectural firms. HY Architects was recommended by the Site Committee.

At its meeting of June 14, 2011, the Facilities Subcommittee of the Board approved a recommendation to the full Board that HY Architects be selected for this project.

Recommendation:

Approve HY Architects as the Architect for the new Classroom Building at Hercules Middle High School and approve fee for Programming and Master Planning services.

Fiscal Impact:

\$179,382. For Architectural services and reimbursable expenses. Current work is to be funded by the Measure J Bond, under the Hercules Middle High School Project budget. Future project work will be funded by the Measure D 2010 Bond when those funds are available.

***CI C.14 Kennedy High School ADA Compliance Project Award of Contract**

Comment:

The District is continuing with planned renovations at the Kennedy High School campus. One major area of focus is access compliance work. The major element of this project is construction of a new elevator tower at the main classroom building to provide for full access to the second level. The project also includes lifts at the Multi-Purpose building and performing arts areas. The project includes the replacement of doors and upgrade to hardware systems throughout the campus.

Powell & Partners/HMC Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on July 6, 2011. Four Contractors submitted bids. One bid was declared non-responsive due to missing required documents. The remaining bids are as follows: Vila Construction \$1,030,697; S&H Construction \$957,000; and, CF Contracting \$836,880.

The lowest responsive, responsible bidder is CF Contracting, at **\$836,880**.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$836,880. Funded by the Measure J Bond, under the Kennedy High School Renovations Project budget. budget.

***CI C.15 Montalvin Manor Elementary School New Building Approval of Architect and Contract for Architectural and Engineering Services**

Comment:

A new Classroom Building for Montalvin Manor Elementary School has been included in the Measure D 2010 Bond Program adopted budget. This project will serve to increase the student capacity at the site and will provide for adjacent future school consolidation to be handled with permanent construction.

The Facilities Subcommittee of the Board approved a recommendation to the full Board that Baker Vilar Architects be selected for this project. Baker Vilar has worked with staff and the Principal to prepare a preliminary plan for the project. It is appropriate at this time for the Architect to prepare construction documents.

Recommendation:

Approve Baker Vilar Architects as the Architect for the new Classroom Building at Montalvin Manor Elementary School and approve contract for Architectural and Engineering services.

Fiscal Impact:

\$511,590. For Architectural services and reimbursable expenses. Current work is to be funded by the Measure J Bond, under the Montalvin Manor Elementary School Project budget. Future project work will be funded by the Measure D 2010 Bond when those funds are available.

***CI C.16 Approval of Stege Elementary School Master Plan**

Comment:

Stege Elementary School is one of the listed projects in the Measure D 2010 Bond. In order to develop the scope of work for this campus the District has engaged in a Master Planning process to determine project priorities and configuration of a replacement school at the site. This process included numerous meetings with Stege staff and teachers.

Powell and Partners Architects is the Master Plan Architect for Stege. They will present the proposed master plan.

The Facilities Subcommittee of the Board has reviewed the Master Plan and recommended approval by the full Board at its meeting of June 14, 2011.

Recommendation:

Approve proposed Stege Elementary School Master Plan

Fiscal Impact:

\$30,000,000 is the estimated total project cost for Stege. Future project work will be funded by the Measure D 2010 Bond when those funds are available.

***CI C.17 Ratification of Previously Authorized Staff Awarded Contract: Ohlone Elementary School West Campus Phase I**

Comment:

The following construction contract was approved by the Board at the regularly scheduled meeting of June 28, 2011. This action was taken prior to the resolution of a Bid Protest in order to expedite the start of the work. In this case, the Board authorized staff to issue the Notice of Award upon successful resolution of the Bid Protest received. Staff and legal counsel reviewed the Bid Protest, the responses of the low bidder, and additional correspondence from the protesting bidder. The protest has no merit and is based upon speculation regarding Zovich's subcontractor listings. It has been determined by staff and confirmed with counsel that Zovich Construction's bid is the lowest responsive, responsible bid. Subsequent to this determination, staff issued the Notice of Award to Zovich Construction on June 30, 2011.

The Education Code requires the Board to ratify this award action by staff. It is recommended that the Board ratify the staff's issuance of the Notice of Award to the Contractor on this project:

Zovich Construction. Ohlone Elementary West Campus Phase I Project. Contract award: **\$16,961,000.** Bid Protest resolved. Authorization to award at the Board meeting of June 28, 2011.

Recommendation:

Ratify previously authorized staff awarded contract.

Fiscal Impact:

No additional fiscal impact, ratification of staff action only.

***CI C.18 Williams Lawsuit Complaints Quarterly Report**

Comment:

The Williams Lawsuit requires that a quarterly report be brought before the Board of Education reflecting the number of complaints filed with any school in the district during a particular quarter. This report reflects the time period from April 1, 2011 through June 30, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.19 Resolution Nos. 01-1112 through 12-1112: Board of Education Annual Resolutions for the 2011-2012 School Year**

Comment:

Approval is recommended of the Board of Education Annual Resolutions Nos. 01-1112 through 12-1112, for the 2011-2012 school year.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.20 Meeting Dates for 2012**

Comment:

Board Policy 9100 requires that the Board set the calendar of meetings for the calendar year at its December organizational meeting. Yet for planning and communication purposes, it would be unwise to wait until December each year to set the meeting dates for the first few months of the new calendar year. While the Board would certainly have the authority to change meeting dates, as it does at any time, it is important to establish dates for the calendar year 2012.

The recommended are as follows:

January 4, 18	July 11, 25
February 1, 15	August 15
March 7, 21	September 5, 19
April 4, 25	October 10, 24
May 9, 23	November 14, 28
June 13, 27	December 12

Recommendation:
Recommend Approval

Fiscal Impact:
None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Achievement Gap**

Comment:

The single greatest challenge and the most important problem in West Contra Costa Unified School District is the achievement gap between the higher performing Asian, Filipino and white students compared with lower performing Latino and African American students. The gap exists on all measures of learning including standardized tests scores, student grades, grade point average, completion of the UC/CSU “A through G” courses and graduation rates. African American students are over represented in discipline measures and in placement in special education. While there has been a moderate reduction in the achievement gap over the last five years, the achievement gap remains substantial.

Staff will review strategies and practices that have been employed to close the gap and review practices that have led to more success in closing the gap in other districts.

Recommendation:

That the Board discuss the staff presentation and provide direction for additional strategies to close the achievement gap

Fiscal Impact:

Unknown at this time

* **D.2 Assessed Valuation**

Comment:

The District has received a letter from the Contra Costa County Tax Assessors Office setting the Assessed Valuation for the properties within the District. This information is one of the variables that sets the tax levy for the General Obligation (GO) Bond debt of the District. Staff will provide information on the estimated tax levy for the District as it relates to the GO Bond debt.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.3 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a “Request to Address the Board” form. Five minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee	Public Employees Local 1
Bayside Parent Teacher Association	School Supervisors Association
Citizens’ Bond Oversight Committee	United Teachers of Richmond
Community Budget Advisory Committee	West Contra Costa Administrators Association
Facilities Subcommittee	
Ivy League Connection	
Linked Learning – Multiple Pathways	
Safety Committee	
Special Education Citizens Advisory Committee	
Youth Commission	

* **D.4 In Memory of Members of the School Community**

Comment:

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Dolly Felix passed away in June of this year. She retired in 1993 after serving as a teacher, athletic coach and athletic director at John F. Kennedy High School. Ms. Felix will be remembered as a kind, caring, and

encouraging individual who was always ready to help people in academics, athletics or the teaching profession.

Wilma Balentine recently passed away. She was an Instructional Assistant for Special Education students at Stewart Elementary School. Ms. Balentine began in 1961 serving as a volunteer, an aide, a lunch supervisor, ELD aide, RSP aide, and after-school leader. She worked every day at Stewart for 50 years.

Our thoughts go out to the family and friends in the loss of their loved one.

Recommendation:
For Information Only

Fiscal Impact:
None

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

* **E.1 Superintendent’s Report**

* **E.2 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** If there are more requests to speak than can be heard within this time limit, “WCCUSD Public Comment” will continue after Item G. Individuals wishing to speak must submit a “WCCUSD Public Comment” form prior to the beginning of this item on the agenda.

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

F. ACTION ITEMS

* **F.1 Board Policy 5126 Update to Include Biliteracy Awards**

Comment:

Biliteracy awards recognize and value the biliteracy skills of all students, prepare our students with 21st century skills, affirm the value of diversity and honor the multiple cultures and languages of our community. A Biliteracy Awards program would present biliteracy awards to graduating high school, 8th grade and 6th grade students who demonstrate proficiency in one or more languages in addition to English.

Provided is Board Policy (BP) 5126 with draft additions addressing Biliteracy Awards.

Recommendation:
Board to approve changes to BP 5126 to include language for the Seal of Biliteracy award.

Fiscal Impact:
None

G. DISCUSSION ITEMS

*** G.1 Project Status Report**

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 – July 27, 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

July 13, 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

Administrative Appointments for the 2011-2012 school year:

Principal, Elementary School
Vice Principal, Middle School
Principal, High 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

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)**

Certificated / Classified Employee Dismissal

10. REPORT OF CLOSED SESSION ACTIONS