

**West Contra Costa Unified School District
Minutes of the Board of Education Meeting
Lovonya DeJean Middle School
3400 Macdonald Avenue
Richmond, CA 94805**

April 1, 2009

A. CLOSED SESSION

B. OPENING PROCEDURES

President Audrey Miles called the meeting to order at 5:30 PM. The Board recessed into Closed Session. President Miles called the Public Session to order at 6:32 PM.

B.1 Pledge of Allegiance

President Miles led those in attendance in the pledge of allegiance.

B.2 Welcome and Meeting Procedures

President Miles offered welcome and instructions to the public regarding the meeting.

B.3 Roll Call

Board Members Present: Madeline Kronenberg, Antonio Medrano, Audrey Miles, Charles Ramsey, Tony Thurmond

Staff Present: Alejandro Alonso, Interpreter; Andre Bell, Executive Director Business Services; Pat Calvert, Director Certificated Personnel; Martin Coyne, Director Accounting/Audits; Lisa Erwin, Executive Director Business Services; Bill Fay, Associate Superintendent for Operations; Erin Fleming, Director Human Resources, Luis Freese, Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Debbie Haynie, Executive Assistant to the Superintendent; David Johnston, Director General Services; Joe Mayes, Maintenance Supervisor; Ken McDaniel, Electronics Supervisor; Nia Rashidchi, Assistant Superintendent Educational Services; Jessica Romeo, Assistant Superintendent for Human Resources; Bill Savidge, District Engineering Officer; Marin Trujillo, Coordinator Community Engagement.

B.4 Presentation of Student Board Representative Monika Sanchez, Richmond High School

Ms. Sanchez spoke about Richmond High's recent WASC accreditation review, the validation of the school's work and upcoming activities for students.

Mr. Ramsey said that Student Representative Blanca Zepeda was not in attendance due to accepting an award in Atlanta and that she was recently accepted to Brown University.

B.5 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to expel ten (10) students and suspend those expulsions for placement within the West Contra Costa Unified School District.

MOTION: Mr. Ramsey moved to ratify the vote taken in Closed Session to expel ten (10) students and suspend those expulsions for placement within the West Contra Costa Unified School District. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Ramsey, and President Miles voted yes, with Mr. Medrano and Mr. Thurmond abstaining and no absences. Motion carried 3-0-2-0.

B.6 Agenda Review and Adoption

Public Comment:

Marcus Mitchell, Robert Studdiford, Michael Wasilchin

MOTION: Mr. Ramsey moved to approve the agenda with moving Items F.5 and F.6 to follow Consent Items. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

B.7 Minutes: March 18, 2009

MOTION: Mr. Ramsey moved approval of the minutes of March 18, 2009. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C. BUSINESS ITEMS

President Miles stated that Items C.9 and C. 12 would be moved to follow Section F - Action Items for separate discussion and vote.

C.1 Contracted Services

C.2 Grants/Awards/Agreements

C.3 Acceptance of Donations

C.4 Approval of Fund-Raising Activities

C.5 Notification of Claims Rejected

C.6 Notice of Completions: Bid M05035 Downer New Campus, D06048 El Cerrito HS Main Campus, J068134 Ford Transitional Housing at Downer, J068107 DeAnza HS New Field House, J068108 Richmond College Prep Portables, J068129 Richmond College Prep Ph 1 Campus, J068130 Leadership Temporary Campus

C.7 Certificated Personnel Changes

C.8 Routine Personnel Changes - Classified

C.9 Ratification and Approval of Engineering Services Contracts

Moved to follow Action Items

C.10 Ratification and Approval of Negotiated Change Orders

C.11 Transition Learning Center "TLC" Fence and Gates Project Award of Contract

C.12 Ivy League Summer Programs: Students from El Cerrito High School, Pinole Valley High School, Hercules High School and Richmond High School will participate in College Readiness Programs offered at respective Ivy League Colleges and Universities

Moved to follow Action Items

C.13 Citizens' Bond Oversight Committee Appointments, City of Pinole Candidates

C.14 Citizens' Bond Oversight Committee Appointment

C.15 Citizens' Bond Oversight Committee Member Appointment

C.16 Revised – Board of Education Meetings Dates 2009 Calendar Year

MOTION: Mr. Ramsey moved approval of the Consent Items C.1-8, 10-11, and 13-16. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.5 K-3 Class Size Reduction Program (CSR)

Ms. Gamba provided an overview of the K-3 Class Size Reduction flexibility, put in place by the State of California, for determination of the best option for students and the fiscal stability of the district.

Public Comment:

Charles Cowens, Rick Willis

Board Comment:

Mr. Medrano asked for clarification of what voters approved through the parcel tax. Ms. Gamba provided further information.

Ms. Kronenberg spoke about a discussion at a recent academic subcommittee meeting and what is best for students. Ms. Rashidchi provided details regarding costs and academics options. Ms. Kronenberg continued by discussing salaries and penalties. Ms. Gamba provided information about the different levels of penalties dependant upon implementation based on a classroom by classroom basis.

Mr. Thurmond asked questions about the programmatic impact from the options. Ms. Rashidchi responded with information about educational support including teacher summer intensive professional development.

Superintendent Harter said the recommendations are to determine what is fiscally best for the district while struggling overall to find a balance with being fiscally responsible and doing the least damage for students.

Ms. Miles asked about the impact on increase in class size, negotiations, and delaying a decision. Ms. Romeo said that arbitration is underway and that further discussion is recommended for Closed Session. Ms. Gamba responded that approval of this item is an important component for staffing and budget planning. She said it is also important for timing of the Third Interim Report to show progress toward multi-year projections and managing staffing. Ms. Romeo provided further clarification.

Mr. Medrano asked for clarification on class size reductions and possible contract negotiations. Ms. Romeo responded that further discussion is recommended for Closed Session.

Superintendent Harter responded that the recommendations coming to the Board involve class size reduction, classified layoffs, and Tier III flexibility, all necessary elements to maintain financial stability. He said he does not think that any of this is in the best interest of children but working with the legislature is needed in an effort to find the means to appropriately staff schools. He continued by saying that with the uncertainty of when federal stimulus funds will be available it would be better from a fiscal standpoint to add positions and programs back into the budget once the stimulus funds do come available and that the May 19 special election ballot initiatives also hold significant impact for the budget in planning and preparing for a June budget.

Mr. Thurmond said he worried about opportunity costs of making these decisions. He inquired about the history of class size reduction.

Mr. Ramsey recalled 1996 as the year class size reduction was first adopted by the district and spoke about the quality of education being multifaceted.

Ms. Miles asked questions regarding kindergarten class size. Ms. Gamba responded that all school districts are facing similar decisions due to changes in legislative language in the state budget and Education Code.

Mr. Medrano inquired about any evaluation of class size reductions over time. Ms. Rashidchi responded.

Superintendent Harter responded that the recommendation before the Board is an economic decision.

Ms. Kronenberg further discussed the options for implementation.

MOTION: Mr. Ramsey moved approval of K-3 Class Size Reduction Program (CSR) Option 4 as recommended by staff. Ms. Kronenberg seconded. A roll call vote was taken with Mr. Ramsey voting yes, Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voting no, with no abstentions and no absences. Motion failed 1-4-0-0.

President Miles asked for Board availability next week to hold a special meeting to address this item and to determine a date for meeting during the Board comment item near the end of the agenda.

MOTION: Mr. Ramsey moved to table item F.5, K-3 Class Size Reduction Program (CSR). Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion to table carried 5-0-0-0.

F.6 Resolution No 78-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees

Mr. Ramsey asked the Board to consider tabling this item to bring back at a later meeting along with the Class Size Reduction Program item.

Ms. Romeo asked to provide an overview of the recommendation to the Board.

Mr. Ramsey asked about bringing this item back next week. Ms. Romeo responded that the overview would provide information about how the recommended layoffs are related.

Mr. Medrano asked about obtaining a dollar figure to associate with the FTE's listed.

Ms. Miles said that she would like to hear the presentation.

MOTION: Mr. Ramsey moved to table Item F.6 Resolution No 78-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees. Mr. Ramsey then withdrew the motion to allow the presentation to continue.

MOTION: Mr. Ramsey again moved to table Item F.6 Resolution No 78-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees. Mr. Thurmond seconded. Discussion ensued regarding the point of order that a motion and second to table required a decision before the presentation and public speakers could proceed. Mr. Thurmond withdrew his second to allow the overview presentation of the item. Mr. Ramsey also withdrew his motion to table, requesting that the Board deliberate and vote if this item was not brought back at a later meeting.

Ms. Romeo provided further point of order clarification.

MOTION: Ms. Kronenberg moved to table Item F.6 Resolution No 78-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees. Mr. Ramsey seconded. A roll call vote was taken with Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voting yes, with no abstentions and no absences. Motion to table carried 5-0-0-0.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 Budget Updates – Summary of Community Input

Superintendent Harter provided an overview of the fiscal situation. Ms. Gamba provided updates of community budget meetings, the state fiscal outlook, federal stimulus, and closing the deficit for 2009-2010.

Public Comment:

Al Kirkman, Charles Cowens

Board Comment:

Mr. Thurmond asked about fiscal stabilization and the Governor’s application for funds for school issues.

Mr. Medrano said he will provide information regarding education and state stabilization funds in preparation for next week’s meeting.

D.2 Standing Reports

Committee Reports:

Charles Cowens, Community Budget Advisory Committee, announced the next meeting, April 23, 2009. He said that at a recent meeting three members were nominated and information regarding class size reduction was discussed, and that at upcoming meetings the committee will continue to discuss the budget crisis.

Barbara Mallon, Academic Subcommittee, gave a report on the recent meeting where a presentation was given regarding academic intervention as well as a presentation from the DAIT team.

Pixie Hayward Schikele, United Teachers of Richmond, spoke about class size prior to its 1996 implementation.

Mr. Medrano provided a report on a recent Facilities Subcommittee meeting and completion of projects and discussion of the facilities master plan.

Mr. Ramsey, Ivy League Connection, provided an update regarding Yale University, representatives from Youth Empowerment and Emancipation in Contra Costa County and mentoring district students.

President Miles asked for a time of recognition and remembrance of the Oakland Police Officers who were recently killed in the line of duty.

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

E.1 Superintendent’s Report

Superintendent Harter provided a report of activities in the District.

E.2 WCCUSD Public Comment

Al Kirkman spoke about student equality and responsible decision making. He also spoke about the forming of charter schools.

Charles Cowens spoke about building the new Portola campus, closure of Adams Middle School, and guidelines for setting the enrollment size of a middle school.

Robert Studdiford spoke about the history of minutes for public comment.

C. CONSENT ITEMS

C.9 Ratification and Approval of Engineering Services Contracts

Public Comment: None

Board Comment: None

MOTION: Mr. Ramsey moved approval of the Ratification and Approval of Engineering Services Contracts. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.12 Ivy League Summer Programs: Students from El Cerrito High School, Pinole Valley High School, Hercules High School and Richmond High School will participate in College Readiness Programs offered at respective Ivy League Colleges and Universities

Public Comment: Charles Cowens

Board Comment:

Mr. Thurmond asked questions about the funding recommendations.

Mr. Ramsey clarified that funds pay for teacher-chaperone travel and airfare.

Mr. Thurmond offered a procedural suggestion regarding the fund allocation notation. Mr. Ramsey accepted the recommendation.

MOTION: Mr. Ramsey moved approval of the Ivy League Summer Programs: Students from El Cerrito High School, Pinole Valley High School, Hercules High School and Richmond High School will participate in College Readiness Programs offered at respective Ivy League Colleges and Universities. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F. ACTION ITEMS

F.1 NCLB District Corrective Action – Local Educational Agenda (LEA) Plan

Ms. Rashidchi introduced Karen Dubrule and Matt Stowell from Educational Consultants who provided an overview of the revised LEA Plan for submission to the State of California.

Public Comment: None

Board Comment:

Mr. Medrano asked how Spanish speaking stakeholders were involved. Ms. Rashidchi spoke about the initial parent stakeholder meeting and how plan implementation will be carried forward to parents and other stakeholders once the plan is approved.

Ms. Kronenberg asked questions about incentivizing schools of need and plan funding. Ms. Rashidchi enumerated the funding resources that will be used for the work of the LEA plan.

Mr. Medrano asked about summer professional development for teachers. Ms. Rashidchi offered clarification.

Ms. Miles asked about additional funding for corrective action plans. Ms. Rashidchi explained that additional federal Title I funds will be available.

Mr. Thurmond spoke about the achievement gap and how the DAIT providers anticipate addressing it. Dr. Dubrule said her team would like to come back another time to share best practices from other districts.

Ms. Miles said this process will continue over the next thirty-six months and will include reports to the academic subcommittee.

MOTION: Mr. Ramsey moved approval of Item F.1 NCLB District Corrective Action – Local Educational Agenda (LEA) Plan. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.2 Presentation of the Measure M, Measure D and Measure J 2007-08 Fiscal Audit by Perry Smith, LLP

Ms. Gamba introduced Matt Nethaway from Perry-Smith LLP, who shared information about the fiscal audit, procedures, and an unqualified opinion as part of the final report.

Public Comment

Don Gosney, member of Citizens' Bond Oversight Committee, asked the Board to defer approval of the financial audit in order to allow the committee an opportunity to review the report.

Board Comment:

President Miles asked about compliance. Ms. Gamba responded.

Mr. Ramsey said that he would like to delay acceptance of this report to allow time for CBOC review in order to be in compliance.

Mr. Thurmond agreed that this should come back at a future meeting.

Superintendent Harter agreed and withdrew the recommendation for approval of the audit report to a future date.

Ms. Kronenberg thanked Mr. Gosney for bringing this to the attention of the Board.

F.3 Annual Performance Audit of District Bond Program

Mr. Fay introduced Tahir Ahad, President of Total School Solutions, to present an overview of the 2008 Bond Performance Audit.

Public Comment: None

Board Comment:

Mr. Ramsey spoke about the success of the district's construction program and the level of community support.

Mr. Medrano asked questions about the report and local capacity contractors. Mr. Ahad responded.

Mr. Fay acknowledged the thirty day expectation threshold regarding payments to contractors.

Mr. Ramsey thanked staff for the quick turnaround in the payment process as it encourages contract bidders, including a large percentage of local contractors.

Ms. Kronenberg commented on the district's part of the economic support in West County and spoke about the process to review the percentage of change orders. Mr. Ahad responded.

Ms. Miles commented that consideration of change orders has become a priority in reviewing for validity.

MOTION: Mr. Ramsey moved approval of Item F.3 Annual Performance Audit of the District Bond Program. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Sanchez (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.4 Public Hearing and Adoption of Budget Flexibility for Tier III Programs

Ms. Gamba provided a report regarding revenue reductions and seeking relief under the Tier III flexibility program to allow funding shifts to the general fund. Ms. Gamba requested a public hearing in order to consider the transfer of \$8,000,000 to the 2009-2010 budget and 2008-09 fund transfer determination.

President Miles opened the public hearing.

Public Comment: Charles Cowens, David Whitenack

President Miles closed the public hearing.

Board Comment:

Mr. Medrano spoke about the adult education program and asked for a future presentation regarding the program.

Ms. Kronenberg supported the request for a presentation and said she would like to see cost effectiveness of service delivery.

Mr. Thurmond asked how employee transfers and cuts will work. Superintendent Harter responded that all recommendations made at this meeting were recommendations of desperation due to the unprecedented financial forecast. Dr. Harter continued by detailing the recommendation to keep arts programs at secondary schools but sacrifice them at the elementary school level. Ms. Rashidchi explained further examples of maintaining critical services with limited discretionary funding to provide vital programs. Mr. Greer spoke about maintaining safety programs from the general fund and the GATE program minimum program level to meet needs in supporting students.

Mr. Thurmond asked further questions about programs that will not be funded. Ms. Rashidchi provided examples of high priority schools grant funding being withdrawn by the State. Mr. Greer spoke about reduced supplemental counseling at the middle school level as funding no longer exists, but more mental health and direct services are being provided to support students. Ms. Gamba provided further clarification.

Superintendent Harter explained that while the parcel tax funds thirty-four counselors, providing minimal programming will try to fill the \$27,000,000 budget gap.

Mr. Thurmond asked additional questions and Ms. Gamba and Ms. Rashidchi responded.

Mr. Medrano spoke about availability of information to the public.

Ms. Sanchez spoke about examining programs for effectiveness. Ms. Rashidchi responded that essentials strategies and services are determined by the State and LEA plan, and much evaluation has gone into making the proposed determinations.

MOTION: Ms. Kronenberg moved approval of Item F.4 Public Hearing and Adoption of Budget Flexibility for Tier III Programs. Mr. Ramsey seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Student Representative Sanchez (advisory vote only) and President Miles voted yes, Mr. Thurmond voted no, with no abstentions and no absences. Motion carried 4-1-0-0.

G. DISCUSSION ITEMS

G.1 Status Reports – Facilities Planning and Construction

Bill Savidge provided an update on bond program construction in the district.

Board Comment:

Mr. Ramsey spoke about the release of state funds for future construction projects. Mr. Savidge provided information regarding the Department of Finance and the State Allocation Board timeline for release of funds.

Mr. Thurmond asked questions about the timeline for DeAnza construction. Mr. Savidge responded.

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)
None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

President Miles asked for input from Board members to schedule a special meeting next week. Monday, April 6, 7:00 PM at DeJean Middle School was determined as the date, time and location for the next meeting.

Mr. Ramsey spoke about students in the district being special, wanting to identify with striving for the best and emulating good behavior. He also commented about an upcoming Hercules City Council recognition of Hercules students.

Ms. Sanchez said that her friends have worked hard and benefited from participation in the Ivy League program.

Mr. Medrano announced that he attended recent meetings of the county supervisors regarding maintaining medical benefits to undocumented adults. He praised San Pablo and Richmond City Councils for coming forward to support after school programs and commented on recently attending the Celebrating Education program in San Antonio, Texas.

Ms. Kronenberg acknowledged Mr. Medrano's advocacy of Advanced Placement classes for Spanish speaking students and how that will make a difference in the college going culture of the district. She reported that she visited the recent Middle College Critical Friends Review, similar to accreditation evaluator reviews.

Mr. Thurmond thanked Ms. Sanchez for her participation and thanked students from the El Cerrito High leadership program who invited him to hear their ideas and concerns, expressing interest in youth commission activities.

Ms. Miles announced the next meeting, a governance retreat, is scheduled for April 4, and that an additional special Board meeting will be held April 6 at 7:00 p.m.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – April 4, 2009 (Special Meeting – Governance Retreat)
Lovonya DeJean Middle School – April 6, 2009 (Special Meeting)
Lovonya DeJean Middle School – April 22, 2009

K. ADJOURNMENT

President Miles adjourned the meeting at 10:10 PM.

Motion vote count order: Yes-No-Abstain-Absent

BH:dh

<p><i>AAM</i> Approved 4-22-09</p>
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