

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

February 1, 2012

A. CLOSED SESSION

B. OPENING PROCEDURES

Clerk Antonio Medrano called the meeting to order at 5:00 P.M. The Board recessed into Closed Session. Clerk Antonio Medrano called the Public Session to order at 6:37 P.M.

B.1 Pledge of Allegiance

Clerk Medrano led the pledge of allegiance.

B.2 Welcome and Meeting Procedures

Clerk Medrano offered welcome and instructions to the public regarding the meeting.

B.3 Roll Call

Board Members Present: Madeline Kronenberg, Antonio Medrano, Elaine Merriweather, Tony Thurmond

Board Members Absent: Charles Ramsey, absent due to a medical issue

Staff Present: Magdy Abdalla, Director Facilities Construction; Ora Anderson, Director Special Education; John Bannister, Administrator Special Education; Martin Coyne, Executive Director Business Services; Jose DeLeon, Principal Helms Middle School; Bill Fay, Associate Superintendent for Operations; Luis Freese, Executive Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult Schools; Bruce Harter, Superintendent; Debbie Haynie, Executive Secretary; Joshua Herrera, Electronics Technician; Keith Holstlander, Director of Facilities; Barbara Kitagawa, Principal Cameron School; Joe Mayes, Maintenance Manager; Reyna Ortiz de Toureil, Translator; Lyn Potter, Director Categorical and Instructional Support Services; Ken Talken, Administrator Special Education; Janice Thompson, Director Preschool, Marin Trujillo, Coordinator Community Engagement

B.4 Presentation of Student Board Representative from Richmond High School

Mr. Enrique Cornejo provided a report of activities at Richmond High School.

B.5 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the February 1, 2012 recommendation to approve expulsion cases #001 - #002 and suspend those expulsions for placement within the West Contra Costa Unified School District.

Motion: Ms. Kronenberg moved to ratify the action taken in Closed Session regarding the recommendation of February 1, 2012 for expulsion cases #001 - 002. Mr. Thurmond seconded. Ms. Kronenberg, Clerk Medrano, Ms. Merriweather, and Mr. Thurmond voted yes, with no abstentions and President Ramsey absent. Motion carried 4-0-0-1.

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the termination of an employee.

Motion: Ms. Kronenberg moved to ratify the action taken in Closed Session regarding the termination of an employee. Mr. Thurmond seconded. Ms. Kronenberg, Clerk Medrano, and Mr. Thurmond voted yes, with Ms. Merriweather abstaining and President Ramsey absent. Motion carried 3-0-1-1.

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the administrative appointment of:

Humphrey Kiuruwi, Interim Principal Bayview Elementary
David Gutierrez, Interim Assistant Principal Helms Middle School

Motion: Ms. Kronenberg moved to ratify the action taken in Closed Session regarding the administrative appointment of Humphrey Kiuruwi as Interim Principal Bayview Elementary and David Gutierrez as Interim Assistant Principal Helms Middle School. Ms. Merriweather seconded. Ms. Kronenberg, Clerk Medrano, Ms. Merriweather, and Mr. Thurmond voted yes, with no abstentions and President Ramsey absent. Motion carried 4-0-01.

B.6 Agenda Review and Adoption

MOTION: Ms. Kronenberg moved approval of the agenda with pulling Consent Item C.11 for discussion. Mr. Thurmond seconded. Ms. Kronenberg, Clerk Medrano, Ms. Merriweather, Mr. Thurmond and Student Representative Enrique Cornejo (advisory vote only), voted yes, with no abstentions and President Ramsey absent. Motion carried 4-0-0-1.

B.7 Minutes: January 18, 2012

MOTION: Ms. Kronenberg moved approval of the Minutes of January 18, 2012. Ms. Merriweather seconded. Ms. Kronenberg, Clerk Medrano, Ms. Merriweather, Mr. Thurmond and Student Representative Enrique Cornejo (advisory vote only) voted yes with no abstentions and President Ramsey absent. Motion carried 4-0-0-1.

C. BUSINESS ITEMS

C.1 Grants/Awards/Agreements

C.2 Acceptance of Donations

C.3 Approval of Fund-Raising Activities

C.4 Certificated Board Authorization - Education Code 44285.3

C.5 Resolution No. 83-1112: African-American History Month – February 2012

C.6 Certification of Athletic Coaches – Winter Sports

C.7 Ratification and Approval of Engineering Services Contracts

C.8 Ratification and Approval of Negotiated Change Orders

C.9 Consideration of Resolution No. 85-1112: Approving Findings after Hearing on Wright Construction, Inc.'s Request for Substitution of All About Floors, Inc. and Consenting to Substitute FloorTec, Inc.

C.10 Digital Video Surveillance System at Pinole Valley High School

C.11 Contra Costa Taxpayers Association Recommendation for the Citizens Bond Oversight Committee
This item was pulled for public comment.

C.12 Approval of Board Member Attending California Charter Schools Conference

MOTION: Ms. Kronenberg moved approval of Consent Items C.1 – C.10 and C.12. Mr. Thurmond seconded. Ms. Kronenberg, Clerk Medrano, Ms. Merriweather, Mr. Thurmond and Student Representative Enrique Cornejo (advisory vote only) voted yes with no abstentions and President Ramsey absent. Motion carried 4-0-0-1.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 Recognition of WCCUSD National Board of Professional Teaching Standards teachers

Mr. Greer introduced a group of teachers who presented information about the National Board of Professional Teaching Standards certification process. The presenters included Marcella Jamerson, Gail Helter, Ellen DeCarlo, Claudia Velez and Stephanie Serrano. Board members congratulated the ten teachers newly certified to the program. Those teachers present included Elizabeth Bartson, Amy Cottle, Curt Douglas, Joyce Forte, Naomi Miller, Eric Peterson and Pat Sowden.

Public Comment:

None

Board Comment:

None

C.11 Contra Costa Taxpayers Association Recommendation for the Citizens Bond Oversight Committee

Public Comment:

Don Gosney, Dan Romero, Brant Fetter, Norma Martinez-Rubin, Kris Hunt, Paul Gilbert-Snyder, Linda Lozito, Wayne Ellis, Charles Cowens, Robert Studdiford, Scottie Smith

Board Comment:

Elaine Merriweather asked about Mr. Jungherr's previous appointments to the committee. Superintendent Harter responded. Mr. Jungherr was invited to the podium to address questions regarding his original appointments by the City of Hercules, Board Member Audrey Miles and Superintendent Harter. Ms. Merriweather continued with questions about rules to address the accusations made against Mr. Jungherr. Superintendent Harter responded with information about the Board's governing policy and a new administrative regulation addressing committee member conduct. The committee now has its own bylaws that describe member discipline and/or removal.

Ms. Kronenberg spoke about her time in service on the committee while Mr. Jungherr also served. She continued to speak about the purpose of the committee and the need for committee members to work together without disruption of the process. Ms. Kronenberg said that she would support the staff recommendation to decline the appointment.

Clerk Medrano spoke about his time serving on the committee, Roberts Rules of Order and the majority of the committee members.

Mr. Thurmond thanked Mr. Jungherr for his interest in serving and spoke of this as an unusual circumstance.

Superintendent Harter provided information regarding the Contra Costa Taxpayer Association, actions seen as a violation of integrity, and cost to taxpayers. He further spoke about conferring with the leadership of the CBOC and approving the staff recommendation to decline the appointment of Mr. Jungherr, asking the Tax Payer Committee to make another appointment.

Mr. Jungherr commented on his actions regarding a letter to the county superintendent.

Mr. Thurmond asked questions about the governing policies for the Board regarding nominations from stakeholder groups and representatives on the CBOC. Superintendent Harter responded that all nominations have to come to the Board for acceptance or disapproval.

Mr. Thurmond expressed concern about Mr. Jungherr's previous appointments followed by resignations and why a third term would be granted.

Clerk Medrano spoke about the voice of criticism needed and a danger of damaging the District's reputation before the public.

MOTION: Ms. Kronenberg moved approval of the recommendation to decline to appoint Anton Jungherr and request that the Taxpayers Association nominate another individual. Mr. Thurmond seconded. A roll call vote was taken with Ms. Kronenberg and Mr. Thurmond voting yes, Clerk Medrano and Ms. Merriweather voting no, with no abstentions and President Ramsey absent. Student Representative Enrique Cornejo did not vote because of the tie. Motion failed 2-2-0-1.

Superintendent Harter said that the Board will have to take action in the future or take a different direction of action. Discussion continued about how the Board might address a separate motion on this item at another time.

Ms. Merriweather said she would like to hear Mr. Ramsey's opinion.

D.2 Budget Update

Ms. Gamba reported on the effects of the Governor's January budget, mid-year triggers and the 2011-12 and 2012-13 budgets.

Public Comment:

None

Board Comment:

Ms. Merriweather asked about placing Transitional Kindergarten (TK) on the list of priorities. She spoke about information from the state regarding growth money for new average daily attendance (ADA). Ms. Gamba responded. Mr. Thurmond said TK should be made a priority and the District should act to implement the program in the coming school year as funding comes available. He continued with discussion on the 2012-13 projections and use of the special reserve funds. Ms. Gamba responded with comment about the required 3% reserve and a projected \$4.7 million deficit in the first year following state loan payoff.

Mr. Thurmond continued with additional questions about funding TK. Ms. Gamba responded with information regarding the reduction of students at each school site who might transfer to a TK site, but no corresponding reduction of staff at those sites' regular kindergarten programs, in effect losing ADA.

President Ramsey arrived at the meeting at 8:05 p.m.

Ms. Gamba suggested that a solution will be forthcoming from the Department of Education and will have more information for the second interim report.

Ms. Merriweather spoke about TK at certain schools rather than at all sites. Discussion continued regarding the budget.

Mr. Ramsey spoke about an anticipated opinion regarding declaratory relief, a legal opinion about BiTech system upgrades, and recommendations for ending state receivership. He said he supported adding the TK program to the priority list.

Ms. Kronenberg spoke about the importance of TK as a priority.

Mr. Thurmond asked questions about the SB81 transportation cuts proposed by the state legislature. Ms. Gamba responded.

Ms. Gamba concluded her presentation with information about the second interim report coming to the Board by March 21. She further concluded that she will add the TK on the list of Board budget priorities that await funding.

Clerk Medrano passed the gavel to President Ramsey who presided over the remainder of the meeting.

President Ramsey said that he would like to revisit C.11 Contra Costa Taxpayers Association Recommendation for the Citizens Bond Oversight Committee and address comments.

C.11 Contra Costa Taxpayers Association Recommendation for the Citizens Bond Oversight Committee

Ms. Gamba recommended that the maker of the motion revise the original motion due to the tie vote.

Mr. Thurmond asked procedurally about re-voting and the intent of the discussion to address comments and action on the previous motion. President Ramsey stated that since the agenda was not closed, the Board could address the tie vote. He said that he was able to listen to the public comment previously presented.

Mr. Thurmond commented that it is unusual to revote in the same meeting, and urged caution stating that the procedural process be in order so that any action is valid. President Ramsey said it is also possible to reaffirm vote at a later time.

Ms. Gamba suggested taking a vote by the Board to re-deliberate on the matter. Subsequent to that approval, take a vote to reconcile the matter due to the tie vote. Discussion continued.

Motion: Ms. Kronenberg moved to re-deliberate on the matter at this meeting. Ms. Merriweather seconded. Ms. Kronenberg, Ms. Merriweather, Mr. Thurmond and President Ramsey voted yes, Mr. Medrano voted no, with no abstentions and no absences. Motion carried 4-1-0-0.

President Ramsey said he wanted to address Ms. Merriweather's comments. He also said he agreed with Mr. Medrano that dissent is important but that disruptive behavior is not productive. President Ramsey continued to discuss comments made earlier regarding this item.

Mr. Thurmond said that his decision to support the staff recommendation is based on Mr. Jungherr's prior service appointments and failure to complete those terms.

Ms. Merriweather said she appreciated a thorough explanation to address her concerns and felt more comfortable voting.

MOTION: Ms. Kronenberg moved approval of the recommendation to decline to appoint Anton Jungherr and request that the Taxpayers Association nominate another individual. Mr. Thurmond seconded. A roll call vote was taken with Ms. Kronenberg, Ms. Merriweather, Mr. Thurmond and President Ramsey voting yes, Mr. Medrano voting no, with no abstentions and no absences. Motion carried 4-1-0-0.

D.3 Standing Reports

United Teachers of Richmond. Diane Brown spoke about the KEYs partnership and teachers at Stewart, highlighting their training and shared professional development. She said she would like to see monthly reports regarding the KEYs implementation throughout the District. She asked for clarification about a waiver to the Department of Education regarding an ESEA Waiver. Superintendent Harter provided clarification. Ms. Brown concluded by issuing an invitation to the unveiling of the new California State Standards in English, Language Arts and Mathematics on March 6, 2012.

School Supervisors Association. Sandra Falk spoke about the appropriateness of re-deliberating and stressed the validity of the revote due to the tie vote. She also asked that the Board clarify that the conduct of Mr. Jungherr was the concern, not his character. She continued by stressing the importance of uniting the community and labor unions in support of the District's upcoming parcel tax as well as the Governor's November tax. She concluded by asking that employees be added to the budget priority list.

Ivy League Connection. Don Gosney provided an update of activities and interviews for the summer cohorts. He said that 144 applicants have interviewed with more deadlines still to come. Mr. Gosney spoke about the variety of volunteers from the community who serve on the interview panels demonstrating the ILC's intent to model giving back to the community.

Citizens Bond Oversight Committee. Robert Studdiford provided a report from the last meeting where building projects were reviewed as well as the capital assets management plan. He also spoke of the ongoing program of tutorials for the executive committee and discussion of retention fees. He said that minutes were reviewed and discussed as well as the West Bay Builders issue. He said the committee looked forward to the Ford Elementary move in to the new facility.

Community Budget Advisory Committee. Ms. Gamba spoke of the community meeting presentations and that the next committee meeting will be held in March.

Bayside PTA. Mr. Thurmond spoke on behalf of Ms. Ramos and a recent hearing held by Assembly Member Swanson about districts under state control and supervision. He spoke about her testimony in relating the impact of the state takeover on staff, students and families.

Safety Committee. Mr. Thurmond announced the next meeting for February 8, 6:00 PM at Kennedy. Topics will include efforts to suppress gang activity, preventing drugs on campus, and updates to promote disaster preparedness.

Youth Commission. Mr. Thurmond said the students have asked for a joint meeting with the Board and would like to address matters such as budget priorities, achievement gap and middle school math. The next meeting is planned for February 13th.

Academic Subcommittee. Ms. Kronenberg reported that the next meeting is scheduled for February 14, 6:30 PM at Helms Middle School where discussion will include the middle school math initiative.

Facilities Subcommittee. The next meeting is scheduled for February 14, 2012.

Select Committee on High Schools. President Ramsey said the committee will meet on February 9 at Pinole Valley High School.

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
Mel Collins

F. ACTION ITEMS

F.1 Helm's Quality Education Investment Act (QEIA) Public Hearing and Waiver Request
Superintendent Harter introduced Jose DeLeon, Helms Middle School Principal who spoke about seeking approval of the QEIA waiver request to be forwarded the State Board of Education for approval. He provided a presentation of information.

President Ramsey opened the public hearing.

Public Comment:
None

President Ramsey closed the public hearing.

Board Comment:

Mr. Thurmond had questions about the waiver, increasing class sizes and adjustments regarding the Teacher Experience Index. Mr. DeLeon provided information about adding non-core classes, maintaining a 38:1 student ratio, and receiving QEIA funding that will assist the school in moving forward.

MOTION: Mr. Medrano moved approval of the Helm’s Quality Education Investment Act (QEIA) Waiver Request. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Representative Enrique Cornejo (advisory vote only), and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

G. DISCUSSION ITEMS

G.1 Project Status Report – Facilities Planning and Construction

Mr. Abdalla provided a report of construction projects in the District.

Public Comment:

None

Board Comment:

Mr. Medrano asked questions about the Leadership / Gompers site and the Montalvin campus following the fire. Mr. Abdalla responded.

President Ramsey said he would like to see photos of the Crespi reconstruction following the fire. He also commented on email correspondence from architects regarding procedures. Mr. Fay responded with information about training for construction managers and architects.

President Ramsey asked about next steps for the Portola project. Mr. Abdalla responded with information about the project going out to bid in June.

Discussion continued regarding various construction projects within the District.

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)

None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Ms. Kronenberg said she visited Kennedy’s recent family meeting, which was well attended. At this meeting, students had opportunity for transcript evaluation, to hear a Holy Names University presentation, as well as a gang prevention presentation. She reported on 50 students enrolled in the 180 Degree program and another 40 in enrolled in a program with Bay Area Peace Keepers, and the life skills support services they will receive. Finally she reported that she will attend a meeting at Stanford regarding middle school math.

Mr. Cornejo said it was a pleasure to be in attendance and would like to come back to another meeting.

Mr. Medrano announced the Pinole Valley Black History celebration planned for February 11th. He also announced an AB540 conference at Los Medanos campus to be held in March.

Ms. Merriweather said she will be going to Sacramento next week in order to monitor TK developments. In honor of Black History Month she read a quote by Fredrick Douglas about building strong children.

Mr. Thurmond reported on attending special hearings in January regarding districts under state control and negative factors impacting boys and men of color. He spoke of closing the achievement gap and seeking ways for all students to do as well as they can.

Mr. Ramsey commented on Board members attending upcoming conferences. He said he was glad that he could return to tonight’s meeting in an effort to bring clarity and closure to agenda items. He concluded with a comment about Carter G. Woodson, as founder of Negro History Week.

Mr. Thurmond also commented on Black History Month and suggested a reception to invite community members to relate their experiences.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING
Lovonya DeJean Middle School – February 15, 2012

K. ADJOURNMENT
President Ramsey adjourned the meeting at 9:40 P.M.

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

BH:dh

<p><u>AAM</u> Approved 2/15/12</p>
