

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
JOINT BOARD OF EDUCATION AND
CITIZENS' BOND OVERSIGHT COMMITTEE MEETING**

**LOVONYA DEJEAN MIDDLE SCHOOL
MULTI-PURPOSE ROOM
3400 MACDONALD AVENUE
RICHMOND, CA 94805**

JULY 10, 2013

6:00 – 7:20 PM

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION MEETING**

JULY 10, 2013

7:30 PM

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JULY 10, 2013**

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 meeting times for tonight are as follows:

- | | |
|---------|---|
| 5:30 PM | The Board will convene at 5:30 PM in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (see Exhibit A). The Board will then adjourn to closed session. |
| 6:00 PM | Joint Meeting of the Board of Education and Citizens' Bond Oversight Committee |
| 7:20 PM | Break |
| 7:30 PM | The Board will reconvene in open session to address the regular agenda. |

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

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
JOINT BOARD OF EDUCATION AND
CITIZENS' BOND OVERSIGHT COMMITTEE MEETING
MEETING AGENDA**

JULY 10, 2013

6:00 – 7:20 PM

A. OPENING PROCEDURES

- A.1 Welcome and Meeting Procedures**
- A.2 Pledge of Allegiance**
- A.3 Roll Call**
- A.4 Approval of Agenda**
- A.5 Approval of Minutes**
- A.6 Chair's Report**
- A.7 Future Joint Meetings**

B. DISCUSSION ITEMS

- * **B.1 Project Status Update**
- * **B.2 Technical and Administrative Assistance by District to the Citizens' Bond Oversight Committee**
- * **B.3 Citizens' Bond Oversight Committee Membership**

C. PUBLIC AND COMMITTEE COMMUNICATIONS

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

- * **C.1 Public Comment**

Public Comment for items not on the agenda. Public comment on agenda items shall be at the time of consideration of the items.

D. ADJOURNMENT

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION MEETING
MEETING AGENDA
JULY 10, 2013
7:30 PM**

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 19, 2013; June 26, 2013

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 Donations**

Comment:

The District has received donations as summarized, dated July 10, 2013. Staff recommends acceptance of those donations.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per donations summary

***CI C.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2013-14 school year are summarized, dated July 10, 2013.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

***CI C.3 Summary of Payroll and Vendor Warrant Reports**

Comment:
The summaries of Payroll and Vendor Warrants issued during the month of June 2013 are provided:

Total of payroll warrants (June 2013): \$ 12,563,025
Total of vendor warrants (June 2013): \$ 18,989,419

Recommendation:
Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:
As noted above

***CI C.4 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:
Approve Certificated Personnel Changes

Fiscal Impact:
None

***CI C.5 Routine Personnel Changes – Classified**

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

Recommendation:
Approve Classified Personnel Changes

Fiscal Impact:
None

***CI C.6 Certificated Board Authorization - Education Code 44258.3**

Comment:

Ed Code 44258.3 allows the Governing Board of a school district to authorize the holder of a multiple subject, standard elementary, single subject or standard secondary, credential with his or her consent, to teach departmental classes in grades K-12 provided the teacher has adequate knowledge of subject matter.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.7 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

Fiscal Impact:

Total for this action: \$1,937,877 from bond program funds.

***CI C.8 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: New Gompers CHS & LPS; Coronado ES @ Kennedy Storm Drain Extension; De Anza HS Campus Replacement; and Portola MS Demolition of Existing 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 Coronado ES @ Kennedy Storm Drain Extension project is required by the Board, with special findings as noted below, because this project 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 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: \$ 158,460.00

***CI C.9 California Children’s Services at Downer - Portable Purchase**

Comment:

As a part of the new Portola Middle School at the former Castro Elementary School site construction project, West Contra Costa Unified School District requires the relocation of facilities for California Children’s Services (CCS). To that end, the District purchased and installed two DSA Approved Reconditioned Portable Classroom buildings for CCS at Downer Elementary School. Each portable has power connections, lagging and intercom and data systems. Additionally, each has fire alarm system components (smoke, detector, pull station, horn, strobe, etc.) and intrusion alarm components connected to the site’s systems.

Recommendation:

Award contract to Mobile Modular

Fiscal Impact:

Total for this action: \$184,364. Funding source Measure J Bond.

***CI C.10 Ratification of Staff Awarded Contract: Bayview Exterior Repairs**

Comment:

Grossman Design Group has prepared plans and specifications for the project. Scope of work includes removal of exterior finishes and windows, removal of the low slope roofing system and associated sections of the steep slope roofing system, installation of new flashing assemblies at the windows, reinstalling the windows, new exterior finishes, and applying a new low slope roofing system and associated steep slope roofing system.

The District conducted a public bid process for the project. Bids were received on April 30, 2013. Four contractors submitted bids. They are as follows: Affordable Painting Services, Inc., \$290,000; U.S. Matrix Construction, Inc., \$567,000; AM Woo Construction, \$646,000; and B Bros Construction, \$978,350. Affordable Painting Services and US Matrix Construction have withdrawn their bid. The lowest responsive, responsible bidder is AM Woo Construction, Inc.

Recommendation:

Ratify the award to AM Woo Construction, Inc.

Fiscal Impact:

\$646,000

***CI C.11 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, 2013 through June 30, 2013.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.12 Closure List Update**

Comment:

In February 2009, the Board approved the closure of 10 schools over a three year period of time. Three were closed for 2009-10, Castro and El Sobrante Elementary schools and Adams Middle School. The City of Pablo provided funds to keep Lake Elementary open for the next three years and the Board determined that Shannon should also be open for that period of time. The City of Richmond provided funds to keep Kennedy High School and Grant and Olinda Elementary Schools open. In 2011, the Board acted to remove to Lake and Shannon Elementary Schools from the closure list. By approving this item, the Board would remove Kennedy, Grant and Olinda from the closure list as of the 2014-15 school year.

Recommendation:
That the Board approve removing Kennedy, Grant and Olinda from the 2009 closure list.

Fiscal Impact:
Loss of \$1.5 million in annual funding from the City of Richmond

***CI C.13 Resolution No. 15-1314: Resolution In Support Of Senate Bill 150 (SB 150) as proposed by California State Senator Ricardo Lara**

Comment:

Proposed Legislation SB 150 will ensure equal access for nonresident high school students, living and attending high school in California, to concurrently enroll at California community colleges.

Currently AB 540 (Ch. 814, Statutes of 2001) allows certain nonresident students attending California's public colleges to pay resident tuition if they have attended a California high school for at least three years and have graduated. Because concurrent enrollment students have not yet graduated high school, they do not meet the AB 540 criteria and are subject to nonresident tuition despite living and attending high school in California. This can be as much as \$254 per unit (more than \$1000 for a 4-unit class). Therefore, this small segment of dedicated students is forced to pay cost-prohibitive nonresident tuition, effectively denying them access to courses that will better prepare them for college and the workforce.

Many of these students have attended school in California for years and will likely stay in California to attend college and ultimately contribute to California's economy. SB 150 is needed to ensure equal opportunities for all California high school students when it comes to access to community colleges and the benefits that come with higher education.

Recommendation:
Recommend Approval of Resolution No. 15-1314

Fiscal Impact:

None

***CI C.14 Add a Board Workshop Meeting to Calendar**

Comment:

The Board will add a special workshop meeting on Monday, August 5, 2013 on the Strategic Plan. At this meeting consultants from Capital Impact/Th3rd Plateau will report on the progress of the Strategic Plan Development. A draft plan will be presented for review and input with plans for further community engagement efforts.

Recommendation:

Recommend approval of an August 5, 2013 workshop

Fiscal Impact:

None

***CI C.15 Meeting Dates for 2013-2014**

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 2014.

The recommended are as follows:

2013	July 10, 24
	August 12
	September 4, 18
	October 2, 16
	November 6, 20
	December 11
2014	January 8, 22
	February 12
	March 5, 19
	April 2, 23
	May 7, 21
	June 11, 25

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.16 Resolution Nos. 01-1314 through 14-1314: Board of Education Annual Resolutions for the 2013-2014 School Year**

Comment:

Approval is recommended of the Board of Education Annual Resolutions Nos. 01-1314 through 14-1314, for the 2013-2014 school year.

Recommendation:

Recommend Approval

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Assessed Valuation and Tax Rates**

Comment:

Dave Olson of KNN will present a report on the impact of assessed valuation on the tax rates for outstanding bonds. The Contra Costa County Assessor's Office has released information setting the assessed valuation for properties within the District. This information is one of the variables that is used to determine the tax levy for the General Obligation (GO) bond debt of the district. Information on the estimated tax levy for the district as it relates to the GO bond debt will be provided.

Recommendation:

For Information Only

Fiscal Impact:

None

*** D.2 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	Safety Committee
Citizens' Bond Oversight Committee	School Supervisors Association
College and Career Readiness Academies	Technology Committee
Community Budget Advisory Committee	United Teachers of Richmond
Facilities Subcommittee	Youth Commission
Ivy League Connection	

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

G. DISCUSSION ITEMS

* **G.1 Charter Hearing for Summit Schools**

Comment:

On Friday, June 14, 2013 a team member from Summit Public Schools submitted a Charter Petition for a school that will serve 6 grade levels from 7th through 12th, in the West Contra Costa Unified School District. The founding group plans to open in the fall of 2014 with 120 students in 7th grade. They plan to expand to 220 students in 15-16 academic year, and then continue upward expansion to 355, 465, 563, 663, and 677 in each subsequent academic year, culminating with 677 students in the 2020 - 2021 academic year from 7th to 12th grades.

The proposed charter school’s mission statement says: “SPS: K2’s mission is to prepare a heterogeneous student population for success in college and to be thoughtful, contributing members of society. The school aims to provide a personalized learning experience that affords each and every student the opportunity to achieve their academic goals regardless of their previous preparation and background. To this end, SPS: K2 seeks to develop educators that are trained and skilled in best practices that enhance achievement for all students. The school aspires to serve as a model for middle and high schools endeavoring to prepare all students for post-secondary academic pursuits” (p. 18, SPS K2 Charter Petition, 2013).

The petition states that they will educate the following students: “The students’ primary interest should be preparing for acceptance to and success in college. The students’ backgrounds should represent the heterogeneity found in the population of the West Contra Costa Unified School District, and in particular the area in which the school is eventually located” (p. 19, SPS K2 Charter Petition, 2013).

California Department of Education Code Section 47605(b) states:

No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which

time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.

The Charter School Act (1992) also requires the Board to either grant or deny the Petition within 60 days of submission. Staff and legal counsel have received information related to the Petition. They will analyze the document, and will make a recommendation regarding the Petition at a subsequent board meeting.

Recommendation:

For Information Only

Fiscal Impact:

None at this time, yet will, if approved represent ongoing loss of student average daily attendance as a result of WCCUSD students attending the charter school.

* **G.2 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 – Montalvin and Richmond High
- 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 24, 2013

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 10, 2013

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
[Government Code Section 54956.9(a)]

- a. WCCUSD v. Orrick
- b. Palmer and Pollack v. WCCUSD
- c. American Standards Properties v. WCCUSD
- d. Hur Flooring Co. v. WCCUSD

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION
[Government Code Section 54956.9(b)]

Four cases

4. LIABILITY CLAIMS (Government Code Section 54956.95)

5. CONFERENCE WITH LABOR NEGOTIATORS

- a. Superintendent/Dr. Bruce Harter
- b. Employee Organizations
 - UTR
 - Local One
 - School Supervisors Association
 - WCCAA

- c. Unrepresented Employees
 - Confidential and Management

5. PUBLIC EMPLOYEE APPOINTMENT

- Elementary Principals
- Middle School Assistant Principal

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