

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
SEPTEMBER 11, 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 **Board of Education's Open Session meeting will begin at 6:30 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 (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 Presentation of Student Board Representative from Middle College High School**
- B.5 Report/Ratification of Closed Session**
- * **B.6 Agenda Review and Adoption** (Public Comment)
- B.7 Minutes:** August 5, 2013, August 7, 2013, August 12, 2013
- * **B.8 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.

C. BUSINESS ITEMS

CONSENT ITEMS (Routine Matters)

Consent Calendar Items designated by “CI” are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section E.

*CI **C.1 Grants/Awards/Agreements**

Comment:

Formal action is requested from the Board of Education to accept the grants/awards/agreements as detailed, dated September 11, 2013.

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 September 11, 2013. Staff recommends acceptance of these donations.

Recommendation:
Recommend approval

Fiscal Impact:
As noted per donations summary

***CI C.3 Approval of Fund-Raising Activities**

Comment:
The planned fund-raising events for the 2013-2014 school year are summarized, dated September 11, 2013.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

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

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

Total of payroll warrants (August 2013): \$ 9,391,714
Total of vendor warrants (August 2013): \$ 15,954,291

Recommendation:
Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:
As noted above

***CI C.5 Contracted Services**

Comment:
Permission is requested of the Board of Education to approve contracts for services as detailed, dated September 11, 2013.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per contracts summary

***CI C.6 Adoption of Resolution No. 34-1314: 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 Joy Guinto. Staff recommends replacement of the stale dated warrant.

Recommendation:

Recommend approval to replace the outdated warrant

Fiscal Impact:

None

***CI C.7 Notice of Completions: Bid 1621223-12 Verde Elementary School Restroom Renovations, Bid 1301223-17 Kensington Elementary School Restroom Renovations, Bid 1251612-14 Grant Elementary School & 1341612-08 Lake Elementary School Restroom Renovations, and Bid 1161223-02 Downer Elementary School Restroom Renovations**

Comment:

Substantial completion notices have been received for: Bid 1621223-12, Bid 1301223-17, Bid 1251612-14 & 1341612-08, and Bid 1161223-02.

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 contractors:

Streamline Builders, Bid 1621223-12 Verde Elementary School Restroom Renovations.

AM Woo Construction, Bid 1301223-17 Kensington Elementary School Restroom Renovations.

AM Woo Construction, Bid 1251612-14 Grant Elementary School & 1341612-08 Lake Elementary School Restroom Renovations.

Streamline Builders, Bid 1161223-02 Downer Elementary School Restroom Renovations.

Recommendation:

Recommend approval of these notices of completion

Fiscal Impact:

None

***CI C.8 Response to Grand Jury Report No. 1311 “Assessing Fiscal Risk”**

Comment:

The 2012-13 Grand Jury issued a report on June 4, 2013 titled “Assessing Fiscal Risk”. The report was sent to all Contra Costa County Special Districts, School Districts, County Agencies, Cities and the Local Agency Formation Commission (LAFCO). The report focuses on the review of audits for all agencies and the fiscal responsibility of responding to findings and corrective action. It acknowledges the extent of oversight for school districts, which is different than those of the other agencies. The

report requires that each agency or district respond in writing to the findings and recommendations within the report.

A copy of the Grand Jury Report along with the prepared response on behalf of the District is provided.

Recommendation:

Accept submission of report

Fiscal Impact:

None

***CI C.9 Acceptance of Contracts for Placement of Student Teachers**

Comment:

Teachers in this District provide supervision and evaluation for student teachers seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed, dated September 11, 2013.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.10 Approve the following Revised/New Job Descriptions: Chief Technology Officer; Director, Systems Integration**

Comment:

The Chief Technology Officer job description is updated to conform to District requirements and Americans with Disabilities Act (ADA) compliance. Director, Systems Integration is a new position to increase the efficiency and effectiveness in the Technology department. This new position will provide needed support, guidance, oversight and maintenance of the District's data and information systems, which includes oversight of technology support to all users, working with vendors for smooth and effective integration and providing needs analysis and intervention for effective use of technology for curriculum.

Recommendation:

Recommend Approval

Fiscal Impact:

No cost for Chief Technology Officer. General Fund cost of \$150,000 for Director, Systems Integration.

***CI C.11 Board Policy Update: BP 3580 District Records**

Comment:

BP 3580 for District Records has not been updated since February 8, 2008. We are updating this to keep up with the current procedures and codes.

Recommendation:

Recommend review and adoption

Fiscal Impact:

None

***CI C.12 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: \$728,902. Funding sources Measure J Bond, Measure D-2010 and Measure E-2012 Bond.

***CI C.13 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Grant ES Restroom Renovations; Lake ES Restroom Renovations; Grant ES Fire Alarm Modernization; Portola MS Demolition of Existing Campus; New Gompers & LPS. 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 Grant ES Fire Alarm Modernization 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: \$120,498.61

***CI C.14 Ratification of Staff Awarded Contracts (CUPCCAA)**

Comment:

The District prepared the drawings and specifications for various projects. Staff solicited bids per the California Uniform Public Construction Cost Accounting Act (CUPCCAA) Resolution #90-0809 (2009); Educ. Code § 22034. The Superintendent’s designee has approved and executed contracts for the following projects.

• FOC –Marina Way	Door Hardware	Reed Brothers	\$13,964.81
• FOC-Marina Way	Misc. Work	California Constructores	\$7,352.07
• Vista AHS	Data Drops Installations	Bethel Electric	\$574.64
• De Anza HS	Furnish and Install Fencing	AM Woo Construction	\$17,850.00
• Richmond HS	Portable Removal & Demo	ERA Construction	\$43,000.00
• Richmond HS	Ramp Removal & Paving	Mark Raine Paving	\$2, 500.00
• De Anza	Misc. Work	California Constructores	\$2,710.00
• Hercules MHS	Ground Rods Testing	McPeak Electric	\$900.00
• Kennedy HS	Electrical Work	ERA Construction	\$8,500.00
• Kennedy HS	Painting	Perfection Painting	\$12,450.00
• De Anza	Installation of Soap Dispensers	AM Woo Construction	\$6,209.81
• Kennedy HS	Equipment Removal/Installation	ERA Construction	\$4,600.00
• Kennedy HS	Kitchen Flooring Prep Work	ERA Construction	\$24,980.00
• Kennedy HS	Floor Removal & Abatement	Sandstone Construction	\$21,450.00
• Lincoln ES	Electrical Repair	Streamline Builders	\$5, 875.00
• Kennedy HS	Cat 6 Drop	Bethel Electrical	\$4,992.30

All contracts approved by District staff must be ratified by the District’s Board.

Recommendation:

Ratify staff awarded contracts as noted above.

Fiscal Impact:

Total ratification by this action: \$169,533.63

***CI C.15 Mira Vista Elementary School Covered Accessible Ramp Addition Rejection of Bids and Authorization for Staff to Rebid the Project**

Comment:

This project would provide construction of two covered accessible ramps with skylights and removal of existing inclined chair lifts. The project would also include removal of naturally occurring asbestos in the soil related to foundation work.

DLM Architects completed plans and specifications for the project. The District conducted a public bid of the project. Bids were opened on July 30, 2013. Four Contractors submitted bids. They were as follows: Angotti & Reilly \$1,256,547; Cal Pacific Construction, Inc. \$1,331,000; KCK Builders, Inc. \$1,421,000; West Bay Builders \$1,876,000.

The preliminary estimate for the project was \$700,000 so the language for the PLA was not included in the bid documents. The lowest bid was more than one million dollars, which would require the project be covered by the PLA. Considering this information, it is appropriate that the District re-estimate the project and rebid. Therefore it is recommended that the Board take action at this time to reject all bids and authorize staff to rebid the project.

Recommendation:

Reject all bids and authorize staff to rebid project.

Fiscal Impact:

Not known at this time. Funded from the Measure D-2010 Bond.

***CI C.16 Agreement for Program, Project and Construction Management Services between West Contra Costa Unified School District and SGI Construction Management (“Agreement”)**

Comment:

On July 24, 2013 the contract for Program and Construction Management Services with SGI, Construction Management was brought to the Board of Education for consent approval, Item C-13. In the process of adopting the consent agenda, Director Ramsey requested that the Board approve a change to the contract that would remove the Termination for Convenience clause and add a clause affirming that the agreement shall be only terminated for cause.

Director Ramsey cited as rational for the removal of the clause a need to keep “the continuity of the bond program flowing” and preserve the District’s relationship with SGI, “so that if there is a change of board, change of administration . . . we don’t take something that [was] created over the last 15 years and just dismantle it on the whims of individuals”. The Board unanimously voted to delete the termination for convenience clause and add a clause that allows for termination only for cause.

At staff’s direction, legal counsel prepared the requested revisions. Pursuant to the Brown Act, the item is herein re-noticed, as the removal of the termination for convenience provision could be interpreted as a material change.

The changes to the Agreement (included in the provided redlin) are in accordance with changes to the July 24, 2013 meeting minutes at the August 12, 2013 BOE meeting and recited as follows: (*the new language is underlined and the removed language appears as ~~strike-through~~ text*)

Recommendation:

Memorialize revisions for the Agreement for Program, Project and Construction Management Services as changed between West Contra Costa Unified School District and SGI Construction Management.

Fiscal Impact:

To Be Determined

***CI C.17 Denial of Charter Petition from Summit Schools**

Comment:

On Friday, June 14, 2013 a team member from Summit Public Schools submitted a Charter Petition for a school that intended to serve 6 grade levels from 7th through 12th, in the West Contra Costa Unified School District.

On July 10, 2013 the Board convened to hold a hearing to determine the level of community support for the Summit Charter School.

On August 12, 2013 the Board convened to consider staff recommendations, and discuss the merits of the petition as submitted. The Board determined that the petition did not contain a reasonably comprehensive description of two required elements, as stated in the “Findings of Fact” and “Exhibit A”.

Recommendation:

Recommend ratification of Resolution 32-1314 Denying the Charter Petition for the Establishment of the Summit Charter School.

Fiscal Impact:

None at this time

***CI C.18 Approval of Board Members Travel**

Comment:

Board Bylaw 9250 stipulates members of the board shall be reimbursed for allowable expenses incurred in attending any meetings or in making any trips on official business of the school district when so authorized in advance by the Board of Education. (Education Code 35044). Board members have expressed interest in attending the following:

- Congressional Black Caucus Foundation, Annual Legislative Conference, Washington, D.C., September 18-21, 2013
- CSBA Masters In Governance Workshops, San Jose, CA, September 20, 2013
- California Public Finance Conference, Los Angeles, September 25-27, 2013
- CUBE Conference, San Antonio, October 3 – 5, 2013
- Second Annual Silicon Valley STEM Summit, Mountain View, CA, October 15, 2013

Expenses including registration, travel and food are budgeted and there is sufficient funding within that budget.

Recommendation:

Recommend Approval

Fiscal Impact:

General Fund

***CI C.19 Resolution No. 33-1314: Resolution in Support of the Human Rights and Human Relations commission of the City of Richmond, California, Regarding the City of Richmond Human Rights Award 2012-2013**

Comment:

The City of Richmond was declared a Human Rights City in 2009, becoming one of the first Human Rights Cities in the United States. The Richmond City Council unanimously passed a resolution adopting the United Nations' Universal Declaration of Human Rights as guiding principles. The City embraces the principles of equality, social pluralism and the recognition of human dignity for all.

The West Contra Costa Unified School District Board of Education supports working collaboratively with local government and community groups for the prevention of violence and the promotion of peace.

Recommendation:

Recommend Approval of Resolution No. 33-1314

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 2013 Academic Performance Index (API)/California Standards Tests (CSTs) – Report on and Recognition of Schools**

Comment:

API - The California Department of Education (CDE) sets API growth targets for all public schools annually and has computed Academic Performance Indices (APIs) for all public schools since 1999. California draws achievement information from state assessments to calculate one number called the API. The state's target is 800+.

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

The California Standards Tests (CSTs) assess the 1997 California Content Standards in ELA, Mathematics, Science and History-Social Science in grades 2 – 11. The five performance levels designated for reporting results are advanced, proficient, basic, below basic, and far below basic. The state target is for all students to score at the proficient or advanced level.

Staff will summarize districtwide data, discuss key learnings/actions for the 2013-14 school year, and then recognize WCCUSD schools for making 2013 API targets.

Recommendation:

WCCUSD Board recognition of schools meeting 2013 API criteria

Fiscal Impact:

None

E. COMMITTEE COMMUNICATIONS

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

*** E.1 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.2 Superintendent’s Report**

F. ACTION ITEMS

*** F.1 Approval of the 2012-2013 Unaudited Actuals Financial Report**

Comment:

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

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

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

Recommendation:

Staff requests approval to file this report with the County Superintendent.

Fiscal Impact:

Year-end closing

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
- Construction Status Reports

Recommendation:

For Information Only

Fiscal Impact:

None

* **G.2 Bond Finance – Bond Sale Planning and Review of Outstanding Bonds and Refunding Analysis**

Comment:

Dave Olsen of KNN Public Finance will review the plan for an October bond sale which will consist of issuance under both Measure D 2010 and Measure E 2012. Mr. Olson will also present the Board with information on the current outstanding bonds with an analysis of potential refunding opportunities. Refunding opportunities identified to be within the Board's parameters will be highlighted.

Recommendation:

For Discussion

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 –September 25, 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

September 11, 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

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

Four cases

4. LIABILITY CLAIMS (Government Code Section 54956.95)

5. CONFERENCE WITH LABOR NEGOTIATORS

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

- Confidential and Management

6. PUBLIC EMPLOYEE APPOINTMENT

7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

8. STUDENT DISCIPLINE (Education Code Section 35146)

Expulsions

9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT
(Government Code Section 54957)

Certificated / Classified Employee Dismissal

10. REPORT OF CLOSED SESSION ACTIONS