

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
FEBRUARY 12, 2014**

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 recordings 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 **6:00 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 Richmond High School**
- B.5 Report/Ratification of Closed Session**
- * **B.6 Agenda Review and Adoption** (Public Comment)
- * **B.7 Minutes:** January 29, 2014
- * **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 February 12, 2014.

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 February 12, 2014.

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 February 12, 2014.

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 January 2014 are provided:

Total of payroll warrants (January 2014): \$ 9,901,134
Total of vendor warrants (January 2014): \$ 23,983,833

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 February 12, 2014.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per contracts summary

***CI C.6 Approve the following revised new job description: Director, Accountability/ Chief Data Officer**

Comment:

This job classification is being created to oversee the comprehensive data needs for the District. Specific focus will center around compilation and determination of data needs to comply with Local Control Funding Formula (LCFF) guidelines.

This job classification was approved at the January 29, 2014 Board of Education meeting. This is an update to the job description.

This job classification will support Strategy 5, Objectives 26.1, 26.2, 26.3, 26.4 of the Strategic Plan in improving internal data collection and management systems.

Recommendation:

Approve update

Fiscal Impact:

Salary and Benefits \$135,000 – General Fund

***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: \$1,302,978. Funding sources Measure J Bond, Measure D-2010 and Measure E-2012 Bond.

***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 & LPS; and Ohlone ES Phase I New Classrooms. 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 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: \$181,751.00

***CI C.9 Facilities Use Agreement with Bright Futures Growth & Development Center at El Sobrante Elementary School Site**

Comment:

The District and Seneca Family of Agencies (“Seneca”) previously entered into a Joint Use Agreement for use of space on the former El Sobrante Elementary Site located at 1060 Manor Road, El Sobrante (“Site”). Thereafter, Seneca and Bright Futures executed a Memorandum of Understanding which allows Bright Futures to use a portion of the Site that is designated as Seneca’s exclusive use space under Seneca’s Joint Use Agreement with the District. In addition to the use of a portion of Seneca’s space, Bright Futures requires the use of an unused portion of the Site (“Premises”) to conduct its childhood development and after school childcare programs. This Facilities Use Agreement requires that Seneca and Bright Futures coordinate each entity’s shared use of the Site, including each entity’s proportionate share of the utilities and maintenance.

The term of the Facilities Use Agreement with Bright Futures is two (2) years. The District and Bright Futures may renew the Facilities Use Agreement upon mutual agreement and approval by each entity’s governing body prior to the end of the term. Bright Futures shall take the Premises “as is”. The District has no obligation to maintain or repair the Premises during the term of the Facilities Use Agreement. Seneca intends to make certain facility improvements prior to occupying the Premises and shall make those improvements at its sole cost and expense.

Recommendation:

Approve the Facilities Use Agreement Between the District and Bright Futures Growth & Development

Fiscal Impact:

No fiscal impact or implications associated with the approval of these documents

***CI C.10 Ratification of Staff Awarded Contract: Vista AHS Parking Improvements**

Comment:

William Clark Engineers has prepared plans and specifications for the project. Scope of work includes grading, paving, curb work, tree removal, slurry sealing and striping and associated work for existing drop-off area and new parking lot.

The District conducted a public bid process for the project. Bids were received on January 16, 2014. Seven contractors submitted bids. They are as follows: J.A. Gonsalves & Son Construction, Inc. \$246,000; Maggiora & Ghilotti \$317,317; Bay Cities Paving & Grading, Inc. \$328,600; Water Rock Construction \$359,536; American Asphalt \$362,495; W.R. Forde Associates, Inc. \$374,000; Alaniz Construction, Inc. \$397,371. The lowest bidder withdrew their bid due to a clerical error. The lowest responsible, responsive bidder is Maggiora & Ghilotti, Inc.

Recommendation:

Ratify the award to Maggiora & Ghilotti, Inc.

Fiscal Impact:

\$317,317. Project will be funded from Fund 40.

***CI C.11 Resolution No. 59-1314: Read Across America - March 2, 2014**

Comment:

The West Contra Costa Unified School District and the Board of Education join with the United Teachers of Richmond in calling on the citizens of West Contra Costa to assure that every child is in a safe place reading with a caring adult on March 2, 2014.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.12 Resolution No. 55-1314: Disabilities Awareness Month – March 2014**

Comment:

This resolution proclaims the month of March 2014 as Disabilities Awareness Month and encourages all schools and educational communities to commemorate this occasion with meaningful student activities and programs that promote and demonstrate learning about and understanding individuals with disabilities.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.13 Resolution No. 57-1314 “Week of the School Administrator” March 2-8, 2014**

Comment:

Administrators of California’s public school are commended for their support of, and contribution to, quality education in the state.

Recommendation:

Recommend Approval

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

* **D.1 African-American History Month School Presentations and Celebrations**

Comment:

The State Board of Education has proclaimed February 2014 as African-American History Month.

The West Contra Costa Unified School District recognizes the contributions of African Americans and encourages schools to develop special instructional activities and celebrations.

Tonight, several WCCUSD schools will perform songs, speeches, and dances to celebrate African-American history, traditions, culture, contributions, and successes.

We will also honor community members who have made significant efforts to support the students and staff of West Contra Costa Unified School District.

Recommendation:

Enjoy the student presentations and celebration.

Fiscal Impact:

None

* **D.2 Plans to add a JROTC Program at DeAnza High School**

Comment:

The Junior Reserve Officers' Training Corps (JROTC) is a Federal program sponsored by the United States Armed Forces in high schools across the United States. The purpose of Junior ROTC is to instill in students in secondary educational institutions the values of citizenship, service to the United States, personal responsibility and a sense of accomplishment. Additional objectives are established by the service departments include:

- Developing citizenship and self-reliance.
- Improving the ability to communicate well both orally and in writing.
- Developing an appreciation of the importance of physical fitness.
- Developing knowledge of team building skills.

DeAnza High School has begun the application process to bring an Air Force JROTC to that the school as a way to engage more students and improve learning. The presentation tonight will include the rationale for the program at DeAnza, an estimate of the number of students to be served and a timeline for initiation.

Recommendation:

For Information Only

Fiscal Impact:

None at this time

* **D.3 Technology E-Rate Report**

Comment:

The universal service Schools and Libraries Program, commonly known as “E-rate,” provides discounts of up to 90 percent to help eligible schools and libraries in the United States obtain affordable

telecommunications and internet access. The program is intended to ensure that schools and libraries have access to affordable telecommunications and information services.

Program participants may request funding in five categories of service: Telecommunications, Telecommunications Services, Internet Access, Internal Connections, and Basic Maintenance of Internal Connections. Discounts for support depend on the level of poverty and the urban/rural status of the population served and range from 20 percent to 90 percent of the costs of eligible services.

Staff will give an overview of the District’s E-Rate program, and an update of our current District E-Rate projects.

Recommendation:
For Information Only

Fiscal Impact:
The District is subsidized, through the E-rate program, approximately 79% of the cost of all eligible telecommunication services to include phones, internet and connectivity between sites. Last year, we requested \$11,577,122.92 for telecommunications and internet access. Of this, E-rate would pay \$9,351,482.47 and the district would be responsible for \$2,225,640.45.

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 and School Climate Committee |
| Citizens’ Bond Oversight Committee | School Supervisors Association |
| College and Career Readiness Academies | Technology Subcommittee |
| 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 Public Hearing and Adoption of Bargaining Proposal from Public Employees Union, Local One to the West Contra Costa Unified School District**

Comment:
Pursuant to the Educational Employment Relations Act, the proposal for negotiations by school districts and labor unions must be submitted at a public meeting of the governing board. The reopener proposal of Public Employees Union, Local One will be presented, at which time the public is allowed to

comment on this proposal. A copy of the proposal is provided in the Board meeting packet which is available at the District's Administration Building, six high schools and online at the District's webpage.

Recommendation:

That the Board of Education hold a public hearing on the Public Employees, Local One bargaining reopener proposal to the District in accordance with the 2012-2015 bargaining agreement.

Board Adoption of Bargaining Reopener Proposal

Comment:

Following the public hearing on its bargaining reopener proposal, the Board of Education will be asked to adopt the Public Employees, Local One proposal to the District in accordance with the 2012-2015 reopener agreement.

Recommendation:

That the Board of Education adopt the bargaining proposal for labor negotiations with the Public Employees, Local One.

Fiscal Impact:

To Be Determined

* **F.2 Approval of Agreement with School Supervisors Association (SSA) / AB1200 Public Disclosure of Collective Bargaining Agreement with the SSA**

Comment:

District and SSA have reached tentative agreement through collective bargaining for the 2014-2015 school year. A copy of the Tentative Agreement will be provided at the Board meeting. Once SSA has ratified the Agreement, it will be presented to the Board of Education for ratification.

School districts are required to publicly disclose the provisions of all collective bargaining agreements before they ratify an agreement. This ensures that the public is aware of the details associated with a tentative collective bargaining agreement before it becomes binding on the District. A summary of the financial implications associated with the agreement is provided. This summary has also been provided to the County Office of Education.

The Board will receive public comment on the proposed contract changes and salary adjustments before the Board votes to ratify the Agreement.

We want to take this occasion to thank the representatives of both groups for their time and effort in reaching this accord.

Recommendation:

Recommend that the Board of Education ratify the Tentative Agreement between the West Contra Costa Unified School District and the SSA.

Fiscal Impact:

2014-15 \$295,842

* **F.3 Helm’s Quality Education Investment Act (QEIA) Public Hearing and Waiver Request**

Comment:

The Quality Education Investment Act of 2006 (QEIA) was enacted as a result of the *CTA, at al. v. Schwarznegger, at al.* settlement. This settlement distributes the Proposition 98 funding of 2004-2006 in a targeted effort to increase the performance of schools with a 2005 Academic Performance Index (API) falling in the first and second deciles. These appropriations began in fiscal year 2007-08 and current information from the California Department of Education indicates that funding will continue through 2014-15 for schools that continue to meet all required targets.

One of the requirements of the grant is that all teachers are Highly Qualified (HQT). In 2012-13 one Special Education teacher at Helms was assigned to one class without the appropriate credential. As a result the California Department of Education determined that Helms was 97% HQT for that year and did not meet the requirement of 100%.

Failure to meet any target during the grant results in termination from the QEIA program and consequential loss of funding. The impact of losing funding is \$914,300 for Helms Middle School for the 2014-15 school year.

Upon approval by the WCCUSD Board of Education, a request will be submitted to the California State Board of Education asking for a waiver of the HQT requirement for Helms for 2012-2013. In the past few years waivers similar to this request have been approved by the State Board of Education.

Recommendation:

Public Hearing and Recommend Approval

Fiscal Impact:

Potential loss of \$914,300.00 for the 2014-15 school year

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 Construction Project Status Update for El Cerrito High School Stadium & Field Replacement**

Comment:

At the December 2, 2013 meeting the Board approved the award of the El Cerrito High School Stadium & Field Replacement project to Wright Construction, Inc. The project team will provide a brief presentation to the Board on the project's status.

Recommendation:

For Information Only

Fiscal Impact:

None

* **G.3 Project Update for Richmond Swim Center at Kennedy High School Update**

Comment:

The District has approved the services and fees of MA Architects for the design of the Richmond Swim Center at Kennedy High School project. The project team will provide a brief presentation to the Board on the project's status.

Recommendation:

For Information Only

Fiscal Impact:

None

* **G.4 2014 Pre-qualification Statute Process Update**

Comment:

On January 1, 2014 the Public Contracting Code was amended to require pre-qualification of general contractors and major trade sub-contractors (mechanical, electrical, and plumbing) for projects which are valued at or above \$1,000,000. The District has engaged a process to meet this requirement. Staff and the Bond Program manager will provide a brief overview of the process.

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 – February 26, 2014

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

February 12, 2014

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

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