

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JANUARY 7, 2009**

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:

http://www.wccusd.net/board/APM_index.shtml

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 AND LISTENING TO THE BOARD MEETINGS:

Radio: Regularly scheduled Board meetings are broadcast live over Radio Station KECG 88.1 and 97.7 FM.

Television: Regular Board meetings are also broadcast by the City of Pinole on PCTV Channel 26 and HCTV Channel 25, and the Hercules city cable channel 28.

Audio tapes of Board meetings are kept on file in the Communications Office, Room 215, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1132). The Board of Education would like to acknowledge the City of Pinole for their generosity 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 Gymnasium 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 in the Faculty Lounge and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

“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 Matthew Chao, De Anza High School**

Comment:

Student Board Representative Matthew Chao will be representing DeAnza High School at the Board of Education on January 7, 2009. We would like to recognize and commend his participation.

Recommendation: For Information Only

Fiscal Impact: None

B.5 Report/Ratification of Closed Session

* **B.6 Agenda Review and Adoption (Public Comment)**

* **B.7 Board Minutes: December 10, 2008**

C. AWARDS, RECOGNITIONS, AND REPORTS

* **C.1 Recognition and Appreciation of Paul Ehara, Director of Communications**

Comment:

The Board of Education is appreciative of the leadership Paul Ehara has provided the district as Director of Communications. Mr. Ehara assumed the role on September 1, 1988 and ends his years of service on December 23, 2008. We thank him for his strong leadership, commitment to excellence and dedication to the students, staff, families and communities of the West Contra Costa Unified School District.

Recommendation: For Information Only

Fiscal Impact: None

* **C.2 Local One Scholarship Award**

Comment:

Local One's scholarship fund commemorates Major Dixon, former President of the GSM&O unit, to further the education of students who are children of Local One members.

This year, Local One awards a \$500 scholarship to Elizabeth Gonzales, 2008 Graduate of El Cerrito High School and daughter of Abigail Gonzalez, Food Service Clerk.

Ms. Gonzales is currently studying International Relations at Brown University.

Recommendation: For Information Only

Fiscal Impact: None

* **C.3 Announcement of The Ed. Fund 2008-2009 Grants**

Comment:

Each fall, The Ed. Fund awards grants totaling nearly \$40,000 to teachers, principals, and other staff or community leaders in WCCUSD who have creative ideas for their schools. These grant recipients are leaders who go above and beyond the call of duty to serve our students. Projects range in content from poetry programs, after school video clubs, garden projects and debate teams, as well as more traditional literacy and math programs. No matter what the subject, each grant supports the standards and learning goals the District considers essential. With fresh ideas and innovative programs, these professionals ensure that the children in our community thrive.

The Ed. Fund is pleased to present to the Board of Education the recipients for the 2008-2009 school year.

Recommendation: For Information Only

Fiscal Impact: Benefit to the District

* **C.4 NCLB District Corrective Action**

Comment:

A cornerstone of the 2001 No Child Left Behind (NCLB) Act is the accountability system of school and district improvement. The school improvement system is based on a five-year timeline; the district improvement system is based on a **three-year timeline**. Both systems function in a similar way with schools or districts advancing along a continuum of sanctions each year when all adequate yearly progress (AYP) targets are not met. If a school or district in improvement makes all AYP targets in a single year it remains in place. To exit improvement a school or district must meet all AYP targets for two consecutive years.

WCCUSD has a total of 42 AYP targets to meet each year. The District originally entered the improvement continuum in 2004-05, then made AYP in 2005-06 remaining in year 1. In 2006-07 and 2007-08 some of the targets were missed and the district advanced along the continuum entering year 3, Corrective Action.

At the November 2008 meeting, the State Board of Education invoked the following corrective actions for WCCUSD and 49 other districts:

- Institute and **fully implement** a new curriculum that is based on the state academic standards.
- Contract with one of the 38 state-approved District Assistance and Intervention Teams (DAITs) to receive targeted support in improving student performance.
- Revise the district's Local Educational Agency (LEA) Plan to address and improve the practices that led to the PI Year 3 identification **by March 9, 2009** (an extremely short/aggressive timeline).

Staff will provide a brief report on Corrective Action.

Recommendation: For Information Only

Fiscal Impact: Title I District Improvement Funds

* **C.5 Report on Student Demographics**

Comment:

The West Contra Costa Unified School District requested proposals from qualified firms and individuals to provide demographic services to WCCUSD for the preparation of a ten year student demographic study. Davis Demographics was selected to prepare the reports.

Recommendation: For Information Only

Fiscal Impact: None

* **C.6 Report on Seismic and Geotechnical Studies for District Sites**

Comment:

Staff will provide an update to the Board and the community on the status of Structural and Geotechnical Engineering studies currently underway at various District sites including Portola Middle School, Adams Middle School, Riverside Elementary School, Washington Elementary School and Pinole Valley High School.

Recommendation: Report Only. Recommendations for action will be presented at future meetings.

Fiscal Impact: Unknown

* **C.7 In Memory of Members of the School Community**

Comment:

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Kathryn Remitz passed away November 30, 2008. Ms. Remitz served as a yard supervisor at Lupine Hills Elementary School from 1984 through 2008.

Our thoughts go out to the family and friends in the loss of their loved one.

Recommendation: For Information Only

Fiscal Impact: None

D. PUBLIC AND COMMITTEE COMMUNICATIONS
(Education Code 35145.5; Government Code 54950 et seq.)

* **D.1 Superintendent's Report**

* **D.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 agendaized, but may refer these to staff for response and/or placement on future agendas.

E. ACTION ITEMS

*** E.1 Resolution 54-0809: Read Across America – March 2, 2009**

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 Monday, March 2, 2009.

Recommendation: Approval

Fiscal Impact: None

*** E.2 Establishment of a WCCUSD Youth Commission**

Comment:

The Board and District could gain a great deal of insight into how to improve school operations, create better learning environments and get valuable feedback from high school students by creating a Youth Commission. A Youth Commission could mirror the role of the Board and provide leadership opportunities and training for WCCUSD students. This proposal sets out to create a youth commission to advise the WCCUSD Board of Directors and staff. This commission would consist of between 10-15 students ranging in grades from Middle to High School. The purpose of the commission would be to get a student perspective on a variety of issues facing the district.

Membership on the commission would be open to students from schools throughout the district. Commissioners would apply to serve and would be appointed by the Commission and confirmed by the School Board. Commissioners would serve terms for at least one school year. Commissioners could serve multiple terms subject to the discretion of the Commission and the governing procedures governing length of terms. As the Commission starts out, the School Board could appoint a planning committee of students whose charge it would be to develop the policies and procedures of the board in their first year, including but not limited to membership criteria, attendance requirements, role and duties of the commission, and governing procedures.

Commission members could meet once or twice a month as dictated by their governance procedures (by-laws) and would participate in meetings with agendas, minutes, and governing procedures such as Roberts Rules of Order (to be determined by the commissioners).

A WCCUSD staff person would be identified to serve as a liaison for supporting the needs of the commissioners. School Board members and other volunteers could also serve as liaisons to the Commission. The commissioners would also be provided with training to support their leadership

development. Leadership topics could include how to run a meeting, the role of leaders and public officials, budget management, organizing events, and fundraising just to name a few. Commissioners would also be eligible to represent the WCCUSD at conferences, events, community meetings, and trainings.

While advisory in its nature the Commission would be separate and autonomous from the School Board and be able to make its own determination and rulings. The Commission could also weigh in on any matter before the Board and/or could bring forward other items or positions for Board consideration. The Commission could have a separate budget provided by the Board when funds are available but the Commission would also be able to raise and manage its own funds with support from the WCCUSD's accounting staff. The Commission would be able to work closely with individual student councils, reach out to members of the WCCUSD student body, and organize events and programs for the overall WCCUSD student body and general community.

The Commission could take up issues such as but not limited to:

- Improving School Safety
- Promoting student morale and pride
- Reducing the drop out rate
- Engaging parents
- School closures
- Conflict resolution and preventing fights
- Curriculum and academic recommendations
- Menu recommendations
- Facility recommendations
- Sporting, Entertainment, and Social Programming for students
- Reducing the achievement gap

Recommendation: That the Board authorize the initiation of a WCCUSD Youth Commission and empower a representative group of high school students to develop the charge and operating parameters for the group.

Fiscal Impact: To be determined

* **E.3 Revised District Transfer Policies, BP 5116.1 and 5117**

Comment:

To better assist district students with the opportunity to transfer to other schools, we have revised the process, criteria and timelines for both the Intradistrict and Interdistrict transfer policies 5116.1 and 5117.

Recommendation: Recommend Approval

Fiscal Impact: None

* **E.4 Presentation of the 2007-08 Audit Report by Perry-Smith, LLP**

Comment:

Steven Westcoatt, Partner and Chief Administrative Officer of Perry-Smith LLP, will present their independent audit report of the West Contra Costa Unified School District's financial position, internal control, and federal and state compliance for the year ended June 30, 2008.

The 2007-08 Audit Report is posted on the WCCUSD website and a copy is at the front counter at 1108 Bissell Avenue, Richmond, California.

Recommendation: Staff recommends acceptance of the audit report

Fiscal Impact: None

* **E.5 California School Board Association (CSBA) Appointment for Delegate Assembly with the term beginning when the appointee has been notified of his/her appointment by the District through March 2011**

Comment:

According to the California School Board Association (CSBA) Bylaws and Standing Rules, West Contra Costa Unified School District is entitled to elect one CSBA Delegate and appoint one CSBA Delegate. At this time we are calling for the appointment of a Board of Education Member to be appointed to the CSBA Delegation.

Recommendation:

That the Board approve one member to serve as CSBA Delegate through March 2011

Fiscal Impact: None

F. DISCUSSION ITEMS

* **F.1 Status Reports – Facilities Planning and Construction**

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—Verbal Presentation
- Construction Status Reports—Current Construction Projects

Recommendation: For Information Only

Fiscal Impact: None

G. 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.

***CI G.1 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve the contracts for services as detailed dated January 7, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per contracts summary

***CI G.2 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated January 7, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

***CI G.3 Acceptance of Donations**

Comment:

The District has received donations as summarized dated January 7, 2009. The estimated values for any non-cash donations are those provided by the donor. Staff recommends acceptance of these donations.

Recommendation: Recommend Approval

Fiscal Impact: As noted per donations summary

***CI G.4 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated January 7, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI G.5 Summary of Payroll and Vendor Warrant Reports**

Comment:

Attached are the summaries of Payroll and Vendor Warrants issued during the month of November, 2008.

Total of payroll warrants: \$10,962,867
Total of vendor warrants: \$26,801,305

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted above

***CI G.6 Acceptance of Contracts for Placement of Student Teachers**

Comment:

Teachers in this district provide supervision and evaluation for students seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher at no cost to the district.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed on the attached sheet dated January 7, 2009.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.7 Revised Board of Education Annual Resolutions Numbers 06-0809, 09-0809 and 37-0809 for the 2008-09 School Year**

Comment:

Approval is recommended of the Revised Board of Education Annual Resolution Numbers 06-0809, 09-0809 and 37-0809 for the 2008-09 School Year.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.8 Annual Organization: Secretary to the Board; authorization of Signatures; Board Calendar**

Comment:

Pursuant to Board Bylaw 9100, which governs annual organization, the Board shall: Appoint a secretary to the Board; Authorize signatures; and develop a Board calendar for the year.

Recommendation: That the Board:

1. Appoint the Superintendent as Secretary to the Board as prescribed by law;

2. Authorize the President of the Board to sign documents for the Board and for the Clerk to sign documents in the absence of the President;
3. Establish a Board calendar for 2009 that includes:
 - a. Budget Hearing, June 3
 - b. Budget Adoption, June 17
 - c. Superintendent Evaluation, October 21
 - d. Annual Organization Meeting, December 9, 2009

Fiscal Impact: None

***CI G.9 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: Recommend Approval

Fiscal Impact: None

***CI G.10 Notification of Claim Rejected**

Comment:

The District has received claims requesting compensation for personal injury. The District's risk management firm has investigated the claim and is requesting the School Board to ratify the authorized claim rejections.

Recommendation: Ratify the rejection of claim

Fiscal Impact: None

***CI G.11 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified 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: \$105,009. Funding sources as noted.

***CI G.12 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: DeAnza High School Fieldhouse; El Cerrito HS New Campus; and El Cerrito HS Theater Admin

Building. 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.

Recommendation: Ratify negotiated Change Orders as noted

Fiscal Impact: Total ratification and approval by this action: \$557,802.

***CI G.13 Ratification of "Piggyback" Contract with Mt. Diablo USD for Spectrum's Encore! Student Information Services (SIS) for Special Education**

Comment:

Staff is contracting with Mt. Diablo Unified to use Spectrum's Encore! Student Information Services (SIS) for Special Education. Mt. Diablo conducted a public bid process and had referenced other school districts in the state which, under law, may then award contracts as a "piggyback" on the Spectrum contract. This product satisfies District requirements in the following areas: timelines aligned to California and federal compliance standards for IEP students, forms that capture California-specific data for IEP students, and CASEMIS and other special education reporting.

The Board approved the staff recommendation to enter into contract negotiations on November 19, 2008. The contract is now being brought back for ratification.

Recommendation: Recommend approval

Fiscal Impact: \$529,983 Microsoft Voucher Grant

***CI G.14 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 October 1 through December 31, 2008.

Recommendation: For Approval

Fiscal Impact: None

***CI G.15 Resolution No. 53 -0809: Martin Luther King, Jr. Day – January 19, 2009**

Comment:

This resolution is in recognition of Dr. Martin Luther King, Jr. for his great leadership and encouragement for students, parents, teachers and other staff members to band together to work towards peaceful solutions to improve society for all people.

Recommendation: For Information Only

Fiscal Impact: None

***CI G.16 Approval of Board member to Attend Training Modules and Conferences**

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 member Antonio Medrano has expressed an interest in attending the California School Boards Association Masters in Governance training modules over the next two years. He also requests membership and conference attendance for the National Association of Latino Elected and Appointed Officials and the Celebration Educational Opportunities for Hispanic Students. Expenses including registration, fees, travel, food and lodging are estimated to total approximately \$3,500. Funds for Board travel and conference are budgeted and there is sufficient funding within that budget.

Recommendation: That the Board authorize member Antonio Medrano to attend training and conferences.

Fiscal Impact: General Fund

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

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – January 21, 2009

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

January 7, 2009

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

1. Negotiator: Superintendent / Dr. Bruce Harter
2. Property: Land located on either side of Lexington Avenue between Stockton Avenue and Eureka Street in El Cerrito, CA. Price and all terms of agreement.
3. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Government Code Section 54956.9(a)]

1. WCCUSD v. Charles T. Bryant & Associates (CTBA)
2. WCCUSD v. RDS Architects
3. Lumagbas et al. v. WCCUSD et al.
2. S.H. 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)

- a. Expulsions

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

Teacher Dismissal

10. REPORT OF CLOSED SESSION ACTIONS