

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
APRIL 1, 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:

Television:

Live television broadcast of regularly scheduled Board meetings is temporarily suspended due to construction at the Richmond Civic Center. Board meetings will be rebroadcast 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 rebroadcast 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.

Radio:

Radio broadcast of regularly scheduled Board meetings is temporarily suspended.

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 cities of Pinole and Richmond 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 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.

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 Blanca Zepeda, Richmond High School**

Comment:

Student Board Representative Blanca Zepeda will be representing Richmond High School at the Board of Education on April 1, 2009. We would like to recognize and commend her 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:** March 18, 2009

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 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve contracts for services as detailed dated April 1, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per contracts summary

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

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated April 1, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

***CI C.3 Acceptance of Donations**

Comment:

The District has received donations as summarized dated April 1, 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 C.4 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated April 1, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.5 Notification of Claims Rejected**

Comment:

The District has received a claim 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 rejection.

Recommendation: Ratify the rejection of claim

Fiscal Impact: None

***CI C.6 Notice of Completions: Bid M05035 Downer New Campus, D06048 El Cerrito HS Main Campus, J068134 Ford Transitional Housing at Downer, J068107 DeAnza HS New Field House, J068108 Richmond College Prep Portables, J068129 Richmond College Prep Ph 1 Campus, J068130 Leadership Temporary Campus**

Comment:

A substantial Completion Notice has been received for:

Bid M05035 Downer New Campus
Bid D06048 El Cerrito HS Main Campus
Bid J068134 Ford Transitional Housing at Downer
Bid J068107 DeAnza HS New Field House
Bid J068108 Richmond College Prep Portables
Bid J068129 Richmond College Prep Ph 1 Campus
Bid J068130 Leadership Temporary Campus

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:

West Bay Builders Bid M05035 Downer New Campus,
Lathrop Construction Bid D06048 El Cerrito HS Main Campus
Bay Cities Paving Bid J068134 Ford Transitional Housing at Downer
Bollo Construction Bid J068107 DeAnza HS New Field House
Mobile Modular Bid J068108 Richmond College Prep Portables
Bay Cities Paving & Grading Bid J068129 Richmond College Prep Ph 1 Campus
Bay Cities Paving & Grading Bid J068130 Leadership Temporary Campus

Recommendation: Recommend approval of these notices of completions

Fiscal Impact: None

***CI C.7 Certificated Personnel Changes**

Comment:

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

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.8 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: For Information Only

Fiscal Impact: None

***CI C.9 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: \$82,320. Funding sources as noted.

***CI C.10 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Dover Elementary School Sitework Ph. I; El Cerrito HS Admin/Theater Building; Richmond HS Bleachers; and King Elementary Sitework and Demolition. 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 Orders for the Ford Elementary Temp Campus and Pinole Middle School New Gym & Classroom projects is required by the Board, with special findings as noted below, because these are 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 approving and 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: \$467,868.71.

***CI C.11 Transition Learning Center "TLC" Fence and Gates Project Award of Contract**

Comment:

The District has received funding for the replacement of damaged fencing and gates at TLC. Funding is under the Office of Public School Construction's Emergency Repair Program ("ERP"). The Seville Group ("SGI") has prepared bid specifications for the District on this project. The District conducted a public bid process. Bids were opened on March 17, 2009. Nine Contractors submitted bids. They are as follows: West Coast Fence \$88,316; ERA Construction \$88,308; Bailey Fence \$74,914; Fencecorp, Inc. \$74,680; North American Fence \$74,200; Golden Bay Fence \$71,275; Crusader Fence \$69,950; AAA Fence Co. \$61,847; and Chain Link Fence \$61,121. The lowest responsive, responsible bidder is Chain Link Fence.

Recommendation: Award contract to the lowest responsive, responsible bidder.

Fiscal Impact: \$61,121. Funded from the state Emergency Repair Program ("ERP").

***CI C.12 Ivy League Summer Programs: Students from El Cerrito High School, Pinole Valley High School, Hercules High School and Richmond High School will participate in College Readiness Programs offered at respective Ivy League Colleges and Universities**

Comment:

The Ivy League Connection program has been an integral college awareness program in the West Contra Costa Unified School District for the last three years. Students from El Cerrito, Pinole Valley, Hercules and Richmond high schools participate in a rigorous screening process in order to gain acceptance into a summer program at an Ivy League university. The Ivy League program has grown tremendously through the contributions of benefactors and corporations vested in providing educational opportunities for our students. This summer, West Contra Costa Unified School District will be sending thirty students to

various Ivy League universities including Cornell University, Columbia University, Brown University and University of Pennsylvania. The district pays the travel costs and to provide chaperons estimated at \$45,000 for 2009. Private contributions fund the program costs at each school. The Ivy League Connection promotes the college going culture in WCCUSD as participants in the program share their experiences with elementary and middle school students throughout the year and participate with alumni from the Ivy League schools.

Board members Madeline Kronenberg and Charles Ramsey have acted as the fund raisers and program administrators for the Ivy League Connection since its inception in 2006. The District has paid for travel for Ms. Kronenberg and Mr. Ramsey so that all the funds raised from private contribution can be used for direct program expenses. Their presence at these institutions results in securing scholarships for WCCUSD students including new scholarships for 2009: \$16,000 – Brown; \$6,000 – Cornell; and \$7,000 – Columbia.

Additionally their presence at the universities has resulted in having the application fees waived (Yale, Brown and Cornell) – a savings of more than \$2000. Since the program began in 2006, Ms. Kronenberg and Mr. Ramsey have raised just over \$500,000 for the program. The cost for Mr. Ramsey and Ms. Kronenberg to travel to the east coast this summer is just over \$7,000.

Mr. Ramsey's and Ms. Kronenberg's presence at these schools has also brought about new opportunities for WCCUSD students. WCCUSD students would not be going to Yale or Princeton this summer if they had not set up meetings with the Deans of those programs last summer.

Recommendation: That the Board approve both the travel for Board Members Ramsey and Kronenberg and the costs for 2009 Ivy League Connection program.

Fiscal Impact: \$47,000

***CI C.13 Citizens' Bond Oversight Committee Appointments, City of Pinole Candidates**

Comment:

The Pinole City Council nominated Peter Murray to replace Maureen Toms as the delegate to the Citizens' Bond Oversight Committee. The Council further moved the appointment of Roy Swearingen as the next alternate delegate to the CBOC.

Recommendation: Recommend approval of these appointments

Fiscal Impact: None

***CI C.14 Citizens' Bond Oversight Committee Appointment**

Comment:

The following appointment has been made to the Citizens' Bond Oversight Committee:

Mr. Robert Studdiford, representing Board member Charles Ramsey

Recommendation: Recommend approval of this appointment

Fiscal Impact: None

***CI C.15 Citizens' Bond Oversight Committee Member Appointment**

Comment:

The City of Hercules position on the District's Citizens' Bond Oversight Committee has been held for the past two years by Charleen Raines. The City Council reappointed Charleen Raines to an additional two-year term at its meeting of September 23, 2008.

Recommendation: Confirm the appointment of Charleen Raines as the City of Hercules member to the Citizens' Bond Oversight Committee

Fiscal Impact: None

***CI C.16 Revised – Board of Education Meeting Dates 2009 Calendar Year**

Comment:

With the state budget crisis and the May 19 special election on propositions that will impact the funding to the school district, the Governor's office will be delaying the May budget update, known as the May Revise, until early June. In the current calendar the Board is scheduled to adopt the budget for 2009-10 at a meeting on June 17. The delay in the release of state budget information will make it impossible to have a WCCUSD budget by that date.

Recommendation: That the Board adjust the calendar of meetings and hold the second June meeting on June 24, 2009.

Fiscal Impact: None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Budget Updates – Summary of Community Input**

Comment:

Staff will provide information on the results of the community budget meetings held on February 24 and 26, 2009.

Recommendation: For Information Only

Fiscal Impact: Further analysis will be necessary to fully quantify the financial impact.

*** 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. Two minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee
Bayside Parent Teacher Association
Citizens' Bond Oversight Committee
Community Budget Advisory Committee
Facilities Subcommittee
Ivy League Connection
Safety Committee
Special Education Citizens Advisory Committee

Public Employees Local 1
School Supervisors Association
United Teachers of Richmond
West Contra Costa Administrators Association

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

* **F.1 NCLB District Corrective Action – Local Educational Agency (LEA) Plan**

Comment:

At the November 2008 meeting, the State Board of Education invoked the following corrective actions for West Contra Costa Unified School District and 49 other districts:

- 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.
- Institute and **fully implement** a new curriculum that is based on the state academic standards.

Education Consultants (WCCUSD's DAIT provider) will provide an overview of the revised LEA Plan.

Recommendation: Board Approval

The LEA Plan is posted on the WCCUSD website and a copy is at the front counter at 1108 Bissell Avenue, Richmond, CA

Fiscal Impact: Title I District Improvement Funds

* **F.2 Presentation of the Measure M, Measure D and Measure J 2007-08 Fiscal Audit by Perry Smith, LLP**

Comment:

Lisa Bruno, Senior Vice President of Perry-Smith LLP, will present the 2007-08 Fiscal Audit for the Measure M, Measure D and Measure J Bond programs.

The 2007-08 Bond Audit Report is posted on the WCCUSD web site and a copy is at the front counter at 1108 Bissell Avenue, Richmond, CA.

Recommendation: Staff recommends acceptance of the audit report.

Fiscal Impact: None

* **F.3 Annual Performance Audit of District Bond Program**

Comment:

The District is required to complete an annual independent Performance Audit of the Bond Program. Total School Solutions has completed the audit and will present the report to the Board for acceptance. The audit report can be viewed on the Citizens' Bond Oversight Committee's section of the WCCUSD website and at the Facilities Operation Center, located at 1300 Potrero Avenue, Richmond.

Recommendation: Accept Annual Performance Audit for 2007/2008, dated June 30, 2008

Fiscal Impact: None

* **F.4 Public Hearing and Adoption of Budget Flexibility for Tier III Programs**

Comment:

The 2009 Budget Act enacted a series of reductions to the revenues of school districts and also contained language permitting districts to seek relief from these cuts by repurposing funds from what has traditionally been restricted funding. From a practical standpoint, repurposing of these funds requires that school districts either cut or reduce the programs and staffing associated with the State funds or find alternative funding sources to support the ongoing efforts of these programs.

In some cases, certain programs must be kept as a priority and there are not other categorical sources to use for funding. Therefore, these programs would remain intact within the general fund. That is why the net estimated transfer is \$8,000,000.

The State budget language also allows flexibility transfer for 2008-09. However, the 2008-09 programs have been up and running since the beginning of this school year. These programs have had to absorb mid year cuts of 15.4%. Therefore, while we are requesting authority to transfer funds, we must finalize the year end closing to determine the final transfer amount.

The funds transferred will be utilized for the purposes of paying salary and benefits for general fund, unrestricted budget.

Recommendation: Staff recommends that the Board adopt the flexibility transfers for Tier III programs as provided for in the 2009 State Budget Act.

Fiscal Impact: Estimated net flexibility transfer 2009-10 forward \$8,000,000. 2008-09 Final transfer amount to be determined.

* **F.5 K-3 Class Size Reduction Program (CSR)**

Comment:

The 2009-10 Budget which was adopted by the State Legislature includes a major change in the K-3 Class Size Reduction Program (CSR). The new implementation language provides a window for alternative implementation of Class Size Reduction that still provides smaller class sizes than required by Education Code, yet can save substantial money for cash strapped districts. Due to the fiscal issues facing the District, staff recommends the option with greatest savings.

Recommendation: Recommend Option Four

Fiscal Impact: Savings of \$4,000,000

* **F.6 Resolution No. 78-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees**

Comment:

A lack of work and/or funds necessitates the elimination of the attached classified positions.

Recommendation: Recommend Approval

Fiscal Impact: To be determined

G. DISCUSSION ITEMS

* **G.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

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

April 4, 2009 – Lovonya DeJean Middle School (Special Meeting - Governance Retreat)
April 22, 2009 – Lovonya DeJean Middle School (Joint Meeting with CBOC)

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

April 1, 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. RDS Architects
2. Lumagbas et al. v. WCCUSD et al.
3. Srago 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