

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
OCTOBER 1, 2008**

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

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 Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (see Exhibit A). The Board will then adjourn to closed session 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 Report/Ratification of Closed Session

* **B.5 Agenda Review and Adoption (Public Comment)**

* **B.6 Board Minutes: September 17, 2008**

C. AWARDS, RECOGNITIONS, AND REPORTS

* **C.1 2008 Academic Performance Indices (API) Growth Targets – Recognition of Schools**

Comment:

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.

Twenty-one of West Contra Costa Unified School District's schools increased their schoolwide API and met all of their subgroup and schoolwide growth targets.

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.

Tonight we recognize the following schools:

Castro	Coronado	Dover	El Sobrante	Ellerhorst
Ford	Grant	Harding	Hannah Ranch	Kensington
Lincoln	Lupine	Madera	Middle College	Montalvin
Murphy	Ohlone	Peres	Riverside	Verde
Washington				

Recommendation: Special recognition of specific schools on the California Department of Education's Academic Performance Indices (API) for 2008.

Fiscal Impact: None

* **C.2 2008 Adequate Yearly Progress (AYP) – Recognition of Schools**

Comment:

The No Child Left Behind Act of 2001 is Federal legislation that established an accountability program including AYP for all schools and Local Educational Agencies beginning with the 2002-2003 school year.

In order for a school to make AYP, it must achieve all of the schoolwide targets as well as targets for all numerically significant subgroups. AYP targets are set by the California Department of Education (CDE) for participation rate, percent proficient in English Language Arts and Math, Academic Performance Index (API) and graduation rate. A school may have as many as 46 AYP targets. A numerically significant subgroup is defined by CDE as any subgroup for which there are 100 valid scores or 50 valid scores comprising at least 15% of the valid scores for a school. Possible numerically significant subgroups include: African American, American Indian, Asian, Filipino, Hispanic, Pacific Islander, White, Socioeconomically Disadvantaged, English Learners and Students with Disabilities.

Twenty of WCCUSD's schools met all AYP targets in 2008.

Tonight we recognize schools that met all subgroup and schoolwide AYP targets. The 20 schools are:

Castro	El Sobrante	Ellerhorst	Ford	Hanna Ranch	Harding
Highland	Kappa	Kensington	Lupine Hills	Madera	Middle College
Murphy	Ohlone	Olinda	Peres	Riverside	Sheldon
Valley View	Washington				

Recommendation: School Board recognition of schools meeting all 2008 AYP criteria

Fiscal Impact: None

* **C.3 Report on the Efforts by District Counselors to Promote a College-Going Culture at their Sites**

Comment:

Counselors are trying to make their high school a place where college is the next step for everyone by creating a College-Going Culture. Counselors are working with College Outreach Programs and admissions representatives to come to their school for college information sessions. They are maintaining a consistent focus on the variety of available options to their students by holding Career Days and providing resources within and outside the school to assist students.

Recommendation: Report Only

Fiscal Impact: None

* **C.4 Budget Report Update**

Comment:

Staff will provide a presentation that summarizes the adopted 2008-09 state budget and its impact on West Contra Costa Unified School District.

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

E. ACTION ITEMS

* **E.1 Public Hearing – Resolution No. 39-0809: Grades K – 12 Textbook and Instructional Materials Compliance for Fiscal Year 2008 - 2009**

Comment:

Education Code Section 60119 guidelines require the governing board to hold a public hearing after which the Board will determine, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks and instructional materials that are aligned with the academic content standards and are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education in these subjects: English/Language Arts, including English language development; Mathematics; Science; History/Social Science; Foreign Language (if the student is enrolled in a Foreign Language course); and Health (if the student is enrolled in a Health course). The governing board shall also determine the availability of science laboratory equipment as applicable to science laboratory courses in grades 9 through 12.

Staff will provide the Board with an update on the sufficiency of textbooks during the public hearing.

Immediately after this hearing, as a separate action item, the board is requested to approve Resolution No. 39-0809: Grades K – 12 Textbook and Instructional Materials Compliance for Fiscal Year 2008 – 2009.

Notice of the hearing tonight has been posted for ten days as required.

Recommendation: It is recommended that the Board of Education hold a public hearing.

Fiscal Impact: None

* **E.2 Adoption of Resolution No. 39-0809: Grades K – 12 Textbook and Instructional Materials Compliance for Fiscal Year 2008 - 2009**

Comment:

The resolution is required in order for the District to receive funding as part of the Pupil Textbook and Instructional Materials Incentive Program and/or funding for instructional materials from any state sources.

The K – 12 Instructional Materials Funding Realignment Program allocation for 2008 – 2009 is \$68.50 per pupil, resulting in a total allocation of approximately \$2,100,000 for West Contra Costa Unified School District.

The information on the proposed resolution and current adopted texts for the District is listed on the attached. Prior to adopting this resolution the Board will hold a public hearing to discuss the area of textbook sufficiency.

Recommendation: It is recommended that the Board of Education adopt Resolution No. 39-0809: Grades K – 12 Textbook and Instructional Materials Compliance for Fiscal Year 2008 – 2009.

Fiscal Impact: \$2,120,503 for K – 12 Instructional Materials for 2008 – 2009

* **E.3 NCLB Supplemental Educational Services (SES) Tutoring Contracts**

Comment:

The No Child Left Behind (NCLB) Act of 2001 requires school districts to set aside an amount equivalent to 20% of the Title I entitlement for the purposes of providing Transportation for Choice and Supplemental Educational Services (SES). In WCCUSD 20% of the entitlement is \$1,764,024. Of this amount, \$150,000 is needed for Transportation for Choice leaving \$1,614,024 available for SES tutoring.

Federal guidance regarding Supplemental Educational Services was released on June 13, 2005. The guidance specifies the roles and responsibilities of the U.S. Department of Education, the State Board of Education and the Local Educational Agency. The guidance has been used to inform the implementation of this initiative in WCCUSD. Each year the Department of Education sets the official per pupil allotment (PPA) for each district, which represents the maximum amount to be expended per participant. The official rate for 2008-09 has not yet been released. The California Department of Education estimates the PPA to be \$1,113.47 for planning purposes. Therefore, approximately 1,450 students may be served.

Parent/Guardians of all students participating in the free and reduced lunch program at the 16 Title I schools in year 2 and beyond of NCLB improvement were appropriately informed of the opportunity to receive these tutoring services. An informational catalog and application were created in English and Spanish with descriptions of the programs offered by all of the State-approved providers. These materials were mailed to all eligible families in September. In addition, catalogs were available at all 16 schools for Back to School Night. Furthermore, many of the participating schools have hosted provider fairs for their school communities.

Permission is requested of the Board of Education to approve contracts between the District and named State-approved SES providers per parental choice for the period of October 2, 2008 through June 30, 2009 per the attached list.

Recommendation: Recommend Approval

Fiscal Impact: Appropriate expenditure of Title I SES reservation

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 October 1, 2008.

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 October 1, 2008.

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 October 1, 2008. 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 October 1, 2008.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI G.5 Agreements for Nonpublic, Nonsectarian School/Agency Services**

Comment:

Permission is requested of the Board of Education to approve the Master Contracts between the District and the additional named agency for nonpublic, nonsectarian school/agency services for the period of August 22, 2008 through June 30, 2009.

Non Public Agency

Pacific Child and Family Associates, APC

Recommendation: Recommend Approval

Fiscal Impact: \$37,800.00 - Non-LCI (No budgetary impact; included in previously approved Master Contract for services.)

***CI G.6 Revised Board of Education Annual Resolutions Numbers 06-0809, 09-0809, 10-0809, 11-0809, 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, 10-0809, 11-0809, 37-0809 for the 2008-09 School Year.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.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 G.8 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:

The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully credentialed teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.9 Approve Job Description: Associate Superintendent for Operations**

Comment:

Attached is the revised job description of Associate Superintendent for Operations.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.10 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: \$321,994. Funding sources as noted.

***CI G.11 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: El Cerrito HS New Campus; El Cerrito HS Admin/Theater; DeAnza HS Demolition/Utilities; Pinole MS New Gym/Classroom; Cameron School Roof Replacement. 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 Lupine Hills, Harding, Tara Hills Roof Repairs project is required by the Board, with special findings as noted below, because it 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 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 by this action: \$342,077.52.

***CI G.12 Ratification of Previously Awarded Contracts**

Comment:

The following construction contracts were approved by the Board at regularly scheduled meetings throughout the year. These actions were taken prior to the expiration of the Bid Protest period in order to expedite the start of the work. In each case, the Board authorized staff to issue the Notice of Award. The Education Code requires the Board to ratify these award actions by staff. The following contracts were awarded by staff pursuant to Board authorization after successful completion of the Bid Protest period:

1. Kel Tec. Pinole Valley HS Access Compliance Restroom Project. \$158,750. July 30, 2008.
2. Bay Cities Paving and Grading. King Elementary School Demolition, Sitework, and Temporary Playground Project. \$461,000. July 30, 2008.
3. Galeridge Construction. ERP—Pinole Valley HS Parking Lot Paving Project. \$151,827. This project had a Bid Protest which was subsequently not confirmed. July 30, 2008.
4. Ionian Construction. Kennedy HS Exterior Painting Project. \$253,000. August 20, 2008.
5. Bay Cities Paving and Grading. Richmond College Prep Modular Campus Sitework. \$888,000. This project had a Bid Protest which was subsequently not confirmed. September 3, 2008.

Recommendation: Ratify previously awarded contracts

Fiscal Impact: No additional fiscal impact; see previous authorizations to award.

***CI G.13 Riverside Elementary School I-80 Pedestrian Overcrossing District Letter of Concurrence**

Comment:

The City of San Pablo, working with the Contra Costa Transportation Authority, is engaged in a major redesign of the San Pablo Dam Road interchange on I-80. The work for the redesign of this busy, and

very congested, interchange extends all the way from the El Portal Exit to the Barrett Avenue off-ramp. As part of the redesign, the Barrett Avenue off-ramp will be eliminated and a new frontage road is proposed for access to Barrett. This frontage road will extend from the San Pablo Dam Road interchange and will require the demolition and reconstruction of the pedestrian overcrossing which currently lands on Amador Street opposite Riverside Elementary School. During consideration of options for the reconstruction of the pedestrian overcrossing, it was determined that one appropriate design would be to have the landing be on the school side of Amador Street. This would mean that students and parents of Riverside School would not have to cross Amador Street and would mean an increase in student pedestrian safety.

The Contra Costa Transportation Authority has conducted a community meeting and meetings with Riverside staff to review the proposed configuration. District staff has reviewed the proposal. A presentation was made to the Facilities Subcommittee of the Board, which approved this approach and recommended approval of a letter of concurrence. The letter of concurrence allows the project to move forward for review under the California Environmental Quality Act (“CEQA”). The letter incorporates staff concerns regarding mitigation of future impacts and commits the parties to a planning process which will help to ensure an appropriate, safe, and aesthetic design.

Recommendation: Approve letter of concurrence to the Contra Costa County Transportation Authority

Fiscal Impact: None

***CI G.14 Citizens’ Bond Oversight Committee Appointment**

Comment:

Mr. Steven Bates is being recommended by the Superintendent to fill the category for Parent/Guardian and PTA.

Recommendation: Recommend approval of this appointment

Fiscal Impact: None

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 – October 15, 2008

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

October 1, 2008

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

1. Negotiators: Associate Superintendent of Operations/Jeff Edmison
2. Property: 2600 Moraga Road, San Pablo, CA. Price and all terms of agreement.
3. 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.
4. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.
5. Property: 230 Harbour Way South, Richmond, 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.
4. 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**

Vice Principal-Adult Education
K-12 Instructional Specialists
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)
10. **REPORT OF CLOSED SESSION ACTIONS**