West Contra Costa Unified School District
Board of Education
Meeting Agenda
April 22, 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 **5:00 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.

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 Cari Tam, Middle College High School**

Comment:
Student Board Representative Cari Tam will be representing Middle College High School at the Board of Education on April 22, 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:** April 1, 2009; April 4, 2009; April 6, 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 22, 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 22, 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 22, 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 22, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.5 Notification of Claim Approvals and Settlement Payments**

Comment:
The District has received claims regarding compensation for property damage. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized settlement payments.

Recommendation: Ratify the authorized approval of claims and payments for property damage.

Fiscal Impact: Self-Insurance Program

***CI C.6 Summary of Payroll and Vendor Warrant Reports**

Comment:
The summaries of Payroll and Vendor Warrants issued during the month of March, 2009 are provided.

Total of payroll warrants: $10,897,107
Total of vendor warrants: $21,238,423

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted above

***CI C.7 Notice of Completions: Bid J068111 Dover Demolition and Site work, J068112 King Demolition Site work and Temporary Playground, E068142 Pinole Valley HS Exterior Lighting**

Comment:
A substantial Completion Notice has been received for:

Bid J068111 Dover Demolition and Site work
Bid J068112 King Demolition Site work and Temporary Playground
Bid E068142 Pinole Valley HS Exterior Lighting

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:

Evans Brothers Bid J068111 Dover Demolition and Site work
Bay Cities Paving and Grading Bid J068112 King Demolition Site work and Temporary Playground
ERA Construction Bid E068142 Pinole Valley HS Exterior Lighting

Recommendation: Recommend approval of these notices of completions

Fiscal Impact: None

***CI C.8 Resolution No. 80-0809: Credential Assignment Options**

Comment:
This resolution will provide the District with assignment options of a temporary nature when a teacher with an appropriate credential is not available to the district.

The options are only available to teachers who hold a current, non-emergency, basic credential.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.9 Resolution No. 79-0809: Declaration to Hire 30-Day Substitutes on CBEST Waivers**

Comment:
There is a statewide shortage of qualified substitutes. The requirement that each 30-day substitute CBEST waiver request be approved by the Board of Education before the waiver request is submitted has been relaxed by the Commission on Teacher Credentialing (CCTC). Instead, they will require a governing board to declare that the district has hired teachers from the substitute pool to implement the Class Size Reduction Program and is now experiencing difficulty in recruiting individuals who qualify for the 30-day Substitute Teaching Permit. This declaration need be approved only once for all CBEST waiver requested in 2009-2010. This item may not appear on the consent calendar for the governing board meeting. Our district will continue to recruit and search for fully credentialed teachers while using this assignment option.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.10 Employment of Retired Administrator for 2008-2009**

Comment:
A waiver is required for the following retired administrator to supply emergency services and/or substitute to the district.

Richard Avalos – Assistant Principal

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.11 Approval of Sabbatical Leave Requests for 2009-2010**

Comment:
The District and UTR have a negotiated agreement for the district to provide 10 Sabbatical Leaves each year. The leaves can be taken for purposes of formal study, travel, or independent study. Teachers on leave will receive 50% of their annual salary and 100% health and welfare coverage. Each request for leave is set forth below.

Susan Revier
Kensington Elementary School, 3rd grade
Purpose of Sabbatical: Travel, One Year

The objectives of the proposed travel are as follows:

To improve her ability to teach expressive arts to children. She plans to visit elementary schools in New Mexico and in the four corner regions of the southwest to learn about programs that focus on Native American art traditions. Some of the reservations she plan to observe are the Mescalero Apache, Alamo Navajo and Zuni Pueblo reservations all located in New Mexico. She possesses an MA in Transformative Arts. The training will allow her to design, work and play with children using a variety of art materials and techniques that encourage reflection and problem solving bringing enjoyment to students, as well as using her findings and observations in writing curriculum for grades K-12.

Emilie Sederholm-Wood
Ohlone Elementary, Kindergarten
Purpose of Sabbatical: Travel, One Year

The objectives of the proposed travel are as follows:

To visit different states and schools and observe how different schools and teachers are handling the issue of differentiated instruction, particularly in the area of reading. Her main interest is to visit kindergarten to see how teachers are preparing kindergarteners for first grade as well as what they are doing to meet the needs of their different learners, what resources they have available to them to address

the different needs of their students, and how they take into account such issues as class size, culture, and the socio-economic status of the students and their families. She also plans to observe the Head Start and the pre-school program on how their classes are meeting the needs of young learners and how they are preparing their four and five year olds for school.

Christine Riedell
Lupine Hills Elementary, Kindergarten
Purpose of Sabbatical: Travel, One Semester

The objectives of the proposed travel are as follows:

To continue her photographic project that began in 2000, which is the documentation of the 17th century gardens of Andre Le Notre in and around Paris, France. She will be meeting with gallery managers, publishers and museum curators in Europe and will be exhibiting and publishing her photographs.

Diana Ortega
Downer Elementary School, 2nd grade APL
Purpose of Sabbatical: Study/Travel, One Semester

The objectives of the proposed travel/study are as follows:

In the summer she will study and take an internship in Cuernavaca, Mexico. To gain an understanding of Mexican culture, the pedagogical procedures used to teach elementary level Spanish and conduct a cross-cultural exchange with Mexican students once her internship is complete.

She will study at CSU Hayward extension and take 8 graduate semester units of college. The courses taken will be related to teaching English Language Learners (ELL's).

Phyllis Buford
Richmond High School, Special Education Teacher
Purpose of Sabbatical: Formal Study, One Year

The purpose of the Sabbatical is to take 8 graduate semester units at Sonoma State University.

Recommendation: Recommend Approval

Fiscal Impact: $191,617.10 – including salary and health benefits

***CI C.12 Resolution No. 81-0809: National "Day of the School Nurse"**

Comment:
We wish to recognize all the school nurses who give their energy, their intellect, their commitment and their love to the students of West Contra Costa Unified School District with a resolution proclaiming May 6, 2009 as the "Day of the School Nurse."

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.13 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: $264,950. Funding sources as noted.

***CI C.14 Ratification and Approval of Negotiated Change Orders**

Comment:
Staff is seeking ratification of Change Orders on the following current District construction projects: TLC Paving, El Cerrito HS New Campus, El Cerrito HS Theater, Tara Hills Doors, Downer Elementary New Campus, and Ford Demolition Sitework projects. 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 Ford Elementary Temporary Campus 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 and approval by this action**:** $70,627.05.

***CI C.15 Montalvin Manor Elementary Trash Enclosure Project Award of Contract**

Comment:
In order to complete the work on the Kay Rd. Extension and the Montalvin Manor Elementary New Entry Plaza, the District needs to construct an appropriate trash enclosure area. This will be adjacent to the new plaza, with screening and a size adequate for bins and recycling containers. Baker Vilar Architects prepared construction documents for the project. The District conducted a public bid process for this project. Bids were opened on March 12, 2009. Eleven contractors submitted bids. One bid was non-responsive. The responsive bids were as follows: Trinet Construction $43,280; Bruce Carone Grading $39,644; Sonoma Engineering $36,420; Azul Works $35,999; Suarez and Munoz $35,900; Fieldstone Construction $34,669; WR Forde $32,100; Blackshear Construction $31,800; Coastside Concrete $30,565; and, Rosas Brothers $28,647.

The District received a bid protest on this project. After review with legal counsel it was determined that the lowest responsive, responsible bidder is Rosa Brothers at $28,647.

Recommendation: Award contract to lowest responsive, responsible bidder

Fiscal Impact: $28,647. Funded from the Capital Facilities Fund

***CI C.16 Pinole Middle School Building A Demolition Project Award of Contract**

Comment:
The next step in the completion of construction at the Pinole Middle School site is the renovation of the original main building, "Building A." Prior to renovation work, the District must complete hazardous materials removal and demolition of interior and exterior finishes, roofing, and equipment on the building. This is being done as a separate package while the renovation drawings are being reviewed and coordinated prior to bid. Plans and specifications for this project were prepared by Powell and Partners Architects.

The District conducted a public bid for this project. Bids were opened on April 10, 2009. Six Contractors submitted bids. They are as follows: Parc Services $890,490; Sterling Environmental $890,000; CST Environmental $852,800; Evans Brothers $838,800; Demo Masters $835,000; Asbestos Management $773,070. Unfortunately, Asbestos Management's bid form was submitted unsigned as required by the bid documents. The bid has been declared non-responsive. Therefore, the lowest responsive, responsible bidder is Demo Masters at $835,000.

This bid price is $65,000 below the District's estimated cost for the project.

Recommendation: Award contract to the lowest responsive, responsible bidder

Fiscal Impact: $835,000**.** Funded from the Measure J Bond.

***CI C.17 Dover Elementary New Campus Construction Project Award of Contract**

Comment:
The next step in the reconstruction of Dover Elementary School is to complete the main campus construction. This work includes three phases of construction for all new classroom buildings, support spaces, a new multi-purpose room, playgrounds, soccer field, parking and drop-off areas, and other site work and site furnishings. The work also includes demolition of existing campus buildings, including demolition and replacement of 23 portables.

HY Architects has prepared plans and specifications for the Dover project. The District conducted a public bid of the project. Bids were opened on Tuesday, April 14, 2009. Nine Contractors submitted bids. They are as follows: Overaa Construction $25,615,000; Arntz Builders $22,847,622; BRCO Constructors $22,375,000; Wright Construction $21,999,000; SJ Amoroso $21,877,000; Lathrop Construction $21,835,000; West Bay Builders $21,691,000; Alten Construction $21,491,000; and Zovich and Sons $21,475,000. The lowest responsive, responsible bidder is Zovich and Sons at $21,475,000.

District staff and SGI, Bond Program Managers, have confirmed that sufficient funds are available for the award of this project, even prior to completing future bond sales authorized under Measure J.

This bid is significantly below the District's construction estimate and budget for the project. This appears to reflect unusual market conditions related to the financial crisis and recession. The bid savings will assist the District in balancing other impacts to the Bond Program budget. Staff will bring an updated program

budget forward at a future meeting of the Board and after review with the Board's Facilities Subcommittee.

Recommendation: Award contract to lowest responsive, responsible bidder.

Fiscal Impact: $21,475,000. Funded from the Measure J Bond

***CI C.18 Citizens' Bond Oversight Committee Member Appointments**

Comment:
On April 14, 2009, the City of Hercules City Council approved the appointments of Joe Eddy McDonald and Donald Kuehne (alternate) to the District's Citizens' Bond Oversight Committee.

Recommendation: Recommend approval of appointments to the Citizens' Bond Oversight Committee

Fiscal Impact: None

***CI C.19 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 January 1, 2009 through March 31, 2009.

Recommendation: For Approval

Fiscal Impact: None

***CI C.20 Resolution No. 83-0809, Child Nutrition Employee Appreciation Week, May 4-8, 2009**

Comment:
May 4-8, 2009 has been designated Child Nutrition Employee Appreciation week. This resolution recognizes the hard work and dedication put forth by our Child Nutrition personnel.

Recommendation: For Approval

Fiscal Impact: None

***CI C.21 Offering of Work Experience Education (WEE) Program in the West Contra Costa Unified School District**

Comment:
West Contra Costa Unified School District will continue to offer all students in the secondary schools Exploratory Work Experience and General Work Experience in accordance with the District plan for Work Experience and in compliance with appropriate federal and state laws, California Labor Code, California Code of Regulations and Title V.

Recommendation: For Information Only

Fiscal Impact: None

***CI C.22 Resolution No. 82-0809: SB 810 - California Universal Healthcare Act**

Comment:
West Contra Costa Unified School District strongly supports SB 810, the California Universal Healthcare Act, which will cover every Californian with comprehensive, affordable health insurance and allow every Californian to choose his or her own physician.

At some time each year, at least one in five Californians does not have health insurance. As health insurance costs continue to skyrocket, employers are reducing coverage and dropping benefits altogether. Half of all bankruptcies in the United States are now related to medical costs and ¾ of those bankrupted families *had health insurance at the time they became ill or injured*. The simple truth is that average Californians can no longer rely on their health insurance when they become ill or injured.

The United States spends twice as much per person as every other industrialized country on health care, yet we are the only industrialized nation where people go bankrupt because of medical costs. We have fewer physicians per capita than many other industrialized countries, and fewer hospital visits. Most importantly, our health care system ranks at the bottom of industrialized nations, according to the World Health Organization.

SB 810 will affordably cover every Californian with comprehensive benefits. Every Californian will be covered by a single plan that provides medical, dental, vision and prescription drug coverage, as well as hospitalization, emergency room care and transportation, laboratory work, skilled nursing care, mental health care, drug addiction rehabilitation, and chiropractic care.

Recommendation: Approve Resolution No. 82-0809 in Support of SB 810

Fiscal Impact: Board resolution will have no fiscal impact. Passage of SB 810, however, will significantly reduce health care costs for the District. Exact impact on the cost of health benefits will need to be determined.

***CI C.23 Resolution No. 84-0809: In Support of May 19 Ballot Measures**

Comment:
A key aspect of the adopted state budget for 2009-10 is the passage of the May 19 ballot initiatives. Without these measures, West Contra Costa Unified School District will have to make even more reductions for 2009-10.

Recommendation: That the Board adopt Resolution 84-0809 in support of the May 19 ballot initiatives.

Fiscal Impact: None

D. AWARDS, RECOGNITIONS, AND REPORTS

* D.1 Recognition of Middle College High School as a 2009 California Distinguished School

Comment:
State Superintendent of Public Instruction, Jack O'Connell, recently announced that Middle College High School was one of among 125 high schools selected to receive the prestigious 2009 California distinguished School award.

The selected middle and high schools represent about 10.9 percent of California's nearly 2,400 middle and high schools. Of those, only 341 schools met the eligibility criteria based on their student achievement and were chosen from 170 school districts in 46 counties. An awards ceremony honoring the Distinguished Schools will be held Friday, May 29 at the Disneyland Hotel in Anaheim. The Disneyland Resort is a major corporate sponsor of the event.

Recommendation: For Information Only

Fiscal Impact: None

* D.2 Grand Jury Report No. 0907

Comment:
A letter and a copy of Grand Jury Report No. 0907: "Retire Healthcare Benefits Leave County Taxpayers on the Hook – A New Approach is Required to Deal With Unsustainable Retiree Healthcare Benefits Provided to Most Contra Costa Governmental Employees," by the 2008-09 Contra Costa Grand Jury is provided. Staff will provide a brief report on this matter.

The District must respond to the Grand Jury by June 1, 2009.

Recommendation: For Information Only

Fiscal Impact: None

* D.3 Budget Report Updates

Comment:
Staff will provide information for the 2008-09 and 2009-10 district budget.

Recommendation: For Information Only

Fiscal Impact: None

* D.4 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. Three 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

*** D.5 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.

Mike Cornell, former Building Operations & Facilities Utilization Technician, passed away December 1, 2008. Mr. Cornell began working for the District in 1979 as an Electronics Repair Worker. He retired in 2004.

Nancy Scudder, passed away March 27, 2009. Ms. Scudder was a teacher at Fairmede, Vista and Hercules Elementary School. She retired in 1991.

William F. Young passed away March 26, 2009. Mr. Young's career included working for school districts as Director of Classified Personnel and Assistant Superintendent of Business and Personnel and as a labor negotiator with California School Employees Association. After retiring from school districts, he served as the Executive Director of the School Supervisors Association for 24 years.

Don Lewis, the husband of Madera Principal Dottie Holland, passed away April 10, 2009. Mr. Lewis was a Business Agent for Local One until 2006.

Ajaia Ruffen, former student at El Cerrito High School, passed away April 2. Ms. Ruffen had been ill and chronically absent for some time before she became a victim of a shooting incident.

Devin Johnson, former student at Pinole Valley High School (Class of 2008), died from a shooting incident on April 1. In remembrance, an anti-violence demonstration and silent memorial was held at Pinole Valley High School. An annual Peace and Remembrance event is planned for the students to promote non violence as a way to make a difference.

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

Recommendation: For Information Only

Fiscal Impact: None

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

* E.1 Superintendent's Report

* E.2 Request to Address the Board on Growing West County School Gardens

Comment:
Joanna Pace, with Growing West County School Gardens, would like to present a brief update on the group's activities for 2009.

Recommendation: For Information Only

Fiscal Impact: None

* E.3 Request to Address the Board on the Gooden Family Scholarship Fund Scholar Project Recipients

Comment:
Andrew Gooden, President of the Gooden Family Scholarship Fund, would like to present to the Board the eight students from the Class of 2009 who have completed the requirements for the GFSF Scholar Project and are now going to college.

Recommendation: For Information Only

Fiscal Impact: None

* E.4 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 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.

See Attachment "A" in the board packet.

Recommendation: Recommend Approval

Fiscal Impact: $463,300 Related to school closure (included in savings already projected)
$155,300 Food Service Fund
$216,800 Tier III Flexibility (included in transfer)
$159,800 Adult Education Fund/Tier III Flexibility (included in transfer)
$282,500 General Fund & Maintenance
$258,680 Special Education – reduces contribution needed from General Fund
Grand Total $1,536,380

*** F.2 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 the Education Code, yet can save substantial money for cash strapped districts.

The Second Interim Report, financial statements as of January 31, 2009, indicates the district will be facing an estimated $25.7 million deficit. This would render the district unable to meet the required reserve. Technically, this fact would cause the district to certify the financial statements as "negative". With the uncertainty surrounding the budget at that time we forged forward with a "qualified" statement. This was done with the knowledge that progress would need to be made to close the budget gap as we approached the Third Interim report and budget adoption for 2009-10.

A part of the solution for the severe revenue cuts imposed by the State has come imbedded in the same State budget. The State has made significant allowances for school boards to utilize restricted funding to backfill cuts (Tier III flexibility), and to modify the funding model of the K-3 Class Size Reduction program.

Due to the severity of fiscal issues facing the District, staff recommends the option with greatest savings.

Recommendation: Recommend Option Four

Fiscal Impact: Savings of $4,000,000

*** F.3 Contract for Commercial Real Estate and Consulting Services**

Comment:

The Purchasing Department prepared a request for proposal (RFP) for Commercial Real Estate and Consulting Services to provide alternative land use plans for the District. RFP #0809-04 was advertised on February 20th and 24th in our local newspaper, West County Times. During the advertising period, the District mailed out the RFP package to five real estate firms. On March 11, 2009, the District received two responses to the RFP. The responses were from Cushman & Wakefield and Dutra-Cerro-Garden, Inc.

Staff reviewed the submittals and determined that Dutra-Cerro-Garden, Inc. best matched the district stated requirements.

Recommendation: Recommend award of contract to Dutra-Cerro-Garden, Inc. to provide commercial real estate and consulting services to the district.

Fiscal Impact: $26,250 from General Fund

G. DISCUSSION ITEMS

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 - May 6, 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 (*).

Agenda Item: A

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 22, 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

The following extended learning administrative appointments will be reported for 2008-2009:

Elementary School Principal
Middle School Principal
Middle School Vice Principal
High School Principal
High School Assistant Principal
Special Education Extended-Year, Elementary School Principal

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