

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JULY 9, 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: June 18, 2008**

C. AWARDS, RECOGNITIONS, AND REPORTS

* **C.1 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.

Esther Spriggs, former Principal, passed away on June 27, 2008. She retired from the district after serving for over 35 years. Ms. Spriggs was the cousin of Assistant Principal, Eless Battiste.

Jewel Danner, retired Elementary Library Assistant, passed away recently. Ms. Danner was the wife of retired Maintenance Manager Bert Danner.

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

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 Textbook Adoption for Cultural Geography**

Comment:

In dialog with staff and the Academic Sub-committee it was determined that the District should adopt a formal textbook for the ninth grade Cultural Geography Course. A review and pilot committee composed of representatives from all district high schools was convened in accordance with District and Board policy on adoptions. This committee reviewed and evaluated materials from several publishers to determine which choice best aligned with the goals and objectives of the course. Teachers recommended Glencoe World Geography and Cultures 2008, for adoption. This recommendation was presented to Teaching and Learning Cabinet on June 16, 2008. Teaching and Learning Cabinet supports the recommendation that was presented.

Recommendation: Recommend Approval

Fiscal Impact: Approximately \$170,000

*** E.2 Resolution No. 17-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees**

Comment:

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

Recommendation: Recommend Approval

Fiscal Impact: To be determined

*** E.3 Rescission of Elimination of Furniture Driver Repair Workers and Accounting Technician**

Comment:

On April 2, 2008, the Board of Education took action to eliminate Furniture Driver Repair Workers and an Accounting Technician. At this time, staff is recommending that the Board rescind its authorization to eliminate the two (2) Furniture Driver Repair Workers and one (1) Accounting Technician.

Recommendation: Recommend Approval

Fiscal Impact: To be determined

*** E.4 Resolution #15-0809 – Approving Engineer’s Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2008-09**

Comment:

The board will hear any public comments with regard to the Maintenance and Recreation Assessment District for 2008-09. Staff and the engineer will be available to answer questions on the Maintenance and Recreation Assessment District.

After the public hearing the board may adopt “A Resolution Approving Engineer’s Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2008-09.” The resolution

gives final approval to the engineer's report and directs that the assessment diagram and assessments be filed with the county. The district will receive funds at the time it receives property tax payments. Proceeds of the MRAD will be deposited in a separate fund.

This is the third and final resolution in the process of levying an annual assessment. On March 19, the board adopted a resolution ordering the preparation of the engineer's report and then on June 4, adopted a resolution calling a public meeting for July 9, and causing notice of that meeting to be published.

Recommendation: Recommend approval of this resolution for MRAD

Fiscal Impact: Revenue for MRAD Fund

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 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated July 9, 2008.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

***CI G.2 Acceptance of Donations**

Comment:

The District has received donations, as summarized dated July 9, 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.3 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized on the attached sheet dated July 9, 2008.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI G.4 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 dated July 9, 2008.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.5 Adoption of Resolution No. 16-0809 Replacement of Outdated Warrants**

Comment:

Government Code Section 29802(c) allows the governing board, by resolution, to order a replacement check be issued for a warrant that is stale dated. This resolution authorizes the issuance of a check to replace the outdated warrant for Tammy Bankhead. Staff recommends replacement of the stale dated warrant.

Recommendation: Recommend Approval to replace the outdated warrant

Fiscal Impact: No impact

***CI G.6 Resolution Nos. 01-0809 through 13-0809: Board of Education Annual Resolutions for the 2008-2009 School Year**

Comment:

Approval is recommended of the Board of Education Annual Resolution Nos. 01-0809 through 13-0809, for the 2008-2009 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 Notification of Claim Rejected**

Comment:

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

Recommendation: Ratify the rejection of claims

Fiscal Impact: None

***CI G.10 Notification of Claim Approvals and Settlement Payments**

Comment:

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

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

Fiscal Impact: Self-Insurance Program

***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: Downer Elementary School New Campus, El Cerrito HS Main Campus, El Cerrito HS Admin/Theater, Hercules Middle High School Fields, and DeAnza HS Fieldhouse 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.

Recommendation: Ratify negotiated Change Orders as noted

Fiscal Impact: Total ratification by this action: \$287,833.99

***CI G.12 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: \$165,800. Funding sources as noted.

***CI G.13 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 contracts awarded by staff pursuant to Board authorization, after successful completion of the Bid Protest period, are as follows:

1. IMR Contractors. Lupine Hills, Harding Roof Repairs Project. \$217,000. June 18, 2008.
2. Bay Cities Paving and Grading. DeAnza High School Demolition, Grading, and Utilities Project. \$2,393,000. June 18, 2008
3. Ghilotti Brothers. Mira Vista Playground Repair Project. \$422,644. This project had a Bid Protest which was subsequently confirmed. This award was to the original 2nd low bidder. June 4, 2008.

Recommendation: Ratify previously awarded contracts

Fiscal Impact: \$69,466. Additional impact for Mira Vista due to Bid Protest and award to original 2nd low bidder. Other projects: no additional impact, see previous authorizations to award.

***CI G.14 Resolution No. 14-0809, Authorizing Repairs to Fire Damage at Coronado Elementary School Without Competitive Bidding**

Comment:

The multipurpose room at Coronado Elementary School suffered extensive fire damage. This has placed undue burden on the school site, the staff, and the students of the district. Staff has determined that the bidding requirements of Public Contract Code Section 20111 will significantly delay the repairs and the temporary housing needs at the school site.

Recommendation: Recommend approval of Resolution No. 14-0809

Fiscal Impact: Insurance Funds

***CI G.15 El Cerrito High School Photovoltaic System**

Comment:

The District's first photovoltaic electrical generation system is complete and ready for operation at El Cerrito High School. The District entered into a contract with Solar Integrated Technologies ("SIT") to provide the building-integrated photovoltaic system under a Power Purchase Agreement ("PPA"). Under the PPA the District pays a pre-set, automatically escalated, price for the power generated by the system. These ongoing payments for the electricity from the system would come from the District's General Fund and repay the cost of building the system. While there are certain advantages to the PPA, it is generally understood that there are also many advantages to direct purchase of the system, when capital funds are available. The District has negotiated a direct purchase price of \$800,000 with SIT. This is in addition to currently obligated payments for the roofing system—which was a deductive alternate on the bids for the El Cerrito Main Campus and Theater/Admin Building. The SIT payments and recommended direct purchase financials are as follows:

Source of Funds	Amount	Purpose
WCCUSD Payment 1	\$770,450	Roofing Costs Main Campus
WCCUSD Payment 2	\$374,300	Roofing Costs Bldg A
PG&E	\$346,000	Rebate assigned to SIT
WCCUSD Direct Purchase	\$800,000	SIT net offer initial + retention payment
Total	\$2,290,750	

The District has savings over the costs of the roofing deleted from the project and, most importantly, will have cumulative savings to the General Fund over the 20 year life of the system of between \$575,000-\$800,000 depending upon electrical utility rates.

Recommendation: Authorize the Superintendent or designee to negotiate a final revised Power Purchase agreement for lump sum payment as noted.

Fiscal Impact: \$800,000 - Measure J Bond

***CI G.16 Ford Temporary Campus Modulares Award of Contract**

Comment:

The first step in the reconstruction of Ford Elementary School is the construction of a temporary campus to house the school during construction. Ford is the smallest district elementary school site, at 2.1 acres, and it will not be possible to construct the new school while maintaining the existing school on site. Therefore, the school is proposed to be relocated to the field area of the Downer Elementary campus for the duration of the main campus construction at the Ford site. Sally Swanson Architects has prepared plans and specifications for the Ford Temporary Campus project. The District is currently completing an analysis of the proposed temporary campus under the California Environmental Quality Act (“CEQA”). Upon adoption of the CEQA findings the final project can be approved by the Board.

The action proposed by this award will be a “piggyback” contract award to the modular building vendor, Mobile Modular Management Corporation. The Franklin McKinley School District has conducted a public bid process and has referenced other school districts in the state which, under law, may then award contracts as a “piggyback” on the Franklin McKinley contract. This contract award is for modular buildings, transportation and setup on site. There will be a further bid for the sitework required for the temporary campus. This award is needed at this time to allow for lead time in the preparation of the modular buildings.

Recommendation: Award contract to Mobile Modular Management Corporation under the terms of the Franklin McKinley School District Piggyback Contract.

Fiscal Impact: \$631,517. Funded from the Measure J Bond.

***CI G.17 Dover Elementary Phase I Sitework Project Award of Contract**

Comment:

The first step in the reconstruction of Dover Elementary School is to complete the preliminary demolition, sitework, grading and utility installation in preparation for the main campus construction. This work includes relocation of the existing play structure, and preparation of reduced playground areas for use by the school during construction. The main campus construction will begin following Division of State Architect approval and bidding. It is anticipated that the main campus construction will begin in the early winter of 2008.

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, July 1, 2008. Three Contractors submitted bids. They are as follows: Evans Brothers \$446,958; Bay Cities Paving and Grading \$558,000; and WR Forde Associates \$576,500. The lowest responsive, responsible bidder is Evan Brothers at \$446,958.

Recommendation: Award contract to lowest responsive, responsible bidder.

Fiscal Impact: \$446,958. Funded from the Measure J Bond.

***CI G.18 Pinole Valley High School Access Compliance Sitework Project Award of Contract**

Comment:

As a part of completing the construction of the Pinole Valley High School Track and Field project, the District relocated the modulares from the track area to a new small school area within the main campus. The Division of State Architect (“DSA”) required the District to complete basic access compliance

projects on the campus as a part of this project. This work must now be completed by the District prior to any other work on the site, and in order to close out the original relocation project. The work included in this project is installation of a new handicapped access ramp from the campus level to the football/soccer field level and “path-of-travel” access compliance upgrades from the main parking lot. This will provide a basic handicapped compliance upgrade to this site. There is an additional phase of the project, restroom renovations for handicapped access compliance, which will be bid out later this summer.

Beverly Prior Architects has prepared plans and specifications for the Pinole Valley Relocation project, and this Access Compliance Sitework project portion of the main work. The District conducted a public bid for the project. Bids were opened on Wednesday, July 2, 2008. Four Contractors submitted bids on the project. They are as follows: Biland Construction \$89,500; West Coast Contractors \$180,000; WR Forde Associates \$98,321; and Bruce Carone \$51,344. The lowest responsive, responsible bidder is Bruce Carone at \$51,344.

Recommendation: Award contract to lowest responsive, responsible bidder

Fiscal Impact: \$51,344. Funded from the Measure J Bond

***CI G.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 April 1 to June 30, 2008.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.20 Citizens’ Bond Oversight Committee Appointments**

Comment:

The following appointments have been made to the Citizens’ Bond Oversight Committee:

Richard Leigh, representing Board Member Dave Brown
Marcus Mitchell, representing Public Employees Union Local 1
Richard Leung, alternate for Marcus Mitchell

Recommendation: Recommend Approval of these Appointments

Fiscal Impact: None

***CI G.21 2008-2009 Consolidated Application for Funding Categorical Aid Programs, Part I**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District's application for categorical funding for the following academic year for both public and non-public schools. This report includes information about Title I Program Improvement schools. Expulsion, suspension and truancy data, as well as progress towards meeting the Highly Qualified Teacher requirements are also included.

A copy of the document is available for review at the Administration Building front desk and at State and Federal Programs located at the Seaview Campus, 2000 Southwood Drive, San Pablo.

Recommendation: Recommend Approval

Fiscal Impact: Categorical Revenue

***CI G.22 School Improvement Fund (SIF) Grant**

Comment:

The 2008–09 SIF grant will support Local Educational Agencies (LEAs) to meet the challenge of turning around Title I schools that remain in Program Improvement (PI) status beyond Year 5 (Year 5+).

To receive a SIF grant, the LEA must submit an application to the California Department of Education (CDE).

WCCUSD will submit an application for three Title I schools which are eligible for the grant: Nystrom, Verde, and Adams Middle School. School and district stakeholders have collaborated to review data and create a comprehensive SIF grant application.

If awarded, the funding levels are as follows: Schools will each receive a base grant of \$50,000 and \$200 per enrolled student (based on 07-08 CBEDs) up to a \$500,000 maximum. The LEA will also receive a base grant allocation not to exceed \$300,000.

The monies will be used to support research-based and proven effective, sustainable school improvement activities which increase the likelihood that students learn challenging academic content and achieve proficiency so that schools move out of PI.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.23 Board Meeting Dates January to June 2009**

Comment:

Board Policy 9100 requires that the Board set the calendar of meetings for the calendar year at its December organizational meeting. Yet for planning and communication purposes, it would be unwise to wait until December each year to set the meeting dates for the first few months of the new calendar year. While the Board would certainly have the authority to change meeting dates, as it does at any time, it is important to establish dates six months in advance.

The recommended dates for the first six months of 2009 are as follows:

January 7, 21
February 4
March 4, 18
April 1, 22
May 6, 20
June 3, 17
July 1

Recommendation: That the Board approve meeting dates for the first six month of 2009

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 – July 30, 2008

K. ADJOURNMENT

At 10:00 p.m., 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 p.m. 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

July 9, 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

The following administrative appointments will be reported for the 2008-2009 school year:

Assistant Principal
K-12 Instructional Specialist
Adult Education Principal
Coordinator of State and Federal

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
After School Program Supervisor

10. REPORT OF CLOSED SESSION ACTIONS