

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
AUGUST 20, 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: July 30, 2008**

C. AWARDS, RECOGNITIONS, AND REPORTS

- * **C.1 Report on the Current Status and Proposed Plan for El Cerrito High School's Efforts Towards Moving Out of State Monitored Status**

Comment:

In an ongoing effort to keep the Board updated on the progress of El Cerrito High School towards exiting state monitored status, a TESS representative will be providing a report on the plans for improving in the aligning of curriculum, developing of instructional strategies and providing help to students not meeting standards for the 2008 – 2009 school year.

Recommendation: Report Only

Fiscal Impact: None

- * **C.2 Report on the Integration of the Mathematics, Engineering, Science Achievement (MESA) Subject Matter Within the Current Secondary Mathematics and Science Curriculum.**

Comment:

MESA is a one-year elective course offered to high school students. This course is offered as an interdisciplinary subject with a focus on mathematics and science content. Students will be exposed to other California Content Standards including English-Language Arts, Technology, and Art. Students will use problem and project based learning models to study engineering, physics, and mathematical concepts. The course will also expose the students to potential career paths, college opportunities, public speaking and technology.

Recommendation: Report Only

Fiscal Impact: None

- * **C.3 Citizens' Bond Oversight Committee Report and Recognition of Former Member**

Comment:

The Citizens' Bond Oversight Committee Chairperson, Sue Pricco, will provide an update to the Board. Kevin Rivard will be recognized for his contribution to the Committee.

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

None

F. DISCUSSION ITEMS

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

Comment:

The following are provided for review of Facilities Planning and Construction in the District's Bond Program and for information regarding individual projects:

- Engineering Officer's Report—Verbal Presentation
- Construction Status Reports—Current Construction Projects

Recommendation: For Information Only

Fiscal Impact: None

G. BUSINESS ITEMS

CONSENT ITEMS (Routine Matters)

Consent Calendar Items designated by "CI" are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance.

***CI G.1 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve the contracts for services as detailed dated August 20, 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 August 20, 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 August 20, 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 August 20, 2008.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI G.5 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 August 20, 2008.

Recommendation: Recommend Approval

Fiscal Impact: None

- *CI G.6 Contracts with Employee Health and Welfare Providers**
Resolution No. 21-0809: Public Employees Union, Local #1
Resolution No. 22-0809: School Supervisors Association
Resolution No. 23-0809: Management, Confidential and Unrepresented Employees
Resolution No. 24-0809: Management, Confidential and Unrepresented Employees
Retiring Prior to January 1, 2009
Resolution No. 25-0809: United Teachers of Richmond
Resolution No. 26-0809: United Teachers of Richmond Retiring Prior to January 1, 2007
Resolution No. 27-0809: West Contra Costa Administrators Association
Resolution No. 28-0809: Board of Education Members
Resolution No. 29-0809: Board of Education Members Retiring Prior to January 1, 2009

Comment: Permission is requested of the Board of Education to approve the following resolutions fixing the employer's contributions for medical benefits effective January 1, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted on resolutions

- *CI G.7 Notice of Completions: Bid W068091 Montalvin Kay Road Extension Project, D06066 Bayview Phase II Site Improvements Project, W06083 Murphy ES Pre School Portable Project, J068119 De Anza Wood Shop Floor Repair Project.**

Comment:

A substantial Completion Notice has been received for:

Bid W068091 Montalvin Kay Road Extension Project
Bid D06066 Bayview Phase II Site Improvements Project
Bid W06083 Murphy ES Pre School Portable Project
Bid J068119 De Anza Wood Shop Floor Repair Project

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:

Bay Cities Paving & Grading W068091 Montalvin Kay Road Extension Project
Bay Cities Paving & Grading D06066 Bayview Phase II Site Improvements Project
Bruce Carone Grading & Paving W06083 Murphy ES Pre School Portable Project
Parc Services J068119 De Anza Wood Shop Floor Repair Project

Recommendation: Recommend approval of these notices of completions

Fiscal Impact: None

***CI G.8 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.9 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.10 Approve Job Descriptions: Executive Director, Maintenance & Operations; Executive Director, Business Services**

Comment:

Attached are revised job descriptions for the Executive Director, Maintenance & Operations and Executive Director, Business Services.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.11 Board Policy Section 4000 - Personnel**

Comment:

The Board Policy Section 4000 – Personnel was brought to the March 19, 2008 Board Meeting for the first reading. The policies have been posted on the website for review and feedback. Staff has made corrections and is bringing back this section for Board approval.

Recommendation: That the Board approve Board Policy Section 4000 - Personnel

Fiscal Impact: None

***CI G.12 Notification of Claim 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 G.13 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 Admin/Theater, El Cerrito HS New Campus, Helms Middle School New Campus, Pinole Middle School New Gym/Classroom Building, and DeAnza HS Track and Field 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: \$811,873.36.

***CI G.14 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: \$329,944. Funding sources as noted.

***CI G.15 Ohlone Elementary School Architects Award of Contract and Approval of Fees**

Comment:

The next step in completing the Measure J Master Plan Renovations at Ohlone Elementary School is to retain the architects to complete construction documents for the New Construction, Temporary Housing, Renovations, and Sitework portions of the project. The District's architects for Ohlone Elementary School are Powell and Partners + HMC Architects. They have worked closely with the Ohlone Elementary School staff to develop the Master Plan for the site. The Board approved the Master Plan in April of this year. Since that time, the firms have been completing background work and meeting with the site to develop the Schematic Design work on the project. The District and the firms have negotiated an

agreement for fees that is in keeping with fees on other District projects, but which reflects also the complex phasing requirements of the project.

Recommendation: Award architectural contract and approve fees.

Fiscal Impact: \$2,659,730. Projects will be funded from the Measure J Bond.

***CI G.16 Kennedy High School Exterior Painting Project Award of Contract**

Comment:

The first project in the Kennedy High School Renovations is the exterior painting of all of the campus buildings. This project is a high priority for the staff and is associated with creating a better campus environment for students and a more positive image of the campus to the community. The project includes minor building repairs, surface preparation, painting of the buildings and all trim. The project also includes repairs and sealing of the stone panels. HMC Architects, in association with Powell and Partners, has prepared plans and specifications for the project. The project will take place during the school year, when students and staff are present. The project manual includes instructions for after hours and weekend work for areas which would impact the educational program. The District is currently conducting a public bid process. Bids are due to be opened on August 19, 2008. Staff will bring a recommendation for award to the meeting of August 20, 2008.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

Fiscal Impact: \$ _____. Projects will be funded from the Measure J Bond.

***CI G.17 YMCA-East Bay, Peres Lease Agreement**

Comment:

Staff is recommending approval of the lease agreement between West Contra Costa Unified School District (Lessor) and YMCA - East Bay (Lessee). The agreement will provide for the right of the Lessee to use land space, suitable for the location of (6) six portable classrooms. Lessee owns (5) five portable structures and District (Lessor) owns (1) portable structure, which are located adjacent to the Peres Elementary School site, 719 5th Street, Richmond.

Lessee shall use the portable classrooms for the operation of a before and after school "Child Care" program for elementary school-aged children. YMCA-East Bay shall not use the premises for any other use without District's consent. The lease term will be three (3) years, commencing on the effective date.

Recommendation: Recommend Approval

Fiscal Impact: Yearly revenue of \$7,200.00.

***CI G.18 Compliance with the California Environmental Quality Act: Adopt Resolution 19-0809 Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and approval of the Ford Elementary School Temporary Relocation to Downer Project**

Comment:

District staff retained PMC to prepare a study under the California Environmental Quality Act (“CEQA”) to evaluate the possible environmental impact of the proposed Ford Temporary Campus at Downer Elementary School. PMC prepared and issued an Initial Study in June 2008. As part of the Initial Study, the consultants completed a traffic analysis of impacts at the Downer site. The District issued the Notice of Intent to Adopt a Mitigated Negative Declaration on June 30, 2008. The 30 day Public Comment period ended on July 29, 2008. The District has received two (2) written comments to date: one from the Dept. of Toxic Substances Control (“DTSC”) and one from a neighbor of the Downer Elementary School site. The District is responding to DTSC’s requests for further reviews and to the comments raised by the neighbor. These responses are included in the record. In the event that the District receives any further written comments prepared prior to the termination of the public review period, the written comments and District’s written responses to the comments, if any, will be made a part of the record at the Board meeting.

The Mitigated Negative Declaration is provided under separate cover with the proposed resolution along with proposed mitigation measures which will mitigate any environmental impacts from the Project to a level of insignificance. The Board recommendation includes the Initial Study, the Mitigated Negative Declaration; and to the extent that any written comments are timely received, then the written comment, and the response to comments, if any, will be made a part of the Mitigated Negative Declaration. These documents form the final Mitigated Negative Declaration.

Recommendation: Adopt Resolution 19-0809 Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and Approval of the Ford Elementary School Temporary Relocation to Downer Project.

Fiscal Impact: Full fiscal impact not known. Future projects will be bid. Projects will be funded from the Measure J Bond.

***CI G.19 Resolution No. 30-0809: Signature Authorization for E-Rate**

Comment:

The E-Rate program provides the district with the support necessary to have, maintain, and improve technology/telecommunications in the district. It is being recommended that the Board adopt Resolution No. 30-0809, authorizing district staff to sign documents and forms related to E-Rate.

Recommendation: Recommend adoption of resolution

Fiscal Impact: Approximately \$3.2M reimbursement

***CI G.20 Citizens' Bond Oversight Committee Reappointments**

Comment:

Sue Pricco (representing the Superintendent) and Robert Sewell (representing the Trades Council) will begin their second term on the Citizens' Bond Oversight Committee.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI G.21 Board Policy Section 5000 - Students**

Comment:

The Board Policy Section 5000 – Students was brought to the July 30, 2008 Board Meeting for the first reading. The policies have been posted on the website for review and feedback. Staff has made corrections and is bringing back this section for Board approval.

Recommendation: That the Board approve Board Policy Section 5000 - Students

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 – September 3, 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

August 20, 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:

Elementary Principal
Assistant Principal
Principal-High School
K-12 Instructional Specialist
Director Adult and Alternative Education
Principal-Adult Education
Executive Director, Business Services
Executive Director, Maintenance & Operations

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