

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION MEETING**

**LOVONYA DEJEAN MIDDLE SCHOOL
MULTI-PURPOSE ROOM
3400 MACDONALD AVENUE
RICHMOND, CA 94805**

**OCTOBER 21, 2009
6:30 – 7:20 PM**

MEETING WILL RECONVENE IF NEEDED

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
JOINT BOARD OF EDUCATION AND
CITIZENS' BOND OVERSIGHT COMMITTEE MEETING**

**OCTOBER 21, 2009
7:30 – 8:30 PM**

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.k12.ca.us/board/packets/index.htm>

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 meeting times for tonight are as follows:

- | | |
|--------------|---|
| 5:00 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 (see Exhibit A). The Board will then adjourn to closed session. |
| 6:30 PM | The Board will reconvene in open session to address the regular agenda. The meeting will reconvene if needed following the Joint Meeting with the Citizens' Bond Oversight committee. |
| 7:20 PM | Break |
| 7:30–8:30 PM | Joint Meeting of the Board of Education and Citizens' Bond Oversight Committee |

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

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
JOINT BOARD OF EDUCATION AND
CITIZENS' BOND OVERSIGHT COMMITTEE MEETING
MEETING AGENDA**

**OCTOBER 21, 2009
7:30 – 8:30 PM**

REVISED AGENDA

- A.**
- OPENING PROCEDURES**
- A.1 Welcome and Meeting Procedures**
- A.2 Roll Call**
- B.**
- DISCUSSION ITEMS**
- * B. Bond Program Update**
- 1. Presentation of Coronado Site Master Plan**
- 2. Presentation of Portola Middle School at the Castro Site Master Plan**
- * C. CBOC Membership**
- C. PUBLIC AND COMMITTEE COMMUNICATIONS**
(Education Code 35145.5; Government Code 54950 et seq.)
- C.1 Public Comment**
- Public Comment for items not on the agenda. Public comment on agenda items shall be at the time of consideration of the items.
- D. ADJOURNMENT**

The public may address items which are marked with an asterisk (*).

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION MEETING
MEETING AGENDA**

OCTOBER 21, 2009

6:30 – 7:20 PM

THE MEETING WILL RECONVENE IF NEEDED

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 Ramiah Davis, Hercules High School**

Comment:

Student Board Representative Ramiah Davis will be representing Hercules High School at the Board of Education Meeting on October 21, 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: October 7, 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 Acceptance of Donations**

Comment:

The District has received donations as summarized dated October 21, 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.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2009-10 school year are summarized dated October 21, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.3 Summary of Payroll and Vendor Warrant Reports**

Comment:

Payroll and Vendor Warrants issued during the month of September, 2009 are summarized.

Total of payroll warrants: \$ 9,161,304

Total of vendor warrants: \$22,991,415

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted

***CI C.4 Notification of Claims Rejected**

Comment:

The District has received claims requesting compensation for property damage. 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 C.5 Notice of Completions: Bid J068173 Exterior Painting at DeAnza High School (Field House), Sheldon Elementary and Kennedy High School.**

Comment:

A substantial Completion Notice has been received for:

Bid J068173 Exterior Painting at Various School Sites.

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 contractor:
Color Chart Inc. J068173 Exterior Painting at Various School Sites

Recommendation: Recommend approval of this notice of completion.

Fiscal Impact: None

***CI C.6 Procurement Contracts for the School Year 2009-10**

Comment:

Under Public Contract Code Section 20118 (K-12) our District is able to utilize the following procurement contracts which have been publicly bid, or negotiated for the use by other public entities. These contracts will be utilized during the school year 2009-10. The contracts will allow the District to procure classroom and teacher materials and supplies, along with computers, equipment, and services at a discounted rate saving the District time and money.

Alameda County Corporate Purchasing Agreement
Alameda County Office of Education Cooperative Purchasing Program
Apple Computer, Inc
AUSD – Bid #2005-110 (Southwest School and Office Supplies)
California Multiple Award Schedules (CMAS)
CalSave
Cisco WSCA Contract 7-08-70-13
County of Los Angeles #43469
Microsoft Academic SLP #SLP-07-70-0025G
National Joint Powers Alliance (NJPA)
NJPA Emergency Response Equipment #032509-CDWG
School Specialty California Educational Resource Program Contract #V-4
Toshiba America Business Solutions, Inc. (TABS) Glendale USD Contract #P-12
The Cooperative Purchasing Network (TCPN)
US Communities Government Purchasing Alliance
Western States Contracting Alliance (WSCA) Master Agreement #A63307

Recommendation: Recommend approval to utilize the above contracts

Fiscal Impact: None

***CI C.7 Disposal of Obsolete and Damaged District Personal Property for the School Year 2009-10**

Comment:

Per Board Policy BP 3279 Sale and Disposal of Books, Equipment and Supplies (Personal Property) and Administrative Regulation AR 3270, the Governing Board recognizes that the district may own personal property which is unusable, obsolete, or no longer needed by the District. The purchasing department shall arrange for the sale or disposal of district personal property in accordance with Board policy and the requirements of state law.

Recommendation: Recommend Approval

Fiscal Impact: Minimal

***CI C.8 Contracts with Employee Health and Welfare Providers**

- Resolution No. 33-0910: School Supervisors Association (Active)
- Resolution No. 34-0910: West Contra Costa County Administrators Association (Active)
- Resolution No. 35-0910: Confidential Employees (Active)
- Resolution No. 36-0910: Unrepresented Management (Active)
- Resolution No. 37-0910: Public Employees Union, Local One (Active)
- Resolution No. 38-0910: United Teachers of Richmond (Active)
- Resolution No. 39-0910: Board of Education Members (Active)
- Resolution No. 40-0910: School Supervisors Association, Unrepresented Classified Management and Confidential Employees Retiring after December 31, 2009
- Resolution No. 41-0910: West Contra Costa Administrators Association and Unrepresented Certificated Management Retiring after December 31, 2009
- Resolution No. 42-0910: Unrepresented Management Retiring Prior to January 1, 2009
- Resolution No. 43-0910: Unrepresented Management Retiring After December 31, 2008 but before January 1, 2010
- Resolution No. 44-0910: United Teachers of Richmond Retiring Prior to January 1, 2007
- Resolution No. 45-0910: United Teachers of Richmond Retiring Prior to January 1, 2010 but after December 31, 2006
- Resolution No. 46-0910: School Supervisors Association, West Contra Costa Administrators Association and Confidential Employees Retiring Prior to January 1, 2010
- Resolution No. 47-0910: Public Employees Union, Local One Retiring Prior to January 1, 2010
- Resolution No. 48-0910: Public Employees Union, Local One Retiring After December 31, 2009
- Resolution No. 49-0910: United Teachers of Richmond Retiring After December 31, 2009

Comment:

The approval of these resolutions will fix the employer's contributions for medical benefits effective January 1, 2010

Recommendation: Recommend Approval

Fiscal Impact: As noted on resolutions

***CI C.9 Certificated Personnel Changes**

Comments:

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

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.10 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 \$1,747,536. Of this amount, \$128,500 is needed for Transportation for Choice leaving \$1,619,036 available for SES tutoring.

Federal guidance regarding Supplemental Educational Services was released on January 14, 2009. 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 2009-10 has not yet been released. For planning purposes, the PPA estimate is \$1,300; therefore, approximately 1,245 students may be served.

Parent/Guardians of all students participating in the free and reduced lunch program at the 17 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 August. In addition, catalogs are available in the front office 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 22, 2009 through June 30, 2010 per the attached list.

Recommendation: Recommend Approval

Fiscal Impact: Appropriate expenditure of Title I SES reservation

***CI C.11 Adoption of Resolution No. 32-0910: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2009-2010**

Comment:

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

In addition to the proposed resolution, the Board is being asked to verify continued approval of the accompanying list of currently adopted texts for the District.

Recommendation:

It is recommended that the Board of Education adopt Resolution No. 32-0910: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2009-2010.

Fiscal Impact: None

***CI C.12 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 July 1, 2009 through September 30, 2009.

Recommendation: For Approval

Fiscal Impact: None

***CI C.13 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified consulting, 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 as noted.

Fiscal Impact: Total for this action: \$8,200. 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: Ford Elementary Demolition and Sitework, Dover Elementary School New Campus, and Multi-site Exterior Painting. 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 and approve negotiated Change Orders as noted.

Fiscal Impact: Total ratification and approval by this action: \$59,771.17.

***CI C.15 Approval of Contract for Furniture, Setup and Installation at Helms Middle School**

Comment:

The construction of the new campus at Helms Middle School is nearly complete. The next step for the District is to purchase new furniture for the school. We have completed work with the site staff on classroom configurations, specialty spaces including science lab furnishings, library, offices, and staff work areas. New furnishings will be comparable to those installed in our other completed secondary sites Pinole Middle and El Cerrito High.

The proposed contract is through Young Office Solutions. The pricing for the furniture is by a competitively bid bulk purchasing contract through The Cooperative Purchasing Network (“TCPN”). This is a “piggyback” type contract which meets the state’s procurement requirements for these furnishings.

Recommendation: Approve contract with Young Office Solutions for Helms furniture, setup and installation.

Fiscal Impact: \$674,751.51. Funded by the Measure J Bond.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 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. Five minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee	Public Employees Local 1
Bayside Parent Teacher Association	School Supervisors Association
Citizens’ Bond Oversight Committee	United Teachers of Richmond
Community Budget Advisory Committee	West Contra Costa Administrators Association
Facilities Subcommittee	
Ivy League Connection	
Safety Committee	
Special Education Citizens Advisory Committee	
Youth Commission	

* **D.2 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.

Eleanor Middleton, retired Food Service employee from 1977 through 2008, passed away on September 29, 2009.

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

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

F. ACTION ITEMS

* **F.1 Approval of Agreement with Local One (Local One / AB1200 Public Disclosure of Collective Bargaining Agreement with Local One)**

Comment:

District and Local One Collective bargaining proposals were sunshined for the 2008-09 year. Tentative Agreement has been reached with representatives of Local One. A copy of the Tentative Agreement is provided. Local One has ratified the Agreement. It is now presented to the Board of Education for ratification.

School districts are required to publicly disclose the provisions of all collective bargaining agreements before they ratify an agreement. This ensures that the public is aware of the details associated with a tentative collective bargaining agreement before it becomes binding on the district. A summary of the savings associated with the agreement is attached. This summary has also been provided to the County Office of Education.

The Board will receive public comment on the proposed contract changes and salary adjustments before the Board votes to ratify the Agreement.

We want to take this occasion to thank the representatives of both groups for their time and effort in reaching this accord.

Recommendation: Recommend that the Board of Education ratify the Tentative Agreement between the West Contra Costa Unified School District and Local One

Fiscal Impact: Savings of \$1,841,370 for the 2009-10 budget

* **F.2 Coronado Site Master Plan and Architectural Services Contract**

Comment:

The Board approved educational programming and master planning for the renovation/reconstruction of Coronado Elementary School at its regular meeting of June 24, 2009. WLC Architects was awarded a contract for this phase of services. At this time they have completed work on the educational

programming and updated Master Plan after a series of meetings with the Coronado Site Committee. In addition, the architects and the District have met and reviewed the project parameters, including phasing options. The preferred option for the work is construction of a full new campus for the site. The architects have also completed a cost estimate which will provide a basis for the District to consider how to find funds for the completion of the work.

The architects have prepared a presentation for the Board and community at the joint meeting with the Citizens' Bond Oversight Committee.

At this time it is appropriate to proceed to the next level and authorize preparation of construction documents for the project. This will allow the District to be ready for construction pending additional funds which may become available.

Recommendation: Approve Master Plan and authorize architectural services contract to WLC Architects.

Fiscal Impact: \$2,155,800. Funded from the Measure J Bond.

* **F.3 Portola Middle School at the Castro Site Master Plan and Architectural Services Contract**

Comment:

The District has completed Environmental Review of the Portola Middle School at the Castro site. The Board has adopted the Final Environmental Impact Report. There is currently a legal challenge to the District's actions related to the Environmental Review which the District is actively fighting. It appears that the risk of the legal challenge completely stopping the project is low. In consideration of the need for completing the project in a timely fashion and creating a permanent campus for Portola Middle School, the Board authorized preliminary architectural services to complete educational programming and updated master planning at its regular meeting of March 19, 2009.

HY Architects has completed work on the educational programming and updated master plan after a series of meetings with the Portola Site Committee. In addition, the architects and the District have met with City of El Cerrito staff to review their concerns. The Master Plan for the campus is in conformance with the EIR documents and represents a refinement of the educational programs and spaces. The District has also completed a cost estimate from the updated Master Plan, which indicates that the project construction is within the current District budget.

The architects have prepared a presentation for the Board and community at the joint meeting with the Citizens' Bond Oversight Committee.

At this time, it is appropriate to proceed to the next level and authorize preparation of construction documents for the project. This will allow the District to be ready for construction upon the resolution of the current litigation.

Recommendation: Approve Master Plan and authorized architectural services contract to HY Architects.

Fiscal Impact: \$2,790,000. Funded from the Measure J Bond.

G. DISCUSSION ITEMS

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 – November 4, 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

October 21, 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. Srago v. WCCUSD

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION

[Government Code Section 54956.9(b)]

Four cases

4. LIABILITY CLAIMS (Government Code Section 54956.95)

5. CONFERENCE WITH LABOR NEGOTIATORS

- a. Superintendent/Dr. Bruce Harter
- b. Employee Organizations
 - UTR
 - Local One
 - School Supervisors Association
 - WCCAA
- c. Unrepresented Employees
 - Confidential and Management

6. PUBLIC EMPLOYEE APPOINTMENT

7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

8. STUDENT DISCIPLINE (Education Code Section 35146)

- a. Expulsions

**9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT
(Government Code Section 54957)**

- a. Classified employee dismissal

10. REPORT OF CLOSED SESSION ACTIONS