

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
OCTOBER 7, 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 Matthew Arciniega, El Cerrito High School

Comment: Student Board Representative Matthew Arciniega will be representing El Cerrito High School at the Board of Education meeting on October 7, 2009. We would like to recognize and commend his participation.

Recommendation: For Information Only

Fiscal: None

B.5 Report/Ratification of Closed Session

* **B.6 Agenda Review and Adoption (Public Comment)**

* **B.7 Minutes:** September 16, 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 the following contracts for services as detailed dated October 7, 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 October 7, 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 October 7, 2009. The estimated values for any non-cash donations are those provided by the donor.

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 2009-10 school year are summarized dated October 7, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.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 October 7, 2009.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.6 Community Budget Advisory Committee Member Ratification**

Comment: The Community Budget Advisory Committee (CBAC) meets on the fourth Thursday of each month. The voting members have approved the following members for the terms indicated below. The selection is subject to ratification by the School Board at a regular Board of Education meeting.

Member Name	Term Ending Date
Charley Cowens	June 30, 2010
Tammy Campbell	June 30, 2010
Robert Studdiford	June 30, 2011
Erwin Reeves	June 30, 2011

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.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 C.8 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: \$80,006. Funding sources as noted.

***CI C.9 Ratification and Approval of Negotiated Change Orders**

Comment: Staff is seeking ratification of Change Orders on the following current District construction project: Dover Elementary School New Campus. 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 Orders for DeAnza High School Portable Building Installation and Sitework and for the Mira Vista Elementary Lower Playground Repair projects is required by the Board, with special findings as noted below, because these are 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 and approve negotiated Change Orders as noted.

Fiscal Impact: Total ratification and approval by this action: \$97,027.39.

***CI C.10 Award of Contract for District Data Warehouse System and Services**

Comment: The District Data Warehouse System and Services project was approved by the Board on June 24, 2009. This project follows a key recommendation from the NCEA (National Center for Educational Accountability) report.

A list of 17 vendors was identified. Research into their data warehouse and reporting products and services narrowed that list to six possible vendors who could provide a complete solution. A Request for Proposal was sent out to the six vendors and one response was received from CPSI, Ltd. As part of the RFP, a detailed requirements checklist needed to be completed that had points assigned to each requirement. Out of a total 856 possible points, CPSI, Ltd scored 841 points, meeting 98% of the district requirements.

Recommendation: Award contract to CPSI, Ltd

Fiscal Impact: \$495,400 over 5 years. Funding source: Microsoft voucher money.

***CI C.11 DeAnza High School Baseball Field Renovation Project Award of Contract**

Comment: The next step in the reconstruction of DeAnza High School is to complete the renovation of the existing baseball field. This project includes demolition of existing improvements, site grading and drainage, removal of existing hazard trees, new irrigation system, natural turf field, infield, fencing, backstops, gates, dugouts, bleachers, landscaping, scoreboard, sitework and electrical/low voltage systems.

DLM Architects has prepared plans and specifications for the DeAnza Baseball Field project. This project has been approved as an ASI (Architect's Supplemental Instruction) under the DeAnza Track and Field Project by the DSA (Division of State Architect).

The District conducted a public bid process for this project. Bids were opened on August 4, 2009. Ten Contractors submitted bids. They are as follows: MPC \$1,706,712; Cleary Bros Landscape \$1,663,000; Maguire Hester \$1,595,000; Evans Brothers \$1,536,988; Valley Crest \$1,507,000; AJF/BHM \$1,496,690; Team Ghilotti \$1,493,377; AHI \$1,462,492; Ghilotti Bros. \$1,426,171; and, Bay Cities Paving and Grading \$1,350,000. The lowest responsive, responsible bidder is Bay Cities Paving and Grading at \$1,350,000.

Recommendation: Award contract to the lowest responsive, responsible bidder.

Fiscal Impact: \$1,350,000. Funded from the Measure J Bond.

***CI C.12 Compliance with the California Environmental Quality Act: Adopt Resolution No. 30-0910 Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and Approval of the Hercules Middle High School Fields Lighting 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 Hercules Middle High School Fields Lighting Project. PMC prepared and issued an Initial Study August 10, 2009. As part of the Initial Study, the consultants completed a traffic impact analysis, noise impact analysis, and air quality impact analysis. The District met with the City of Hercules, which is a partner in the project. The District held a public input meeting on April 20, 2009. The District has thoroughly analyzed the environmental checklist to determine that the potential impacts from the Project could be mitigated to less than significant. The District issued the Notice of Intent to Adopt a Mitigated Negative Declaration and to hold a public hearing on September 16, 2009, an item that was continued to the meeting of October 7, 2009. The 30-day Public Comment period ended on September 9, 2009. The District has received one (1) written comment to date. The District has provided a written response to the comment

received during the public comment period. This response is included in the record. In the event that the District receives any further written comments, 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 attached to 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 the responses to comments. Together these documents form the final Mitigated Negative Declaration.

Recommendation: Adopt Resolution No. 30-0910, Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and Approval of the Hercules Middle High School Fields Lighting Project.

Fiscal Impact: Full fiscal impact not known. Future projects will be presented for award. Projects will be funded from the Capital Facilities Fund 25.

***CI C.13 Red Ribbon Board Resolution No. 31-0910**

Comment: Our District has been involved in Red Ribbon Week for the past twenty years. Congress officially proclaimed the first National Red Ribbon Week October 23 – 31, 1988. The Red Ribbon has now become a symbol for drug-free environments.

This resolution represents the West Contra Costa Unified School District's support of the Red Ribbon Campaign October 23 – 31, 2009. Red Ribbon Week may be celebrated one week during the year, but its effects last throughout the year.

This year, some of the school activities will include prevention curriculum lessons, poster/essay/decoration contests, wear-red days, letter writing, school assemblies, etc. The focus of this week is not only on drug-free youth but also on safe and healthy communities.

Recommendation: Formal Recognition

Fiscal Impact: None

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
Bayside Parent Teacher Association
Citizens' Bond Oversight Committee
Community Budget Advisory Committee
Facilities Subcommittee

Public Employees Local 1
School Supervisors Association
United Teachers of Richmond
West Contra Costa Administrators Association

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.

Alejandro Antonio Barrueto, Senior at Vista High School passed away on September 9, 2009 due to medical complications from pneumonia. Alejandro was a caring and friendly student who was well liked by fellow students and staff. Family was important to him and he kept in constant communication with family members. His smile is the trait everyone will remember of him. He looked forward to graduation and worked hard toward that goal. For his service-learning project, he worked in a care home and enjoyed the experience.

Alfred Thomas, Adult Education student in the high school diploma program for NSH and RSP students, was tragically killed on September 11, 2009. He had just re-enrolled in the program with a renewed sense of energy to complete his education because of his new baby daughter. His teacher remembers him as full of energy with lots of hugs and smiles, a very personable young man.

Carolyn Mays passed away on September 26, 2009. Ms. Mays worked as a confidential secretary to the Associate Superintendent for Operations before retiring in 2001 after 16 years with the District. A graduate of Richmond High School and avid golfer, she was also active in fund raising tournaments for the District's athletics programs.

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

F. ACTION ITEMS

F.1 Appointment of Youth Commission Members

Comment: On January 7, 2009, the Board approved the establishment of a Youth Commission. Through school announcements, invitations to students in leadership positions and word of mouth, students have been meeting to begin the planning framework for the Youth Commission. In approving the Youth Commission, the Board anticipated that a Planning Committee of students would be appointed to develop the policies and procedures including membership criteria, attendance requirements, role and duties of the commission and governing procedures. Over the spring and summer of 2009, a group of students has been actively engaged in initiating the Youth Commission. That planning group includes:

Justin B-Jones	Hercules High School
Taylor Griggs	Middle College High School
Matt Arciniega	El Cerrito High School
Bre'Onna Wills	J.F. Kennedy High School
Jennifer Chong	Middle College High School
Abel Pineda	Richmond High School
Valerie Jameson	Middle College High School
Randy Del Rosario	Richmond High School
Pedro Araujo	Contra Costa College
Jared Jawad	Maritime Academy

Recommendation: That the Board appoint above named students as the Planning Committee of the Youth Commission with the expectation that the planning committee will bring back the charter or bylaws to the Board no later than the second Board meeting in June 2010.

Fiscal Impact: None

*** F.2 Public Hearing and Adoption of the Revised 2009-10 Budget**

Comment: Education Code Section 42127 requires the governing board of each school district to adopt a budget for the subsequent year, on or before July 1st. Due to the receipt of a conditional approval, the budget is now subject to a revision and submission for approval to the County Superintendent.

At the June 24, 2009 Board meeting, the board approved adoption of the proposed 09-10 budget, along with a Fiscal Recovery Plan demonstrating the District's assurance that cost saving measures will be in place which will provide a positive ending fund balance for 2009-10, 2010-11 and 2011-12. On August 13, 2009, the Contra Costa County Office of Education issued a conditional approval of the District's budget. The letter states that the conditional budget approval is contingent upon the submission of a revised multi-year projection demonstrating cost savings achieved.

Therefore, a revised multi-year projection has been prepared which demonstrates the cost savings achieved through the implementation of the United Teachers of Richmond contract as well as the

agreements ratified with the School Supervisors Association and West Contra Costa Administrators Association and the tentative agreement reached with Local One. In July, the State of California adopted a significant change to the student attendance revenue component of the budget. That change is also reflected in this multi-year projection.

This revised proposed budget, in the form of a multi year projection as required by the County is presented to the Board of Education for approval.

Recommendation: Recommend Approval of the revised 2009-10 Budget

Fiscal Impact: Balanced Budget

* **F.3 Public Hearing: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2009-2010**

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

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

Immediately after this hearing, as a separate action item, the Board is requested to approve Resolution No. 32-0910: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2009-2010.

Recommendation: The Board conduct the above hearing in compliance with the Education Code of the State of California.

Fiscal Impact: None

* **F.4 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. Prior to adopting this resolution, the Board will hold a public hearing to discuss the area of textbook sufficiency for all district schools

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

* **F.5 Benefit Cap for Board Members**

Comment: Board Bylaw 9250 and Government Code allows Board members to participate in the District's health benefit program.

Board members may participate in the health and welfare benefits program provided for the employees of the district. The district shall pay the cost of all premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that the district pays premiums for district staff in accordance with Government Code [53208.5](#).

Although the Board had capped the benefits that Board members received in 2008-09, the Board needs to reduce the level of District payment of benefits to a level equal to that of one of the employee groups within the District, i.e., WCCAA, SSA, UTR or Local One.

Recommendation: That the Board approve a benefit cap for 2009-10, 2010-11 and 2011-12 equal to that of the four employee groups within the District and allow each Board member to participate in one of the plans for benefit caps and work year reduction approved for one of the employee groups.

Fiscal Impact: Savings of \$6,400 for the 2009-10 Fiscal Year

G. DISCUSSION ITEMS

* **G.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

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 – October 21, 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 (*).

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 7, 2009

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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)

10. REPORT OF CLOSED SESSION ACTIONS