

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
NOVEMBER 4, 2009**

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**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](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.

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**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.

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**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.

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"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 Yaquelin Valencia, John F. Kennedy High School**

Comment:

Student Board Representative Yaquelin Valencia will be representing John F. Kennedy High School at the Board of Education meeting on November 4, 2009. We would like to recognize and commend her 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: October 21, 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 November 4, 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.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2009-10 school year are summarized dated November 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

**\*CI C.3 Adoption of Resolution No. 49-0910 Replacement of Outdated Warrant**

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 Maria Stela Da Silva. Staff recommends replacement of the stale dated warrants.

Recommendation: Recommend approval to replace the outdated warrants

Fiscal Impact: No impact

**\*CI C.4 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: Board of Education Members (Active)

Comment:

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

Recommendation: Recommend Approval

Fiscal Impact: As noted on resolutions

**\*CI C.5 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.6 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 C.7 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: \$497,265. Funding sources as noted.

**\*CI C.8 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Fairmont Modular Placement and Site Improvement and Helms 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 Order for the Verde Elementary Playground/Sitework project is required by the Board, with special findings as noted, because this is in excess of the Public Contract Code limit of 10% of the original contract value. In accordance with Public Contract Code 20118.4, the Board, by approving and ratifying these Change Orders, finds that it would have been futile to publicly bid the work in question because of the tight time frames to complete this work without affecting the operations of the District, and that the public is best served by having this work completed by the contractor on the project.

Recommendation: Ratify and approve negotiated Change Orders as noted.

Fiscal Impact: Total ratification and approval by this action: \$217,801.34.

**\*CI C.9 Richmond High School Surveillance Cameras System Award of Contract**

Comment:

The District has two major security-related facilities initiatives underway at Richmond High School: new/replacement fencing and gates and a surveillance camera system. The fencing and gates project has completed design and is awaiting final approval at the Division of State Architect.

The surveillance camera system was designed with input from site administrators and Safety Resource Officers from the Richmond Police Department. Maxut Engineering has provided completed plans and

specifications which include full interior and exterior coverage. In addition, the web-based system components will allow for remote access and event monitoring by the District and Richmond Police.

The District is conducting a public bid process for this project. Bids are due to be submitted on November 3, 2009. Staff will bring a recommendation for authorization to issue Notice of Award at the Board meeting of November 4, 2009.

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 to the lowest responsive, responsible bidder.

Fiscal Impact: Total for this action: \$\_\_\_\_\_. Funded by the Measure J Bond.

**\*CI C.10 Resolution No. 48-0910: Recognizing Contributions of Veterans to the Country**

Comment:

Resolution No. 48-0910 acknowledges the contributions of our veterans and encourages all citizens, staff, faculty, students and families to participate in the celebration of Veterans' Day.

Recommendation: Recommend Adoption of Resolution

Fiscal Impact: None

**\*CI C.11 Resolution No. 47-0910: American Education Week – November 15-21, 2009**

Comment:

American Education Week was established in 1921 to increase public understanding and appreciation of America's schools, to encourage parents and non-parents to visit schools, to build civic and community pride and support education.

Co-sponsors of American Education Week include the National Parent Teacher Association, the United States Department of Education, the National School Board Association, the National Education Association, the American Federation of Teachers, the American Association of School Administrators, and the American Legion.

Recommendation: Recommend Approval

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	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	

**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 Recommendation from Safety Subcommittee for Board Consideration**

Comment:

At the Safety Subcommittee on October 28, 2009, Committee members Tony Thurmond and Charles Ramsey agreed to bring the following recommendations to the full Board for consideration:

1. Bring the programs and services from Community Violence Solutions to the WCCUSD High Schools through the Health Centers in each school and explore the possibility of expanding those programs and services to middle and elementary schools. Community Violence Solutions provides programs at no cost to the District.

2. Review non-general fund budgets and explore ways to identify resources to expand the partnership with Bay Area Peace Keeper so that the services from that group can be expanded in WCCUSD high schools. Funding source and cost unknown.
3. Enlist local legislators in an effort to accelerate the approval process at the Division of State Architect so that the planned fencing of Richmond High School can proceed as quickly as possible.
4. District staff will complete a report regarding the sexual assault of a student on October 24, 2009 at Richmond High that includes an analysis of the conditions at the school and the supervision at the Homecoming Dance and contains recommendations for enhanced procedures and potential costs to improve safety conditions. The plan would be developed in a way so as not to interfere with the ongoing police investigation or the successful prosecution of the perpetrators. Costs and timeline to be determined.
5. Allow Neighborhood Councils, after training and under the supervision of the Richmond Police Department, to patrol campuses and report findings to the Richmond Police Department and the school principals.
6. District staff in conjunctions with employees groups and other stakeholders will develop a comprehensive safety plan that would coordinate the elements from the California Department of Education “Safe Schools Planning” list that are already in place with those that need to be developed to include: Comprehensive School Safety Plan, Assessment of School Safety, Discipline Policies and Practices, Funding, Professional Development Activities, Counseling and Guidance Services, Collaborative Relationships, Safe School Programs and Strategies and Campus Security. Cost and timeline to be determined.
7. Refer to the Academic Subcommittee a recommendation to develop and implement a district-wide K-12 program to promote civility, respect and other character traits. The Academic Subcommittee would create a process to include schools and community in determining the content and implementation in the schools with costs and timeline to be determined.
8. Refer to the Facilities Subcommittee the consideration of providing additional lighting at school campuses.
9. Invite the City Council members from the five cities in West Contra Costa, along with representatives from the County and Legislature, to meet to discuss safety enhancement efforts throughout West County.

Recommendation: That the Board consider the Safety Committee recommendations.

Comment: Unknown

\* **F.2 Resolution No. 46-0910: Measure “J” Series “D” Bond Issuance**

Comment:

The District received an allocation in the amount of \$25,000,000 at the lottery held by the California Department of Education on August 25, 2009 for Qualified School Construction Bonds. This Resolution authorized the issuance of up to \$30,000,000 of bonds approved by the District’s voters at the November 8, 2005 bond election. Pursuant to the Education Code, the bonds will be sold on behalf of the District by the County Treasurer and issued by the Board of Supervisors. The bonds will be sold through a negotiated sale with Piper Jaffray. The Resolution authorizes the staff to sell up to \$25,000,000 in Qualified School Construction Bonds under the American Reinvestment and Recovery Act of 2009 and to sell up to \$5,000,000 of the District’s general obligation bonds under the government code. The Bonds are tentatively scheduled to price on November 18, 2009, and funds will become available when the bonds are delivered, currently scheduled for December 3, 2009. The Resolution

requests the Board of Education to take the necessary actions, and approves the form of documents to be used in marketing and issuing the Bonds:

1. The Preliminary Official Statement, describing the security for and repayment provisions of the bonds and giving financial and operating information about the District;
2. The Continuing Disclosure Certificate;
3. The Bond Purchase Contract, among the District, County and underwriter;
4. The Paying Agent/Transfer Agent agreement.

The Resolution will enable the District to issue this series of bonds in an amount not to exceed \$30,000,000.

Recommendation: That the Board approve Resolution No. 46-0910 authorizing the issuance of not to exceed \$30,000,000 of the District's general obligation bonds. The bonds are being issued on behalf of the District by Contra Costa County.

Fiscal Impact: Up to \$30,000,000 Revenue for Bond Fund

\* **F.3 Approval of Agreement with Local One (Part 2)**

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 and was brought forward on October 21, 2009 for ratification by the Board. However, the Tentative Agreements regarding Article 16, Hiring Procedures, and Article 23, Reassignment, were inadvertently omitted from the packet. These provisions are 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

The Board will receive public comment on the proposed contract changes 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 Agreements between the West Contra Costa Unified School District and Local One.

Fiscal Impact: None

\* **F.4 Community Budget Advisory Committee Charter**

Comment:

The Charter of the Community Budget Advisory Committee was first adopted by the Board December 14, 2005, and later revised on June 20, 2007.



The Charter is currently revised to incorporate language to include oversight over the Measure D parcel tax passed in 2008 as required by the text of the measure. Additional changes are made to the charter to stagger the terms of members. The revised Charter document is attached, marked with additions and deletions.

Recommendation: Recommend Approval

Fiscal Impact: None

**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 – November 18, 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**

**November 4, 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)

- a. Classified employee dismissal

**10. REPORT OF CLOSED SESSION ACTIONS**