

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JANUARY 19, 2011**

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: www.wccusd.net/Documents/Board/boardinformation.aspx

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 THE BOARD MEETINGS:

Television:

Live television broadcast of regularly scheduled Board meetings is available 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 broadcast 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.

Audio tapes of Board meetings are kept on file at the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1101).

The Board of Education would like to acknowledge Comcast, the cities of Pinole and Richmond, and WCCUSD staff for their generosity and efforts 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 **5:45 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 from Vista High School**

Comment:

A Student Board Representative from Vista High School will attend the Board of Education on January 19, 2011. We would like to recognize and commend their 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 Minutes: January 5, 2011**

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 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed, dated January 19, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

*CI **C.2 Acceptance of Donations**

Comment:

The District has received donations as detailed, dated January 19, 2011. Staff recommends acceptance of these donations.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per donations summary

***CI C.3 Approval of Fund-Raising Activities**

Comment:
The planned fund-raising events for the 2010-11 school year are detailed, dated January 19, 2011.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

***CI C.4 Summary of Vendor Warrant Reports**

Comment:
The summaries of Vendor Warrants issued during the month of December, 2010 are provided.

Total of vendor warrants (December 2010): \$28,025,344.00

Recommendation:
Recommend approval of the vendor warrant reports

Fiscal Impact:
As noted above

***CI C.5 Notices of Completion: Bid J068257 El Cerrito HS Field Irrigation, J068248 Ohlone Elementary Re-Roofing Project, W068204 Hercules MHS Quad Landscape & Teachers Parking Lot Improvements, W068226 Hercules MHS Playfield Lighting, J068184 DeAnza HS Baseball Field Improvements, J068191 Kennedy HS Restroom Improvements, J068190 Kennedy HS Fire Alarm Replacement, J068199 Richmond HS Security Fencing and Gates, E068234 Grant Elementary General Building Improvements ERP, E068235 Stege Elementary General Building Improvements ERP, W068183 Crespi Fire Reconstruction**

Comment:
Substantial completion notices have been received for: Bid J068257, J068248, W068204, W068226, J068184, J068191, J068190, J068199, E068234, E068234, E068235, and Bid W068183.

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:

Suarez & Munoz Construction Bid J068257 El Cerrito HS Field Irrigation, Western Roofing Service J068248 Ohlone Elementary Re-Roofing Project, McNabb Construction Inc. W068204 Hercules MHS Quad Landscape & Teachers Parking Lot Improvements, Bleyco Inc. W068226 Hercules MHS Playfield Lighting, Bay Cities Paving & Grading J068184 DeAnza HS Baseball Field Improvements, JDS Builders Group Inc. J068191 Kennedy HS Restroom Improvements, Emar Electric J068190 Kennedy HS Fire Alarm Replacement, CF Contracting J068199 Richmond HS Security Fencing and Gates, JMA Construction E068234 Grant Elementary General Building Improvements ERP, ERA Construction E068235 Stege Elementary General Building Improvements ERP, Bollo Construction W068183 Crespi Fire Reconstruction.

Recommendation:

Recommend approval of these notices of completion

Fiscal Impact:

None

***CI C.6 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 January 19, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.7 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.8 Resolution No. 43-1011: African-American History Month - February 2011**

Comment:

The State Board of Education has proclaimed February 2011 as African-American History Month. The West Contra Costa Unified School District recognizes the contributions of African Americans and encourages schools to develop special instructional activities and celebrations.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.9 Resolution No. 44-1011: Recognition of West Contra Costa Unified School District Job Shadow Days February 1 - 4, 2011 and Recognition of February 2011 as National Job Shadow Month**

Comment:

Resolution No. 44-1011 recognizes and acknowledges February 1 – 4, 2011 as WCCUSD Job Shadow Days and the month of February 2011 as National Job Shadow Month. Job Shadow is an academically motivating activity designed to give kids the unique opportunity of an up-close look at the world of work. Beginning with a nationwide kickoff on February 1, 2011 and continuing throughout the school year, students across America will “shadow” workplace mentors as they go through a normal day on the job. The program invites students to see firsthand how the skills learned in school relate to the workplace. Job Shadow 2011 is led by the National Job Shadow Coalition.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.10 Students from Cesar Chavez will go to the JAMZ Nationals in Las Vegas, Nevada, January 27-29, 2011**

Comment:

Eleven students on the Cesar Chavez Eaglettes afterschool program cheer squad have qualified for a cheer competition at the Emerald Suites Hotel in Las Vegas, Nevada. These Eaglettes are primarily from low-income families and the afterschool program at Chavez firmly believes that they are helping to create a group of positive, productive, confident, responsible leaders. These students will compete as a team and are building skills that will benefit them in their ongoing education.

Recommendation:

Recommend Approval

Fiscal Impact:

Not on General Fund: school site fund-raiser

***CI C.11 Approval of Contract for Furniture, Setup and Installation at Dover Elementary School
Phase I**

Comment:

The construction of the first phase of the reconstruction of Dover Elementary School is nearly complete. The next step for the District is to purchase new furniture for the school. The District has prepared preliminary furnishing criteria with classroom configurations, specialty spaces including pre-school, special education, administration furnishings, library, offices and staff work areas. New furnishings will be comparable to those installed in our other completed elementary sites, most recently for Downer Elementary.

The District engaged in a public bid process, using its preliminary furnishing criteria, to select the vendor for this contract. Public bids were opened on January 6, 2011. Three vendors submitted proposals. They are as follows: Sierra School \$290,282; Young Office \$278,664; and, Contrax Furnishings \$223,986. The lowest responsive, responsible vendor is Contrax Furnishings at \$223,986.

Recommendation:

Approve contract for Dover Elementary furniture, setup and installation with the lowest responsive, responsible vendor.

Fiscal Impact:

\$223,986. Funded by the Measure J Bond under the Dover Elementary Furniture and Equipment Budget.

***CI C.12 Kennedy High School Field Building and Field Lighting Project Award of Contract**

Comment:

The next step in completing the master plan for limited renovations at Kennedy High School is to finalize work at the main sports field area and bring this facility up to current District standards. This project will provide for field lighting for athletic events and team practices at the George Harris Field at Kennedy High School. In addition, this project includes a permanent building for restrooms, concessions, equipment storage and support spaces for the field area. This project will also provide high quality facilities for community use and joint use with the City of Richmond.

Powell and Partners Architects completed plans and specifications for the project. The District conducted a public bid of the project. There were two bid alternates included in the project for different lighting manufacturers. Bids were opened on January 11, 2011. Thirteen contractors submitted bids. They are included in the table provided.

The lowest responsive, responsible bidder, the sum of the base bid and the lowest bid alternate, is B-Side, Inc. at \$990,000.

Recommendation:

Award contract to the lowest responsive, responsible bidder. It is also recommended that this project be included under the District's Project Labor Agreement (PLA) given that even minimal contract changes will push the construction cost over the PLA threshold of \$1,000,000.

Fiscal Impact:

\$990,000. Funded from the Measure J Bond using the Kennedy High School Renovations project budget.

***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 Services:

Total for this action: \$348,518. 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: Hercules Middle High Playfield Lighting; Helms Middle School New Construction; Ford Elementary New School; Kennedy High School Fire Alarm Upgrade; and, Pinole Middle School Building a Modernization. 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 and approval by this action: \$399,443.02.

***CI C.15 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 October 1, 2010 through December 31, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.16 California School Board Association (CSBA) Appointment for Delegate Assembly**

Comment:

According to the California School Board Association (CSBA) Bylaws and Standing Rules, the West Contra Costa Unified School District is entitled to appoint one representative to CSBA's Delegate Assembly for a two-year term beginning April 1, 2011 through March 31, 2013. This position for the District is currently held by Charles T. Ramsey whose appointed term will expire March 31, 2011.

Recommendation:

That the Board appoints Charles T. Ramsey to continue to serve as CSBA Delegate through March 2013.

Fiscal Impact:

None

***CI C.17 Approval of Board Member Attending Conferences:
National School Boards Association Annual Conference, San Francisco
National Council on Educating Black Children Convention, Las Vegas**

Comment:

Board Bylaw 9250 stipulates members of the board shall be reimbursed for allowable expenses incurred in attending any meetings or in making any trips on official business of the school district when so authorized in advance by the Board of Education. (Education Code 35044) Board member Elaine Merriweather has expressed interest in attending the National School Boards Association (NSBA) Annual Conference, to be held in San Francisco, April 9 – 11, 2011 and the National Council on Educating Black Children Convention, to be held in Las Vegas, April 28 – 30, 2011. Expenses including registration, travel, food and lodging are estimated to total approximately \$2,300.00. Funds for Board travel and conference are budgeted and there is sufficient funding within that budget.

Recommendation:

That the Board authorizes attendance to the NSBA Annual Conference and the National Council on Education of Black Children Convention.

Fiscal Impact:

General Fund

***CI C.18 Ivy League Summer Programs: Students from WCCUSD high schools will participate in College Courses and Readiness Programs offered at Ivy League Colleges and Universities**

Comment:

The Ivy League connection program has been an integral college awareness program in the West Contra Costa Unified School District for the last four years. Students from DeAnza, El Cerrito, Hercules, Kennedy, Pinole Valley, Richmond and Middle College high schools participate in a rigorous screening process in order to gain acceptance into a summer program at an Ivy League university. The Ivy League program has grown tremendously through the contributions of benefactors and corporations vested in providing educational opportunities for our students. This summer, West Contra Costa Unified School District will be sending thirty-five students to various Ivy League universities including Brown University, Cornell University, Columbia University, University of Pennsylvania, Vanderbilt University, and Yale

University. The District pays the travel costs and also provides chaperones, for an estimated cost of \$60,000 for 2011. Private contributions fund the program costs at each school. The Ivy League Connection promotes the college going culture in WCCUSD as participants in the program share their experiences with elementary and middle school students throughout the year and participate with alumni from the Ivy League schools.

Board members Madeline Kronenberg and Charles Ramsey have acted as the fund raisers and program administrators for the Ivy League Connection since its inception in 2006. The District has paid for travel for Ms. Kronenberg and Mr. Ramsey so that all the funds raised from private contributions can be used for direct program expenses. Their presence at these institutions has resulted in securing scholarships for WCCUSD students.

Additionally, their presence at the universities has resulted in the waiving of application fees (Yale, Brown, and Cornell) – a savings of more than \$2000. Since the program began in 2006, Ms. Kronenberg and Mr. Ramsey have raised well over \$700,000 for the program. The cost for Ms. Kronenberg and Mr. Ramsey to travel to the east coast this summer is just over \$7,000.

Mr. Ramsey's and Ms. Kronenberg's presence at these schools has also brought about new opportunities for WCCUSD students. WCCUSD students would not be going to Yale this summer if they had not set up meetings with the Deans of the summer programs.

Recommendation:

That the Board approve both the travel for Board Members Kronenberg and Ramsey and the costs for the 2010 Ivy League Connection program.

Fiscal Impact:

\$67,000

***CI C.19 Lake School Operation for 2011-12**

Comment:

In February 2009 and after an extensive process, the Board approved the closure of eight schools over the three year period of time. Lake Elementary school was one of the schools that was to be closed at the end of the 2008-09 school year. At the February 17, 2009 meeting, the San Pablo City Council approved a resolution that provided the funding to keep Lake Elementary open for 2009-10 and 2010-2011. At the January 10, 2011 meeting, the San Pablo City Council approved a resolution that will provide funding to keep Lake Elementary open for 2011-12 school year while the City and the District develop a long-term plan for extending the partnership between the City and District to keep Lake beyond the 2011-12 school year.

Recommendation:

That the Board accept the commitment of funding from the City of San Pablo to keep Lake open for the 2011-12 school year and direct the Superintendent to continue the work on the longer-term agreement between the City and the District.

Fiscal Impact:

Unknown at this time

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Lincoln School – Turnaround Model Mid-Year Report**

Comment:

Federal and state laws and guidance associated with the American Recovery and Reinvestment Act of 2009 (AARA), the School Improvement Grant (SIG) program, and the state statute require California to identify the state’s persistently lowest-achieving schools and require the lowest 5% to implement one of four school intervention models beginning in the 2010-11 school year.

On March 8, 2010, the California Department of Education designated Lincoln Elementary School on its list of the 5% persistently lowest-achieving schools in the state of California.

District and Lincoln staff applied for and were awarded a School Improvement Grant to implement the Turnaround Intervention model at Lincoln School.

The Lincoln staff will present a mid-year progress report.

Recommendation:

For Information Only

Fiscal Impact:

None

*** D.2 Annual Update of Highly Qualified Teachers Status**

Comment:

The Human Resources staff will provide a presentation of the NCLB LEA Plan of action progress made and support given to new teachers working toward a preliminary or clear credentials.

Recommendation:

For Information Only

Fiscal Impact:

None

*** D.3 Budget Update for Governor’s Proposed Budget**

Comment:

Associate Superintendent Business Services will provide an update on the budget.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.4 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	
Linked Learning – Multiple Pathways	
Safety Committee	
Special Education Citizens Advisory Committee	
Youth Commission	

* **D.5 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.

Nelda Reser passed away December 9, 2010. Ms. Reser began working in the District in April 1977 as a Special Education Assistant at Pinole Middle School and retired in June 2003 as an Elementary Library Assistant.

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 Helms Middle School and DeAnza High School: Persistently Lowest-Achieving Schools and the School Improvement Process**

Comment:

Federal and state laws and guidance associated with the American Recovery and Reinvestment Act of 2009 (AARA), the School Improvement Grant (SIG) program, and state statute require California to identify the state's persistently lowest-achieving schools and require the lowest 5% to implement one of four school intervention models: turnaround, transformation, restart, and school closure.

In March 2010, the California Department of Education designated Helms Middle School and DeAnza High School on its list of the 5% persistently lowest-achieving schools in the state of California.

There is SIG funding available for schools who implement one of the designated intervention models. Each school is eligible to apply for \$50,000 - \$2 million.

Staff is recommending that the Turnaround model be implemented at both Helms Middle School and DeAnza High School for the 2011-12 school year. SIG applications will be submitted to the California Department of Education for Helms and DeAnza.

Staff will provide background information for the recommendation.

Recommendation:

Recommend Approval

Fiscal Impact:

District will apply for \$2 million per year/per school for 3 years

* **F.2 El Cerrito High School Fields Phase I Construction Award of Contract**

Comment:

The next step in completing the full reconstruction of El Cerrito High School is to build the fields and courts at the area which has been used as the campus temporary housing since 2005. The area has been cleared and is ready for reconstruction of the fields and courts. The scope of work includes full-size baseball, softball, and soccer fields. The project also includes construction of 5 tennis courts, and would replace the courts originally constructed by the City of El Cerrito. The work includes associated site work, utilities, grading, site paving, fencing, gates, dugouts, batting cage, lighting, and site furnishings.

In order to accommodate the intensive use of the fields at this site, the project construction documents have been updated to include a bid alternate which would substitute artificial turf for the grass fields included in the base bid. The bid alternate costs are included in the summary of bids below. The bid alternate cost is the net increase in cost to install artificial turf fields.

WLC Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on January 11, 2011. Eleven contractors submitted bids. They are included in the table provided.

The lowest responsive, responsible bidder with the base bid and alternate is Michael Paul Corporation, at \$3,749,000.

Recommendation:

Award contract to lowest responsive, responsible bidder with Base Bid and Alternate.

Fiscal Impact:

\$3,749,000. Funded by the Measure J Bond, under the El Cerrito HS Project budget.

* **F.3 Shining Crescent Charter School Petition**

Comment:

On November 18, 2010, the petitioner submitted to West Contra Costa Unified School District a petition for a charter school known as Shining Crescent Charter School (“Charter School”). Pursuant to the Charter Schools Act of 1992 (the “Act”), Education Code section 47600 *et seq.*, the Legislature has charged local school boards with the responsibility for reviewing and acting on petitions by charter schools.

Staff has reviewed the charter petition (“Petition”) for the establishment (for five years) of the Shining Crescent Charter School (“Charter School”). The Charter School is governed by a nonprofit public benefit corporation, but the District would be responsible for oversight of the Charter School. As presented in the Petition, the Charter School expects to serve approximately 302 students in grades K through 8 in its first year of operation (2011-2012), increasing to 312 students in the second year of operation (2012-2013) and 345 students at full implementation, in year five (2015-2016). (Petition, Appendix N: Budget Assumptions.) Petitioners intend the Charter School to provide “a rigorous standards-based education” in a setting that will attract “children from Africa, the Middle East and South Asia: India-Pakistan-Afghanistan-Bangladesh and surrounding areas.” (Petition, p. 13.) The Charter School’s stated mission is “to contribute to building a diverse, virtuous and moral America by helping children to understand their stewardship role in the world, embedding in them a sense of care, responsibility, love, tolerance, and cooperation.” (Petition, p. 5.) Petitioners further identify a need to “help students especially from South Asia, Africa and the Middle East, integrate into American society, while retaining their identity.” (Petition, p. 5.)

Submission of a charter petition is governed by the requirements of Education Code section 47605 and 47607. Education Code section § 47605(b) requires the Board, within 30 days of receiving a petition, to hold a public hearing to consider the level of support for the petition. The public hearing was held on December 8, 2010. “After review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.” Education Code section § 47605(b) A written agreement was made between Shining Crescent Charter School and West Contra Costa Unified School District to defer the public hearing until January 19, 2011.

The Act states that a school district governing board considering whether to grant a charter petition “shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.” (Ed. Code, § 47605(b).) With this legislative intent in mind, the governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” (Ed. Code, § 47605(b).)

Upon receipt of the petition, components of the petition were assigned to various staff members of the District for review and analysis based on individual areas of expertise. Review of the different components of the charter petition was allocated as follows: Educational Program, Linda Jackson, Executive Director K-12 Schools, Lyn Potter, Director Educational Services, Sonja Neely-Johnson, Harlan Kerr, Sherry Bell, Susan Dunlap, Coordinators Educational Services; Special Education, Steve Collins, SELPA Director; Fiscal/Budget, Martin Coyne, Executive Director, CPA; Human Resources/Employee Issues, Patricia Calvert, Director of Human Resources; Legal/Operational, Ed Sklar, Lozano Smith Attorneys at Law.

Staff and legal counsel have reviewed the Petition and prepared the Staff Written Findings Regarding Shining Crescent Charter School Petition (“Findings”), which are attached. Staff’s analysis of the petition includes a review of its educational program, fiscal and governance structure, student admissions and discipline, labor and personnel issues, facilities and legal issues.

The pages immediately following the précis contain proposed findings prepared by District staff and legal counsel condensing the remaining areas of concern, the resolution of those concerns, and Staff’s ultimate recommendation regarding those areas.

Recommendation:

Staff recommends that the Board deny the charter petition on the following grounds pursuant to Education Code section 47605:

1. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School. (Ed. Code § 47605(b)(1).)
2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)
3. The Petition does not contain the number of signatures required by Education Code section 47605, subdivision (a)(1)(A) or (a)(1)(B).
4. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b) requires the Governing Board to make “written factual findings, specific to the particular Petition, setting forth specific facts to support one or more” of the grounds for denying the charter. Staff recommends that the Board adopt the proposed findings of fact, attached, as its own. Staff further recommends that the Board deny the Petition.

Fiscal Impact:
None

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 – February 2, 2011

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

January 19, 2011

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Government Code Section 54956.9(a)]

1. Srago v. WCCUSD
2. WCCUSD v. Orrick

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