

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
FEBRUARY 2, 2011**

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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: [www.wccusd.net/Documents/Board/boardinformation.aspx](http://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.

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**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.

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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 **5:30 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 from Youth Commission**

Comment:

A Student Board Representative from the Youth Commission will attend the Board of Education on February 2, 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 19, 2011; January 22, 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 February 2, 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 February 2, 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 February 2, 2011.

Recommendation:  
Recommend Approval

Fiscal Impact:  
Additional revenue for schools

**\*CI C.4 Contracted Services**

Comment:  
Permission is requested of the Board of Education to approve contracts for services as detailed, dated February 2, 2011.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*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 February 2, 2011.

Recommendation:  
Recommend Approval

Fiscal Impact:  
None

**\*CI C.6 Notification of Claim Rejected**

Comment:

The District has received a claim requesting compensation for property loss. The District's risk management firm has investigated the claim and is requesting the School Board to ratify the authorized claim rejection.

Recommendation:

Ratify the rejection of claim

Fiscal Impact:

None

**\*CI C.7 Acceptance of the 2009-2010 Bond Audit**

Comment:

Perry-Smith, LLP, has prepared the independent audit report of the West Contra Costa Unified School District's bond financial position, internal control, and federal and state compliance for the year ended June 30, 2010. The Citizen Bond Oversight Committee recommended at their meeting on January 26, 2011 that the Financial Audit be presented to the Board.

The 2009-2010 Bond Audit Report is posted on the WCCUSD website and at the District Office, located at 1108 Bissell Avenue, Richmond, CA.

Recommendation:

Accept 2009-2010 Bond Audit

Fiscal Impact:

None

**\*CI C.8 Actuarial Study on Health Benefits**

Comment:

The District commissioned an actuarial study on postretirement healthcare benefits which was completed by Nicolay Consulting Group. Staff will present the key components of the Actuarial Valuation of Postretirement Health Benefits. The Valuation date of this report is July 1, 2010, but takes into account retirement and employment activity through October 2010.

This report establishes the District's Other Post Employment Benefit (OPEB) liability in compliance with Governmental Accounting Standards Board (GASB) 45.

The Actuarial Study is posted on the WCCUSD website and a copy is at the reception desk at 1108 Bissell Avenue, Richmond, CA.

Recommendation:

Accept Actuarial Study

Fiscal Impact:

A reduction to the present value OPEB liability of future postretirement healthcare benefits of \$277,739,636. A reduction to present value OPEB liability attributable to past service GASB 45 liability of \$110,356,541.

**\*CI C.9 Certificated Board Authorization - Education Code 44285.3**

Comment:

Ed Code 44285.3 allows the Governing Board of a school district to authorize the holder of a multiple subject, standard elementary, single subject or standard secondary, credential with his or her consent, to teach departmental classes in grades K-12 provided the teacher has adequate knowledge of subject matter.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.10 Routine Personnel Changes - Certificated**

Comment:

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

Recommendation:

For Information Only

Fiscal Impact:

None

**\*CI C.11 Routine Personnel Changes – Classified**

Comment:

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

Recommendation:

For Information Only

Fiscal Impact:

None

**\*CI C.12 Certification of Athletic Coaches – Winter Sports**

Comment:

Under California Education Code Section 5593, all athletic team coaches are required to be certified annually. Topics covered during the training include first aid, CPR, coaching techniques, adolescent

psychology (as it relates to sports participation), and ethics. The list of coaches from each of the high schools for winter sports is provided.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.13 2010-2011 Consolidated Application for Funding Categorical Aid Programs, Part II**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District's application for categorical funding for the following academic year for both public and non-public schools. This report also includes a summary of participation in the NCLB Supplemental Educational Services (SES) program and the choice option. Expulsion, suspension and truancy data, as well as progress towards meeting the Highly Qualified Teacher and Highly Qualified Paraprofessional requirements are included.

Part II is submitted at the end of January. It contains information, in specified programs, related to entitlements, allocations, carryover, number of participants, and legal assurances of compliance, as required by State and Federal statute. A copy of the document is available for review at the Administration Building and at the State and Federal Programs office located at the Vista Campus.

Recommendation:

Recommend Approval

Fiscal Impact:

Categorical Revenue

**\*CI C.14 Title III Year 4 Action Plan**

Comment:

The federal Elementary and Secondary Education Act requires school districts which do not meet their Annual Measurable Achievement Objectives (AMAO) for English learners, for four consecutive years, to develop and implement a Title III Year 4 Action Plan. This plan must include modifications to curriculum, instruction, and the educational program which will ensure that adequate progress is made by English learners, and AMAO targets are met.

The proposed Title III Year 4 Action Plan is based on analysis of district data, and an accompanying needs assessment. Templates from the California Department of Education were used in this process in conjunction with technical assistance from the Contra Costa County Office of Education. The proposed plan will be in effect from the date of approval through June 30, 2012.

Recommendation:

Approve the Title III Year 4 Action Plan

Fiscal Impact:  
Categorical Revenue

**\*CI C.15 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: \$182,050. Funding sources as noted.

**\*CI C.16 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Crespi Middle School Roofing; Richmond High School ERP; Ford Elementary New School and Ohlone Elementary Re-Roofing. 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: \$249,091.67

**\*CI C.17 Annual Performance Audit of District Bond Program**

Comment:

The District is required to complete an annual independent Performance Audit of the Bond Program. Total School Solution has completed the audit and will present the report to the Board for acceptance. The Citizen Bond Oversight Committee recommended at their meeting on January 26, 2010, that the Performance Audit be presented to the Board. The audit report can be viewed on the WCCUSD website and at the District Office, located at 1108 Bissell Avenue, Richmond, CA.

Recommendation:

Accept Annual Performance Audit for 2010, for the year ending June 30, 2010

Fiscal Impact:

None

**\*CI C.18 Kennedy High School Field Building and Field Lighting Project Award of Contract—  
Revised Recommendation**

Comment:

The Board approved the award of the construction contract for the Kennedy High School Field Building and Lights at its meeting of January 19, 2011. Staff's recommendation was to award to the lowest responsive, responsible bidder as required by law in a public bid. In addition, staff had recommended award of the contract under the provisions of the District's Project Labor Agreement ("PLA"), notwithstanding the fact that the low bid was for \$990,000, which is below the PLA threshold of \$1 million. Staff and legal counsel recommend that the Board reconsider its action in light of the language of the advertised Notice to Bidders. This document includes legal requirements for bidders and is advertised in accordance with Public Contract Code for all bidders to respond. The Notice to Bidders for this project indicates that "Projects over \$1 million will be implemented under the District's Project Labor Agreement..." Counsel recommends that if the low bid is under the advertised PLA threshold at the time of bid, then the award should not include any requirement to award under the PLA. In light of this, it is recommended that the Board approve a revised recommendation of award for the project.

For the Kennedy High School Field Building and Lights the lowest responsive, responsible bidder, based upon 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

Fiscal Impact:

\$990,000. No change from original action. Funded from the Measure J Bond using the Kennedy High School Renovations project budget.

**\*CI C.19 Approval of Board Members Attending Conferences and Workshops**

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) Several Board members have requested to attend the upcoming conferences noted. Expenses including registration, travel, food and lodging are estimated to total approximately \$7,000.00. Funds for Board travel and conference are budgeted and there is sufficient funding within that budget.

Requested conferences include:

- National School Boards Association Annual Conference, April 9-11, 2011, San Francisco
- California Charter Schools Conference, March 7-10, 2011, San Diego
- California School Boards Association Masters in Governance Workshop Series, 2011-2012
- Celebrating Educational Opportunities for Students, April 29-30, 2011, Santa Fe, NM
- National Association of Latino Elected Officials, June 23-25, 2011, San Antonio, TX

Recommendation:

Recommend Approval

Fiscal Impact:  
General Fund

**\*CI C.20 Board Committee and Liaison Assignments**

Comment:

At the December reorganization meeting, the Board agreed to carry forward the 2010 committee assignments until the completion of the annual board retreat. At the January 22, 2011 Board Retreat, members discussed committees and assignments, providing President Ramsey with input and requests for assignments. President Ramsey's assignments and appointments follow:

High School Family Assignments

El Cerrito High School – Charles Ramsey  
Hercules High School – Tony Thurmond  
Kennedy High School – Madeline Kronenberg  
Pinole Valley High School – Charles Ramsey  
Richmond High School – Antonio Medrano  
DeAnza High School – Elaine Merriweather

Committee Assignments

Academic – Madeline Kronenberg, Chair; Elaine Merriweather  
Citizens Bond Oversight – Charles Ramsey  
Community Budget Advisory – Antonio Medrano, Elaine Merriweather  
Facilities – Charles Ramsey, Chair; Antonio Medrano  
Linked Learning – Antonio Medrano, Chair; Madeline Kronenberg  
Safety – Tony Thurmond, Chair; Madeline Kronenberg  
Youth Commission – Antonio Medrano, Chair; Tony Thurmond

Liaison to Five City Councils

El Cerrito – Madeline Kronenberg  
Hercules – Tony Thurmond  
Pinole – Charles Ramsey  
Richmond – Elaine Merriweather  
San Pablo – Antonio Medrano

Recommendation:

Recommend Approval

Fiscal Impact:

None

**D. AWARDS, RECOGNITIONS, AND REPORTS**

**\* D.1 Richmond Writes Contest Winners - Blossoms & Thorns: The Legacy of Richmond's Japanese American Nurseries**

Comment:

A large part of Richmond's early history is tied to agriculture, especially growing roses and other flowers. Many of these were grown in greenhouses owned and operated by Japanese Americans. Unfortunately, most were lost during the WWII internment. The ruins of many of these greenhouses still stand beside I-80 just south of Macdonald Avenue. To document both the early greenhouse industry, and the impact of the internment, the City of Richmond Arts and Culture Commission sponsored a photo exhibit entitled *Blossoms & Thorns: The Legacy of Richmond's Japanese American Nurseries*. In connection with the exhibit the commission also conducted a writing contest. Nearly 190 Richmond WCCUSD students submitted haiku and other poetry on themes related to the Blossoms & Thorns exhibit. These themes focused on leaving home behind, starting over, and keeping ones culture alive. The Arts and Culture Commission has assembled the writing in a book. Tonight we are recognizing those students who were selected as winners in this contest.

Recommendation:

Recognition of student contest winners

Fiscal Impact:

None

**\* D.2 Bond Finance Report**

Comment:

Dave Olson, the District's Financial Advisor from KNN, will make a brief presentation regarding the District's Bond Finance Program including bonds already issued and potential future issuance. The District may want to consider a financing alternative that might allow it to access partial funding for the Leadership/Gompers project on favorable terms. Because these terms are available on a limited basis, the District is operating on a short time-line to submit an application to the controlling state agency. The District's efforts may ultimately result in the District issuing bonds during the current calendar year.

Recommendation:

Provide direction to staff regarding the Bond Finance Program

Fiscal Impact:

None

**\* D.3 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  
Ivy League Connection  
Linked Learning – Multiple Pathways  
Safety Committee  
Special Education Citizens Advisory Committee  
Youth Commission

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

\* **D.4 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.

Gene Grisby, El Cerrito High junior, was an amiable student with a good sense of humor. He was also a member of the Varsity football team. According to his teachers, he worked very hard at doing the right thing in school. He left a deep and positive impact with all who knew him.

Moises Gonzales, a Hercules Middle school seventh grader, worked very hard at everything he did and always had a smile on his face. He shared joy with those who knew him.

Jered Esquivel, Pinole Valley freshman, was well liked by all who knew him. He played on the school's Junior Varsity football team and will be greatly missed.

Adrienne Trinidad-Valdez worked as a Food Service Aide at Downer. She began working for the District in 1987 as an instructional aide and then became a food service aide in 2002. She loved working with Downer students and staff.

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 Resolution No. 48-1011: Level II and Level III Developer Fees, Public Hearing and Adoption of Resolution**

#### Comment:

Government Code Sections 65995.5, 65995.6, and 65995.7 regarding school facilities fees requires that a School Facility Needs Analysis be conducted yearly to determine the amount to be charged for Level II and Level III developer fees for residential construction in the District. Due to student generation factors, cost of construction, and site acquisition costs, the Level II fee will increase from \$3.62 per square foot to \$4.41 per square foot. The new fee will go into effect February 3, 2011, if approved by the Board. If not approved by the Board, the District would not be eligible to collect Level II fees, and the Level I fee of \$2.97 per square foot would be charged for new residential construction as well as for construction of additions. This analysis was conducted according to state guidelines.

A public hearing must be conducted prior to the adoption of West Contra Costa Unified School District Resolution No. 48-1011, at which time individuals who wish to address the Board on matters pertaining to the School Facility Needs Analysis and Alternative School Facility Fees are allowed to speak.

A copy of the School Facilities Needs Analysis is available for review by the public at the District Office, 1108 Bissell Avenue, Richmond, CA. the Facilities Operations Center, 1300 Potrero Ave. Richmond, CA. and on the District’s website.

#### Recommendation:

To receive public comment and to duly consider any and all comments made at this hearing and approve Resolution No. 48-1011.

#### Fiscal Impact:

Increase in Level II Developer Fees of \$0.79 per square foot.

## **G. DISCUSSION ITEMS**

### **\* G.1 Richmond College Prep K-5 Charter School**

#### Comment:

Richmond College Prep K-5 Charter submitted to West Contra Costa Unified School District (WCCUSD) on January 18, 2010, an addendum to their charter petition renewal. Pursuant to the Charter School Act of 1992 (the “Act”), Education Code section 47600 et seq., the Legislature has charged local school boards with the responsibility of reviewing and acting on petitions for charter schools.

Education Code section 47605(b) requires the Board, within 30 days of submission of the petition, to hold a public hearing to receive public comment on the Petition. That is the purpose of this agenda item.

The Act also requires the Board either to grant or deny the Petition within 60 days of submission. Staff and legal counsel will review and analyze information related to the Petition, as well as the operation and potential effects of the proposed charter school addendum, and will make a recommendation as to the petition at a subsequent board meeting.

Recommendation:

Public hearing only

Fiscal Impact:

None

\* **G.2 Project Status Report**

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 – February 16, 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**

**February 2, 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**