

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
MAY 4, 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.

Order of Business: **ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE.**

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 El Cerrito High School

Comment:

A Student Board Representative from El Cerrito High School will attend the Board of Education on May 4, 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: April 13, 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 Acceptance of Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements as detailed, dated May 4, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

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

Comment:

The District has received donations as summarized, dated May 4, 2011.

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 years are summarized, dated May 4, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

***CI C.4 Adoption of Resolution No. 68-1011: Replacement of Outdated Warrant**

Comment:

Government Code Section 298029(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 Catherine Tomutsa. Staff recommends replacement of the stale dated warrant.

Recommendation:

Recommend approval to replace the outdated warrant

Fiscal Impact:

None

***CI C.5 Notice of Completion: Bid E068230 Richmond High School HVAC Renovation Project**

Comment:

Substantial completion notice has been received for: Bid E068230

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:

West Coast Contractors Inc. Bid E068230

Recommendation:

Recommend approval of this notice of completion

Fiscal Impact:

None

***CI C.6 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: \$293,071. Funding sources as noted.

***CI C.7 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Ford Elementary New School; Richmond HS ERP; DeAnza HS New Campus; DeAnza HS Interim Kitchen; and, King Elementary 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 Pinole Middle School Modernization project is required by the Board, with special findings as noted below, 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 negotiated Change Orders as noted

Fiscal Impact:

Total ratification and approval by this action: \$408,791.34

***CI C.8 Approval of Fairmont Elementary School Master Plan and Architectural Services Contract for Construction Documents and Construction Administration**

Comment:

Fairmont Elementary School is one of the listed projects in the Measure D 2010 Bond. In order to develop the scope of work for this campus the District has engaged in a Master Planning process to determine project priorities and configuration of a replacement school at the site. This process included numerous meetings with Fairmont staff and teachers. In addition, the District held a community review meeting with neighbors to review the proposed project.

HY Architects is the Master Plan Architect for Fairmont. They will present the proposed master plan.

The Facilities Subcommittee of the Board has reviewed the Master Plan and recommended approval by the full Board at its meeting of April 12, 2011.

Recommendation: Approve proposed Fairmont Elementary School Master Plan and authorize staff to begin the Architectural design process with the award of a contract to HY Architects for Construction Documents and Construction Administration.

Fiscal Impact:

\$33,877,605 is the estimated total project cost for Fairmont. \$2,602,000 is the Architectural Services Contract amount. Current work is to be funded by the Measure J Bond, under the Fairmont Elementary School Project budget. Future project work will be funded by the Measure D 2010 Bond when those funds are available.

***CI C.9 Kennedy High School ADA Compliance Project Award of Contract**

Comment:

The District is continuing with planned renovations at the Kennedy High School campus. One major area of work is access compliance work. The major element of this project is construction of a new elevator tower at the main classroom building to provide for full access to the second level. The project also includes lifts at the Multi-Purpose building and performing arts areas. The project includes the replacement of doors and upgrade to hardware systems throughout the campus.

Powell/HMC Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on April 19, 2011. Four Contractors submitted bids. They are as follows: Romkon, Inc. \$1,238,000; Vila Construction \$961,123; BBros \$915,530; and, CF Contracting \$848,000.

The lowest responsive, responsible bidder is CF Contracting, at \$848,000.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$848,000. Funded by the Measure J Bond, under the Kennedy High School Renovations Project budget.

***CI C.10 Approval for Peres Elementary Dental Clinic Renovations Project**

Comment:

Peres Elementary was one of the first sites renovated as a part of the District's Bond Program. The Peres project included a dental clinic to serve the students who attend the school. The on-site clinic helps to avoid the missing instruction time, and to provide free service for dental needs. The program is staffed with professionals that volunteer their time to provide a full slate of dental services.

The staff at Peres and the dental team have been reviewing options for renovations to the facility that would provide for an increased level of services, including x-ray capability. The original Architect for the Peres project, HY Architects, has also worked with the team to prepare preliminary option plans for the project.

The team made a presentation on the project at the Board’s Facilities Subcommittee meeting of April 12, 2011. The Subcommittee recommended that the Board approve the project. After approval of the project by the Board, the next steps will be to retain the Peres Architect to complete preliminary designs and prepare a project budget and schedule for the work.

Recommendation:

Approve Peres Elementary Dental Clinic Renovations Project

Fiscal Impact:

Not known at this time

***CI C.11 Approval of Increase in District Allocation for Maritime Center Renovations Project**

Comment:

The Board approved full participation in the Maritime Center Renovations project as a part of the District’s Proposition 39 Equivalent Charter School Facilities offer to the Richmond Children’s Foundation for the Richmond College Prep (“RCP”) Academy. RCP will use 4 classrooms and associated administrative space in the building. The District has made an initial contribution of \$1.5 million dollars to the project. These funds were also matched by a contribution from the City of Richmond of \$500,000. The Rosie the Riveter Trust is funding the remainder of the project through state historic preservation grants and tax credits.

The project involves renovating and restoring the historic Maritime Center, a Daycare Center for shipyard worker families during World War II. The project also includes a component of the building being occupied by the National Park Service with a restored classroom and interpretive exhibit. The building is eligible for the National Register of Historic Places.

The construction project has been difficult and faced numerous challenges related to unforeseen conditions, hazardous materials removal issues, structural repairs, rain delays, and utilities issues. The Rosie the Riveter Trust has requested that the District provide an increase in their commitment in order to help overcome the added costs during construction.

The Board’s Facilities Subcommittee heard a presentation on the status of the project at its meeting of April 12, 2011. The Subcommittee recommended that the full Board approve an extension of the District’s commitment not to exceed an additional \$500,000.

Recommendation:

Approve increase in District allocation to Maritime Center project

Fiscal Impact:

\$500,000. Funded by the Measure J Bond under the Richmond College Prep Charter School budget.

***CI C.12 Appointment to the Citizens Bond Oversight Committee**

Comment:

One of the five mandatory positions on the Citizens Bond Oversight Committee is the senior citizen position. Vince Kilmartin has a wealth of experience in construction and the school district. He is a member of a senior citizen organization.

Recommendation:

That the Board appoints Vince Kilmartin as the senior citizen representative to the Citizens Bond Oversight Committee.

Fiscal Impact:

None

***CI C.13 Approval of Board Member to Attend Conference**

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 Antonio Medrano has requested to attend the upcoming CSBA Legislative Action Conference. Expenses including registration, travel, food and lodging are estimated to total approximately \$542.00. Funds for Board travel and conference are budgeted and there is sufficient funding within that budget.

Recommendation:

Recommend Approval

Fiscal Impact:

General Fund

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Ivy League Summer Programs: Students from El Cerrito High School, Pinole Valley High School, Hercules High School, John F. Kennedy High School, Richmond High School and Middle College High School will participate in college readiness programs offered at respective 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 seven years. Each year students at our respective 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 over the years 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-two students to various Ivy League universities including Cornell University, Columbia University, Brown University, University of Pennsylvania and Yale University. In addition, a college readiness program will also be offered for three of our students at Vanderbilt University. The school district is proud to honor these

outstanding students for their determination and willingness to accept this unique challenge, and we are confident they will serve as positive ambassadors representing the West County school community.

The District would like to thank the following sponsors for their contributions: IBEW/NECA LMCC Statewide; Contra Costa Chapter National Electrical Contractors Association (NECA); NorCal Chapter, NECA; Carpenters, Local 152; UA, Local 159; UA Local 342; Deems, Lewis and McKinley Architects; WLC Architects; Baker/Vilar Architects; HY Architects; Interactive Resources; Seville Group; Quattrocchi Kwok Architects; Sally Swanson Architects; Davillier Sloan; Employer Advocates; Powell and Partners; Electrical Contractors Trust Alameda County; Mary Hernandez of Garcia, Calderón & Ruiz; Kinsell, Newcomb & De Dios; Piper Jaffray & Co.; De La Rosa & Company; KNN Public Finance.

Additionally, appreciation is extended for scholarships provided from Brown University and Cornell University. A special thank you is also extended to Don Gosney for his help with the program and photographs.

Chaperones will introduce the participating students.

Recommendation:
For Information Only

Fiscal Impact:
As provided in the 2010-11 Budget and affirmed by the Board, January 19, 2011

* **D.2 West Contra Costa Unified School District presents: Classified Employee of the Year**

Comment:
Our classified employees are an integral part of the West Contra Costa Unified School District. We are expanding our staff recognition program to pay tribute to the tireless efforts of our outstanding classified employees and focus attention on the positive accomplishments that these employees contribute to the services provided to our students.

For the 2010-2011 school year, the District would like to recognize and acknowledge the following classified employees:

Classified Supervisor	Stephanie Hearne, Assessment, Supervisor, Assessment Office
General Services M & O	Leon Hawkins, Head Custodian, Verde Elementary School
Office & Technical	Vicki Chen, Registrar, Hercules M/H School
Paraprofessional	Charles Johnson, Campus Security Officer II, Richmond High School

Recommendation:
For Recognition Only

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	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.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.

Mattie Gibson, retired elementary teacher, passed away on April 4, 2011. Ms. Gibson worked at Verde, Ellerhorst, Vista Hills, Fairmede and Riverside schools. She was a mentor to many young teachers.

DeAnza High School student Jessica Shannon passed away on April 10, 2011. She is remembered as a good student by staff and friends.

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 Richmond College Prep K 5 Charter School Addendum Renewal**

Comment:

On January 18, 2011, the petitioner, Richmond College Prep K-5 Charter School, submitted to West Contra Costa Unified School District (“District”) an addendum (“Addendum”) to their charter (“Petition”) to add a sixth grade to the independent charter school known as Richmond College Prep K-5 Charter School (“Charter School”) beginning with the 2011-2012 school year. The Charter School previously petitioned for renewal in May 2010 and the renewal was conditionally approved by the District. The Charter School was notified by the District in December 2010 that they had satisfied the requisite conditions and the Petition was renewed for a term of five years. The Charter School is now proposing to add a sixth grade.

Pursuant to the Charter Schools Act of 1992 (“Act”), Education Code section 47600 *et seq.*, the Legislature has charged local school boards with the responsibility for reviewing and acting on petitions for renewal by charter schools. **Material revisions** to charter petitions are governed by the same standards and criteria set out for charter petitions in Education Code section 47605. (Ed. Code, § 47607, subd. (a)(2).) A material revision of the provisions of the Petition may be made only with the approval of the authority that granted the charter. (Ed. Code, § 47607, subd. (a)(1).) The addition of a grade level, as proposed by the Addendum, constitutes a material revision to the Petition.

Staff have reviewed the Addendum regarding Richmond College Prep K-5 Charter School Addendum to the Charter Petition.

Staff recommends that the Board approve the Addendum to the Petition on the following grounds pursuant to Education Code section 47605(b)(1): The Addendum presents a sound educational program for sixth grade students.

Recommendation:

Staff recommends that the Board adopt the proposed recommendation.

Fiscal Impact:

None

*** F.2 Resolution No. 70-1011: Resolution to Terminate Certificated Employees**

Comment:

Pursuant to Education Code, the Board of Education must adopt a resolution to Terminate Certificated Employees as a result of a reduction of particular kinds of services so that those affected employees may

be notified prior to May 15, 2011. This action is necessary for the District to make the needed budget cuts for the 2011-2012 school year.

Recommendation:
Recommend Approval

Fiscal Services:
To Be Determined

G. DISCUSSION ITEMS

*** G.1 Project Status Report – 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 – May 18, 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

May 4, 2011

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
[Government Code Section 54956.9(a)]

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

Elementary School Principal
Secondary School Administrator, 7 – 12 Program
Special Education Extended-Year, Elementary School Principal

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

8. STUDENT DISCIPLINE (Education Code Section 35146)

Expulsions

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

10. REPORT OF CLOSED SESSION ACTIONS