

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
TUESDAY, JUNE 28, 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.

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 **5:30 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.

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 Report/Ratification of Closed Session

* **B.5 Agenda Review and Adoption** (Public Comment)

* **B.6 Minutes:** June 1, 2011; June 14, 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 June 28, 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 June 28, 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 June 28, 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 June 28, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.5 Summary of Payroll and Vendor Warrant Reports**

Comment:

The summaries of Payroll and Vendor Warrants issued during the month of May, 2011 are:

Total of payroll warrants (May 2011):	\$ 9,888,492
Total of vendor warrants (May 2011):	\$25,258,226

Recommendation:

Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:

As noted above

***CI C.6 Agreements for Nonpublic, Nonsectarian School/Agency Services**

Comment:

Permission is requested of the Board of Education to approve the Master Contracts between the District and named schools/agencies for nonpublic, nonsectarian school/agency services for the period of July 1, 2011 through June 30, 2012.

Recommendation:

Recommend Approval

Fiscal Impact:

\$7,500,000.00 Non-Licensed Children's Institute/Licensed Children's Institute

***CI C.7 Resolution No. 77-1011 Temporary Borrowing Between Funds**

Comment:

Due to concerns regarding the status of cash at the State level and the fact that the normal flow of State deposits will be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the school district to

temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

In the event that temporary borrowing is needed, staff will provide the Board with a report containing detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2011-12 fiscal year.

Recommendation:
Recommend Approval

Fiscal Impact:
No Fiscal Impact

***CI C.8 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.9 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.10 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 June 28, 2011.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.11 Approve Job Descriptions: Attendance/Enrollment Technician, Classroom Support Aide**

Comment:
The District and Local One have met and agreed to the job descriptions:

1. Attendance/Enrollment Technician: There are currently two job descriptions that support the student attendance/enrollment data and agency reporting which are now being combined into one revised job description.
2. Classroom Support Aide: There are currently two job descriptions and three separate models for compensating classified employees who work with our special needs students providing specific services as determined from the students IEP. This new job description updates and documents the duties associated with this job and streamlines the pay structure for employees.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.12 Approve Job Description: Food Service Warehouse Supervisor**

Comment:
The District and School Supervisors Association (SSA) have met and approved the newly created Food Service Warehouse Supervisor job description.

This new position has been created to improve efficiency and supervision over the Food Service Warehouse functions. This action will allow us the opportunity to eliminate a vacant Food Services Area Supervisor position.

Recommendation:
Recommend Approval

Fiscal Impact:
Increase of \$8,373 per fiscal year paid from the Cafeteria Fund

***CI C.13 County Office of Education / Making Waves Academy Charter School**

Comment:

This is to ratify the Memorandum Of Understanding between West Contra Cost Unified School and the County Office of Education for the Making Waves Academy Charter School, which defines our terms of Special Education operation.

Recommendation:

Recommend Approval

Fiscal Impact:

Cost recovery for charter operation

***CI C.14 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: \$801,101. Funding sources as noted.

***CI C.15 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Nystrom Elementary New Multi-Purpose and Ford Elementary School New Campus. Change orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted change 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: \$98,759.25.

***CI C.16 Approval of Construction Management Services for ongoing Bond Projects**

Comment:

The District's Construction Management firm, Seville Group, "SGI," is providing Construction Management services at a number of District Bond Construction sites. There are new project phases beginning or extensions of services required. The proposed Construction Management Services contract adjustments are as follows:

1. Kennedy High School: Administration Renovations, ADA Compliance, and Quad Renovations added projects, ongoing services on the Field Building and Lights project. Services through February 2012. \$156,301.
2. King Elementary School New Campus: Ongoing services, project extended duration. Services through January 2012. \$230,344.
3. Restroom Wall Repairs Projects Madera & Stewart Elementary: New projects. Services through October 2011. \$34,611.

Recommendation:

Approve Construction Management Services contracts as noted

Fiscal Impact:

\$421,256

***CI C.17 Ratification of Staff Awarded Contracts for Summer Projects**

Comment:

The Operations Division is engaged in completing a number of projects which must be completed prior to the start of school. The District has completed construction documents and has publicly bid each of the projects. In consideration of the need to complete the work expeditiously, the Superintendent's designee authorized award of a contract for the projects as follows:

1. Madera Elementary Restroom Wall Surface Repairs: Architect: Hamilton + Aitken. Lowest responsive, responsible bidder: Streamline Builders, \$119,800.
2. Stewart Elementary Restroom Wall Surface Repairs: Architect: Interactive Resources. Lowest responsive, responsible bidder: Streamline Builders, \$100,800.
3. Kennedy High School Administration Area Renovations: Architect: Powell and Partners. Lowest responsive, responsible bidder: Am Woo Construction, \$370,200, including Bid Alternate 1.

The Education Code requires the Board to ratify this award action by the Superintendent's designee.

Recommendation:

Ratify staff awarded contracts as noted

Fiscal Impact:

\$590,800 for all projects noted. Madera Project Budget \$119,800, Measure J Bond Fund. Stewart Project Budget \$100,800, Measure J Bond Fund. Kennedy Project Budget \$370,200, Measure J Bond Fund.

***CI C.18 Ohlone Elementary Reconstruction Award of Contract for Construction**

Comment:

The last project in the Measure J Bond is the reconstruction of Ohlone Elementary School. The original campus was constructed using modular buildings and is far beyond its useful life. The Board approved the Master Plan for reconstruction in April of 2008. The project schedule was impacted by funding constraints, but at this time there are adequate funds available to complete the project.

The District conducted a public bid process for the project. Bids were opened on June 23, 2011.

_____ Contractors submitted bids. They are as follows: The lowest responsive, responsible bidder is _____. Staff will bring a recommendation for award to Board meeting.

Recommendation:

Award Contract to lowest responsive, responsible bidder

Fiscal Impact:

\$ _____. Funded from the Ohlone Elementary Project Budget under the Measure J Bond.

***CI C.19 Collins Elementary Parking and Driveway Project Award of Contract**

Comment:

The rear parking area and driveway at Collins Elementary is deteriorated and has drainage and capacity issues. The District has initiated a project to upgrade this area. Pacific Engineering prepared construction documents. The District conducted a public bid process for the project. Bids were opened on June 15, 2011. Six Contractors submitted bids. They are as follows: American Asphalt \$321,000; Bruce Carone \$229,250; WR Forde \$204,440; ERA Construction \$199,500; J.A. Gonsalves & Son \$196,801; and, Michael G. McKim \$178,750. The lowest responsive, responsible bidder is Michael G. McKim at \$178,750.

Recommendation:

Award Contract to lowest responsive, responsible bidder

Fiscal Impact:

\$178,750. Funded from the Deferred Capital Projects Budget, Collins Elementary, under the Measure J Bond.

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Bond Finance Report**

Comment:

The Bond Finance Team will present a report on the impact of assessed valuation on the tax rates for outstanding bonds. The decrease in assessed valuation over the past few years has caused the tax rates

for certain bonds to rise. There may be an opportunity to refund certain bonds which could result in savings for taxpayers.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.2 Seal of Biliteracy Awards Report**

Comment:

Biliteracy awards recognize and value the biliteracy skills of all students, prepare our students with 21st century skills, affirm the value of diversity and honor the multiple cultures and languages of our community. A Biliteracy Awards program would present biliteracy awards to graduating high school, 8th grade and 6th grade students who demonstrate proficiency in English and one or more other languages.

Staff will give a report on the Seal of Biliteracy Award pathway. Criteria for the Biliteracy awards is provided.

Recommendation:
Report

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.

Sylvester Greenwood passed away earlier this month. Mr. Greenwood started with the Richmond Unified School District in 1969 as a security officer. He became a teacher in 1974 and also served as dean, counselor, vice principal and principal at various schools. In 1988 he moved to the Administration Building and held positions of Deputy Superintendent and Assistant Superintendent, retiring in 2006.

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 Resolution No. 76-1011: Approving Engineer's Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2011-2012**

Comment:

The Board will hold a public meeting and hear any public comments with regard to the Maintenance and Recreation Assessment District for 2011-12. Staff and the engineer will be available to answer questions on the Maintenance and Recreation Assessment District.

After the public hearing the Board may adopt “A Resolution Approving Engineer’s Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2011-12.” The resolution gives final approval to the engineer’s report and directs that the assessment diagram and assessments be filed with the county. The District will receive funds at the time it receives property tax payments. Proceeds of the MRAD will be deposited in a separate fund.

This is the third and final resolution in the process of levying an annual assessment. On March 16th the Board adopted a resolution ordering the preparation of the engineer’s report and then on June 1st, adopted a resolution calling a public meeting for June 28, and causing notice of that meeting to be published.

Recommendation:

Recommend approval of this resolution for MRAD

Fiscal Impact:

\$5,500,000 Revenue for MRAD Fund

* **F.2 Public Hearing and Adoption of the 2011-12 Budget
Public Hearing for Tier III Programs**

Comment:

Education Code Section 42127 requires the governing board of each school district to adopt a budget for the subsequent year, on or before July 1st. The budget including the multi-year plan is subject to the review and approval of the State Trustee and the County Superintendent. Any revisions to the school district’s budget which results from passage of the state budget will be presented to the governing board within 45 days after the Governor signs the State Budget Act.

A public hearing will be held, and staff will provide an overview of the proposed budget delineating the significant revenue and expenditure components. The final proposed budget is presented to the Board of Education for approval.

Education Code Section 42605(c)(2) requires a public hearing and the ultimate reporting to the Legislature regarding expenditures in Tier III. The consequence of not conducting the public hearing, or the inability to demonstrate that a public hearing was conducted, is the loss of all Tier III funds.

The public hearing for Tier III Programs is being held in conjunction with the public hearing for the adoption of the 2010-11 budget and documentation provided. The list of Tier III Categorical Programs can be found as Appendix A to the 2011-12 Executive Summary.

Recommendation:

Approval of the 2011-12 Budget including Tier III Provisions

Fiscal Impact:

Adopted Budget

* **F.3 Community Outreach for Possible Parcel Tax**

Comment:

In November 2008, the voters of West Contra Costa Unified School District overwhelmingly renewed the parcel tax that provides funding for our counselors, library staff, some of our custodians and psychologists, our athletic program as well as partial funding for class size reduction in grades K-3. As the five-year time frame for that funding draws to a close, the Board should consider whether to determine if our electorate will support the renewal of that levy. In 2007, the Board appointed a committee of two members and authorized them to develop a request for qualifications for a consulting firm to assist the district in this effort. The Attorney General has determined that a school district may legally expend district funds to hire a consultant to conduct surveys and establish focus groups to assess the potential support and opposition to a measure, the public's awareness of the district's financial needs, and the overall feasibility of developing a measure that could win voter approval.

Recommendation:

That the Board appoint two members as a subcommittee to select a polling firm and a consulting firm to conduct a survey and provide outreach services to determine the feasibility of a measure to renew the current parcel tax and authorize the superintendent to sign the contract or contracts.

Fiscal Impact:

Not to exceed \$60,000

* **F.4 Shining Crescent Charter School Petition**

Comment:

On, April 18, 2011 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 (2012-2013), increasing to 312 students in the second year of operation (2012-2013) and 345 students at full implementation, in year five (2016-2017). (Petition, Appendix N: Budget Assumptions.) Petitioners intend the Charter School "to provide cultural and language support to all students" with a focus on the "underserved population of students who speak languages, e.g. Wolof, Hausa, Twi, Ga, Fante, African American Language/Ebonic, Farsi, Punjabi, Handi, Banglade, and Arabic. (Petition p. 10.) Petitioners propose to "develop primary language groups not listed in West Contra Costa data." (Petition p. 12)

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 May 18, 2011. "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 board action until June 28, 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, Lynn 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 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 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

- * **F.5 Public Hearing – Notice of the West Contra Costa Unified School District’s intent to apply to the California Department of Education for a waiver to EC 48660 and EC 48916.1 to expand the Harbor Way Community Day School to K-8**

Comment:

A community day school may serve pupils in any kindergarten and grades 1 to 12, inclusive, or the same or lesser included range of grades as may be founding any individual middle or junior high school operated by the District. If a school district is organized as a district that serves kindergarten and grades 1 to 8 inclusive the school district may establish a community day for grades 1 to 8.

The general waiver request application is due on July 1, 2011, for consideration at the July 13 -14, 2011 State Board of Education meeting. West Contra Costa has complied with the requirements necessary to apply for the waiver and will submit the application upon Board approval.

Notice of the hearing tonight has been posted for ten days as required.

Recommendation:

That the Board of Education hold a public hearing on June 28, 2011 to allow the public to comment on the approval of the submission by West Contra Costa Unified School District of a General Waiver of Education Code 48660 and 48916.1 on behalf of Harbor Way Community Day School. The General Waiver will be in the board agenda for the School Board meeting of July 13 -14, 2011.

Fiscal Impact:

None

G. DISCUSSION ITEMS

- * **G.1 Manzanita Charter School MOU - Demand for Review**

Comment:

On May 12, 2010, the Governing Board met to consider renewal of Manzanita’s petition for a second five-year term. The Governing Board agreed to renew Manzanita’s charter petition under certain conditions and provided that the Charter School provided the following written assurances to the District:

- The Charter School shall make all requested modifications or clarifications to the Petition identified in the attached Findings.
- The Charter School shall agree to enter in to a Special Education Memorandum of Understanding that is mutually acceptable to the Charter School and the District and which adequately addresses each of the issues identified in the Findings.
- The Charter School shall confirm that the Board of Directors will adopt amendments to their Articles [of] Incorporation and Bylaws to assure compliance with all applicable State conflict of interest laws, including Government Code section 1090.

- The Charter School shall revise the Student Handbook for consistency with the Petition.
- The Charter School shall agree to enter into an Operational Memorandum of understanding that is mutually acceptable to the Charter School and District.

Under the conditions of approval set by the District's Governing Board in May 2010, Manzanita is obligated to enter into an operational MOU with the District, as well as an MOU to allocate responsibility between the parties for the funding, delivery, and implementation of special education and related services under the IDEA and related State special education law. In the intervening eight months, the District has engaged in prolonged negotiations with Manzanita in an effort to reach agreement on appropriate MOU terms. While efforts to resolve and finalize the terms of the Operational MOU are ongoing and are in the final stages of resolution, the Charter School has refused to finalize the terms of a Special Education MOU on the grounds that the District is obligated to provide Section 504 services to eligible Manzanita students. This assertion is untrue. During the course of these negotiations, the District has made clear that pursuant to law, and in the absence of an agreement to the contrary, the responsibility for Section 504 services rests solely with the Charter School. District staff will not be responsible for developing Section 504 plans or providing Section 504 services to Manzanita students.

Therefore, the District directs Manzanita to enter into Operational and Special Education MOUs with the District no later than July 5th 2011. Moreover, the Special Education MOU shall include language indicating that Manzanita has assumed sole responsibility for the provision of Section 504 services to eligible students.

Recommendation:

It is recommended that the above concerns must be remedied and the requested information provided. If Manzanita fails to remedy these concerns and provide the requested information by July 5, 2011 to the Superintendent, the District will notify the CDE of the possible non-renewal of Manzanita's charter and take appropriate steps to initiate the charter school closure process. The District may also initiate remedies under Education Code section 47607 in order to have the Charter School cure its lack of compliance with the law.

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 – July 13, 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

June 28, 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

Administrative Appointments for the 2011-2012 school year:

Principal, Elementary School
Vice Principal, Middle School
Assistant Principal, High School
K-12 Instructional Specialist
Principal, Adult Education
Vice Principal, Adult Education
Principal, Alternative Education
Coordinator of Education Services
Special Education, Administrator
Executive Director K-12 Schools

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)**

Certificated / Classified Employee Dismissal

10. REPORT OF CLOSED SESSION ACTIONS