

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
NOVEMBER 3, 2010**

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 **5:30 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.

"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 John F. Kennedy High School**

Comment:

A Student Board Representative from John F. Kennedy High School will attend the Board of Education meeting on November 3, 2010. 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: October 20, 2010**

C. BUSINESS ITEMS

CONSENT ITEMS (Routine Matters)

Consent Calendar Items designated by “CI” are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section E.

***CI C.1 Acceptance of Donations**

Comment:

The District has received donations as detailed, dated November 3, 2010. Staff recommends acceptance of these donations.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per donations summary

***CI C.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2010-11 school year are detailed, dated November 3, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

***CI C.3 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated November 3, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

***CI C.4 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve contracts for services as detailed, dated November 3, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.5 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.6 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:

The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully credentialed

teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.7 Resolution No. 30-1011: American Education Week – November 14-20, 2010**

Comment:

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

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

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.8 Resolution No. 29-1011: Recognizing Contributions of Veterans to the Country**

Comment:

Resolution No. 29-1011 acknowledges the contributions of our veterans and encourages all citizens, staff, faculty, students and families to participate in the celebration of Veterans' Day.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.9 Harding Elementary School Window, Exterior Wall and Roof Repairs Award of Contract**

Comment:

Harding Elementary School has experienced ongoing moisture intrusion issues since renovation in 2005. The District has retained Grossman Design Group, roofing and waterproofing consultants to assist in repairs and upgrades to building envelope systems. This first set of work includes repairs of roof flashings, window sealants, and exterior wall cracking. The District conducted a public bid process for this work. Bids were opened on October 21, 2010. One bid was received from IMR Contractors for \$48,000. This is the lowest responsive, responsible bid.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

Total for this action: \$48,000. Funded by the Measure J Bond, Harding Elementary School Waterproofing Repairs Project.

***CI C.10 Richmond High School Fence and Gates Project Final Change Order Approval**

Comment:

The Richmond High Fence and Gates project is complete. CF Contracting is the contractor. This project includes full fence and gate replacement around the campus perimeter. In addition, the project includes full reconfiguration of the front parking lot, with replacement of the asphalt, new concrete, and a new driveway to allow circulation for drop off. During the course of the work there have been a significant number of unforeseen conditions which have resulted in changed scope of work and increased costs. For example, the soils at the site are contaminated and required special handling and disposal. The City of Richmond has also requested substantial additional work in the public right of way. In addition, the time frame for completion of the work on the front parking lot was limited to the summer break, and it was necessary to approve substantial overtime and weekend work for the contractor in order to complete the parking lot prior to the opening of school. Finally, there were a number of items added by the District for underground work related to parking lot lighting, conduits for connection of low voltage systems to the old Art Building on 23rd Street, and repairs to existing shallow storm drain systems.

The combination of the substantial unforeseen conditions and the need to approve off hours work has resulted in potential change orders in excess of Public Contract Code 10% limit. The Board has previously approved a change order for this contract and staff is requesting approval of this final contract adjustment of an additional 5.37%, with findings as noted below.

Approval is required by the Board, with special findings, 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 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:

Adopt findings of futility and approve change order to CF Contracting

Fiscal Impact:

Total for this action: \$57,997.80. Funded by the Measure J Bond, Richmond HS Fence and Gates Project.

***CI C.11 Approval of Bid Alternates #1, #2 and #3, Chavez Elementary School Window and Door Replacement Project**

Comment:

On October 6, 2010, the Board awarded the above referenced bid to Pinguelo Construction in the amount of \$262,510. However, the District neglected to include the award of the three bid alternates as follows:

Bid Alternate #1: Provide additive cost to replace Lexan plastic with specified Low E laminated glazing in the store front aluminum window frames on the north side of the two story building (both floors); Bid Alternate #2: Provide an additive cost to remove all existing horizontal mini-blinds at all exterior wall, window and door lite locations and replace them with MechoShade system roller shades; Bid Alternate #3: Provide an additive cost to remove all existing sealant and backing rod around existing aluminum window frames and reinstall new backing rod and sealant at all window locations on the buildings. Basis award was the base bid, but the addition of the 3 alternates, Pinguelo Construction was determined to be the lowest responsive, responsible bidder.

Recommendation:

Award the three above referenced bid alternates to Pinguelo Construction in the amount of \$104,425 (Bid Alternate #1 - \$38,975; Bid Alternate #2 - \$35,000; Bid Alternate #3 - \$30,450). Funded from the Deferred Capital Projects Budget, Measure J Bond.

Fiscal Impact:

\$104,425. Funded from the Deferred Capital Projects Budget of the Measure J Bond.

***CI C.12 Approval of Pool of Pre-Qualified Architects for Measure D 2010 Projects**

Comment:

In preparation for the Measure D 2010 projects, District staff has completed a competitive selection process in order to pre-qualify a number of architectural firms for assignment to upcoming projects. A Request for qualifications (RFQ) was prepared and circulated to over thirty architectural firms with experience in renovation and new construction of California public schools.

The District received statements of qualifications (“SOQ’s) from interested firms. District facilities, Operations/Maintenance and Technology staff evaluated the SOQ’s, and using a set of uniform criteria contained in the RFQ, has created a list of qualified firms from which the District may make selections for ongoing Measure D work. Additional firms may be qualified from time to time after submitting qualifications for review by the District. The recommendation of the pre-qualified firms does not include a specific project assignment. This action merely creates a pool of pre-qualified Architects for upcoming projects. These firms can now be interviewed, or assigned as required, to future Measure D 2010 projects. Proposed assignments will be reviewed and recommended for approval by the Board at the time the projects are set to begin design.

Recommendation:

Approve the attached list of Architectural firms as Pre-Qualified to perform work on projects funded under the Measure D 2010 Bond Program.

Fiscal Impact:

None at this time. Architect fees are budgeted and funded by the Measure D 2010 Bond.

***CI C.13 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Ford Elementary School New Campus; Portola Middle School Temporary Housing Utilities; and Hercules Middle High School Quad Landscape and Parking. 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: \$61,412.37

***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: \$26,284. Funding sources as noted.

***CI C.15 Citizens' Bond Oversight Committee (CBOC) Appointment**

Comment:

Ms. Adrienne Harris has agreed to accept appointment to the Citizens' Bond Oversight Committee representing the Board of Trustees (Mr. Ramsey's appointment). Staff is seeking approval for Ms. Harris to serve on the CBOC.

Recommendation:

Recommend Approval

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Ed Fund Mini-Grants & School-wide Grants**

Comment:

Each fall, The Ed. Fund awards grants to teachers, principals, and other staff or community leaders in WCCUSD who have creative ideas for their schools. This year there are 67 awards totaling \$45,439. These grant recipients are leaders who go above and beyond the call of duty to serve our students. Projects range in content from poetry programs, after school video clubs, garden projects and debate teams, as well as more traditional literacy and math programs. No matter what the subject, each grant

supports the standards and learning goals the District considers essential. With fresh ideas and innovative programs, these professionals ensure that the children in our community thrive.

The Ed. Fund is pleased to present to the Board of Education the recipients for the 2010-11 school year.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.2 National Education Associations KEYS 2.0 Survey**

Comment:

Marelen Fong, California Teachers Association (CTA), will make a presentation on The National Education Association's (NEA) KEYS 2.0 survey instrument. KEYS 2.0 is a comprehensive, research-based, and data driven continuous school improvement program grounded on 42 Indicators of School Quality that are clustered around six "KEYS".

The six KEYS are:

- Shared Understanding and Commitment to High Goals
- Open Communication and Collaborative Problem Solving
- Continuous Assessment for Teaching and Learning
- Personal and Professional Learning
- Resources to support Teaching & Learning
- Curriculum and Instruction

The tools are an essential part of NEA's Priority Schools campaign.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.3 Equitable Distribution of Highly Qualified Teachers and Administrators**

Comment:

The Human Resources staff will provide a presentation of the LEA Plan for Equitable Distribution of Highly Qualified and Effective Teachers and Administrators.

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.

Roger Matthew Giordano, an electrician for the Maintenance / Operations Department since May 2004, passed away in October 2010. He enjoyed participating on the District’s bowling league with friends and co-workers. He was cared for by those he worked alongside.

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 Alvarado Unity High Charter School Petition**

Comment:

On September 9, 2010, the petitioner submitted to West Contra Costa Unified School District a petition for a charter school known as Alvarado Unity High 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 Alvarado Unity High School 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. The Charter School seeks to provide students “the core skills necessary for academic achievement and, ultimately, for success in today’s global, multicultural and multilingual society.” (Petition, p. 4.) It is the stated mission of the Charter School to prepare its students for admission to and success in college by offering a rigorous curriculum that meets the University of California A-G requirements, with an emphasis in basic skills and core subject matter in English language arts, mathematics, social studies and science, and a comprehensive support program that promotes healthy youth development. (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 October 6, 2010.

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 Alvarado Unity High 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 this précis contain proposed findings prepared by District staff and outside 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:

- (a) The Charter School presents an unsound educational program for the students to be enrolled in the Charter School. (Ed. Code § 47605(b)(1).)
- (b) The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)
- (c) 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.

Fiscal Impact:

None

* **F.2 Adoption of Board Policy 5145.7 – Sexual Harassment**

Comment:

The Board Policy 5145.7 – Sexual Harassment was brought to the October 6, 2010 Board Meeting for the first reading. The policies have been posted on the website for review and feedback. Staff has made corrections and is bringing back this policy for Board approval.

Recommendation

Recommend Approval

Fiscal Impact:

None

G. DISCUSSION ITEMS

* **G.1 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 Services:

None

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – November 17, 2010

K. ADJOURNMENT

At 10:00 PM, any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 PM. The meeting may be extended by a majority vote of the Board of Education.

The public may address items which are marked with an asterisk (*).

A. CLOSED SESSION

A.1 CALL TO ORDER

A.2 DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
(Government Code 54957.7)

A.3 RECESS TO CLOSED SESSION AS SCHEDULED

See Exhibit A

(Government Code Section 54954.5)

The **Open Session** will resume at the end of the **Closed Session** in the Multi-Purpose Room at approximately **6:30 PM**.

EXHIBIT A

(Government Code Section 54954.5)

CLOSED SESSION AGENDA

November 3, 2010

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