

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JULY 7, 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 **5:00 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 Report/Ratification of Closed Session

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

* **B.6 Minutes: June 22, 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 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated July 7, 2010.

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 July 7, 2010. 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 2009-10 school year are detailed as dated July 7, 2010.

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 as dated July 7, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.5 Notification of Claim Rejected**

Comment:

The District has received a claim requesting compensation for personal injury. 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.6 Community Budget Advisory Committee Member Ratification**

Comment:

The Community Budget Advisory Committee (CBAC) met on June 24, 2010. The voting members approved the following members for the 2010-11/2011-12 term: Greg Whaling, Eduardo Martinez, and Tammy Campbell. The selection is subject to ratification by the School Board at a regular Board of Education meeting. Pending ratification, below is a complete list of the committee voting members and term dates.

MEMBER NAME	MEMBER TYPE	TERM ENDING
Tammy Campbell	Parent	June 30, 2012
Charles Johnson	Classified	December 31, 2010
Sue Kahn	Principal	December 31, 2010
Eduardo Martinez, Vice Chair	Community	June 30, 2012
Erwin Reeves, Chair	Business Leader	June 30, 2011
Robert Studdiford	Parent	June 30, 2011
Greg Whaling	Teacher	June 30, 2012

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.7 Resolution Nos. 01-1011 through 12-1011: Board of Education Annual Resolutions for the 2010-2011 School Year**

Comment:
Approval is recommended of the Board of Education Annual Resolutions Nos. 01-1011 through 12-1011, for the 2010-2011 school year.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.8 Board Meeting Dates January to July 2011**

Comment:
Board Policy 9100 requires that the Board set the calendar of meetings for the calendar year at its December organizational meeting. Yet for planning and communication purposes, it would be unwise to wait until December each year to set the meeting dates for the new calendar year. While the Board would certainly have the authority to change meeting dates, as it does at any time, it is important to establish dates for the next calendar year.

The recommended dates are as follows:

- January 5, 19
- February 2, 16
- March 2, 16
- April 13
- May 4, 18
- June 1, 29
- July 13, 27
- August 17
- September 7, 21
- October 5, 19
- November 2, 16
- December 14

Recommendation:
Recommend Approval

Fiscal Impact:

None

***CI C.9 Resolution 13-1011: In Support of Senate Constitutional Amendment 6 (SCA)**

Comment:

In this legislative session, State Senator Joseph Simitian has authored Senate Constitutional Amendment 6, which would allow school districts, community college districts, and county offices of education to pass a parcel tax with a 55 percent majority vote rather than the currently required two-thirds. Getting a two-thirds vote in both houses of the Legislature to put SCA 6 on the ballot is a daunting challenge. The Senator is asking the Board to support SCA 6. It is the Senator's intent that this legislation will alleviate the financial stress that schools are experiencing.

Recommendation:

Approval of Resolution 13-1011: In Support of Senate Constitutional Amendment 6 (SCA)

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 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: \$617,627. Funding sources as noted.

***CI C.12 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Richmond High School Security Fencing, Ford Elementary New Campus, and Dover 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.

Recommendation:

Ratify negotiated Change Orders as noted

Fiscal Impact:

Total ratification and approval by this action: \$86,526.

***CI C.13 Construction Access, Right of Use and Restoration License Agreement with the City of Richmond for Temporary Construction Staging, Staff Parking and Pedestrian Access at Nystrom Elementary School**

Comment:

The construction of the Nystrom Elementary Multi-Purpose Building will be on the school's existing playground and staff parking areas. The construction site will also block pedestrian access from South 12th Street, which is an important route for many of our families. The available area for the Contractor to operate is also severely restricted by the LPS Temporary Campus and the existing Nystrom buildings. It is necessary to provide for additional space for Contractor staging and to provide for temporary staff parking with an associated safe pedestrian route to the existing school. The City of Richmond has agreed to allow the District to use a portion of the MLK Park adjacent to the school as a temporary staging areas, staff parking lot, and pedestrian access route during construction. The proposed agreement with the City of Richmond provides for a legal framework to allow construction, use, and restoration of the site. The agreement is attached, and has been prepared by District's legal counsel. It is being concurrently reviewed and approved by the City of Richmond. This agreement is similar to the agreement approved for the King Elementary project.

Recommendation:

Approve Construction Access, Right of Use and Restoration License Agreement with City of Richmond

Fiscal Impact:

Not known exactly at this time. The project construction bids include basic work on the MLK Park areas. Project is funded from the Measure J Bond.

***CI C.14 Helms Middle School Demolition Project Award of Contract**

Comment:

The next step in completing the Master Plan for the Helms Middle School site is to demolish the existing buildings and prepare the site for the fields and playground project. The demolition project includes hazardous materials abatement, underground storage tank removal, demolition, and site grading. The project documents require salvage and recycling of a minimum of 75% of the materials contained in the

existing buildings. The District is also salvaging the bas relief decorative cast panels from the front and side facades to include in the future park area as historic reference to the original buildings.

Baker Vilar Architects completed plans and specifications for the project. The District conducted a public bid of the project. Bids were opened on June 15, 2010. Four Contractors submitted bids. They are as follows: LVI Environmental \$2,870,000; Parc Services \$2,733,318; Cleveland Wrecking \$2,537,000; and Evans Brothers \$2,442,000.

The lowest responsive, responsible bidder is Evans Brothers at \$2,442,000.

Recommendation:

Award contract to the lowest responsive, responsible bidder

Fiscal Impact:

\$2,442,000. Funded from the Measure J Bond.

***CI C.15 Stege Elementary School Emergency Repair Program Repairs Contract Award**

Comment:

The District has received funding from the State Emergency Repair Program (“ERP”) to replace the seriously deteriorated windows, restroom wall finishes, and retaining walls at Stege Elementary School. Two Bid Alternates were included with the bid for additional windows to supplement the base packaged. The smaller number of windows included in Alternate 2 is recommended for award and is within the project budget. HMR Architects prepared construction documents for the project.

The District conducted a public bid process for the project. Bids were opened on May 18, 2010. Four Contractors submitted bids. They are as follows for Base Bid + Alternate 2: NS Construction \$360,400; Pinguelo Construction \$280,356; Kel Tec Builders \$229,833; and, ERA Construction \$224,667. The lowest responsive, responsible bidder is ERA Construction at \$224,667.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$ 224,667. Funded from the Emergency Repair Program (“ERP”) and Deferred Capital Projects, Measure J Bond.

***CI C.16 Caesar Chavez Elementary Painting & Repairs Project Award of Contract**

Comment:

The Chavez School was completed over 15 years ago and has never been repainted. Except for work painting in the area of the waterproofing repairs at the rotunda that have recently been completed. This project will repaint all other areas of the building and all portables on the site.

HMR Architects completed plans and specifications for the project. The District conducted a public bid of the project. Bids were opened on June 24, 2010. Seven Contractors submitted bids. They are as follows: B-Side \$165,000; Color Chart \$122,000; Kifle \$120,000; US Painting \$107,900; Cal Constructors \$91,912; Horizon Painting \$87,110; and, Fairway Painting \$83,300.

The lowest responsive, responsible bidder is Fairway Painting at \$83,300.

Recommendation:

Award contract to the lowest responsive, responsible bidder

Fiscal Impact:

\$83,300. Funded from the Deferred Capital Projects budget of the Measure J Bond

***CI C.17 Amending Resolution No. 89-0910: Specifications of the Elections Order**

Comment:

Resolution No. 89-0910: Specifications of the Elections Order was adopted by the Board of Education on June 2, 2010. It has since been learned that specific language required by the County Elections Office was inadvertently omitted.

Attached is the amended resolution which includes the required statement regarding district reimbursement to the county for the actual cost incurred by the county elections official in conducting the general district election.

Recommendation:

Recommend Approval

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 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	
Safety Committee	
Special Education Citizens Advisory Committee	
Youth Commission	

* **D.2 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.

James Mangrum, a 2006 graduate of El Cerrito High School, passed away on June 16, 2010 following his long battle with cancer.

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. 14-1011: Resolution to Conditionally Approve the Renewal of the Charter Petition for Richmond College Prep K-5 Charter School**

Comment:

On May 18, 2010, the petitioner, Richmond College Prep K-5 Charter School, submitted to West Contra Costa Unified School District ("District") a petition to renew the charter ("Petition") for the independent charter school known as Richmond College Prep K-5 Charter School ("Charter School") for an additional five years. The Charter School has been operating in the District for four years as a site-based school. Upon renewal, the Charter School proposes to add a fifth grade class for the 2010-2011 school year; and would continue to serve grades kindergarten through five for the remainder of the renewal term. The

Charter School proposes a standards-based curriculum augmented through various enrichment strategies, including tutoring, small-group instruction, and other supportive services. In addition, the Charter School's educational program is based on a constructivist approach to teaching and learning, which emphasizes work with real things (i.e. models, manipulatives, animals, gardens, etc.).

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. Renewal of an existing charter petition is governed by the requirements of Education Code sections 47605 and 47607. Education Code section 47605, subdivision (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 June 2, 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).) Renewal of a charter is also governed by the standards and criteria in Education Code section 47605 and "shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed." (Ed. Code § 47607(a)(2).) Additionally, a charter school seeking renewal must meet one of the standards for academic achievement set forth in Education Code section 47607, subdivision (b).

Staff and legal counsel have reviewed the Petition and prepared the Staff Written Findings Regarding Richmond College Prep K-5 Charter School Petition for Renewal ("Findings"). 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.

Recommendation:

Staff's recommendation is that the Board adopt the Resolution No. 14-1011: Resoltuion to Conditionally Approve the Renewal of the Charter Petition for Richmond College Prep K-5 Charter School, which is subject to the fulfillment of the following conditions within sixty (60) calendar days of the adoption of the aforementioned resolution:

1. The Charter School shall comply with all requested recommendations identified in the attached Staff Findings, including revisions to the Petition, as necessary.
2. The Charter School shall agree to enter into a Special Education Memorandum of Understanding that is mutually acceptable to the Charter School and District and that adequately addresses each of the issues identified in the Staff Findings.
3. The Charter School shall agree to comply with the Operational Memorandum of Understanding, dated ____, 2010, as executed by the Charter School and the District.
4. The Charter School shall revise the Petition and the amend the Governing Board's Articles of Incorporation and Bylaws to assure compliance with all conflict of interest laws applicable to public agencies, including the Political Reform Act and Government Code section 1090, as recommended in the Staff Findings.

5. The Charter School shall revise the Student and Parent Handbook and Employee Manual for consistency with the Petition and to adequately address each of the issues identified in the Staff Findings.
6. The Charter School shall meet or exceed the schoolwide average API scores of Nystrom, Coronado, Peres and Lincoln Elementary Schools by the end of 2010-11 school year and attain an API score that places Richmond College Prep at the 75th percentile of the API's of those four schools by the end of the 2011-12 school year. Any failure of the Charter School to comply with this condition may be deemed a violation of the charter, for which the District reserves the right to seek revocation of the Charter School's charter.

Fiscal Impact:

None

G. DISCUSSION ITEMS

*** G.1 Expulsion Process Report**

Comment:

Board members have requested an update on the student expulsion process in West Contra Costa Unified School District. The Director of Adult and Alternative Education, Pamala Blake, will provide the Board with background on the steps in the expulsion process as well as describing how expulsion hearings work. Staff will provide information about when and how this process was developed.

Recommendation:

Background for discussion only

Fiscal Impact:

None

*** G.2 Revenue Enhancement Survey Report**

Comment:

At the June 22, 2010 meeting, the Board authorized a contract with Godbe Research to perform a random sample survey to aid in determining the degree to which the community is willing to support a possible local measure that would help in replacing the vast amount of state funding that has been lost due the State's revenue shortfall. The survey provides information about what programs and services the public supports, assesses the priorities of the community as well as provides accurate insights into the attitudes and opinions of voters. Godbe Research has completed a random sample survey and will be presenting the results of that survey to the Board.

Recommendation:

That the Board consider the survey results and provide direction to staff about whether to move forward with a possible parcel tax measure.

Fiscal Impact:

Positive if approved by voters

* **G.3 Report on Status of General Obligation Bond Debt and Potential Refunding**

Comment:

At Facility Subcommittee meetings in April and May, the decline in assessed valuation of the properties within the District has been a topic of discussion. It has been determined that the debt service for 2002 Measure D is at risk of exceeding \$60.00 per \$100,000. In order to avoid exceeding the tax rate it will be necessary to refund certain bonds. Joanna Bowes from KNN will provide information on the District's outstanding bond debt, how the tax rates are impacted by assessed valuation and refunding strategies to keep tax rates at or below the \$60.00 per \$100,000 limit.

Recommendation:

For Discussion Only

Fiscal Impact:

None

* **G.4 Four Closed School Sites Analysis and Recommendations**

Comment:

Terra Realty Advisors, Inc. was engaged by the District Facilities Department to evaluate and provide recommendations to the District on four school sites. Three sites are already closed (Seaview Elementary, el Sobrante Elementary, Adams Middle School); one site is scheduled to be closed by December 2010 (Portola Middle School).

Their due diligence included the following: General review of the original site plan drawings for each site. Review of current preliminary title report on each property, with copies of all exceptions. Meetings in person and by phone with several potential user groups, interested parties, and several potential brokerage companies, preliminary discussions with several local (Bay Area) developers. Met and discussed all sites with the Contra Costa County Planning Department, Real Property Manager, and the three relevant sites in the un-incorporated areas of Contra Costa County with District 1 Supervisor, John, Gioia and his staff. Contact with several local (Bay Area) appraisers and land acquisition specialists for major home builders, to ascertain potential property values, and discuss current market conditions and trends. Discussed with WCCUSD legal counsel title issues, constraints and potential structure of joint venture. Discussion and update with WCCUSD CDE representative: Lisa Constancio. Research and review of potential constraints, including: FEMA, BCDC, geo-hazards, etc.

In addition to potential values, they have provided a recommendation for each site, along with alternate recommendations and strategies the District may contemplate as part of their overall master plan strategy.

The direction was clear: what are the opportunities to provide revenue to the District, to assist in debt payment/reduction to the State of California. This report will give the District governing Board information to assist them in this matter, and to be able to give meaningful direction to staff to implement those decisions.

Recommendation:

For Information Only

Fiscal Impact:

None

* **G.5 Status Reports – 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 – July 28, 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

July 7, 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. Signature at Anchor Cove v. WCCUSD

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

- a. Administrative Appointments for 2010-2011 School Year

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