

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
AUGUST 17, 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 **5:45 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 Report/Ratification of Closed Session

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

* **B.6 Minutes: July 27, 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 Donations**

Comment:

The District has received donations as summarized, dated August 17, 2011.

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 2011-12 school year are summarized, dated August 17, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

***CI C.3 Summary of Payroll and Vendor Warrant Reports**

Comment:

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

Total of payroll warrants (July 2011):	\$ 2,946,675
Total of vendor warrants (July 2011):	\$ 22,974,113

Recommendation:

Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:

As noted above

***CI C.4 RFP #1011-03 Pupil Transportation Services**

Comment:

The District has been contracting with an outside company to provide home-to-school transportation services for special education students and supplemental transportation services for various District activities in accordance with California Education Code Sections 1270, 39801 and 39802. Upon the upcoming contract expiration the District solicited an RFP (Request for Proposal) for Pupil Transportation Services. The following vendors were sent packages of the RFP. Michael's Transportation, Inc., First Student, Durham School Services, Coachways, and Student Transportation of America. One response was received from First Student. First Student formally Laidlaw has been providing pupil transportation services for the District for many years. First student has a local yard accommodating the vehicles for our District. A new contract has been negotiated for a period of five (5) years.

Recommendation:

Recommend approval

Fiscal Impact:

\$7,400,000

***CI C.5 Acceptance of Contracts for Placement of Student Teachers**

Comment:

Teachers in this District provide supervision and evaluation for students seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher at no cost to the District.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed, dated August 17, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.6 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.7 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.8 Approve Job Description: Fiscal/Project Accounting Analyst**

Comment:

The District and School Supervisors Association (SSA) have met and approved the new Fiscal/Project Accounting Analyst job description.

Recommendation:
Recommend Approval

Fiscal Impact:
\$85,079 per fiscal year paid from the Bond Fund

***CI C.9 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: \$402,127. Funding sources as noted.

***CI C.10 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; Kennedy High School Security Fencing; Madera Elementary Restroom Wall Finishes; Stewart Elementary Restroom Wall Finishes; and El Cerrito High Multi-Use Sports Field Project. 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: \$274,245.77

***CI C.11 Facilities Consulting Services, Jack Schreder & Associates Contracts**

Comment:

The District has Facilities Consulting needs on a yearly basis in order update facilities information, renew facilities funding, and comply with state requirements. Jack Schreder and Associates has been providing Facilities Consulting services since the early 1990's for the District. This action includes approval of Facilities Consulting services, on an hourly basis with a not to exceed limit, as follows:

- Developer Fee Justification Study \$6,950
- Emergency Repair Program Consulting \$12,500
- Facility Master Plan/Demographic & Capacity Analysis \$25,000
- Facilities Needs Assessment \$18,350
- School Facility Program Eligibility & Tracking \$56,250

Recommendation:

Recommend Approval of Contract for Facilities Consulting Services

Fiscal Impact:

\$119,050. Funding from Capital Fund, Special Reserve for Capital Facilities, and Measure J Bond.

***CI C.12 Ohlone Elementary Phase I Reconstruction Construction Management Services**

Comment:

The last project in the Measure J Bond is the reconstruction of Ohlone Elementary School. The Board awarded the Contract for Construction at the meeting of June 28, 2011. The Contractor has received the Notice to Proceed. The next step is to confirm the Construction Management team for the project.

Seville Group (“SGI”) has been providing Construction Management services for the District’s Bond Program projects since the initial Request for Proposal process in 2002. The firm has provided a team for the Ohlone project and is ready to begin. The team includes a full-time Construction Manager and a half-time Project Engineer. The proposed fee is at approximately 5% of construction cost and as such is within industry standards for Construction Management services.

Recommendation:

Approve Construction Management Services for Ohlone Elementary Phase I Reconstruction

Fiscal Impact:

\$1,015,771. Funded from the Ohlone Elementary Project Budget under the Measure J Bond.

***CI C.13 Crespi Middle School Gym Floor Replacement Project Award of Contract**

Comment:

The Gym floor at Juan Crespi Middle School sustained damage during winter rains due to a significant water intrusion incident. The wood floor needs to be replaced.

HMR Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on August 4, 2011. Five Contractors submitted bids. They are as follows: CF Contracting \$386,500; EF Brett \$317,348; AM Woo \$249,500; ERA \$239,800; and, Romkon \$238,650. The lowest responsive, responsible bidder is Romkon, at \$238,650.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$238,650. Funded by the Self-Insurance Fund

***CI C.14 Richmond High School Art Building Fire Alarm & Security System Project Award of Contract**

Comment:

The District is continuing with renovations at the Richmond High School campus. One major area of focus is student safety and campus security. This project includes code-compliant Fire Alarm system installation and security intrusion alarm system installation.

HMR Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on August 4, 2011. Two Contractors submitted bids. They are as follows: Security Engineers \$69,350; and, Green Leaf dba Eclipse Electric \$54,716. The lowest responsive, responsible bidder is Green Leaf dba Eclipse Electric, at \$54,716.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$54,716. Funded by the Measure J Bond, under the Richmond High School Renovations Project budget.

***CI C.15 Lupine Hills Elementary Window, Wall, & Roof Repairs Project Award of Contract**

Comment:

The District needs to complete water intrusion repairs to the Lupine Hills Elementary School Administration Building. There are leaks around windows, through wall areas and from roof assemblies.

Grossman Design Group has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on August 4, 2011. Two contractors submitted bids. They are as follows: Pinguelo Construction \$309,372; and, AM Woo Construction \$135,000. The lowest responsive, responsible bidder is AM Woo Construction, at \$135,000.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$135,000. Funded by the Measure J Bond, under the Additional Bond Funded Projects budget.

***CI C.16 Approval of updated District Standards for Elementary Renovations and Reconstructions**

Comment:

The District has completed renovation and reconstruction of over twenty Elementary Schools since 2003. As a part of every District project, there are standards which cover basic spaces in every school, from administration to classrooms. These standards include lighting, finishes, cabinets/storage, presentation materials, and all other elements needed to design the spaces. The standards are the basis of each school that undergoes renovation or reconstruction and are provided the Architects of Record for their use. The District standards have continued to evolve over time and it is appropriate to update them at this time. The District retained WLC Architects for this update. Their work reflects lessons learned over the course of construction of the first projects, including feedback from teachers as part of a Post Occupancy Evaluation on the Measure M Elementary projects. The updated standards also are appropriate as the Board has adopted the Collaborative for High Performance Schools (“CHPS”) Standards. These are the “green building standards” for schools in California and reflect the District’s commitment to sustainable design.

The standards were presented to the Facilities Subcommittee at their meeting of May 10, 2011. The Facilities Subcommittee recommends approval by the full Board.

Standards are provided for review under separate cover.

Recommendation:

Adopt updated District Standards for Elementary Renovations and Reconstructions

Fiscal Impact:

Project budgets include design to the referenced standards.

***CI C.17 Approval of Board Members to attend Conferences**

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 members have expressed interest in attending the following conferences. Funds for Board travel and conference are budgeted and there is sufficient funding within that budget.

- The Congressional Black Caucus Foundation, 2011 Annual Legislative Conference, September 2011, Washington, D.C.
- NALEO National Summit on the State of Latino Education, September 2011, Washington, D.C.
- California Latino School Boards Association, Unity 2011 Conference, October 2011, San Diego, CA
- National School Boards' Association, CUBE Annual Conference, October 2011, New Orleans, LA

Recommendation:

That the Board authorize attendance to 2011 conferences

Fiscal Impact:

General Fund

***CI C.18 Manzanita Operating Memorandum of Understanding**

Comment:

The District is the granting agency for the Manzanita Charter School. The District approved the Charter School in 2000 for a term of 5 years with five-year renewal in 2005.

The charter was conditionally renewed by the Board on May 12, 2010. This is to ratify the operational Memorandum of Understanding between West Contra Cost Unified School District and Manzanita Charter, which defines the terms of operation.

Recommendation:

That the Board approve the operating memorandum of understanding with Manzanita Charter school.

Fiscal Impact:

Cost recovery for charter operation

***CI C.19 Special Education Memorandum of Understanding with Manzanita Charter School**

Comment:

The District is the granting agency for the Manzanita Charter School. The District approved the Charter School in 2000 for a term of 5 years with five-year renewal in 2005.

The charter was conditionally approved by the Board on May 12, 2010. This is to ratify the Special Education Memorandum of Understanding (MOU) between West Contra Cost Unified School District and Manzanita Charter School which defines the terms of operation.

Recommendation:

That the Board approve the Special Education Memorandum of Understanding with Manzanita Charter School.

Fiscal Impact:

Cost recovery for charter operations

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Presentation from Jonathan Bernstein on “Not In Our Town” efforts to stop hate crimes**

Comment:

Executive Director for Jonathan Bernstein of “Not In Our Town” will provide background information about the national effort to reduce bias and hate crimes. Not In Our Town highlights communities working together to stop hate. The videos and broadcasts developed by this group highlight and celebrate people who have developed creative anti-bias programs and responses. These stories have motivated many others to develop their own innovative initiatives which overpower the hateful actions and voices in their communities. The group’s strategies include:

1. Shares innovative initiatives

Not In Our Town can host screenings or help host a screening where some of their 45+ films can stimulate a discussion about ways the community can promote acceptance and respect.

2. Documents local positive actions

The Not In Our Town video team goes on location in cities and towns across the country, and documents new ways people are responding to hatred in their communities. Their blog and local lessons highlight encouraging news and tactics from people around the world.

3. Connects individuals and groups working to counter hate

The Not In Our Town effort includes a newsletter, presence on Twitter and Facebook, as well as connecting with local organizations.

4. Fosters inter-group and interfaith dialogue and gatherings

Not In Our Town helps people connect with others and speak out against hatred when it targets people from other backgrounds.

5. Provides guidance to those seeking to take a stand

Not In Our Town can help local communities strategize and brainstorm possible responses to hatred and methods to encourage others to be a part of the movement.

Recommendation:

For Information Only

Fiscal Impact:
Unknown at this time

* **D.2 Bond Sale**

Comment:
The Associate Superintendent Business Services will provide an update on the August 12 refunding bond sale.

Recommendation:
For Information 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 Comments of Remembrance, Terence Martin Day – August 23, 2011**

Comment:
Terence Martin was a dedicated father, community member and school employee who gave his life while going to the assistance of a citizen of our community. In 2005 the Board of Education declared, in perpetuity, August 23rd as Terence Lionel Martin Day in honor of his dedication and commitment to our school district and community. August 23rd is a day to remember Terence and what he stood for and believed in: taking care of one another.

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 Contra Costa County School Boards Association Representative**

Comment:

Efforts are under way to revitalize the Contra Costa County School Boards Association (CCCSBA). In the past, this organization provided a link between local school boards, the County Board of Education (CCBOE), and the Contra Costa Community College District (CCCCD). A group of leaders has come together to revive the CCCSBA so that it can once again serve as a critical link between Contra Costa’s local school boards, the CCBOE and CCCCDD in order to preserve, advance, and improve public schools.

This organization can only be effective if all districts participate and is seeking an appointment from the WCCUSD Board of Education to serve as a director to the Contra Costa County School Boards Association, representing the District in planning, meeting preparation and information for all board members in the county.

Recommendation:

Recommend the Board appoint a representative to the Contra Costa County School Boards Association.

Fiscal Impact:

None

G. DISCUSSION ITEMS

* **G.1 Policy Modification - Board Policy 7214.2**

Comment:

Board Policy 7214.2 complies with the intent of Proposition 39 which was approved in 2000 to establish a Citizens’ Oversight Committee to “actively review and report on the use of bond proceeds” whenever the district passes a Proposition 39 bond.

A subcommittee of the Citizens Bond Oversight Committee has reviewed administrative regulation AR7214.2 and has made recommendations for modifications to that regulation. Because both current administrative regulations and the revisions recommended by the CBOC subcommittee include provisions and specifications that only the Board can approved, the administrative regulations for BP 7214.2 need to be incorporated into the policy itself.

Recommendation:

That the Board review and discuss the proposed revisions to BP 7214.2 in anticipation of acting those changes at a subsequent Board meeting.

Fiscal Impact:

None

* **G.2 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 – September 7, 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

August 17, 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

The following administrative appointments will be reported for the 2011-2012 school year:

Assistant Principal, High School
K-12 Instructional Specialist
Director of Curriculum & Instruction

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