

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
SEPTEMBER 7, 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 **6:00 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.

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: August 17, 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 Grants/Awards/Agreements**

Comment:

Formal action is requested from the Board of Education to accept the grants/awards/agreements, as detailed, dated September 7, 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 September 7, 2011. 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 2011-12 school year are summarized, dated September 07, 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 September 7, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.5 Certificated Board Authorization - Education Code 44285.3**

Comment:

Ed Code 44285.3 allows the Governing Board of a school district to authorize the holder of a multiple subject, standard elementary, single subject or standard secondary, credential with his or her consent, to teach departmental classes in grades K-12 provided the teacher has adequate knowledge of subject matter.

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 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 September 7, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.9 Resolution No. 17-1112: Hispanic Heritage Month, September 14, 2011 – October 14, 2011**

Comment:

The West Contra Costa Unified School District applauds the many contributions made by the Hispanic population and recognizes September 14 – October 14, 2011 as Hispanic Heritage Month.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.10 State Approved Course List/A-22 Course Approval**

Comment:

Every year the Adult Ed program must submit for board approval their state approved course list in order to receive revenue for ADA generated by these classes.

Recommendation:

Recommend Approval

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: \$342,777. 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: Gompers High School Building Demolition; Chavez Elementary Windows and Doors; and Dover Elementary New Campus. Change Orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted Change Order for the Kennedy High School Admin Interiors & Renovations 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: \$104,647.73

***CI C.13 Helms Middle School Surveillance Cameras Project Award of Contract**

Comment:

The next step in completing the campus security system at Helms Middle School is the installation of surveillance cameras. The District has already completed installation of the backbone wiring and boxes for the system. This project includes providing and installing all of the cameras, network video recorders,

programming and startup. This project uses the District's new camera standard which will allow for evidentiary quality images, web-based monitoring, and coordination with local police.

Security by Design consultants have prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on August 3, 2011. Six Contractors submitted bids. They are as follows: Point One \$467,148.01; WEST \$459,947; RFI \$447,304; Ojo Technology \$396,710; Security Engineers \$338,786; and, CF Contracting \$298,000. The lowest responsive, responsible bidder is CF Contracting, at \$298,000.

Recommendation:

Award contract to lowest responsive, responsible bidder

Fiscal Impact:

\$298,000. Funded by the Measure J Bond, under the Helms Middle School project budget.

***CI C.14 Pinole Valley High School Surveillance Cameras Project Award of Contract**

Comment:

The District has been working closely with the City of Pinole, including Pinole Police Department, to develop a surveillance camera system for the Pinole Valley High School campus. The system will enhance student safety on the campus.

TCG International consultants has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on August 24, 2011. Two Contractors submitted bids. They are as follows: ERA Construction \$335,000; and, Ojo Technology \$330,000. The apparent lowest responsive, responsible bidder is Ojo Technology, at \$330,000.

This item is being presented, notwithstanding the fact that the District has received a Bid Protest. In consideration of the need to resolve the Bid Protest, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation:

Authorize staff to issue the Notice of Award, upon successful completion of the Bid Protest period, to the lowest responsive, responsible bidder.

Fiscal Impact:

\$330,000. Funded by the Measure J Bond, under the Pinole Valley High School project budget.

***CI C.15 Approval of Valley View Elementary School Master Plan**

Comment:

Valley View Elementary School is one of the listed projects in the Measure D 2010 Bond. In order to develop the scope of work for this campus the District has engaged in a Master Planning process to determine project priorities and configuration of a replacement school at the site. This process included numerous meetings with Valley View staff and teachers. In addition, the District hosted a neighborhood meeting for the project and reviewed the proposed master plan for reconstruction with local residents.

DLM Architects is the Master Plan Architect for Valley View. They will present the proposed master plan for the Board. The Facilities Subcommittee of the Board has reviewed the Master Plan and recommended approval by the full Board at its meeting of August 9, 2011.

Recommendation:

Approve proposed Valley View Elementary School Master Plan

Fiscal Impact:

\$34,066,383 is the total project budget for Valley View. Future project work will be funded by the Measure D 2010 Bond when those funds are available.

***CI C.16 Selection of the Independent Performance Auditor for the Bond Program**

Comment:

The District is required to complete an annual independent Proposition (Prop) 39 performance audit. Article XIII of the California State Constitution requires an annual independent performance audit of Prop 39 bond funds. The audit is required to ensure the District uses bond proceeds from each Prop 39 bond measure in conformance with the provisions listed in the ballot language. The audit will cover 2002 Measure D, 2005 Measure J, and 2010 Measure D bond funds. In addition, the District has historically engaged a firm to perform an evaluation report. In order to select an auditor the District issued a request for proposals for the Prop 39 audit and evaluation report and formed a selection committee to review the proposals. The committee recommends that the District select Total School Solutions (TSS) and negotiate a one year contract with an option to renew for two years.

Recommendation:

Approval of Total School Solutions to perform the Annual Independent Prop 39 Performance Audit and evaluation.

Fiscal Impact:

Not to exceed \$141,000 per year Funded by Measure J Bond

***CI C.17 Contra Costa County School Boards Association Representative Alternate**

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 CCCC 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.

Board member Madeline Kronenberg was recently appointed to serve as the District’s representative. Board member Antonio Medrano has volunteered to serve as an alternate should Ms. Kronenberg be unable to serve.

Recommendation:

Recommend the Board appoint Antonio Medrano as alternate representative to the Contra Costa County School Boards Association.

Fiscal Impact:

None

***CI C.18 Antonio Medrano earns California School Boards Association (CSBA) Masters in Governance certificate**

Comment:

Completion of the California School Boards Association (CSBA) Masters in Governance program demonstrates commitment to learning, leadership and effective governance. CSBA President Martha Fluor said, “The Masters in Governance program effectively expands the breadth and the depth of knowledge our members are able to bring back to their school boards and districts.”

CSBA’s Masters in Governance program equips board members and superintendents with the necessary knowledge and skills to support an effective governance structure. Since its inception in 1998, more than 2,000 board members and superintendents have participated in the highly acclaimed program. To receive the Masters in Governance certificate candidates must complete 60 hours of intensive training on the role of the governance team in setting the direction of the district, student learning and achievement, school finance and facilities, human resources, policy and judicial review, collective bargaining and community relations and advocacy.

The Board of Education would like to commend Mr. Medrano for completion of this comprehensive program.

Recommendation:

For Information Only

Fiscal Impact:

None

***CI C.19 National School Boards Association (NSBA) Program and the Council of Urban Boards of Education (CUBE)**

Comment:

The National School Boards Association and its urban component, the Council of Urban Boards of Education provide unique opportunities for school districts across the nation, representing more than 8.3 million public school children. Affiliation provides representation of the local school board perspective on national issues before Congress, federal agencies and the courts. Membership in this organization would include strong federal advocacy on behalf of the students of West Contra Costa Unified School District.

Recommendation:
Recommend Approval

Fiscal Impact:
\$9,100.00 General Fund

***CI C.20 Change of Meeting Date**

Comment:

Due to a calendar conflict for three Board members attending a conference, it is requested that the meeting previously scheduled for Wednesday, October 5, 2011 be rescheduled to Tuesday, October 4, 2011.

Recommendation:
Recommend Approval

Fiscal Impact:
None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Summer Legal Fellowship Program**

Comment:

The Summer Legal Fellowship Program provides participants with two months of full-time educational and employment activities during the summer, and provides summer program graduates with ongoing mentoring and other follow-up support.

Executive Director Nancy Schiff will provide a report about the successes and possibilities for the Summer Legal Fellowship Program.

Recommendation:
For Information Only

Fiscal Impact:
None

*** D.2 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
United Teachers of Richmond

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. 15-1112: State Loan Pay Off and Budget Implications**

Comment:

The Board of Education has provided input to staff, at the August 17, 2011 board meeting, to begin the process required to pay off the outstanding debt and to release the District from all encumbrances related to the debt. This resolution provides an opportunity for the Board to take action on their intent. This resolution will officially record the Board’s desire to pay off the State Loan and will direct staff to complete the necessary steps, including a fiscal audit, to accomplish the loan pay off.

Under the current debt service schedule the State Loan would have been paid off in 2018. The outstanding principal on the debt is estimated to be \$8.1 million. A final pay off figure will be requested from the Infrastructure Bank. The estimated ending fund balance in the long term debt fund for 2010-11 is \$9 million. Therefore, there should be sufficient funding to accomplish the pay off during the 2011-12 fiscal year. When the loan is paid off, the District will no longer have to budget for the payment each year out of the general fund.

At the July 27, 2011 meeting, the Board reviewed the adopted State budget and its implications for our school district. The State budget includes mid-year budget reduction ‘triggers’ if State revenue falls short of projections. In 2011-12 budget, the Board set aside \$10 million in special reserve so that in the event of mid-year reductions the Board could draw upon these funds to prevent program cuts during the current year. However, the current multi-year projection uses \$3 million of that special reserve in 2012-13 and \$2.5 million in 2013-14 in order to balance the budget. The multi-year projection includes the elimination of the current K-3 class size reduction program since it is funded by federal grant money that will not be available after this year. The multi-year projection also includes school closures for Shannon and Lake schools and the assurance from the City of Richmond to continue to provide \$1.5 million for Kennedy, Olinda and Grant schools.

Given the variables, the Board may consider setting priorities should the mid-year ‘triggers’ not occur and if the mid-year ‘triggers’ take place. Among those considerations are programs that the Board has designated as priorities in the past. If there are no mid-year cuts, the Board could consider how to allocate the savings from paying off the state loan and the remaining balance of the special reserve. If the mid-year state budget cuts are at the maximum level, the Board will need to consider where the additional reductions will be for the 2012-13 school year.

Recommendation:

Recommend approval of the resolution to pay off the state loan and discussion of funding prioritization.

Fiscal Impact:

\$1.4 million in general fund savings, ongoing

* **F.2 Resolution No. 16-1112: Reimbursement Resolution – 2010 Series A Bond Sale**

Comment:

Bond counsel has been working with staff to advise on the validity of charging current costs associated with the Gompers/Leadership project to the future issuance of the 2010 Series A Bond – QSCB (Quality School Construction Bond). Counsel has prepared this resolution so that costs recognized as “capital costs” can be tracked and charged to the new issuance, once those bonds are sold. It will permit the District to go back 60 days from the date of this resolution to capture these costs. This will help us in our effort to make sure that the QSCB funds are spent within the timeline required, which is 3 years from the date of the sale.

Recommendation:

Recommend Approval

Fiscal Impact:

Ability to track and charge Gompers/Leadership project expenditures to the QSCB bonds prior to the bond issuance.

G. DISCUSSION ITEMS

* **G.1 Project Status Report – Facilities Planning and Construction**

Comment:

The following are provided for review of Facilities Planning and construction in the District’s Bond Program and for information regarding individual projects:

- Engineering Officer’s Report – Verbal Presentation
- Construction Status Reports – Current Construction Projects

Recommendation:

For Information Only

Fiscal Impact:

None

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

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – September 21, 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

September 7, 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

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