

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
DECEMBER 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 **5:30 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

Order of Business: **ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE**

Special Accommodations: Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.

"of children be more careful than anything."
e.e. cummings

B. OPENING PROCEDURES

- B.1 Pledge of Allegiance**
- B.2 Welcome and Meeting Procedures**
- B.3 Annual Organization Meeting**

Comment:

Board Bylaw 9100 governs the dimensions of the annual organization meeting. At this meeting, the Board shall:

- Elect a president and a clerk from its members.
- Appoint a secretary to the Board.
- Authorize signatures.
- Develop a schedule of regular meetings for the year.
- Develop a Board calendar for the year.
- Designate Board representatives.

Board policy does not detail procedure for nomination and election of Officers. The Brown Act precludes board members from discussing their vote outside of board meetings with more than one other board member. Nominations for the office of President will be made by any board member without requiring a second after which a roll call vote will be taken. Tie votes will be resolved by a run-off vote. Following the election of the President, the same procedure will be repeated for the office of Clerk.

Recommendation:

That the Board:

1. Elect a president and clerk;
2. That the Board use a separate motion to approve the following routine matters:

Appoint the Superintendent as Secretary to the Board as prescribed by law;

Authorize the President of the Board to sign documents for the Board and for the Clerk to sign documents in the absence of the President;

Affirm the previously adopted schedule of regular meetings in 2012 including: January 4, January 18, February 1, February 15, March 7, March 21, April 4, April 25, May 9, May 23, June 13, June 27, July 11, July 25; August 15, September 5, September 19, October 10, October 24, November 2, November 14, November 28, December 12.

Establish a Board calendar for 2012 that includes:

- Budget Hearing, June 13
- Budget Adoption, June 27
- Superintendent Evaluation, October 10
- Annual Organization Meeting, December 12

3. That the Board make appointments for the committees listed below:
Board Facilities Subcommittee

Board Academic Subcommittee
Citizens Budget Advisory Committee
Citizens Bond Oversight Committee
District Safety Committee
Select Committee on High Schools
Youth Commission

Fiscal Impact:
None

B.4 Roll Call

B.5 Presentation of Student Board Representative from DeAnza High School

B.6 Report/Ratification of Closed Session

* **B.7 Agenda Review and Adoption** (Public Comment)

* **B.8 Minutes:** November 2, 2011 as corrected; November 16, 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 December 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 December 7, 2011. The estimated values for any non-cash donations are those provided by the donor. 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 December 7, 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 December 7, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per contracts summary

***CI C.5 Notification of Claims Approval and Settlement Payments**

Comment:

The District has received a claim regarding compensation for personal injury. The District's risk management firm has investigated this claim and is requesting the School Board to ratify the authorized settlement payment.

Recommendation:

Ratify the authorized approval of claim and payment for personal injury.

Fiscal Impact:

Self-Insurance Program \$22,500

***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 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.8 Call for Nominations for California School Boards Association (CSBA) Delegate Assembly**

Comment:

The California School Boards Association is accepting nominations for its Delegate Assembly. Delegates will serve a two-year term beginning April 1, 2012 through March 31, 2014 and are required to attend two meetings each year. There are three delegates in Region 7, Sub-Region 7-A, whose terms expire in 2012. Antonio Medrano has expressed an interest in serving on the Delegate Assembly.

Recommendation:

That the Board nominate Antonio Medrano as a delegate on the CSBA Delegate Assembly.

Fiscal Impact:

None

***CI C.9 Resolution No. 75-1112: Certificate of Signatures**

Comment:

School districts are required to hold an annual organizational meeting in December to adopt a new Certification of Signatures. The effective period of the resolution should be the date of the organizational meeting per Educational Code Sections: K-12 Districts 42632, 42633, and 44843.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.10 Chevron Tax Appeal Resolution No. 76-1112**

Comment:

Chevron Corporation appealed the assessed value of its Richmond refinery property. If Chevron is successful in the appeal, West Contra Costa taxpayers will have an additional charge on the tax bills for

the WCCUSD bond program. The impact on the City of Richmond and the other cities that are served by WCCUSD will be much greater.

Recommendation:

Adopt Resolution No. 76-1112 requesting that Chevron withdraw its property tax appeals.

Fiscal Impact:

Exact amount is unknown at this time.

***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: \$886,844. 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: Dover ES New School, King ES New School, Ford ES New School, Collins ES Parking & Driveway and Crespi Middle School Miscellaneous Repairs. 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 Ford ES New School project are required by the Board, with special findings as noted, because these projects are 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: \$397,530.34

***CI C.13 Approval of Additional Program Management General Conditions Reimbursable Expenses**

Comment:

The District has retained Seville Group (SGI) as the Program Manager for the Bond Program. A portion of the Program Management contract for the firm is known as General Conditions Reimbursable Expenses (“GCR’s”). These are costs which the District has negotiated as a part of the contract for which the firm bills direct expense plus markup. GCR’s include computer software/hardware expenses, office equipment, legally required advertisements, postage, security, office supplies, and telephone/fax expense. These types of costs also include personnel such as the Facilities Operations Center Receptionists, Network Administrator, and Fiscal Controls Specialist. In addition, these costs include cost estimating, scheduling, and software programming.

Recommendation:

Approve additional Program Management General Conditions Reimbursable Expenses for Seville Group, Inc.

Fiscal Impact:

Total for this action: \$1,276,965. Funding source is Measures J and D-2010 bonds. Program Management General Conditions Reimbursable Expenses.

***CI C.14 Approval of the District Deferred Capital Improvement Projects**

Comment:

The District has completed a study on the Deferred Capital Improvement projects; priorities will be based on health, fire, life, safety, ADA compliance and other criteria, and will be based on project eligibility for State matching fund. The sample projects are located at Grant, Olinda, Collins, Lake, North Campus, Shannon Elementary Schools, as well as Crespi Middle School.

The list of sample projects was presented to the Facilities Subcommittee at their meeting of November 15, 2011. The Facilities Subcommittee recommends approval by the full Board.

A complete list of the sample projects is provided for review under separate cover.

Recommendation:

Approve the Deferred Capital Projects list for the D 2010 Bond program.

Fiscal Impact:

\$2,300,000 Funding source is Measure D 2010 Bond.

***CI C.15 Approval of the Relocation of the CCS Program**

Comment:

The California Children Services (CCS) Medical Therapy program is run by Contra Costa Health Services and provides physical therapy to West Contra Costa Unified School District students with special needs. The program is currently housed in portable buildings located on the now-closed Castro Elementary School Campus. This campus is slated to become the new home of Portola Middle School and is due to be demolished at the start of construction for the new Portola Middle School at Castro.

The demolition process is scheduled to begin in the second quarter of 2012. As such, the facilities that house this CCS program must be relocated to meet the timeline. A study was performed by HY Architect, to find a suitable location for the program, and the Downer Elementary School campus was chosen as an interim site. Additional studies will determine a permanent site at a later date.

The interim relocation of the program was presented to the Facilities Subcommittee at their meeting on November 15, 2011. The Facilities Subcommittee recommends approval by the full Board.

Recommendation:

Approve the relocation of the California Children Services program to the Downer Elementary School site.

Fiscal Impact:

Total for this action estimated to be **\$84,704**. Funding sources is measure J.

***CI C.16 Approval of Stege Elementary School Construction Document Design Fees**

Comment:

Stege Elementary School Campus Replacement is one of the listed projects in Measure D-2010 Bond. The Master Plan documents have been completed by Powell & Partners Architects, and approved by the Board of Trustees on July 13, 2011. The scope of work includes schematic design, design development, and construction document services by the architect and the architect's sub-consultants, and \$35,000 for reimbursable.

Recommendation:

Approve proposed Stege Elementary School Construction Document Design Fees.

Fiscal Impact:

Total for this action: \$2,785,630. Funding source is Measure D-2010 Bond.

***CI C.17 Pinole Middle School Miscellaneous Repairs**

Comment:

The Pinole Middle School Miscellaneous Repairs Project includes surface, material and equipment repairs in Buildings B and C, including installation of tackable wall surfaces, installation of tile surfaces at select locations, miscellaneous painting, removal/replacement of select toilet room accessories and replacement of select locksets.

The District engaged in a public bid process for the project. Bids were opened on November 14, 2011. Three contractors submitted bids. They are as follows: AM Woo Construction, \$89,700; Affordable Painting, \$91,000; and ERA Construction, \$104,700. The apparent lowest bidder is AM Woo Construction.

Recommendation:

Award contract to the lowest responsive, responsible bidder.

Fiscal Impact:

Funded by the Measure J Bond

***CI C.18 Kennedy High School Quad Renovations**

Comment:

Renovations to Kennedy High School Quad include site demolition of existing concrete sidewalks and landscaping in three exterior courtyards, installation of new landscaping, irrigation system, site drainage, walkways, landscaping, and exterior lights at Kennedy High School.

The District engaged in a public bid process for the project in which the bids were opened on October 27, 2011. Five contractors submitted bids as follows: CF Contracting, \$982,800; Romkon Inc., \$1,000,087; Lister Construction, \$1,186,000; EF Brett Co., \$1,543,238; and BRCO Constructors, \$1,569,000. The apparent lowest bidder is CF Contracting.

Recommendation:

Award contract to the lowest responsive, responsible bidder.

Fiscal Impact:

\$982,800. Funded by the Measure J Bond.

***CI C.19 Riverside Elementary School Restroom Resurfacing Project**

Comment:

The Riverside Elementary School Restroom Resurfacing Project includes patching, repair, and removal of damaged substrate (as needed), application of tile system and accessories, removal and reinstallation of all items and fixtures over tiled area including testing for adequate performance, painting of ceilings and walls above tile, application of additional sealer coats over epoxy floor coating, and miscellaneous plumbing repairs.

The District engaged in a public bid process for the project in which the bids were opened on November 10, 2011. Three contractors submitted bids as follows: Streamline Builders, \$81,500; Affordable Painting, \$96,000; and AM Woo Construction, \$99,700. The apparent lowest bidder is Streamline Builders.

Recommendation:

Award contract to the lowest responsive, responsible bidder.

Fiscal Impact:

\$81,500. Funded by the Measure J Bond.

***CI C.20 Religious/Cultural Celebration**

Comment:

Board Policy 6141.2 governs the teaching about the various religions and cultures including religious works, symbols to illustrate their relationship with culture, literature and arts. In support of the histories of holiday celebrations, teachers and other staff demonstrate to all students and families that their beliefs and traditions play an important role in assisting students to be global thinkers with international partners around the world. As the student population has become more diverse with more than 80 home languages spoken among families, the need to recognize and teach about the religions and customs increases.

Recommendation:

That the Board directs staff to add information and resources to the District website for use by parents, students and teachers about many of the holidays and cultural celebrations of students and families. This is a living document, meaning that as our populations of students increase and diversify, their holiday customs and beliefs can be included as part of on-going learning within West Contra Costa Unified School District.

August/September/October
Rosh Hashanah and
Yom Kippur
Ramadan

November/December
Christmas
Hanukkah
Kwanzaa

January/February
Asian Lunar New Year
Ash Wednesday

March/April
Maundy or Holy Thursday
and Good Friday
Easter
Passover

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Recognition of Richmond High’s Robotics Team**

Comment:

Richmond High School competed in the MadTown Robotics Competition in Madera in mid-November. This is the last competition that the team’s tenth robot, Chompy, would participate in before the start of the new 2012 season. Richmond High won the competition. The RHS students continue to represent our school community and demonstrate that our students are engineering leaders.

Recommendation:

That the Board recognize the accomplishments of the RHS robotics team.

Fiscal Impact:

None

*** D.2 Recognition of CIF Champion Stephanie Lin, Pinole Valley High**

Comment:

Junior Stephanie Lin won the California Interscholastic Federation’s North Coast Section Division I Girls’ Tennis Single Championship on November 16. The last time a PVHS student athlete took a first in NCS play was 2009 Softball Division II. The player Stephanie beat in the championship is a senior (Amador HS) who has a full scholarship to USF next year.

Recommendation:

That the Board recognize Stephanie Lin’s accomplishment.

Fiscal Impact:

None

* **D.3 Recognition of Vickie Tukeva, Eukel Trust Teacher Award**

Comment:

Richmond High teacher Vickie Tukeva was recently recognized by the Warren W. Eukel Trust as a teacher of excellence and awarded a \$10,000 grant. The award from the Eukel Teacher Trust recognizes truly gifted teachers who excel in the field. The Trust selects three teachers each year who have exhibited “extraordinary commitment to their students”.

Recommendation:

That the Board recognize the accomplishments Vickie Tukeva.

Fiscal Impact:

None

* **D.4 Transitional Kindergarten Implementation**

Comment:

The Kindergarten Readiness Act, signed into law in 2010, is one of the most significant educational reforms in California’s recent history. It made a fundamental change to kindergarten in our state, shifting the age of children entering kindergarten and creating transitional kindergarten for those students turning five between September 1, and December 2. Transitional kindergarten, the first year of a two-year kindergarten experience, will give children the gift of time to develop the skills that will prepare them for the challenges of elementary school. It is adding an additional grade level to the existing kindergarten program. The new law will be phased in over three years beginning in 2012, and when fully implemented, 120,000 children statewide will benefit from transitional kindergarten (TK).

Staff will give a report on our current transitional kindergarten (TK) pilot at Coronado.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.5 180° Program**

Comment:

The 180° Program is a newly developed educational framework designed to be integrated into the academic school setting targeting middle school and high school age youth. Through a powerful curriculum, the 180° Program provides the opportunity and educational framework for middle school and high school youth to fully develop their internal compass so they can develop healthy goals based upon a foundation of strong personal values, reflective and critical thinking skills, and social awareness and responsibility.

Recommendation:

That the Board review the program.

Fiscal Impact:
No direct costs

* **D.6 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	Safety Committee
Bayside Parent Teacher Association	Select Committee on High Schools
Citizens’ Bond Oversight Committee	Youth Commission
Community Budget Advisory Committee	Public Employees Local 1
Facilities Subcommittee	School Supervisors Association
Ivy League Connection	United Teachers of Richmond
Linked Learning – Multiple Pathways	

* **D.7 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.

Joe Vargas, former Head Football Coach for Pinole Valley High School, recently passed away. A graduate of Richmond High School, Mr. Vargas, went on to attend the University of Santa Clara and later Stanford University. His love of football gave him the opportunity to play at the college level and play in the 1950 Orange Bowl. He coached many young athletes at Richmond High, El Cerrito High and Pinole Valley High Schools during his years with the school district.

Saveth Soun passed away. She started work with the District in 2000 as a teacher at Adams, Helms, Teacher on Special Assignment in the Curriculum Office, and worked most recently as the Sheltered Instruction Observation Protocol (SIOP) Coach at the Academic Intervention office. Ms. Soun was the recipient of the Teacher of the Year Award in 2005-2006. She was also very involved in her community.

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 First Interim Report, 2011-2012**

Comment:

The District’s First Interim Report for 2011-2012, which covers the financial and budgetary status of the district for the period ended October 31, 2011, is provided.

Education Code Section 4230 requires school districts to prepare interim financial reports each year. The First Interim Report covers the period ending October 31; the Second Interim Report covers the period ending January 31. These financial reports are subject to standards and criteria adopted by the State Board of Education to monitor the fiscal stability of local educational agencies.

The District shall certify whether it is able to meet its financial obligations for the current fiscal year and, based on current forecasts, for the two subsequent fiscal years. A positive certification shall be assigned when a district will meet its financial obligations for the current fiscal year and subsequent two fiscal years. A qualified certification shall be assigned when a district may not meet its financial obligations for the current fiscal year and subsequent two fiscal years. A negative certification shall be assigned when a district will be unable to meet its financial obligations for the remainder of the fiscal year.

Recommendation:

Recommend approval of the First Interim Report for 2011-2012

Fiscal Impact:

Positive Budget Certification

*** F.2 K-6 RLA Instructional Materials Adoption**

Comment:

The K-6 RLA adoption committee conducted a comprehensive curriculum review process of updated state-approved instructional materials. The committee is comprised of teachers from across the District, principals, and Educational Services staff.

Materials were on physical display at two locations in the district for teachers, administrators, and parents to review. We also posted a Frequently Asked Questions (FAQ) document to answer questions that our stakeholders were asking. The FAQ is included in this board packet.

Finally, we posted links on the district website that supported stakeholders to review the instructional materials on-line.

The committee also collected and analyzed surveys from teachers, administrators, and parents.

Current annual K-6 instructional material costs are as follows: \$600,000 on K-5 Open Court materials, \$100,000 on 6th grade Prentice Hall materials, and \$150,000 on supplemental ELD, Writing, Spelling, and culturally relevant and linguistically responsive materials. The original adoption date of these materials occurred in 2001.

Members of the RLA adoption committee will give a report on the review process and recommend selected materials to the Board of Education for approval.

Recommendation:
Recommend Approval

Fiscal Impact:
\$900,000 over 3 years for a Total = \$2.7 Million (Parcel Tax monies)

* **F.3 Archiving for Portola Middle School**

Comment:

In 2005-06 privately raised funds were used to fund the cost of the archiving project for El Cerrito High School. The Portola Middle School project is requesting that \$47,092 from the Measure J bond funds be used to complete a similar project for Portola.

Recommendation:
That the Board consider the Portola Middle School request.

Fiscal Impact:
\$47,092 from Measure J

* **F.4 Integrity Educational Center Charter School Petition**

Comment:

On October 13, 2011, West Contra Costa Unified School District received a charter petition (“Petition”) from Lead Petitioner James Madden proposing a charter school to be known as Integrity Educational Center (“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 charter school petitions.

The Charter School would be governed by a nonprofit public benefit corporation, but the District would be responsible for oversight of the Charter School. As presented in the Petition, the Charter School expects to serve approximately 150 students in grades 10 and 11 in its first year of operation (2012-

2013), increasing to 240 students in grades 10 through 12 in its second year of operation (2013-2014) and 330 students at full implementation, in year five (2015-2016). (Petition, Addendum 4: Financial Projections Years 1-5.)

Petitioners intend the Charter School to serve students who have dropped out or who are at risk for dropping out of a District or other school. Petitioners propose to utilize an online credit-recovery curriculum in conjunction with a “project-based” curriculum designed to equip students with “career technical education and employment. (Petition, p. 3.)

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 November 2, 2011.

The Act states that a school district governing board considering whether to grant a charter petition “shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.” (Ed. Code, § 47605(b).) With this legislative intent in mind, the governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” (Ed. Code, § 47605(b).)

Upon receipt, 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 Emeritus, Lyn Potter, Director Educational Services, Sonja Neely-Johnson, Humphrey Kiuruwi, Susan Dunlap, Liz Torio, Nicole Joyner, 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; Maintenance/Operations, Luis Freese; Legal/Operational, Lozano Smith Attorneys at Law.

Staff and legal counsel have reviewed the Petition and prepared the *Staff Written Findings Regarding Integrity Educational Center 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 Findings also include Staff’s recommendation to the Board regarding approval or denial of the Petition.

Recommendation:

Staff recommends that the Board deny the charter petition on the following grounds pursuant to Education Code section 47605:

1. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School. (Ed. Code § 47605(b) (1).)
2. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b) (2).)
3. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b) requires the Governing Board to make “written factual findings, specific to the particular Petition, setting forth specific facts to support one or more” of the grounds for denying the charter. Staff recommends that the Board adopt the proposed findings of fact, attached, as its own. Staff further recommends that the Board deny the Petition.

Fiscal Impact:
None

G. DISCUSSION ITEMS

*** G.1 Richmond Charter Academy Middle School**

Comment:

The Richmond Charter Academy Middle School, a nonprofit benefit corporation, submitted a petition to West Contra Costa Unified School District (WCCUSD) on November 29, 2011, to establish an independent charter school known as Richmond Charter Academy Middle School. Pursuant to the Charter School Act of 1992 (the “Act”), Education Code Section 47600 et seq., the Legislature has charged local school boards with the responsibility of reviewing and acting on petitions for charter schools.

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. That is the purpose of this agenda item.

The Act also requires the Board to either grant or deny the Petition within 60 days of submission.

Staff and legal counsel are receiving and analyzing information related to the Petition, as well as the operation and potential effects of the proposed charter school, and will make a recommendation regarding the Petition at a subsequent board meeting.

Recommendation:
Public hearing only

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 – January 4, 2012

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

December 7, 2011

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
[Government Code Section 54956.9(a)]

- a. WCCUSD v. Orrick
- b. Srago 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

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