West Contra Costa Unified School District
Board of Education
Meeting Agenda
February 1, 2012

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 **5:00 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 Presentation of Student Board Representative from Richmond High School
B.5 Report/Ratification of Closed Session
* **B.6 Agenda Review and Adoption** (Public Comment)
* **B.7 Minutes:** January 18, 2012

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 February 1, 2012.

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 February 1, 2012. The estimated values for any non-cash donations are 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 February 1, 2012.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

***CI C.4 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.5 Resolution No. 83-1112: African-American History Month - February 2012**

Comment:
The State Board of Education has proclaimed February 2012 as African-American History Month. The West Contra Costa Unified School District recognizes the contributions of African Americans and encourages schools to develop special instructional activities and celebrations.

Recommendation:
Approve this Resolution honoring African-American History Month, February 2012

Fiscal Impact:
None

***CI C.6 Certification of Athletic Coaches – Winter Sports**

Comment:
Under California Education Code Section 5593, all athletic team coaches are required to be certified annually. Topics covered during the training include first aid, CPR, coaching techniques, adolescent psychology (as it relates to sports participation), and ethics. The lists of coaches from each of the high school for fall sports are provided.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.7 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: $831,142. Funding sources as noted.

***CI C.8 Ratification and Approval of Negotiated Change Orders**

Comment:
Staff is seeking ratification of change orders on the following current District construction project: Ford ES New School. 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: $114,928.00

***CI C.9 Consideration of Resolution No. 85-1112: Approving Findings after Hearing on Wright Construction, Inc.'s Request for Substitution of All About Floors, Inc. and Consenting to Substitute FloorTec, Inc.**

Comment:
On April 15, 2010, the District entered into a contract with Wright Construction, Inc. ("Wright") for the De Anza High School Replacement Campus Project ("Project"). All About Floors, Inc. ("AAF") was the subcontractor listed to perform the resilient flooring and carpeting work on Wright's bid. By law, Wright has a statutory duty to use the subcontractors listed in its bid unless it receives permission from the awarding body to substitute one subcontractor for another where one or more of the exceptions enumerated in Public Contract Code section 4107(a) are satisfied.

On August 17 and 18, 2011, Wright requested that the District allow them to substitute AAF with FloorTec, Inc. for the work AAF was listed to perform on the Project because AAF refused to sign the subcontract to work on the Project presented by Wright and to prevent project delays. Within the time provided by statute, AAF objected to this request for substitution, and after proper notice was given, attended a legal hearing on November 30, 2011 with Wright and the District. The District had a court reporter present to prepare a transcript of the hearing and had legal counsel present. Wright,

represented by counsel, presented oral testimony, documents and arguments in favor of the substitution. AAF, who was not represented by counsel, presented oral testimony, documents and arguments in opposition to the substitution.

Based upon the evidence presented, the District staff has determined the following:

1. For almost a year, Wright and AAF engaged in a protracted dispute regarding their subcontract, including wherein Wright sought to include items excluded from the scope of work for the same price in AAF's proposal and AAF sought to increase the price for the same scope of work in AAF's proposal. Wright and AAF did not resolve their differences and thus did not enter into a subcontract.

2. During the time that Wright and AAF were negotiating, AAF did not provide any submittals for the materials that were to be installed at the Project.

3. Wright showed that AAF's protracted contract negotiation, including refusal to provide submittals and order materials, delayed or disrupted the progress of the work.

4. Prior to the substitution hearing, Wright replaced AAF with FloorTec as the resilient flooring and carpeting subcontractor on the Project. However, Wright has not committed bid shopping because AAF's proposal was not used to pressure other subcontractors into submitting even lower bids because Wright signed a subcontract with FloorTec for an amount which is $10,712 over AAF's proposal, even if the scopes of work were not identical.

Recommendation:
The District Engineering Officer recommends that the Board ratify staff's findings and approve the recommendation to consent to Wright's request to substitute FloorTec to perform AAF's scope of work.

Fiscal Impact:
None

***CI C.10 Digital Video Surveillance System at Pinole Valley High School**

Comment:
Work includes installation of video equipment for a Digital Video Surveillance System. This includes providing all equipment, labor, materials, and services required to install and program the system, as well as, labeling and documenting the equipment locations, and programming parameters for all cameras, lenses, mounting hardware, connectors, patch cords, recording and storage units, UPS, and software. The project will also require back-up power UPS is to be supplied at rack locations and associated NVRs and provide patch panels and switch for connectivity to the District LAN.

The District engaged in a public bid process for the project. Bids were opened on January 25, 2012. Four contractors submitted bids. They are as follows: West Corporation, $303,422.60; CF Contracting, $317,000; AM Woo, $319,000; and One Integration, non-responsive. The apparent lowest responsive, responsible bidder is West Corporation.

Recommendation:
Award contract to lowest responsive, responsible bidder after the expiration of the protest period.

Fiscal Impact:
Funded by the Measure J Bond.

***CI C.11 Contra Costa Taxpayers Association Recommendation for the Citizens Bond Oversight Committee**

Comment:
The Contra Costa Taxpayers Association has nominated Anton Jungherr to represent that organization on the Citizens Bond Oversight Committee. Mr. Jungherr has previously served on the CBOC from 2004 to 2006 and again from 2009 to 2011. Based on those years of experience, staff and the committee leadership agree that re-appointing Mr. Jungherr will impede rather than enhance the work of the committee in meeting its statutory obligations.

Recommendation:
That the Board decline to appoint Anton Jungherr and request that the Taxpayers Association nominate another individual.

Fiscal Impact:
None

***CI C.12 Approval of Board Members Attending 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 Madeline Kronenberg and Antonio Medrano have expressed interest in attending conferences.

California Charter Schools Conference 2012, February 27 – March 1, 2012, Sacramento, CA
The Federal Relations Network (FRN) Conference, February 5 – 7, 2012, Washington, D.C.

Expenses including registration, travel, food and lodging are budgeted and there is sufficient funding within that budget.

Recommendation:
Recommend Approval

Fiscal Impact:
General Fund

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Recognition of WCCUSD National Board for Professional Teaching Standards teachers**

Comment:
The National Board for Professional Teaching Standards (NBPTS) focuses on establishing high and rigorous standards for what accomplished teachers should know and be able to do. NBPTS advances the

quality of teaching by developing professional standards for accomplished teaching and creating a system to certify teachers who meet those standards.

Cinda Rapp, SH/VI teacher Tara Hills Elementary School along with Stephanie Serrano, Instructional Specialist teacher King Elementary; Mary Angel, teacher Wilson Elementary; Mary Ann La Fosse, teacher Washington Elementary; Gail Hetler, retiree; Ellen DeCarlo, retiree; and Marcella Jamerson, Candidate Support Provider 2nd grade teacher Wilson Elementary; Claudia Velez, teacher Olinda Elementary; will introduce the ten district National Board Certified Teachers (NBCTs). The ten teachers are Joyce Forte, Ellerhorst Elementary; Elizabeth Bartson, Cameron School; Danielle Woody, Madera Elementary; Avril Rabier, Valley View Elementary; Naomi Miller, Olinda Elementary; Curt Douglas, El Cerrito High School; Pat Sowden, Riverside Elementary; Amy Cottle, Riverside Elementary; Eric Peterson, Dover Elementary; Catherine Floresca, Kennedy High School.

Recommendation:
For Recognition Only

Fiscal Impact:
None

*** D.2 Budget Update**

Comment:
Associate Superintendent Business Services will provide a summary report on the January 17th Governor's Budget Workshop. Staff will also provide a review of the Board's priorities as stated at the October 26, 2011 Budget Session, as well as any updated information available on specific programs that may be affected by the Governor's 2012-13 Budget such as Transitional Kindergarten.

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
Bayside Parent Teacher Association
Citizens' Bond Oversight Committee
Community Budget Advisory Committee
Facilities Subcommittee
Ivy League Connection
Linked Learning – Multiple Pathways
Safety Committee
Select Committee on High Schools
Youth Commission
Public Employees Local 1
School Supervisors Association
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 Helm's Quality Education Investment Act (QEIA) Public Hearing and Waiver Request

Comment:
The Quality Education Investment Act of 2006 (QEIA) was enacted as a result of the *CTA, et al. v. Schwarzenegger, et al.* settlement. This settlement distributes the Proposition 98 funding of 2004-2006 in a targeted effort to increase the performance of schools with a 2005 Academic Performance Index (API) falling in the first and second deciles. These appropriations began in fiscal year 2007-08 and will continue through 2013-14 for schools that continue to meet all required targets.

The primary focus of funding for schools in the regular QEIA program is to reduce class sizes to a calculated target as determined by the class size in a specified base year. Current levels of QEIA funding are not sufficient for Helms to pay for the number of **non-core** staff required to meet the targets established by the QEIA formula. This waiver requests permission to establish new **non-core** class size ratios for Helms that are well within the parameters established by CDE.

The second area of focus for the waiver is Teacher Experience Index (TEI). Helms meets the current TEI target, but will miss this target in future years because of annual changes in staff experience levels.

Failure to meet any targets during future years of the grant will result in automatic termination from the QEIA program and consequential loss of funding. The impact of losing funding is $914,300 for Helms.

Upon approval by the WCCUSD Board of Education, requests will be submitted to the California State Board of Education asking for a waiver of requirements for Helms.

Recommendation**:**
Public Hearing and Recommend Approval

Fiscal Impact:
Loss of $914,300.00

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 – February 15, 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 (*).

Agenda Item: A

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

February 1, 2012

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