

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
MARCH 7, 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 **5:45 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 Presentation of Student Board Representative from Pinole Valley High School

B.5 Report/Ratification of Closed Session

* **B.6 Agenda Review and Adoption (Public Comment)**

* **B.7 Minutes: February 15, 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 March 7, 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 March 7, 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 March 7, 2012.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

***CI C.4 Adoption of Resolution No. 93-1112 Replacement of Outdated Warrant**

Comment:
Government Code Section 298029(c) allows the governing board, by resolution, to order a replacement check be issued for a warrant that is stale dated. This resolution authorizes the issuance of a check to replace the outdated warrant for Yoko Lobberegt. Staff recommends replacement of the stale dated warrant.

Recommendation:
Recommend approval to replace the outdated warrant

Fiscal Impact:
None

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

Comment:
Teachers in this district provide mentoring support for students at Brandman University, who are 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 Intern and Student Teachers as detailed, dated March 7, 2012.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.6 Resolution No. 92-1112: Women’s History Month – March 2012**

Comment:
This resolution proclaims the month of March as Women’s History Month and encourages all educational communities to commemorate this time with appropriate instructional activities.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.7 Resolution No. 91-1112: Arts in Education Month – March 2012**

Comment:

This resolution proclaims the month of March as Arts Education Month and encourages all educational communities to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.8 Resolution No. 94-1112: California Adult Education Week – March 12-16, 2012**

Comment:

The administration, teachers and students of the West Contra Costa Adult School are recognized for their efforts and accomplishments.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.9 Students from Kennedy and Richmond High are visiting the nation's capitol
April 9-13, 2012**

Comment:

Eleven students from Kennedy and Richmond High are visiting the nation's capitol with the Close Up Foundation for the purpose of observing firsthand how our government functions. They will visit Congress and meet with elected representatives. They will visit the Supreme Court, the Capitol Rotunda, and the Library of Congress. Throughout the trip there are workshops to attend as well as homework. They will join up with students from other parts of the country to form a mock congress and prepare bills.

Recommendation:

Recommend Approval

Fiscal Impact:

Not on General Fund: Sponsored by Close Up Foundation

***CI C.10 Students from Richmond High going to Robotics Regional Tournament, March 6-11, 2012**

Comment:

Ten students from Richmond High have qualified for a regional robotics tournament with US First in Portland, Oregon. These students are learning scientific and mechanical skills that will benefit them in their ongoing education.

Recommendation:
Recommend Approval

Fiscal Impact:
Paid by sponsor donations: Chevron, Abbott, Google, JCPenny, Intuitive Surgical Inc., Lawrence Berkeley National Laboratory, Brin Wojcicki Foundation

***CI C.11 Contra Costa County Mental Health Memorandum of Understanding**

Comment:
This is an agreement entered into by the Contra Costa County Health Services Department, Mental Health Division and Mt. Diablo Unified School District, San Ramon Valley Unified School District, and West Contra Costa Unified School District, which are each single-district SELPAs.

The purpose of this Agreement is to establish a set of working guidelines and procedures between Mental Health and the Local Education Areas (LEAs) in Contra Costa County to provide Mental Health services and Residential supervision to children with disabilities in compliance with Federal and State laws governing each agency.

This agreement is based on distribution of AB 100 funds received by Contra Costa Health Services Department from the California Department of Education. Funds will be distributed to the Local Educational Agencies as needed for special education students. Services may be recommended or requested by an Individualized Education Program (IEP) team in connection with the identification, assessment, and/or placement of a student who is, or may be eligible for special education.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.12 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: \$299,054.25. Funding sources as noted.

***CI C.13 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: De Anza High School Replacement 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 Ford Elementary School 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: \$267,649.00

***CI C.14 Boiler Replacement Project for the Nutrition Center, 750 Bissell Avenue, Richmond, CA**

Comment:

The project consists of demolition, removal, and disposal of two (2) existing high pressure steam boilers and one feed water system; furnishing and installing two (2) new 50 HP High Pressure Steam Boilers and one (1) new Boiler Feed water system of size capacity and configuration as indicated on the engineering drawings and specifications; boiler Start-up services for proper combustion and operation; providing training services for facility maintenance and operational personnel; and clean up and disposal of all scrap materials, equipment, and construction debris.

The District engaged in a public bid process for the project. Bids were opened on February 7, 2012. Six contractors submitted bids. They are as follows: S&H Construction, Inc., \$222,200; Dowdle & Sons Mechanical, Inc., \$265,000; Central Boiler and Industrial Service, \$280,612; ERA Construction, Inc., \$298,000.; Agbayani Construction Corporation, \$301,614; and CAS Financial and Construction Services, non-responsive. The apparent lowest responsive, responsible bidder is S&H Construction, Inc.

Recommendation:

Award contract to S&H Construction, Inc.

Fiscal Impact:

\$222,200. Nutrition Development Fund.

***CI C.15 Soils Removal and Site Work at Gompers/Leadership Public Schools**

Comment:

Construction includes excavation, off haul, and disposal of non-hazardous oil contaminated soil into appropriate landfill, and importing clean fill material, backfill of excavated area, compaction and grading at Gompers/LPS High School.

Project is on a fast track and needs to be completed within five (5) weeks.

The District engaged in a public bid process for the project. Bids were opened on February 27, 2012. Seven contractors submitted bids. They are as follows: WR Forde, \$440,000; Applied Water Resource; \$558,428; Parc, \$584,640; Pacific States, \$598,100; Evans Bros, \$806,000; Ghilotti Bros, \$819,060; Jedco, \$879,000. The apparent lowest responsive, responsible bidder is WR Forde.

Recommendation:

Award contract to lowest responsive, responsible bidder.

Fiscal Impact:

Funded from the Measure J Bond.

***CI C.16 E-Rate Funding Year 13 Additional Funding for project upgrades. Board Approved 2/10/10**

Comment:

1. Wide Area Network will be installing the new network per the Contract signed in 2010. The technology changes we are requesting to substitute the service with AT&T's newer AT&T Switched Ethernet (ASE) service to replace the Optical Switched Ethernet Service, Opteman.
2. The new technology will provide cost advantages on moves /adds but more importantly will allow for future growth to support our applications distance learning, surveillance, Bring-Your-Own-Device, Mobility Device Mgmt, Tablets and merging of schools.
3. The bandwidth provides a managed service from 2 Mbps to 10 Gbps, which would provide the same level of speed currently available, with room to grow to faster speeds if needed.

Recommendation:

Approve the existing AT&T E-Rate contract to include the new upgrades

Fiscal Impact:

The District obtains 70%-90% from E-Rate funding, equal to \$1,728,000-\$1,344,000 in reimbursement. District cost \$192,000-\$576,000. The District will be better able to serve the technology needs for students and staff.

***CI C.17 E-Rate funding Year 15- Contract Award of Vendor upon E-Rate Funding Approval**

Comment:

The Schools and Libraries Program of the Universal Service Fund, commonly known as "E-Rate," provides assistance to schools and libraries in the United States to obtain affordable telecommunications and internet access infrastructure. The level of funding from the E-Rate program depends on economic need and on the percentage of students participating in the Free and Reduced Lunch Program. The

application window for FY2012 (known as E-Rate Year 15) is now open, and the District proposes to apply for full funding by the E-Rate Program for the following projects:

1. **WAN END-TO-END MANAGED SOLUTION:** Will provide comprehensive support for Wide Area Network (WAN) implementation and management, enabling the District to improve, expand and maintain a global WAN efficiently and cost-effectively including network design, implementation, installation and management of networking solutions.
2. **WIRELESS ACCESS INFRASTRUCTURE:** Will provide students, faculty and administrators with secured, easy and instant wireless access to applications and information at eligible locations. Instant wireless access to educational applications has resulted in enhanced learning environments, improved student achievement, reduced IT support calls and faculty training costs, and maximized teacher mobility.

Recommendation:

Approve E-rate Contract for Year 15 to: **GigaKOM – Northern California**; Recommendation was based on the evaluation system stated in the RFP. GigaKOM had the lowest bid and scored 98 of 100 total points.

Fiscal Impact:

The District obtains 70%-90% from Rate funding for the above projects, equal to: \$ 1,280,753.37-\$1,646,682.90, in reimbursement. (Total Project Cost: \$1,829,647.67); Cost to District would be: \$182,964.77-\$548,894.30; Project will provide wireless and improvements to most District school sites.

***CI C.18 Letter in Support of AB 1081 - TRUST Act**

Comment:

This bill would state the findings and declarations of the Legislature with respect to a memorandum of agreement with the United States Department of Homeland Security, regarding the implementation of the Immigration and Customs Enforcement's Secure Communities program that the Bureau of Criminal Identification and Information within the Department of Justice entered into on April 10, 2009. The bill would require the bureau to modify that agreement, according to specified requirements, or to exercise its authority under the agreement to terminate the agreement.

Recommendation:

That the Board approve sending a letter in support of AB 1081

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Budget Report Update**

Comment:

The Governor's budget report issued in mid-January indicates that the district may have an estimated \$14.7 million deficit in the 2012-13 school year. This would occur if the tax initiative proposed in the Governor's budget fails to get enough signatures to qualify for the November 2012 election or if the voters fail to support the measure. In an effort to provide information to the community as well as to

gather input, staff has conducted a series of Community Budget Meetings from January 25 – February 8, 2012. Staff will provide a summary report of the community meetings and any new information available from the State regarding the 2012-13 budget.

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	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	

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 Nystrom Vandalism – Reward for Information**

Comment:

On Sunday February 12, 2012 vandals committed felony level crimes in the Nystrom multi-purpose room where the construction was nearly completed. The damage to the building is estimated to be in excess of \$500,000. The Richmond Police department has offered a \$10,000 reward for information leading to the arrest and conviction of the perpetrator(s). Congressman George Miller’s office is offering another \$2,500. Government Code section 53069.5 provides that any local agency, as defined in Section 54951, may offer and pay a reward, the amount of which is determined by the local agency, for any information leading to the determination of the identify of, and the apprehension of, any person who willfully damages or destroys any property. Under that Government Code section (53069.5), if the perpetrator is apprehended and the District has paid the reward, the District can hold the perpetrator responsible to repay the School District the amount of the reward it paid.

Recommendation:

That the Board authorize the offer of an additional \$10,000 reward for information leading to the arrest and authorize the Superintendent to make the award in conjunction with the Richmond Police.

Fiscal Impact:

\$10,000 possible

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 February 8, 2012, 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. The charter school has requested to not participate in the public presentation in accordance with Education Code 47605. West Contra Costa Unified School District wishes to honor the charter school's request. Therefore, the purpose of this agenda item is strictly for informational purposes only.

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 Information Only

Fiscal Impact:

None

* **G.2 Project Status Report**

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 – March 21, 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

March 7, 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

- a. Administrative Appointments

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