

**West Contra Costa Unified School District
Minutes of the Board of Education Meeting
Lovonya DeJean Middle School
3400 Macdonald Avenue
Richmond, CA 94805**

June 28, 2011

A. CLOSED SESSION

B. OPENING PROCEDURES

President Charles Ramsey called the meeting to order at 5:30 PM. The Board recessed into Closed Session. President Ramsey called the Public Session to order at 6:34 PM.

B.1 Pledge of Allegiance

President Ramsey led the pledge of allegiance.

B.2 Welcome and Meeting Procedures

President Ramsey offered welcome and instructions to the public regarding the meeting.

B.3 Roll Call

Board Members Present: Madeline Kronenberg, Antonio Medrano, Charles Ramsey, Tony Thurmond

Board Members Absent: Elaine Merriweather

Staff Present: Magdy Abdalla, Director Facilities Construction; Patricia Calvert, Director Human Resources; Steve Collins, SELPA Director; Rosa Cornejo, Staff Secretary, Susan Dunlap, Coordinator Ed Services; Bill Fay, Associate Superintendent Operations; Erin Fleming, Director Classified Personnel; Luis Freese, Executive Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Linda Jackson, Executive Director; Ken McDaniel, Maintenance Supervisor; Emily Millar, Director Employee Relations; Lynn Potter, Director Ed Services; Nia Rashidchi, Assistant Superintendent Educational Services; Bill Savidge, District Engineering Officer

B.4 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the June 28, 2011 recommendation to approve expulsion case #001.

Motion: Mr. Medrano moved to ratify the action taken in Closed Session regarding the recommendation of June 28, 2011 for expulsion case #001. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes, no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

Superintendent Harter asked the Board to ratify the following administrative appointments for 2011-2012:

Executive Director Business Services - Martin Coyne
Middle School Principal - Denise VanHook, Pinole Middle School

Motion: Mr. Thurmond moved to ratify the action taken in Closed Session regarding administrative appointments for 2011-2012. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

B.5 Agenda Review and Adoption

MOTION: Mr. Thurmond moved approval of the agenda with moving items F.1, F.4, F.2 and F.3 to follow B.6. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

B.6 Minutes: June 1, 2011; June 14, 2011

MOTION: Ms. Kronenberg moved approval of the Minutes of June 1, 2011 and June 14, 2011. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

F.1 Resolution No. 76-1011: Approving Engineer’s Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2011-2012

Public Comment:
None

Board Comment:
None

MOTION: Mr. Thurmond moved approval of Resolution No. 76-1011: Approving Engineer’s Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2011-2012. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

F.4 Shining Crescent Charter School Petition

Executive Director Linda Jackson presented information on the revised charter school petition and the staff recommendation for the denial of the petition. Ms. Nabeedah Sabree-Shakir spoke on behalf of Shining Crescent Charter School. She shared her experiences as an educator and the research they have done to develop the educational program to address the linguistic and cultural needs of all children. She assured that they will follow all guidelines as dictated by the law with methodology that is sound and based on research. Mr. Jawaid Ijaz also spoke on behalf of the charter school. He assured the Board that Shining Crescent will follow all the guidelines of the CDE curriculum. He also stated that since filing the petition, the fiscal position has changed and the proposal is now to open the school for the 2012-13 school year. He believed Shining Crescent has a sound educational program and fiscal position to make the operation a success.

Public Comment:
None

Board Comment:

Mr. Thurmond asked what the charter school would require to have a successful educational program. Ms. Jackson responded that the petition needed to address 16 elements required by the state. Mr. Thurmond requested an example. Ms. Jackson read a part of the petition regarding the intent of the charter to educate the students in the language of Punjabi, Arabic, Urdu and Hindi. She explained that the petition needed to address the needs of largest population of second language learners in WCCUSD – Spanish speakers. She also mentioned that the petition language does not adequately address the services for Special Education students.

MOTION: Mr. Medrano moved approval of the recommendation to adopt the proposed findings of fact and deny the Petition. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes, with no abstentions and with Ms. Merriweather absent. Motion carried 4-0-0-1.

MOTION: Ms. Kronenberg motioned to move agenda item G.1 to follow F.4 Shining Crescent Charter School Petition. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

G.1 Manzanita Charter School MOU - Demand for Review

Executive Director Linda Jackson gave an extensive progress update of the charter petition renewal regarding the Board’s 2010 renewal of the Manzanita petition pending the findings. She also said the charter needed to address five findings and has not been able to do so in over 12 months since the charter received conditional approval from the Board. Two particular elements that have not come to an agreement are those regarding the Special Education Memorandum of Understanding and the Operational Memorandum of Understanding.

Public Comment:
Linda Lozito, Marisela Claveria

Board Comment:

Mr. Medrano asked if Manzanita was in compliance with 504 in previous years. Ms. Jackson responded that there was an administrative agreement that was not signed. Mr. Medrano wanted to know why. Ms. Jackson clarified the difference between a 504 plan and Special Education Services. President Ramsey asked Mr. Collins for his comments. Mr. Collins provided clarification between Special Education Services and the general education 504 Plan, saying there is no contractual agreement between the Charter and the District for required special education services and that 504 services are general education, not a special education function.

Mr. Medrano asked for clarification of what is being asked of Manzanita. Mr. Collins clarified and explained the difference between Special Ed Services and a 504 Plan.

Mr. Thurmond asked how a public school handles 504 Plans. Mr. Collins explained the District process for 504 Plans. Dr. Harter also responded that this item has been brought to the Board's attention since Manzanita is not in compliance. If steps are not taken by July 5th, the California Department of Education would be notified that the school is not in compliance and then bring an item to the Board to start the revocation process. Mr. Thurmond said he does not want to see the charter school revoked over a dispute. He asked for the history of rationale for District charter school policy. Dr. Harter clarified. Mr. Thurmond asked during the past years of operation how has it been handled. Mr. Collins responded that in the few cases the District has provided the services. Mr. Thurmond asked if it is prohibited that the District provides the services or does the letter specify that the charter must provide the services. Ms. Jackson stated that there is no law that prohibits the District from providing the services. Mr. Collins restated that the law is very clear that the District is only mandated to provide Special Ed Services and not Section 504 as that is a general education responsibility. By law there must be an MOU between the charter school and the district for Special Education Services.

Mr. Medrano clarified that the dispute could be resolved by a signed MOU.

President Ramsey asked if it was stated in the application process that they must provide 504 services. Ms. Jackson responded.

Mr. Thurmond said he does not want to see the Board revoke a charter over a mistake of the law.

Ms. Kronenberg said she understood that there was an irregularity in the process and an incomplete application was accepted from Manzanita. The issue has arisen now because the District is standardizing the process of charter schools and making sure that the rules apply equally to all charter schools. Ms. Jackson confirmed.

President Ramsey said he is in the position that the charter would need to be revoked once they have been given notice of the practices and regulations. He thanked Ms. Jackson for seeing the irregularities and trying to clear it up. He stated that his position is if Manzanita cannot come into an agreement that he would move forward with revocation. He asked the other board members of their position. Mr. Medrano agreed with the revocation if there is no agreement. Ms. Kronenberg also agreed.

Mr. Thurmond said he would like the parties to come to an agreement. He stated once again that it would be unsatisfactory to him to see the charter revoked over a dispute around a law that clearly has been invidious. He would like to see a resolution and does not support revoking of the charter.

F.2 Public Hearing and Adoption of the 2011-12 Budget / Public Hearing for Tier III Programs

Ms. Gamba gave an update on the State's budget adoption. She also gave an in depth presentation of the 2011-2012 budget.

Public Comment:

Marge Essel, Al Kirkman, Al Miller, Kristen Pursley, John Woo

Board Comment:

President Ramsey had questions about furlough days. Ms. Gamba explained.

President Ramsey said he wanted to make sure the Board Members fully understood what they are voting for. He stated that if the District receives more revenue that they will revisit class size reduction for the 2012-13 budget. Ms. Gamba stated that if the funds become available they can revisit those priorities.

Mr. Medrano asked about the District debt payments and final payoff. Ms. Gamba responded.

Mr. Thurmond asked for clarification on furlough days. Ms. Gamba clarified. He commended the staff for putting the budget together and minimizing the loss expected and for maintaining reserves to take care of programs that are required. He said he is thankful that we can keep programs such as K-3 class sizes, adult education and Resource Officers. He said he is committed to bringing back programs if funds become available.

President Ramsey said he was unclear whether class size reduction will be eliminated. Ms. Gamba explained about how the reserve would be used.

Ms. Kronenberg discussed the District long-term debt. Ms. Gamba explained how payments have been made over the years.

Mr. Medrano thanked staff for putting the budget together.

President Ramsey opened public hearing.

Public Comment:

None

President Ramsey made a statement about midyear cuts that they would come back and other budget adoptions. Superintendent Harter explained that the Board was only voting on the 2011-2012 budget and the 2012-2013 and 2013-2014 projections as required by the County and State. President Ramsey wanted it stated for the record that if these projections are realized there will be no veto actions. Superintendent Harter confirmed that the Board is only voting on approval of the 2011-2012 budget.

President Ramsey closed the public hearing.

MOTION: Mr. Medrano moved approval of the Adoption of the 2011-12 Budget. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

F.3 Community Outreach for Possible Parcel Tax

Superintendent Harter spoke of seeking approval for a community outreach regarding a possible parcel tax. He asked the Board to appoint a subcommittee to help select a polling firm and consulting firm to conduct a survey and provide outreach services regarding the feasibility of the measure to renew or extend the current parcel tax.

Public Comment:

Al Kirkman

Board Comment:

President Ramsey appointed Mr. Medrano and Ms. Kronenberg to the committee.

MOTION: Mr. Thurmond moved approval of Community Outreach for a Possible Parcel Tax. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes, with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

F.5 Public Hearing – Notice of the West Contra Costa Unified School District’s intent to apply to the California Department of Education for a waiver to EC 48660 and EC 48916.1 to expand the Harbor Way Community Day School to K-8

Mr. Greer asked for a public hearing in order to establish Harbour Way Community Day school as a K-8 school. He explained that when the school was originally chartered it was as a K-5. In conversations with the CDE it was recommended to convert it into a K-8 since the District has two other K-8 models.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Medrano moved approval of the West Contra Costa Unified School District’s intent to apply to the California Department of Education for a waiver to EC 48660 and EC 48916.1 to expand the Harbor Way Community Day School to K-8. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes, with no abstentions and no absences. Motion carried 4-0-0-1.

E.1 Superintendent’s Report

Superintendent Harter provided a report of activities in the District.

E.2 WCCUSD Public Comment

Al Kirkman, Martin Snider, Jim Trombley

MOTION: Ms. Kronenberg motioned to move agenda item D.2 and D.3 to follow E.2, WCCUSD Public Comment. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

D.2 Seal of Biliteracy Awards Report

Ms. Susan Dunlap gave a brief presentation on the Seal of Biliteracy.

Public Comment:

Martin Snider

Board Comment:

Mr. Medrano suggested collaboration with the State or UC Berkeley in order to gauge the ability of students in reading in a world language other than English. He said he would like the District to stamp a seal on transcripts and diplomas with this distinction.

Mr. Thurmond said he appreciated the efforts of the program. He shared his experience of being a student that learned a world language in school. He saw the importance to start learning a world language at an early age and would like to provide more opportunities for students.

Ms. Kronenberg mentioned discussion of this at the Academic Subcommittee.

D.3 Standing Reports

Public Employee Local 1. Richard Leung introduced their newest member, Sheila Mitchells. Ms. Mitchells shared a little of her background.

Citizens’ Bond Oversight Committee. Chairperson Robert Studdiford reported on the last meeting where the committee toured Pinole Middle School. They also reviewed the Engineering Officer’s report and project timelines.

Linked Learning. Mr. Medrano reported on the successful Academy Awards ceremony held at Craneway Pavilion where students were recognized for their work in various academies. He commented about a conference he attended in Palo Alto and the information he got on building and strengthening academies. He announced the introduction of a multiple pathway in Multi Media, Performing Arts and Engineering at Helms Middle School. Ms. Kronenberg announced that the Hospitality program at Hercules High will have the opportunity to provide mentorship from teachers at Cornell University.

Youth Commission. Mr. Thurmond reported that the Youth Commission will reconvene next school year.

Facilities Subcommittee. Mr. Medrano reported on the June 14th meeting. The next meeting will be July 18, 4:00 pm.

Safety Committee. Mr. Thurmond reported that the last meeting was held at the City of Richmond Emergency Services building where they had a presentation on how to respond to natural disasters. He thanked the members of the committee. The next meeting is scheduled for September 14 at 6:00 PM at King Elementary.

Ivy League Connection. Ms. Kronenberg reported on the students that are already on the East Coast. Other groups are getting ready to leave for Brown and Vanderbilt. She said that she and President Ramsey had opportunity to spend

time with the students recently at Cornell. President Ramsey reported that they had a very successful opening ceremony.

C. BUSINESS ITEMS

- C.1 Acceptance of Grants/Awards/Agreements**
- C.2 Acceptance of Donations**
- C.3 Approval of Fund Raising Activities**
- C.4 Contracted Services**
- C.5 Summary of Payroll and Vendor Warrant Reports**
- C.6 Agreements for Nonpublic, Nonsectarian School/Agency Services**
- C.7 Resolution No. 77-1011 Temporary Borrowing Between Funds**
- C.8 Routine Personnel Changes - Certificated**
- C.9 Routine Personnel Changes – Classified**
- C.10 Acceptance of Contracts for Placement of Student Teachers**
- C.11 Approve Job Descriptions: Attendance/Enrollment Technician, Classroom Support Aide**
- C.12 Approve Job Description: Food Service Warehouse Supervisor**
- C.15 Ratification and Approval of Negotiated Change Orders**
- C.16 Approval of Construction Management Services for ongoing Bond Projects**
- C.17 Ratification of Staff Awarded Contracts for Summer Projects**
- C.19 Collins Elementary Parking and Driveway Project Award of Contract**

MOTION: Mr. Medrano moved approval of Consent Items C.1 – C.12 and C-19. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent Motion carried 4-0-0-1.

C.13 County Office of Education / Making Waves Academy Charter School

Public Comment:
Al Kirkman

Board Comment:
None

MOTION: Mr. Medrano moved approval of Consent Item C.13, County Office of Education / Making Waves Academy Charter School Special Education Memorandum of Understanding. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent Motion carried 4-0-0-1.

C.14 Ratification and Approval of Engineering Services Contracts

Board Comments

President Ramsey wanted clarification on the contract regarding the Facilities Operations Center (FOC), and using bond monies for an office building. Mr. Fay explained that typically bonds monies are used to support the bond program and the contract would fall under that description. Mr. Savidge also explained the renovations needed and explained that in 2005 they used bonds funds but at this time they could find funding elsewhere.

Mr. Thurmond said he had no problem supporting the FOC but wanted to keep funds in front of schools as much as possible. He made a motion to approve the item excluding the contract for FOC since they can find a funding stream elsewhere.

President Ramsey also had questions about the Pinole Middle School field's project, the Peres dental clinic and the supplemental survey for Pinole Valley High. Staff responded with clarification

MOTION: Mr. Thurmond moved approval of Consent Item C.14, Ratification and Approval of Engineering Services Contracts excluding the contract for the FOC. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

C.18 Ohlone Elementary Reconstruction Award of Contract for Construction

Mr. Fay read the following revision in to the record:

The last project in the Measure J Bond is the reconstruction of Ohlone Elementary School. The original campus was constructed using modular buildings and is far beyond its useful life. The Board approved the Master Plan for reconstruction in April of 2008. The project schedule was impacted by funding constraints, but at this time there are adequate funds available to complete the project. *Powell and Partners Architects prepared plans and specifications for the project. Phase I includes new classrooms, administration, library and support spaces. It includes demolition of portions of the existing campus and playgrounds, driveways, site work, and utilities.*

The District conducted a public bid process for the project. Bids were opened on June 23, 2011. *Seven Contractors submitted bids. They are as follows: BRCO Constructors \$22,710,000; Arntz Builders \$18,053,400; Lathrop Construction Associates \$17,865,000; Amoroso \$17,663,100; Alten Construction \$17,544,000; West Bay Builders \$17,233,900; and, Zovich Construction \$16,961,000. The lowest responsive, responsible bidder is Zovich Construction at \$16,961,000.*

The District has received a bid protest on this project which is being reviewed with counsel. In consideration of the timing for the beginning of construction, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective upon the successful resolution of the Bid Protest, to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification by the Board at a future meeting.

Recommendation: *Authorize staff to issue the Notice of Award for this contract, after successful conclusion of the Bid Protest, to the lowest responsive, responsible bidder.*

Fiscal Impact: *\$16,961,000.* Funded from the Ohlone Elementary Project Budget under the Measure J Bond.

Board Comments:

President Ramsey asked about the scope of work. Representatives from the architectural firm responded.

MOTION: Mr. Thurmond moved approval of Consent Item C.18, Ohlone Elementary Reconstruction Award of Contract for Construction. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 Bond Finance Report

Ms. Gamba introduced the Bond Finance Team of Mr. Dave Olson and Mr. Jeff Baratta and asked them to discuss tax rates and bonds.

Public Comment:

None

Board Comment:

President Ramsey asked Mr. Olson what his recommendation would be regarding the refunding of bonds and his rationale. Mr. Olson responded with information about a level of savings that should be present for taxpayers in order to move forward with a refunding program. Mr. Olson indicated a margin of savings should be considered from 3% - 6% savings. President Ramsey asked for input from the Board members.

The Board made a compromise and agreed that a 4% savings would be preferred before triggering a refunding activity for the bonds. Mr. Olson wanted clarification that the direction of the Board would prefer to be able to do a refunding to impact the 2011-2012 tax rates. President Ramsey responded that the Board wanted this done as soon as possible. Ms. Gamba said that the Board needed to state its purpose, either about tax rates for 2011-12, the taxpayer's savings or both. If it is to be both, the Board needs to accomplish the refunding prior to setting the tax rates in August of 2011, for the new tax bill that will be coming out. This would require a faster track to get the refunding done. If it is about saving taxpayers money then there is not a need to fast track the refunding and meeting the margin of savings would be the trigger to permit a refunding at the time this savings level can be achieved. President Ramsey stated that the Board is concerned about both issues; saving taxpayer's money and staying within the tax rates. Ms. Gamba clarified that the first criteria to meet would be the 4%. President Ramsey agreed that the 4% savings is what the

Board is directing. President Ramsey asked about the sales of Measure D 2010 bonds. Mr. Olson responded. Mr. Baratta confirmed.

D.2 Seal of Biliteracy Awards Report
This item was moved to follow E.2.

D.3 Standing Reports
This item was moved to follow D.2.

D.4 In Memory of Members of the School Community
Superintendent Harter recognized contributions of members of the community who have passed away.

Public Comment:
None

Board Comment:
None

E. PUBLIC AND COMMITTEE COMMUNICATIONS
(Education Code 35145.5; Government Code 54950 et seq.)

E.1 Superintendent's Report
This item was moved to follow F.5.

E.2 WCCUSD Public Comment
This item was moved to follow E.1.

F. ACTION ITEMS

F.1 Resolution No. 76-1011: Approving Engineer's Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2011-2012
This item was moved to follow G.1.

F.2 Public Hearing and Adoption of the 2011-12 Budget / Public Hearing for Tier III Programs
This item was moved to follow F.1.

F.3 Community Outreach for Possible Parcel Tax
This item was moved to follow F.2.

F.4 Shining Crescent Charter School Petition
This item was moved to follow B.6 Minutes.

F.5 Public Hearing – Notice of the West Contra Costa Unified School District's intent to apply to the California Department of Education for a waiver to EC 48660 and EC 48916.1 to expand the Harbor Way Community Day School to K-8
This item was moved to follow F.3.

G. DISCUSSION ITEMS
This item was moved to follow F.4.

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)
None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT
President Ramsey adjourned the meeting in memory of Sylvester Greenwood.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING
Lovonya DeJean Middle School – July 13, 2011

K. ADJOURNMENT

President Ramsey adjourned the meeting at 10:30 PM.

Motion vote count order: Yes-No-Abstain-Absent

BH:rc

MK
Approved 7/13/11