

**WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT**

**BOARD OF TRUSTEES**



**MISSION STATEMENT**

We provide the highest quality education to enable all students to make positive life choices, strengthen our community, and successfully participate in a diverse and global society.

We provide excellent learning and teaching experiences; safe, student-centered learning environments; and support for all students and employees. We develop and maintain productive community partnerships and individual and collective accountability.

**MEETING OF**  
February 4, 2009

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
FEBRUARY 4, 2009**

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**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: [http://www.wccusd.net/board/APM\\_index.shtml](http://www.wccusd.net/board/APM_index.shtml)

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.

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**VIEWING AND LISTENING TO THE BOARD MEETINGS:**

**Radio:** Regularly scheduled Board meetings are broadcast live over Radio Station KECG 88.1 and 97.7 FM.

**Television:** Regular Board meetings are also broadcast by the City of Pinole on PCTV Channel 26 and HCTV Channel 25, and the Hercules city cable channel 28.

Audio tapes of Board meetings are kept on file in the Communications Office, Room 215, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1132). The Board of Education would like to acknowledge the City of Pinole for their generosity in helping to televise WCCUSD Board of Education meetings.

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**ATTENDING BOARD MEETINGS:**

The public is warmly invited to attend and participate in all WCCUSD Board of Education meetings.

**Location:** *Note the temporary change in location will allow broadcast by cable television and radio.*

**PINOLE VALLEY HIGH SCHOOL - CAFETERIA  
2900 Pinole Valley Road  
Pinole, CA 94564**

**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 Cafeteria to receive comments from anyone wishing to address the Board regarding closed session items (see 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.

**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.

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"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 Val Poquiz, Hercules High School**

Comment:

Student Board Representative Val Poquiz will be representing Hercules High School at the Board of Education on February 4, 2009. We would like to recognize and commend her participation.

Recommendation: For Information Only

Fiscal Impact: None

**B.5 Report/Ratification of Closed Session**

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

\* **B.7 Board Minutes:** January 21, 2009; January 24, 2009

**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 acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated February 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

\*CI **C.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated February 4, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools.

**\*CI C.3 Acceptance of Donations**

Comment:

The District has received donations as summarized dated February 4, 2009. 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.4 Notification of Claims Rejected**

Comment:

The District has received claims requesting compensation for personal injury and property damage. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized claim rejections.

Recommendation: Ratify the rejection of claims

Fiscal Impact: None

**\*CI C.5 2008-2009 Consolidated Application for Funding Categorical Aid Programs, Part II**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District's application for categorical funding for the following academic year for both public and non-public schools. This report also includes a summary of participation in the NCLB Supplemental Educational Services (SES) program and the choice option. Expulsion, suspension and truancy data, as well as progress towards meeting the Highly Qualified Teacher and Highly Qualified Paraprofessional requirements are included.

Part II is submitted at the end of January. It contains information, in specified programs, related to entitlements, allocations, carryover, number of participants, and legal assurances of compliance, as required by State and Federal statute. A copy of the document is available for review at the Administration Building and at the State and Federal Programs office located at the Seaview Campus.

Recommendation: Recommend Approval

Fiscal Impact: Categorical Revenue

**\*CI C.6 Routine Personnel Changes - Classified**

Comment:

Routine personnel changes include actions to hire, promote, or terminate classified employees in accord with appropriate laws, established policies and procedures.



Recommendation: For Information Only

Fiscal Impact: None

**\*CI C.7 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:

The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully credentialed teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI C.8 Approval of School Calendar for 2009-2010**

Comment:

All four labor groups (Local One, SSA, UTR and WCCAA) met and conferred about the school calendar. The proposed school calendar for 2009-2010 is provided.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI C.9 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified 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

Fiscal Impact: Total for this action: \$28,500. Funding sources as noted.

**\*CI C.10 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: DeAnza High School Fieldhouse; DeAnza High School Demolition & Sitework; Hercules Middle High School Fields, and Pinole Middle School New Gym & Classroom Projects. 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 Orders for the DeAnza High School Fieldhouse; DeAnza High School Demolition & Sitework; and Pinole Middle School New Gym & Classroom projects are required by the Board, with special findings as noted below, because these 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: \$220,978.34.

**\*CI C.11 Resolution No. 58-0809, in Support of Applications for Eligibility Determination, Hardship Applications, and Signature Authorization for Applications and Associated Documents for the Office of Public School Construction**

Comment:

The District must submit applications and other documents to the Office of Public School Construction in reference to its construction projects. It is required that the District's Board adopt a resolution in support of the applications and also authorize District staff to sign documents and forms related to the applications. The attached resolution is an update to Resolution 26-0607, to delete Jeff Edmison, former Associate Superintendent, and to add Mr. Bill Fay and Mr. Luis Freese as designees authorized to sign all documents and papers associated with applications.

Recommendation: Adopt Resolution No. 58-0809

Fiscal Impact: None

**\*CI C.12 Transition Learning Center ("TLC") Access Ramps Replacement Project Award of Contract**

Comment:

The District has received funding for the replacement of damaged wood ramps to the existing modular buildings at TLC. These access ramps will be removed and replaced at seven buildings on the North Campus site of TLC. The Seville Group ("SGI") has prepared bid specifications for the project. A public bid process was completed for the project. Bids were opened on January 27, 2009. Four Contractors submitted bids. They are as follows: Coast Side Associates \$39,620; ERA Construction \$38,150; BHM Construction \$37,483; and Streamline Builders \$33,000. The lowest responsive, responsible bidder is Streamline Builders at \$33,000.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

Fiscal Impact: \$33,000. Funded from the state Emergency Repair Program (“ERP”).

**\*CI C.13 Award of Contract for Testing and Inspection Services for Measure J Schools: Ford, Dover, and King**

Comment:

The District is ready to start construction on the first elementary school renovations under the Measure J Bond Program. As a part of any school construction project, the Division of State Architect (“DSA”) requires materials testing and inspection during the course of the work. The Structural Engineer of Record and the Architect of Record for the King, Dover and Ford Elementary projects have indicated in the plans and specifications for their projects which items require testing and inspection. The District has issued a Request for Proposals, advertised the process, held a pre-proposal conference, and is entertaining firms which are reviewing all of the plans and specifications for the project. The proposals are due on January 29, 2009. Staff will bring a recommendation for award to the meeting of February 4, 2009.

Recommendation: Award contract to \_\_\_\_\_ for Inspection and Testing Services for Measure J Schools: Ford, Dover, King.

Fiscal Impact: \$ \_\_\_\_\_. Funded by the Measure J Bond.

**\*CI C.14 DeAnza High School Fieldhouse Anti-Graffiti Coating Project Award of Contract**

Comment:

The DeAnza High School Fieldhouse project is nearing completion. The exterior finish of the building is a mix of stucco and brick, which is the overall finish for the future new campus providing an appropriate educational building aesthetic for the facility. Concerns have been raised regarding graffiti removal from natural brick surfaces. Staff has reviewed and discussed these concerns with the Board’s Facilities Subcommittee. It has been determined that it would be important to apply an anti-graffiti coating to the brick surfaces. This was not included in the original bid documents. Seville Group, the District’s Program Manager, has prepared a bid package using the product specified and included in the El Cerrito HS project. The project for the application of the anti-graffiti coating is currently out for public bid. The bids are due to be opened on February 3, 2009. Staff will bring a recommendation for award to the meeting of February 4, 2009.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board’s action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

Fiscal Impact: \$ \_\_\_\_\_. Funded from the Measure J Bond.

**\*CI C.15 Resolution No. 62-0809: Arts in Education Month – March 2009**

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: Approval

Fiscal Impact: None

**\*CI C.16 Resolution No. 63-0809: Disabilities Awareness Month – March 2009**

Comment:

This resolution proclaims the month of March 2009 as Disabilities Awareness Month and encourages all schools and educational communities to commemorate this occasion with meaningful student activities and programs that promote and demonstrate learning about and understanding individuals with disabilities.

Recommendation: Approval

Fiscal Impact: None

**\*CI C.17 Resolution No. 64-0809: Women's History Month – March 2009**

Comment:

This resolution proclaims the month of March as Womens' History Month and encourages all educational communities to commemorate this time with appropriate instructional activities.

Recommendation: Approval

Fiscal Impact: None

**\*CI C.18 Resolution No. 65-0809: Week of the School Administrator – March 2–6, 2009**

Comment:

Administrators of California's public schools are commended for their support of, and contribution to, quality education in the state.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI C.19 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 schools for winter sports is provided.

Recommendation: Approval

Fiscal Impact: None

**\*CI C.20 Board Assignments**

Comment:

At the December reorganization meeting, Board President Audrey Miles made preliminary appointments for various subcommittees pending the opportunity for the Board to discuss these more fully at the Board retreat. At the January 24, 2009 governance retreat, the Board discussed various options for appointments and protocols as follows:

High School Assignment Preferences

El Cerrito High School – Madeline Kronenberg  
Hercules High School – Charles Ramsey  
Kennedy High School – Audrey Miles  
Pinole Valley High School – Charles Ramsey  
Richmond High School – Antonio Medrano  
DeAnza High School – Tony Thurmond

Middle College – Antonio Medrano  
Adult Education – Madeline Kronenberg  
Gompers-North Campus – Tony Thurmond  
Vista High – Audrey Miles

Committee Assignments

Special Education CAC – Audrey Miles  
Community Budget Advisory Committee – Tony Thurmond

Liaison to Five City Councils

El Cerrito – Audrey Miles  
Hercules – Madeline Kronenberg  
Pinole – Charles Ramsey  
Richmond – Tony Thurmond  
San Pablo – Antonio Medrano

Recommendation: That the Board President make the subcommittee and liaison appointments

Fiscal Impact: None

**\*CI C.21 Citizens Bond Oversight Committee Member Appointment**

Comment:

There is currently a vacancy in the membership of the Citizen's Bond Oversight Committee for the statutorily-required representative of Parent/Guardian of a student in the District. The Superintendent recommends the appointment of Cheryl Sudduth to fill the position. Ms. Sudduth is a parent at Valley View Elementary School.

Recommendation: Confirm the appointment of Cheryl Sudduth as the Superintendent's appointee to the Citizens Bond Oversight Committee representing Parent/Guardian of a student.

Fiscal Impact: None

**\*CI C.22 Resolution 66-0809: In Support of Solving the Budget Crisis**

Comment:

Facing even further reductions in State funding for schools over the next two years, the Board of Education seeks to adopt Resolution 66-0809 to oppose further cuts to education funding and urge the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases. The resolution supports broad local budget flexibility to help school districts prioritize resources to best serve the needs of students.

Recommendation: That the Board approve Resolution 66-0809: In Support of Solving the Budget Crisis

Fiscal Impact: None

**D. AWARDS, RECOGNITIONS, AND REPORTS**

**\* D.1 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Two minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee  
Facilities Subcommittee  
Safety Committee  
Ivy League Connection  
Citizens' Bond Oversight Committee  
Bayside Parent Teacher Association  
Special Education Citizens Advisory Committee  
Community Budget Advisory Committee  
United Teachers of Richmond  
Public Employees Local 1  
School Supervisors Association  
West Contra Costa Administrators Association

**\* D.2 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.

Dr. W.W. "Woody" Snodgrass passed away Sunday, January 25, at the age of 95. Dr. Snodgrass began his career with the Richmond Unified School District in 1937. He served as Teacher, Counselor, Dean of Boys, Director of Adult Education, Principal, Deputy Superintendent and Superintendent. After his retirement in 1975, he continued to serve as Chief Negotiator, Board Trustee and Member of the Facilities Bond Committee.

Our thoughts go out to the family and friends in the loss of their loved one.

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 Charter School Facilities Preliminary Offer to Leadership Public Schools**

Comment:

At the meeting of January 21, 2009, the Board directed staff to modify the proposed Charter School Facilities Preliminary Offer to Leadership Public Schools ("LPS") and prepare a new offer for placement at the Kennedy High School campus. Since that meeting, staff has reviewed options for placement at the site and engaged in dialogue with both Leadership and Kennedy staff to consider the proposal. The resultant of those planning meetings was a consensus of both staffs that the proposed offer of facilities at Kennedy High School for the 2009/2010 school year would cause an extreme hardship to the respective educational programs. Pursuant to the provisions of Proposition 39, LPS would be obligated to vacate district facilities in the event that they did not accept the District's offer for 2009/2010. Both groups are requesting the Board to reconsider the action. This would allow additional time for planning and preparation, giving the District and its Charter partner time to develop an appropriate shared facilities model at the Kennedy High site. Both LPS and the District have jointly agreed to waive the statutory deadline of February 1<sup>st</sup> for the preliminary offer, in anticipation that the Board would agree to reconsider. The Charter School Facilities Preliminary Offer to Leadership Public Schools for the Nystrom Temporary Campus is attached.

Recommendation: Reconsider previous action and authorize staff to submit Charter School Facilities Preliminary Offer to Leadership Public Schools for placement at the Nystrom Temporary Campus for the 2009/2010 school year. Direct staff to initiate a planning process for the 2010/2011 school year to place LPS at the Kennedy High School campus.

Fiscal Impact: Not known at this time

\* **F.2 Public Hearing Regarding Request for Bond Waiver**

Comment:

The West Contra Costa Unified School District Board of Education will hold a public hearing to review and consider adoption of Resolution No. 59-0809 Requesting the State Board of Education to Waive West Contra Costa Unified School District Measure J Bonding Limit, as provided by Education Code Sections 15106 and 15270. The public hearing, pursuant to Education Code 33050(a), will be held at a regular board meeting that begins at 6:30 p.m. on February 4, 2009, at Pinole Valley High School, Cafeteria, Pinole, CA 94564.

The purpose of the waiver will be to permit the District to issue all the remaining authorized Measure J bonds for modernization and construction related projects.

Interested persons wishing to comment on the proposed waiver request may be heard at the public hearing, or may submit written comments and questions to the Office of Business Services no later than February 3, 2009.

The documentation for the Bond Waiver is available for review at 1108 Bissell Avenue, Richmond.

Recommendation: For Information Only

Fiscal Impact: None

\* **F.3 Resolution No. 59-0809 Requesting the State Board of Education to Waive West Contra Costa Unified School District Measure J Bonding Limit**

Comment:

The Education Code provides that bonds of a unified school district may be issued in amounts up to a statutory bonding limit of 2.5% of the district's assessed valuation, as calculated by the county assessor. The District's outstanding bonds from all ballot measures currently total approximately \$636 million, compared to an estimated bonding capacity of \$676 million. The District has remaining Measure J bonding authorization of \$210 million. To issue these bonds within the statutory bonding limit would require an unknown delay until assessed valuation can grow or outstanding bonds can be paid down in a sufficient amount. Delaying issuance of the remaining bonds will drive the building program seriously off schedule, and increase costs significantly.

The State Board of Education has the power to waive certain provisions of the Education Code, and has waived the bonding limit for other school districts (including the District in 2002). Measure J included a statement to the voters informing them that the District would likely seek a waiver of the statutory bonding limit. If the State Board grants the waiver, staff estimates that issuance of the bonds would cause the District's debt to be at 3.15% of total assessed valuation, and that debt would be above the 2.5% bonding limit until approximately 2012-2013, depending on actual growth in property values in the District. Bonds would be issued such that the property tax rate would not exceed the promise to the voters and the Proposition 39 limit of \$60 per \$100,000 of assessed valuation. The Bonds would be issued during the summer of 2009.

Preceding adoption of this resolution, the Board will conduct the requisite public hearing, scheduled during the February 4th meeting, following notice to the public. This resolution will authorize District staff to



submit the waiver request to the State Board, and to work with them as required to document and support the request.

Recommendation: Recommend approval of Resolution 59-0809

Fiscal Impact: None

\* **F.4 Resolution No. 60-0809 Approving Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement and Agreement to Waive Future Claims**

Comment:

The Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement settles the test claim CSM-4464 initiated by San Diego Unified School District, Butte County Office of Education, and San Joaquin County Office of Education, and the related Sacramento Superior Court case, Case No. 03CS01432, regarding reimbursement for costs associated with behavioral intervention plans required by the Hughes Bill statute and regulations under state law. If approved, it ends a fourteen-year dispute with the State of California regarding funding for state behavioral intervention plan requirements that are in excess of federal law. The settlement provides reimbursement for past costs associated with behavioral intervention plans and certain funding for ongoing costs. The Legislature's obligation to fund the settlement is contingent on 85% of all districts, county offices of education, and special education local plan areas constituting 92% of statewide ADA waiving their rights to file additional mandated cost claims on the current Hughes Bill statute and regulations.

In the resolution, the Board (1) approves the settlement which will bring the District approximately \$14.85 per 2007-08 ADA annually for the six-year period beginning 2011-12 through 2016-17, the SELPA approximately \$8.85 per December 2007 special education pupil count in 2009-10 and approximately \$10.92 per ADA (ongoing) for the SELPA as part of the AB 602 funding formula, beginning in 2009-2010, and increasing by COLA and ADA growth in subsequent years; (2) agrees to waive its ability to file future mandated cost claims on the Hughes Bill statute and regulations as currently worded; and (3) directs the District's authorized representative to sign the Waiver to implement this action.

Recommendation: Recommend approval of Resolution 60-0898.

Fiscal Impact: Increase in estimated revenues for 2009/10 through 2017/18

- \$416,000 – six annual installments (2011/12 through 2017/18)
- \$39,000 – one time (2009/10)
- \$10.92 per ADA or \$300,000 ongoing (beginning 2009/10)

\* **F.5 Resolution No. 61-0809 Temporary Borrowing Between Funds**

Comment:

Due to concerns regarding the status of cash at the State level and the possibility that the normal flow of State deposits may be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the school district to temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

If the State Controller were to defer the deposits for our District, as has been proposed, our regular deposits would be cut in half in February. The deposits would then be restored in April and July. The District has implemented cost containment measures in an effort to preserve cash and avoid the need for temporary borrowing. In the event that temporary borrowing is needed, staff will provide the Board with a report with detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2008-09 fiscal year.

Recommendation: To approve Resolution 61-0809 for Temporary Borrowing Between Funds

Fiscal Impact: No fiscal impact

## **G. DISCUSSION ITEMS**

### **\* G.1 Public Hearing / Board Discussion School Closures**

Comment:

In December, the Board approved a process for gathering public input and expert recommendations regarding the Board's commitment to close schools and consolidate students for 2009-10 and 2010-11. The final two stages in that process were to hold a public hearing on the recommended closures and to make a decision. The public hearing has been scheduled for this meeting (February 4, 2009) and the decision is scheduled for a special Board meeting on February 11.

Recommendation: That the Board hold a public hearing and discuss the recommendations for school closures.

Fiscal Impact: Operational savings of at least \$16 million over the next five years.

### **\* G.2 Board Review of Vacant Positions**

Comment:

Based on the current financial crisis facing the district, board members have expressed interest in reviewing the list of vacant positions prior to posting and hiring. Staff is requesting discussion and direction.

Recommendation: For Discussion Only

Fiscal Impact: None

### **\* G.3 Donations**

Comment:

The recent community meetings surrounding school closure have increased interest among parents and community stakeholders in providing funds through donations to the school district. The attached memorandum and information from a community member is provided for consideration by the Board.

The purpose of this agenda item is to provide the board an opportunity to discuss the topic and provide direction to staff.

Recommendation: For Discussion

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**

February 11, 2009 - Location to be determined

**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

**February 4, 2009**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

1. Negotiator: Superintendent / Dr. Bruce Harter
2. Property: Land located on either side of Lexington Avenue between Stockton Avenue and Eureka Street in El Cerrito, CA. Price and all terms of agreement.
3. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.

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

1. WCCUSD v. RDS Architects
2. Lumagbas et al. v. WCCUSD et al.
3. S.H. 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)

- a. Expulsions

**9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT**  
(Government Code Section 54957)

**10. REPORT OF CLOSED SESSION ACTIONS**


West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Wendell C. Greer   
Associate Superintendent, K – Adult Operations

**Agenda Item:** B.4

**Subject:** Presentation of Student Board Representative Val Poquiz, Hercules High School

**Background Information:**

Student Board Representative Val Poquiz will be representing Hercules High School at the Board of Education on February 4, 2009. We would like to recognize and commend her participation.

**Recommendation:** For Information Only

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

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

Agenda Item B.7

**January 21, 2009**

**A. CLOSED SESSION**

**B. OPENING PROCEDURES**

President Audrey Miles called the meeting to order at 5:30 PM. The Board recessed into Closed Session. President Miles called the Public Session to order at 6:51 PM. She dedicated this meeting to the presidential inauguration and the renewed spirit of change and hope and the idea of service to the community.

**B.1 Pledge of Allegiance**

President Miles led those in attendance in the pledge of allegiance.

**B.2 Welcome and Meeting Procedures**

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

**B.3 Roll Call**

**Board Members Present:** Madeline Kronenberg, Antonio Medrano, Audrey Miles, Tony Thurmond

**Board Members Absent:** Charles Ramsey

**Staff Present:** Alejandro Alonso, Interpreter; Andre Bell, Executive Director Business Services; Steve Collins, SELPA Director; Martin Coyne, Director Accounting/Audits; Lisa Erwin, Executive Director Business Services; Sheri Gamba, Associate Superintendent for Business Services; Bill Fay, Associate Superintendent for Operations; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Joe Mayes, Maintenance Supervisor; Ken McDaniel, Electronics Supervisor; Nia Rashidchi, Assistant Superintendent Educational Services; Jessica Romeo, Assistant Superintendent for Human Resources; Phyllis Rosen, Legal Assistant; Bill Savidge, District Engineering Officer.

**B.4 Presentation of Student Board Representative Dennis Shem, El Cerrito High School**

Mr. Shem delivered a message on behalf of Principal Reimann regarding the new El Cerrito High School. Mr. Shem provided an update on activities and programs at the school.

**B.5 Report/Ratification of Closed Session**

Superintendent Harter asked that the Board ratify the vote taken in Closed Session to expel two (2) students from the West Contra Costa Unified School District, and suspend those expulsions for placement in district schools.

**MOTION:** Ms Kronenberg moved to ratify the vote taken in Closed Session to expel two (2) students and suspend those expulsions for placement in district schools. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano and President Miles voted yes, with Mr. Thurmond abstaining and Mr. Ramsey absent. Motion carried 3-0-1-1.

Superintendent Harter asked that the Board ratify the vote taken in Closed Session to appoint Brian Zobel as Interim, K-12 Instructional Specialist-De Anza High School and Brenda King-Randle as Interim, Coordinator of Educational Services through the end of the school year.

**MOTION:** Ms. Kronenberg moved to ratify the vote taken in Closed Session to appoint Brian Zobel as Interim, K-12 Instructional Specialist-De Anza High School and Brenda King-Randle as Interim, Coordinator of Educational Services through the end of the school year. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano and President Miles voted yes, Mr. Thurmond voted no, with no abstentions and Mr. Ramsey absent. Motion carried 3-1-0-1.

**B.6 Agenda Review and Adoption**

**Public Comment:**

Robert Brower spoke in favor of keeping Item E.6 on the agenda as an action item.  
Robert Studdiford spoke in favor of moving Item E.6 to a discussion item.

**Board Comment:**

Ms. Kronenberg commented on the decision of the Facilities Subcommittee to move Item E.6 for discussion.

**MOTION:** Ms. Kronenberg moved to amend the agenda moving item E.6 for discussion and not action. President Miles called for a second. The motion failed for lack of a second.

**MOTION:** Mr. Medrano moved to adopt the agenda. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

**B.7 Minutes:** January 7, 2009; January 10, 2009

**MOTION:** Mr. Thurmond moved approval of the minutes of January 7 and January 10, 2009. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

**C. AWARDS, RECOGNITIONS, AND REPORTS**

**C.1 Budget Report Update**

Sheri Gamba provided an update on the 2008-09 budget and the Governor's proposal for 2009-10 with a brief review of the June 2008 Budget Adoption, an overview of the First Interim Report and the latest budget information from the state and comments on the federal stimulus package.

**Public Comment:**

Al Kirkman spoke about employee pay cuts.

**C.2 Community Budget Advisory Committee (CBAC) Report**

Charles Cowens, CBAC Chair, presented a resolution that the committee adopted regarding revenues, enrollment and attendance. He recognized the work of members Robert Studdiford and Eduardo Martinez.

**Board Comment:**

Mr. Medrano asked for information regarding comparisons with Mt. Diablo Unified School District, and Mr. Cowens responded.

Ms. Kronenberg spoke about the opportunity to raise test scores and looking at ADA more critically and suggested adjusting the ESL teaching schedule to accommodate those students who go to Mexico in December to increase ADA.

Mr. Thurmond thanked Mr. Cowens and recommended agendaizing the CBAC resolution for adoption at a future meeting and perhaps creating an ad hoc committee to ensure students are in school.

**Public Comment:**

Al Kirkman spoke about the importance of attendance, using every resource and following up on our absentees including making home visits.

**C.3 Citizens' Bond Oversight Committee Report**

None

**C.4 In Memory of Members of the School Community**

Superintendent Harter acknowledged the contributions of members of our school community who have passed away and shared in a moment of silence.

**D. PUBLIC AND COMMITTEE COMMUNICATIONS**

(Education Code 35145.5; Government Code 54950 et seq.)

**D.1 Superintendent's Report**

Superintendent Harter provided a report of events in district schools.



## **D.2 WCCUSD Public Comment**

### **Public Comment:**

Robert Brower spoke about safety issues at Adams Middle School.

Al Kirkman spoke about employee benefits and the structural deficit.

Sheila White spoke about safety issues and lack of supervision at Bayview Elementary School where she said her son was assaulted. Ms. White was directed to speak with Wendell Greer.

Gigi Guizado de Nathan spoke about making K-8 an essential part of the budget strategy, especially within the DeAnza family of schools.

Jeremy McCauley spoke about the need to maintain a viable school district, keeping neighborhood schools open and encouraging high enrollment.

Ivan Martinez, student at Coronado, spoke against closing his school.

Noemi Santos-Santiago spoke in favor of saving Coronado.

Christina Slamon spoke about the 20<sup>th</sup> Annual Celebration of Martin Luther King Jr. Day in Richmond and thanked the District for sponsoring the event. She spoke about Portola Middle School activities and encouraged parents to make donations to close the budget gap.

Alan Zarza, student at Coronado, spoke against closing Coronado.

Shavinder Gulati spoke against closing Coronado.

Marcos Herrera's sister spoke on his behalf about keeping his school open for safety reasons.

Charles Cowens spoke about the state funding for rebuilding Portola.

Margaret Browne, retired WCCUSD teacher, spoke about her retiree benefits.

Eric Swabeck, Lake Elementary teacher, spoke against closing schools, finding creative ideas to keep schools open and mobilizing on February 4<sup>th</sup> and 11<sup>th</sup>.

Eduardo Martinez, Sheldon Elementary teacher, spoke about achieving equity and changing the times of equity walk-throughs.

Billy Rubi, Coronado student, spoke against closing his school.

Variny Palachino, Olinda parent, said she loves the Richmond community and its diversity, but that closing schools is a detriment to the district's reputation.

## **E. ACTION ITEMS**

### **E.1 Resolution 56-0809: African American History Month – February 2009**

Superintendent Harter commented on the district's celebration of Martin Luther King, Jr. Day and asked the board to approve this resolution naming February as African American History Month.

**MOTION: Mr. Medrano moved approval of Resolution 56-0809. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

### **E.2 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Manzanita Charter School**

Mr. Fay presented this item for Board Approval.

#### **Board Comment:**

Mr. Thurmond asked for a public statement of the offer to Manzanita and how receptive the school was to the offer.

Mr. Fay responded and clarified the offer was to house the students at Lovonya DeJean Middle School.

Mr. Thurmond inquired about discussions with Manzanita and Mr. Savidge responded.

Mr. Medrano asked for details regarding the placement of the students and Mr. Fay responded.

Mr. Thurmond asked for clarification of the process and Mr. Fay responded.

Mr. Greer provided details regarding the offer extended to Manzanita last year.

Mr. Medrano asked for additional information.

Superintendent Harter clarified that this is the very start of the process with the three charter schools requesting Prop 39 facilities.

President Miles asked about prior discussions with the charter schools and Mr. Fay responded.

Mr. Thurmond requested statistics regarding the number of students and capacity at DeJean and Superintendent Harter responded.

**MOTION: Ms. Kronenberg moved approval of Item E.2 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Manzanita Charter School. Mr. Medrano seconded. Ms. Kronenberg, Student Representative Shem (advisory vote only) and President Miles voted yes, Mr. Thurmond voted no, with Mr. Medrano abstaining, and Mr. Ramsey absent. Motion failed 2-1-1-1.**

Superintendent Harter asked for an alternate proposal in order to meet statutory deadlines.

Mr. Medrano raised questions as this item was impacted by the decision on school closure and consolidation.

Mr. Thurmond moved to reconsider this item.

Superintendent Harter provided clarification.

Mr. Thurmond asked for further clarification regarding the District's ability to rescind its offer to Manzanita if necessary due to school closure issues and Superintendent Harter responded.

**MOTION: Mr. Thurmond moved to reconsider the vote and offer DeJean Middle School as a facility for Manzanita Charter School. Mr. Medrano seconded. A roll call vote was conducted. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

**E.3 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Richmond College Preparatory K-5 Charter School (RCP)**

Mr. Bill Fay introduced this item which he said was a preliminary offer to RCP to maintain their facilities at the Harbour Way Academy.

**Board Comment:**

Mr. Medrano inquired whether RCP has been apprised of the offer and Mr. Fay responded.

**MOTION: Ms. Kronenberg moved approval of Item E.3. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

**E.4 Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Leadership Public Schools, Inc. (LPS)**

Mr. Fay introduced this item which he said was a preliminary offer to Leadership Public Schools for facilities at Nystrom.

**Board Comment:**

Mr. Thurmond asked about the length of term for Leadership at this location.

Mr. Fay responded.

Mr. Medrano spoke about his impressions from his recent visit to Leadership and inquired about the schools intent to remain at Nystrom.

Superintendent Harter responded and discussed a potential request by Leadership to be housed at Kennedy High School in 2010-2011.

Mr. Medrano inquired about the response by the Kennedy High School community and Dr. Harter responded.

Ms. Kronenberg commented on the Kennedy community's interest in having Leadership housed at their facility.

**MOTION: Mr. Thurmond moved approval of Item E.4 with an alternative recommendation to offer Leadership a home at Kennedy High School beginning 2009-10.**

President Miles called on Superintendent Harter who commented on logistical difficulties and pending school closure decisions.

**MOTION: Mr. Thurmond indicated he would amend his motion to leave the timeline open to negotiation and make a recommendation that Leadership would have a home on the Kennedy High School Campus. Mr. Medrano seconded.**

President Miles asked for clarification from Mr. Thurmond.

Mr. Thurmond clarified that he dropped the 09-10 provision and moved to make an offer for Leadership Public Schools to have a home on the Kennedy High School campus and the details about when would be subject to negotiation.

Superintendent Harter discussed a combined motion offering the Nystrom campus in 2009-2010 and Kennedy High School eventually.

Mr. Thurmond offered clarification on his motion.

Ms. Kronenberg suggested voting on the present offer for the Nystrom site and then voting on the Kennedy site if Kennedy remains open.

President Miles, Superintendent Harter and Mr. Thurmond discussed Mr. Thurmond's alternative motion and meeting the requirements of Prop 39.

**MOTION: Mr. Thurmond moved to offer an alternative recommendation of Leadership Public Schools to have a home at the Kennedy High school campus potentially in the 2009-2010 year. Mr. Medrano seconded. Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, Ms. Kronenberg voted no, with no abstentions and Mr. Ramsey absent. Motion carried 3-1-0-1.**

**E.5 Special Education Annual Service Plan / Special Education Annual Budget Plan**

Steve Collins discussed the need for a public hearing on the item and explained the statutory requirements behind the Annual Service and Budget Plans.

**MOTION: Ms. Kronenberg moved approval of Item E.5 Special Education Annual Service Plan / Special Education Annual Budget Plan. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.**

**E.6 Temporary Relocation for Portola Middle School and Adams Middle School**

Bill Savidge provided a brief presentation regarding the relocation of Portola Middle School and Adams Middle School and presented options and cost considerations.

Superintendent Harter discussed how the options presented would interface with the school closure scenarios and clarified that the recommendation for the board was to authorize staff to develop preliminary plans, estimated costs and comprehensive schedules for the relocation of Portola and Adams Middle Schools.

**Public Comment:**

Robert Brower discussed how the CEQA process weighed into the proposed plans.

Christina Slamon commented on the various choices presented and recommended postponing the decision until completion of the school closure decisions.

Joanna Pace thanked Superintendent Harter and staff for the community meetings and said she advocated keeping a middle school at Portola.

Robert Studdiford spoke against having this as an action item.

Miné Ternar Kal said the safety of the children comes first, and asked the Board to take into consideration the best interest of special needs students.

**Board Comment:**

Mr. Thurmond inquired about the timing of mobilizing a relocation for Portola students. Mr. Savidge responded and spoke about the need for engaging in a CEQA study for El Cerrito High School.

Mr. Thurmond asked for clarification regarding completing a Portola move by fall 2009 and the possibility of a CEQA exemption. Mr. Savidge provided details and discussed invoking an emergency provision.

Ms. Kronenberg spoke about the AB 300 list and phasing list and asked for more information. Mr. Savidge responded.

Ms. Kronenberg spoke about how seismic issues could affect the Facilities Master Plan and proposed a Board Study Session on seismic and structural issues for all schools.

Mr. Thurmond asked for more information regarding seismic concerns for other schools.

Mr. Savidge responded.

Mr. Medrano said safety comes first and expressed the need to move the students out as soon as possible.

President Miles spoke about starting the process and the need to move ahead with a plan.

Mr. Thurmond asked questions about moving Portola students to El Cerrito High School and Mr. Savidge responded.

Ms. Kronenberg discussed the reasons for the new level of urgency, time lines and legal costs and asked Mr. Savidge for clarification.

Mr. Savidge responded.

Mr. Shem said he understood this is a tough decision but that the Board should come up with some plan.

**MOTION:** Mr. Thurmond moved to accept the staff recommendation for Item E.6 to begin the planning and add to the February 11, 2009 agenda the option to continue this conversation at that meeting. Mr. Medrano seconded. A roll call vote was conducted. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.

Mr. Thurmond, with consensus of the Board, clarified that the item be agendaized for action on February 11<sup>th</sup>, so the board has the option to move on it as needed.

**F. DISCUSSION ITEMS**

None

**G. BUSINESS ITEMS**

**G.1 Grants/Awards/Agreements**

**G.2 Acceptance of Donations**

**G.3 Approval of Fund-Raising Activities**

**G.4 Summary of Payroll and Vendor Warrant Reports**

**G.5 Notice of Completions: Bid E068136 Transition Learning Center Drainage & Paving Project, J068127 Pinole Valley HS Restroom Renovations Project, W068096 Richmond HS Building Renovations Phase II Project, W068087 Hercules Middle HS Field Alterations Project, D06068 Pinole Middle New Classroom Building and Gym**

**G.6 Notice of Claims Rejected**

**G.7 Certificated Personnel Changes**

**G.8 Ratification and Approval of Engineering Services Contracts**

**Public Comment:**

Robert Brower spoke about the Adams Middle School site and commended the baseline information provided. He responded to earlier inquiry regarding availability of redevelopment fund in El Cerrito.

**G.9 Ratification and Approval of Negotiated Change Orders**

**G.10 Award of Contract for Ford Elementary School Demolition, Sitework and Grading**

Mr. Fay read a revision to this item into the record as follows (*changes in italics*):

**Background Information:**

Ford Elementary School has been relocated to the temporary campus at the Downer site. The next step in the reconstruction of the school is hazardous materials abatement, demolition of existing buildings, utility work and building pad preparation. Sally Swanson Architects has prepared a bid package for the Increment 1 work on the Ford site including all of this work.

*The District conducted a public bid process for this project. Bids were received on January 20, 2009. Nine Contractors submitted bids. They are as follows: Trinet Construction \$1,161,000; Peak Engineering \$1,091,042; Silverado Contractors \$944,862; Parc Services \$912,749; Evans Brothers \$846,350; North Bay Construction \$818,990; Ghilotti Brothers \$798,900; OC Jones and Sons \$736,100; and, Bay Cities Paving and Grading \$697,000. The lowest responsive, responsible bidder is Bay Cities Paving and Grading at \$697,000. This cost is substantially below the estimated construction cost and budgeted amount for this work.*

This item is being presented prior to the expiration of the 5 working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

**Recommendation:** Authorize staff to issue the Notice of Award, at the end of the bid protest period, to the lowest responsive, responsible bidder

**Fiscal Impact:** \$697,000. Funded by the Measure J Bond.

- G.11 Resolution No. 57-0809: Intent to Seek Debt Limit Waiver from State Board of Education for Sale of Remaining General Obligation Bonds as Approved by Voters Under Measure J**  
Sheri Gamba noted typographical errors to Resolution No. 57-0809 and said that corrected copies were provided.
- G.12 Resolution No. 58-0809: Recognition of West Contra Costa Unified School district Groundhog Job Shadow Days February 2 – 4, 2009 and Recognition of February 2009 as National Groundhog Job Shadow Month**
- MOTION:** Mr. Medrano moved approval of Consent Items G. 1 – 12 as amended. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Student Representative Shem (advisory vote only) and President Miles voted yes, with no abstentions and Mr. Ramsey absent. Motion carried 4-0-0-1.
- H. UNFINISHED REQUESTS TO ADDRESS THE BOARD**  
None
- I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**  
Ms. Kronenberg thanked everyone who attended the community meetings and expressed appreciation. She thanked everyone from Coronado and said she was impressed with the extraordinary teachers and with the students who also spoke at the Richmond City Council.  
Mr. Medrano thanked students and parents who were involved in the consolidation process. He inquired about obtaining a list of ways the cities are currently contributing to the District.  
Mr. Thurmond thanked Mr. Shem for his contribution and asked Dr. Harter to comment on the next steps now that the community meetings are complete. He thanked everyone who participated in this process.  
Mr. Shem thanked the Board for the opportunity to participate which made him more appreciate the work they do. Superintendent Harter summarized the next steps in the closure process.  
President Miles thanked Dr. Harter and staff for their hard work. She thanked Mr. Savidge for an excellent report.
- J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**  
Lovonya DeJean Middle School – February 4, 2009
- K. ADJOURNMENT**  
President Miles adjourned the meeting at 10:08 PM.

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

BH:pr

**West Contra Costa Unified School District  
Minutes of the Board of Education  
Governance Retreat  
1108 Bissell Avenue, Room 228  
Richmond, CA 94801**

**January 24, 2009**

**I. Call to Order**

President Audrey Miles called meeting to order at 9:03 AM.

Present: Audrey Miles, Antonio Medrano, Madeline Kronenberg, Charles Ramsey, Tony Thurmond, Superintendent Bruce Harter

**II. Opportunity for Public Comment on Agenda Items**

Robert Brower shared concerns that he had about the way the meeting had been posted.

Charles Cowens suggested that the Board move meetings to different locations and not always hold Board meetings at Lovonya DeJean Middle School. He made other suggestions for the way that Board meetings are conducted, including ideas for informing the public about the difficulty in televising the meetings and agenda distribution.

**III. California School Boards Association Facilitated Discussion on Governance Issues**

Superintendent Harter announced that California School Boards Association representative, Kirk Berger, had a medical emergency and would not be facilitating the Board retreat on governance today. With the concurrence of the other Board members, President Miles decided that the Board could discuss some of the items that would have been included in the governance retreat:

**A. High school assignment preferences**

High School Assignments

El Cerrito High School – Madeline Kronenberg  
Hercules High School – Charles Ramsey  
Kennedy High School – Audrey Miles  
Pinole Valley High School – Charles Ramsey  
Richmond High School – Antonio Medrano  
DeAnza High School – Tony Thurmond  
Middle College – Antonio Medrano  
Adult Education – Madeline Kronenberg  
Gompers-North Campus – Tony Thurmond  
Vista High – Audrey Miles

**B. Additions to the committee assignments**

Committee Assignment Additions

Special Education CAC – Audrey Miles  
Community Budget Advisory Committee – Tony Thurmond

**C. Liaisons to the five city councils**

Liaison to Five City Councils

El Cerrito – Audrey Miles  
Hercules – Madeline Kronenberg  
Pinole – Charles Ramsey  
Richmond – Tony Thurmond  
San Pablo – Antonio Medrano

D. The order of the Board agenda

Agenda

1. Act on the Consent Items after approval of the minutes. When Board members ‘pull’ items, the Board will act on them after public comments and before the section for “Action.”

2. Add a subsection under the Awards, Recognitions and Report that would always go last in that section for “Standing Reports,” with the following introductory statement “Two minutes may be allowed when there is something to report for each subcommittee or group listed below”

Academic Subcommittee

Facilities Subcommittee

Safety Committee

Ivy League Connection

Citizen Bond Oversight Committee

Bayside Parent Teacher Association

Special Education Citizens Advisory Committee

Citizens Budget Advisory Committee

United Teachers of Richmond

Public Employees Local 1

School Supervisors Association

West Contra Costa Administrators Association

The Board further discussed norms for how the Board would interact with each other and with the public.

Notes from the meeting include reference to:

Norms

Norms are agreements for how we work together

Talker or Listener – paraphrase

Tone

Issue Clarity

Relationship of Committee to Board as whole

Speak when recognized by President

Everyone has a turn to speak on the topic

All use best judgment about how long to talk

Minimize sidebars

Be respectful

Never take it personally

Verbal

Non-verbal

For both people and ideas

Back track

Clarify

Summarize

Listen Actively

Disagree without being disagreeable

Be prepared and come informed, ready and with background needed

**IV. Adjournment**

The meeting was adjourned at 12:35 PM.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI C.1

**Subject:** Grants/Awards/Agreements

**Background Information:** Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed on the attached sheets dated February 4, 2009.

**Recommendation:** Recommend Approval

**Fiscal Impact:** As noted per grants summary.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



GRANT / AWARD / AGREEMENT NOTIFICATIONS

Project Name	Project Amount for Budget Period	Funding Agency	Comments
Title II, Part D, Enhancing Education Through Technology (EETT) Formula Grant 08/09	\$89,033	California Department of Education - Education and Technology Office	Enhance Technology in Schools
Resource # 4045	7/1/08 - 6/30/09		PCA # 14334
ConnectEd, The California Center for College and Career	\$125,000	ConnectEd, the California Center for College and Career	Development and Implementation of a system for multiple pathways to college and careers.
Resource # 9593	11/1/08 - 6/30/09		
CTAG - County Technology Academy Grants - Ellerhorst	\$8,000	Contra Costa County Office of Education	Technology infused curricular solutions.
Resource # 9512	7/1/08 - 6/30/09		
Agreement for Services with the City of Hercules	\$121,232	City of Hercules	Provide funding for Assistant Principal at Hercules Middle High School for 2008-2009 school year.
	7/1/08 - 6/30/09		

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI C.2

**Subject:** Approval of Fund-Raising Activities

**Background Information:** The planned fund-raising events for the 2008-09 school year are summarized on the attached sheet dated February 4, 2009.

**Recommendation:** Recommend Approval

**Fiscal Impact:** Additional revenue for schools.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

APPROVAL OF FUND-RAISERS

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<u>School</u>	<u>Fund-raising Activity</u>	<u>Activity Sponsor</u>
Crespi Middle School	Valentine candy sales	National Junior Honor Society, staff
El Cerrito High School	Gaucho apparel and dinner ticket sales	Staff, students and community
Hercules Middle/High School	Roses, chocolates, cards and balloon sales	Staff and students
Kensington Elementary School	Spell-a-thon	Kensington Education Foundation, staff and students
Pinole Valley High School	Valentine day gram sales, teddy bears, chocolate and roses sales	Leadership and Junior Class

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI C.3

**Subject:** Acceptance of Donations

**Background Information:** The District has received donations as summarized on the attached sheet dated February 4, 2009. The estimated values for any non-cash donations (as indicated by an asterisk) are those provided by the donor. Staff recommends acceptance of these donations.

**Recommendation:** Recommend Approval

**Fiscal Impact:** As noted per donations summary.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

## ACCEPTANCE OF DONATIONS

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<u>Donor Name</u>	<u>Description or Purpose</u>	<u>Estimated Value</u>	<u>Receiving School or Department</u>
Christine Bensen	Computer equipment	\$1,649 *	De Anza High School
Grant McDougall	Computer equipment	\$1,299 *	De Anza High School
Larry Brady	TV and equipment	\$500 *	De Anza High School
PG&E Corporation Foundation	For school use	\$144	Ford Elementary School
Wells Fargo Community Support Campaign	For school use	\$25	Hanna Ranch Elementary School
Judith Kantor	For school use	\$25	Hanna Ranch Elementary School
Edward Remitz and Mary Quintal	For school use	\$250	Hanna Ranch Elementary School
Mary and Don Quintal	For school use	\$40	Hanna Ranch Elementary School
Edward C and Teresa Campbell	For school use	\$100	Hanna Ranch Elementary School
Aoki Family Trust	For girls basketball	\$125	Hercules High School
Ms. Frances Hanna	For Close-up	\$100	Kennedy High School
Ms. Lynn Prime	For Close-up	\$100	Kennedy High School
Ms. Aileen Gillem	For Close-up	\$100	Kennedy High School
Wells Fargo Community Support Campaign	For student use	\$250	Peres Elementary School
Michael Wood	For school use	\$10,000	Peres Elementary School
Irene Scully Family Foundation	For school use	\$15,000	Peres Elementary School
Wells Fargo Foundation	For school garden	\$300	Peres Elementary School
PG&E Corporation Foundation	For Band	\$87	Pinole Valley High School

- Estimated values for non-cash donations are provided by the donor.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Date:** February 4, 2009

**From:** Sheri Gamba, Assoc., Supt. Business Services

**Agenda Item:** CI C.4

**Subject:** Notification of Claims Rejected

**Background Information:** The District has received claims requesting compensation for personal injury and property damage. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized claim rejections.

**Recommendation:** Ratify the rejection of claims

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
February 4, 2009

2008-2009 CLAIMS REJECTED

<u>School or Department</u>	<u>Date of Occurrence</u>	<u>Claimant</u>	<u>Type of Loss</u>	<u>Disposition of Settlement</u>
Operations Department	10/14/08	District Resident	Property Damage	Rejected
Pinole Valley High School	11/19/08	District Employee	Property Damage	Rejected

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

---

**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Nia Rashidchi *NR* **Agenda Item:** CI C.5  
Assistant Superintendent  
**Subject:** 2008-2009 Consolidated Application for Funding Categorical Aid Programs, Part II

**Background Information:**

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District's application for categorical funding for the following academic year for both public and non-public schools. This report also includes a summary of participation in the NCLB Supplemental Educational Services (SES) program and the choice option. Expulsion, suspension and truancy data, as well as progress towards meeting the Highly Qualified Teacher and Highly Qualified Paraprofessional requirements are included.

Part II is submitted at the end of January. It contains information, in specified programs, related to entitlements, allocations, carryover, number of participants, and legal assurances of compliance, as required by State and Federal statute. A copy of the document is available for review at the Administration Building and at the State and Federal Programs office located at the Seaview Campus.

**Recommendation:** Recommend Approval

**Fiscal Impact:** Categorical revenue

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education  
**From:** Jessica R. Romeo,  
Assistant Superintendent Human Resources  
**Subject:** Routine Personnel Changes – Classified

**Meeting Date:** February 4, 2009

**Agenda Item:** CI C.6

**Background Information:**

Routine personnel changes include actions to hire, promote, or terminate classified employees in accord with appropriate laws, established policies and procedures.

**Recommendation:** For Information Only

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT****February 4, 2009****FOR INFORMATION ONLY****Classified Personnel****Changes****TERMINATIONS**

Garza, Rodolfo	Custodian	Resignation	01/05/09
Ehara, Paul	Director of Communications	Retirement	12/31/08
Edwards, Cynthia	Food Service Aide	Exhaustion of	
	Instructional Assistant Special Education	Leave	01/22/09
Ruiz, Ana	Bilingual	Resignation	01/12/09
Herrera, Delia	Office Manager, Jr High	Retirement	12/31/08
Gant, James	Warehouse Worker II	Exhaustion of	
		Leave	01/13/09

**NEW EMPLOYEES**

Kvasnicka, Tina	Instructional Assistant Special Education	Hercules High	01/07/09
Stone, Rebekah	Instructional Assistant Special Education		
	Hearing Impaired	Harding	01/26/09
Brewer, Sara	Interpreter for the Deaf and Hard of Hearing	El Cerrito	01/05/09
Balkcom, Donna	Typist Clerk I	Tara Hills	01/12/09
Byrd, Barbara	Typist Clerk I	Stege	01/06/09

**PROMOTIONS**

McDaniels, Ken	Electronics Supervisor	Electronics	01/14/09
Zygadlo, Catherine	Instructional Assistant Special Education	Murphy	01/05/09
Price, Vickie	Library Resource Secretary	Elementary	
Davis, Veronica	School Secretary	Library Center	12/22/08
		Verde	01/05/09

**DEMOTIONS**

Castro, Mercedes	Staff Secretary Bilingual	ELD	01/05/09
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**REQUESTS FOR LEAVE**

Thomas, Patricia	Custodian	Health	12/05/08
Nolan, Cheryl	Occupational Therapist	Child Care	12/12/08
Rodriguez, Veronica	School Lunch Worker I	Child Care	01/05/09

**RETURNS FROM LEAVE**

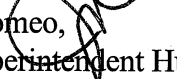
Clemon, Thurmon	Head Custodian	Murphy	01/05/09
Vanderzwan, Mary	Typist Clerk I	Ohlone	01/26/09
Aguiar, Natalie	Typist Clerk II Bilingual	Adult Ed	01/15/09

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Jessica R. Romeo,   
Assistant Superintendent Human Resources

**Agenda Item:** CI C.7

**Subject:** Certificated Provisional Internship Permit (PIP) Request(s)

**Background Information:** The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully credentialed teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

**Recommendation:** Recommend Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**February 4, 2009**

**Action Taken**

<b><u>PIP</u></b>	<b><u>SITE</u></b>	<b><u>ASSIGNMENT</u></b>
Barkelaw, David	KHS	Math
Russell, Christine	RHS	RSP
Matzen, Benjamin	ECHS	Biology


West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

---

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Jessica R. Romeo   
Assistant Superintendent Human Resources

**Agenda Item:** CI C.8

**Subject:** Approval of School Calendar for 2009-2010

**Background Information:** All four labor groups (Local One, SSA, UTR and WCCAA) met and conferred about the school calendar. Attached is the proposed calendar for 2009-2010.

**Recommendation:** Recommend Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

	MON	TUE	WED	THUR	FRI	SAT	SUN
<b>AUG</b>	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	New Teacher Orient 19	Sat Day 20	Sat Day 21	Terrence Mann Day 22	Terrence Mann Day 23
<b>Feb-WB64</b>	1st Day/Min 25		26	27	28	29	30
	31						

	MON	TUE	WED	THUR	FRI	SAT	SUN
<b>SEP</b>		1	2	3	4	5	
		8	9	10	11	12	13
	14	15	16	BTS-E-Mn 17	18	19	20
	21	22	23	BTS-M-Mn24	25	26	27
	28	29	30				

	MON	TUE	WED	THUR	FRI	SAT	SUN
<b>OCT</b>				BTS-H-Mn 1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	Cls Trng 16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	Min. K-8 Oct. 30	END	31






	MON	TUE	WED	THUR	FRI	SAT	SUN
							1
<b>NOV</b>	Min 2	<u>Relay Control 3</u>	Min E 4	Min E 5	Min E 6	7	8
	Min E 9	10	<del>11</del>	<del>12</del>	12 End-Tri-M 13	14	15
16	17	18	19	19	20	21	22
23	24	25	Min 26	26	27	28	29
30							

	MON	TUE	WED	THUR	FRI	SAT	SUN
<b>DEC</b>			1	2	3	4	5
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	WINTER 28	REC 29	CESS 30	31			

	MON	TUE	WED	THUR	FRI	SAT	SUN
<b>JAN</b>							
	4	5		6	7	8	9
	11	12	13	14	15	16	17
	<del>18</del>	<del>19</del>	<del>20</del>	<del>21</del>	<del>22</del>	<del>23</del>	<del>24</del>
	25	26	27	28	29	30	31

Days in Q1 -47

Days in Q2- 41

	Holiday	
	No School	
	Teacher Workday	
	Staff Development	
	Terence Martin Day	
August 23 -		
MIN	Minimum Day	
BTS-E-Min	Back to School Elementary	
BTS-M-Min	Back to School Middle/Jr. High	
BTS-H-Min	Back to School High School	
END Q	End of Quarter	
END-TR-M	End of Trimester	
OH	Open House	

West Contra Costa Unified School District  
SCHOOL CALENDAR  
2009-2010

	MON	TUE	WED	THUR	FRI	SAT	SUN
FEB	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28

	MON	TUE	WED	THUR	FRI	SAT	SUN
MAR	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	Min. M-H 29	30	31				

Days in Q3-43

	MON	TUE	WED	THUR	FRI	SAT	SUN
APR	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	Min. M-H 29	30	31				

	MON	TUE	WED	THUR	FRI	SAT	SUN
MAY	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31				

Days in Q4 - 49

	MON	TUE	WED	THUR	FRI	SAT	SUN
JUNE	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31				

	MON	TUE	WED	THUR	FRI	SAT	SUN
JULY	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31				

Student Days	Student Day Sec	Year total days	Tchr work Days	Year total days
0	0	0	0	0
5	5	5	5	5
5	5	5	5	5
0	0	0	0	0
5	5	5	5	5
15	15	112	15	117
0	0	0	0	0
5	5	5	5	5
5	5	5	5	5
5	5	5	5	5
3	3	3	3	3
23	23	135	23	140
0	0	0	0	0
2	2	2	2	2
0	0	0	0	0
5	5	5	5	5
5	5	5	5	5
5	5	5	5	5
17	17	152	17	157
0	0	0	0	0
5	5	5	5	5
5	5	5	5	5
5	5	5	5	5
0	0	0	0	0
20	20	172	20	177
0	0	0	0	0
4	4	4	4	4
4	4	4	4	4
0	0	0	0	0
0	0	0	0	0
8	8	180	8	185

Holiday

No School

Teacher Workday

Staff Development

August 23 - Terence Martin Day

MIN

Back to School Elementary

BTS-E-Min

Back to School Middle/Jr. High

BTS-M-Min

Back to School High School

END Q

End of Quarter

END-TRI-M

End of Trimester

OH

Open House

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Bill Fay **Agenda Item:** CI C.9  
Associate Superintendent for Operations  
**Subject:** Ratification and Approval of Engineering Services Contracts

**Background Information:**

Contracts have been initiated by staff using previously qualified 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

**Fiscal Impact:** Total for this action: \$28,500. Funding sources as noted.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
FACILITIES PLANNING AND CONSTRUCTION**

**ENGINEERING & ARCHITECTURAL SERVICES CONTRACTS**

<b>Project/Funding</b>	<b>Dates</b>	<b>Firm</b>	<b>Contract Cost</b>	<b>Reference</b>
Downer Elementary New Campus  Measure J Bond	November 2008 thru February 2009	Alan Kropp and Associates	\$16,500	Ratify additional services to complete sitework scope.
Adams Middle School  Measure J Bond	February 2009 thru March 2009	Dasse Design	\$12,000	Structural evaluation of Gym/Locker Buildings

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION --- BOARD OF EDUCATION**

---

**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Bill Fay **Agenda Item:** CI C.10  
Associate Superintendent for Operations  
**Subject:** Ratification and Approval of Negotiated Change Orders

**Background information:**

Staff is seeking ratification of Change Orders on the following current District construction projects: DeAnza High School Fieldhouse; DeAnza High School Demolition & Sitework; Hercules Middle High School Fields, and Pinole Middle School New Gym & Classroom Projects. 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 Orders for the DeAnza High School Fieldhouse; DeAnza High School Demolition & Sitework; and Pinole Middle School New Gym & Classroom projects are required by the Board, with special findings as noted below, because these 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: \$220,978.34.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**February 4, 2009 Change Order Ratification Summary**

		Items Pending Board Action							
Project	Company	Original Contract	Previously Approved CO's	CO's Pending Ratification	CO's Pending Approval	Total CO's	CO Percent of Original Contract	Adjusted New Contract	Change Order Numbers
1 De Anza HS Fieldhouse	Bollo Construction	\$3,130,800.00	\$293,285.51	19,794.49	15,534.76	\$328,614.76	10.50%	\$3,459,414.76	5
2 De Anza HS Demolition Site	Bay Cities & Grading	\$2,393,000.00	\$194,831.32	\$44,468.68	\$18,875.72	\$258,175.72	10.79%	\$2,651,175.72	5
3 Hercules MS/HS Fields	Interstate Grading & Paving	\$4,318,000.00	\$406,722.34	\$14,413.91	\$0.00	\$421,136.25	9.75%	\$4,739,136.25	9
4 Pinole MS Gym/Classroom	West Coast Contractors	\$20,661,000.00	\$1,998,850.00	\$67,250.00	\$40,640.78	\$2,106,740.78	10.20%	\$22,767,740.78	20

Pending Board Actions			
	Ratifications	\$145,927.08	
	Approvals	\$75,051.26	
	Total Board Action	\$220,978.34	

Note: the proposed Board Action is to Ratify all Change Orders below ten percent (10%) of the Contract Value; the change order amounts pending Board Approval is the portion of the Change Order(s) above 10%.

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

---

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Bill Fay  
Associate Superintendent for Operations

**Agenda Item:** CI C.11

**Subject:** Resolution No. 58-0809, in Support of Applications for Eligibility Determination, Hardship Applications, and Signature Authorization for Applications and Associated Documents for the Office of Public School Construction.

**Background Information:**

The District must submit applications and other documents to the Office of Public School Construction in reference to its construction projects. It is required that the District's Board adopt a resolution in support of the applications and also authorize District staff to sign documents and forms related to the applications. The attached resolution is an update to Resolution 26-0607, to delete Jeff Edmison, former Associate Superintendent, and to add Mr. Bill Fay and Mr. Luis Freese as designees authorized to sign all documents and papers associated with applications.

**Recommendation:** Adopt Resolution No. 58-0809

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**BEFORE THE BOARD OF EDUCATION OF THE  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
CONTRA COSTA COUNTY, CALIFORNIA**

**RESOLUTION NO. 58-0809**

**SUPPORT OF APPLICATIONS FOR ELIGIBILITY DETERMINATION AND FUNDING**

**AUTHORIZATION TO SIGN APPLICATIONS AND ASSOCIATED DOCUMENTS**

Whereas, the West Contra Costa Unified School District approved the filing of applications under the State School Building Lease-Purchase Program for funding under the provisions of the State Allocation Board;

Whereas, the West Contra Costa Unified School District intends to file applications for funding under the School Facility Program as provided in Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code;

Whereas, a condition of processing the various applications under the School Facility Program is a resolution in support of those applications from the West Contra Costa Unified School District Board of Education and signatures of the West Contra Costa Unified School District Administration; and

Whereas, the West Contra Costa Unified School District wishes to submit modernization and/or new construction applications for funding for any modernization and/or new construction projects as necessary; including Emergency Repair Program (ERP) and hardship applications;

THEREFORE, BE IT HEREBY RESOLVED, that the West Contra Costa Unified School District Board of Education is in support of necessary applications under the School Facility Program and that the individuals identified below are authorized to sign all documents and papers associated with the applications:

1. Bill Fay, Associate Superintendent for Operations
2. William Savidge, Engineering Officer
3. Luis Freese, Executive Director for Maintenance and Operations

Enacted this 4th day of February, 2009, by the West Contra Costa Unified School District Board of Education.

PASSED AND ADOPTED by the Governing Board of the West Contra Costa Unified School District, this 4th day of February, 2009, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Education

\_\_\_\_\_  
Clerk, Board of Education

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education **Meeting Date:** February 4, 2009

**From:** Bill Fay **Agenda Item:** CI C.12  
Associate Superintendent for Operations

**Subject:** Transition Learning Center ("TLC") Access Ramps Replacement Project Award of Contract

**Background Information:**

The District has received funding for the replacement of damaged wood ramps to the existing modular buildings at TLC. These access ramps will be removed and replaced at seven buildings on the North Campus site of TLC. The Seville Group ("SGI") has prepared bid specifications for the project. A public bid process was completed for the project. Bids were opened on January 27, 2009. Four Contractors submitted bids. They are as follows: Coast Side Associates \$39,620; ERA Construction \$38,150; BHM Construction \$37,483; and, Streamline Builders \$33,000. The lowest responsive, responsible bidder is Streamline Builders at \$33,000.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

**Recommendation:** Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

**Fiscal Impact:** \$33,000. Funded from the state Emergency Repair Program ("ERP").

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

---

**To:** Board of Education **Meeting Date:** February 4, 2009

**From:** Bill Fay **Agenda Item:** CI C.13  
Associate Superintendent for Operations

**Subject:** Award of Contract for Testing and Inspection Services for Measure J Schools: Ford, Dover, King

**Background Information:**

The District is ready to start construction on the first elementary school renovations under the Measure J Bond Program. As a part of any school construction project, the Division of State Architect ("DSA") requires materials testing and inspection during the course of the work. The Structural Engineer of Record and the Architect of Record for the King, Dover and Ford Elementary projects have indicated in the plans and specifications for their projects which items require testing and inspection. The District has issued a Request for Proposals, advertised the process, held a pre-proposal conference, and is entertaining firms which are reviewing all of the plans and specifications for the project. The proposals are due on January 29, 2009. Staff will bring a recommendation for award to the meeting of February 4, 2009.

**Recommendation:** Award contract to \_\_\_\_\_ for Inspection and Testing Services for Measure J Schools: Ford, Dover, King.

**Fiscal Impact:** \$ \_\_\_\_\_. Funded by the Measure J Bond.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education **Meeting Date:** February 4, 2009

**From:** Bill Fay **Agenda Item:** CI C.14  
Associate Superintendent for Operations

**Subject:** DeAnza High School Fieldhouse Anti-Graffiti Coating Project Award of Contract

**Background Information:**

The DeAnza High School Fieldhouse project is nearing completion. The exterior finish of the building is a mix of stucco and brick, which is the overall finish for the future new campus providing an appropriate educational building aesthetic for the facility. Concerns have been raised regarding graffiti removal from natural brick surfaces. Staff has reviewed and discussed these concerns with the Board's Facilities Subcommittee. It has been determined that it would be important to apply an anti-graffiti coating to the brick surfaces. This was not included in the original bid documents. Seville Group, the District's Program Manager, has prepared a bid package using the product specified and included in the El Cerrito HS project. The project for the application of the anti-graffiti coating is currently out for public bid. The bids are due to be opened on February 3, 2009. Staff will bring a recommendation for award to the meeting of February 4, 2009.

This item is being presented prior to the expiration of the five working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

**Recommendation:** Authorize staff to issue Notice of Award upon successful completion of the Bid Protest period.

**Fiscal Impact:** \$ \_\_\_\_\_. Funded from the Measure J Bond.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

---

**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Nia Rashidchi *NR* **Agenda Item:** CI C.15  
Assistant Superintendent for Educational Services  
**Subject:** Resolution No. 62-0809: Arts in Education Month – March 2009

**Background Information:** 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:** Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

# WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

## RESOLUTION NO. 62-0809

### ARTS EDUCATION MONTH MARCH 2009

**WHEREAS**, Arts Education, which includes dance, theater, music, and the visual arts, is an essential part of basic education for all students, kindergarten through grade twelve, to provide for balanced learning and to develop the full potential of their minds; and

**WHEREAS**, through well-planned instruction and activities in the arts, children develop initiative, creative ability, self-expression, self-evaluation, thinking skills, discipline, a heightened appreciation of beauty and cross-cultural understandings; and

**WHEREAS**, many national and state professional arts education associations hold celebrations in March focused on students' participation in the arts; and

**WHEREAS**, these celebrations give California schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to give recognition to the state's outstanding young artists, and to enhance public support for this important part of our curriculum; and

**WHEREAS**, the California State Board of Education stated in its Arts Education Policy that each student should receive a high quality comprehensive arts education program based on the adopted *Visual and Performing Arts Framework for California Public Schools, Kindergarten Through Grade Twelve*;

**NOW, THEREFORE BE IT RESOLVED**, that the California State Board of Education, as does the West Contra Costa Unified School District, proclaims the month of March 2009 as Arts Education Month and encourages all educational communities to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding the visual and performing arts.

**PASSED AND ADOPTED**, this fourth day of February 2009 at a regular meeting of the Board of Education by the following vote:

AYES\_\_\_\_\_

NOES\_\_\_\_\_

ABSENT\_\_\_\_\_

ABSTAIN\_\_\_\_\_

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed, and adopted by the members of the Governing Board of the West Contra Costa Unified School District at a public meeting of said Board held on February 4, 2009.

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Bruce Harter  
Secretary, Board of Education

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Steve Collins, SELPA Director 

**Agenda Item:** CI C.16

**Subject:** Resolution 63-0809: Disabilities Awareness Month – March 2009

**Background Information:** This resolution proclaims the month of March 2009 as Disabilities Awareness Month and encourages all schools and educational communities to commemorate this occasion with meaningful student activities and programs that promote and demonstrate learning about and understanding individuals with disabilities.

**Recommendation:** Board Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

--

West Contra Costa Unified School District  
RESOLUTION No. 63-0809

**PROCLAMATION  
DISABILITY AWARENESS MONTH  
MARCH 2009**

- Whereas,** Individuals with disabilities are a significant and vital group within our society; and
- Whereas,** Students with disabilities are represented in all grades and programs of the West Contra Costa Unified School District from infants through post high school; and
- Whereas,** The diversity of this group includes the physically disabled, hearing impaired, visually impaired, learning disabled, developmentally delayed, emotionally disturbed, and multiple disabilities; and
- Whereas,** Despite the hardships, barriers and challenges they encounter, individuals with disabilities have made substantial historical, cultural, social, economic and other contributions that enrich our society; and
- Whereas,** West Contra Costa School District embraces individuals with disabilities as a part of its ongoing commitment to appreciating and valuing the diversity of our population; and
- Whereas,** There will be a positive effect in society as our students gain a greater understanding and appreciation for those citizens who have disabilities; and
- Whereas,** All of our students should be educated in the least restrictive environment and fully included to the greatest degree appropriate both in education and the greater society.

**Therefore Be It Resolved,** on February 4, 2009 that the West Contra Costa Unified School District Board of Education proclaims the month of March 2009 as **Disability Awareness Month** and encourages all of its schools to commemorate this occasion with appropriate instructional activities, and be it further;

**Resolved,** That the Board of Education directs that suitable prepared copies of this resolution be distributed to all schools and offices in West Contra Costa Unified School District, local libraries and the office of the Mayors of the municipalities serviced by the West Contra Costa Unified School District.

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

**I HEREBY CERTIFY** that the foregoing resolution is a full, true and correct copy of a resolution passed at a meeting of the Board of Education of the West Contra Costa Unified School District held on February 4, 2009.

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Bruce Harter  
Secretary, Board of Education

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

---

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Nia Rashidchi   
Assistant Superintendent for Educational Services

**Agenda Item:** CI C.17

**Subject:** Resolution No. 64-0809: Womens' History Month – March 2009

**Background Information:** This resolution proclaims the month of March as Womens' History Month and encourages all educational communities to commemorate this time with appropriate instructional activities.

**Recommendation:** Approval

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 64-0809**

**WOMENS' HISTORY MONTH  
MARCH 2009**

**WHEREAS**, Women of every race and ethnic background contributed to our country's triumphs and accomplishments in countless ways as wives, mothers, homemakers, teachers, reformers, industrial workers, other professionals, mentors, soldiers, pioneers, nuns, indentured servants, and slaves; and

**WHEREAS**, Women have played and continued to play a critical economic, cultural, social role in every sphere of our nation's life by constituting a significant portion of the labor force working in and outside the home and as elected officials; and

**WHEREAS**, Women have played a unique role throughout our history by providing the majority of the nation's volunteer labor force and have been particularly important in the establishment of early charitable, philanthropic, and cultural institutions in the country; and

**WHEREAS**, Women of every race and ethnic background served as leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor union movement, and the modern civil rights movement; and

**WHEREAS**, the role of women in history has been overlooked and undervalued and is now an important part of the body of American and world history; and

**WHEREAS**, the *History-Social Science Framework for California Public Schools, Kindergarten Through Grade Twelve* state that the history of community, state, region, nation, and world must reflect the experiences of men and women and of different racial, religious, and ethnic groups and that these studies be integrated at every grade level in the curriculum, now therefore, be it

**RESOLVED**, that the California State Board of Education, as does the West Contra Costa Unified School District, proclaim the month of March 2009 Womens' History Month and encourages all educational communities to commemorate this time with appropriate instructional activities.

**PASSED AND ADOPTED** this fourth day of February 2009 at a regular meeting of the Board of Education by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed, and adopted by the members of the Governing Boards of the West Contra Costa Unified School District at a public meeting of said Board held on February 4, 2009.

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Bruce Harter  
Secretary, Board of Education

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

---

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Jessica R. Romeo  
Assistant Superintendent Human Resources

**Agenda Item:** CI C.18

**Subject:** Resolution No. 65-0809: Week of the School Administrator – March 2-6, 2009

**Background Information:**

Administrators of California's public school are commended for their support of, and contribution to, quality education in the state.

**Recommendation:** Recommended Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**West Contra Costa Unified School District  
Resolution No. 65-0809**

**Week of the School Administrator  
March 2-6, 2009**

**WHEREAS**, Leadership Matters for California’s public education system and the more than 6 million students it serves; and

**WHEREAS**, school administrators are passionate, lifelong learners who believe in the value of quality public education; and

**WHEREAS**, the title “school administrator” is a broad term used to define many education leadership posts. Superintendents, assistant superintendents, principals, assistant principals, special education and adult education leaders, curriculum and assessment leaders, school business officials, classified educational leaders, and other school district employees are considered administrators; and

**WHEREAS**, providing quality service for student success is paramount for the profession; and

**WHEREAS**, most school administrators began their careers as teachers. The average administrator has served in public education for more than a decade. Most of California’s superintendents have served in education for more than 20 years. Such experience is beneficial in their work to effectively and efficiently lead public education and improve student achievement; and

**WHEREAS**, public schools operate with lean management systems. Across the nation, public schools employ fewer managers and supervisors than most public and private sector industries, including transportation, food service, manufacturing, utilities, construction, publishing and public administration; and

**WHEREAS**, school leaders depend on a network of support from school communities – fellow administrators, teachers, parents, students, businesses, community members, board trustees, colleges and universities, community and faith-based organizations, elected officials and district and county staff and resources – to promote ongoing student achievement and school success; and

**WHEREAS**, research shows great schools are led by great principals, and great districts are lead by great superintendents. These site leaders are supported by extensive administrative networks throughout the state; and

**WHEREAS**, the State of California has declared the first full week of March as the “Week of the School Administrator” in Education Code 44015.1; and

**WHEREAS**, the future of California’s public education system depends upon the quality of its leadership;

**NOW THEREFORE, BE IT RESOLVED**, by the governing board of the West Contra Costa Unified School District that all school leaders in the West Contra Costa Unified School District be commended for the contributions they make to successful student achievement; and be it further

**PASSED AND ADOPTED**, by the Board of Education of the West Contra Costa Unified School District on the 4<sup>th</sup> day of February 2009, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced, passed, and adopted by the Board of Education at a meeting held on February 4, 2009.

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President, Board of Education



West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Wendell Greer ✓  
Associate Superintendent, K – Adult Education

**Agenda Item:** CI C.19

**Subject:** Certification of Athletic Coaches – Winter Sports

**Background Information:**

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. Attached are the lists of coaches from each of the high school for winter sports.

**Recommendation:** Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

## Certification of Coaches Form

\_\_\_\_\_ Fall        X   Winter      \_\_\_\_\_ Spring

I certify that the following individuals are fully qualified and have met all requirements listed in CCR, Section 5593

---

	NAME	SPORT
1	Delgado, Ruben	Soccer-G-JV
2	Harris, Michael	Basketball-G-JV
3	Menjivar, Carlos	Soccer-B-Var.
4	Mikaio, Fou	Volleyball-G-Var.
5	Ogbebor, Mike	Basketball-G-Var.
6	Page, Kevin	Basketball-B-JV
7	Paniagua, Ramon	Soccer-G-Var.
8	Shaw, Elliott	Basketball-B-Var.
9	Torres, Rafael	Soccer-B-JV-
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Principal: Kenneth Gardner

School: De Anza High \_\_\_\_\_

Signature: 

Date: 1/16/09 \_\_\_\_\_

## Certification of Coaches Form

\_\_\_\_\_ Fall        X   Winter      \_\_\_\_\_ Spring

I certify that the following individuals are fully qualified and have met all requirements listed in CCR, Section 5593

---

	NAME	SPORT
1	Brian Gaither	Girls Basketball
2	Crystal Lewis	Girls Basketball
3	Tandryea Jackson	Girls Basketball
4	Rod Battle	Boys Basketbal
5	Jesse Herrera	Boys Basketball
6	Luis Porras	Boys Soccer
7	David Cooney	Boys Soccer
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Principal: \_\_\_\_\_

School: El Cerrito \_\_\_\_\_

Signature: 

Date: 01/15/09 \_\_\_\_\_

## Certification of Coaches Form

\_\_\_\_\_ Fall        x   Winter      \_\_\_\_\_ Spring

I certify that the following individuals are fully qualified and have met all requirements listed in CCR, Section 5593

---

	NAME	SPORT
1	Harry Campbell	Girls varsity Basketball
2	Deonte Bailey	Girls J.V. Basketball
3	Micheal Booker	Varsity Boys basketball
4	Eric Grant	J.V. Boys basketball
5	Edwin Slade	Varsity Boys soccer
6	Ben Schnider	J.V. Boys soccer
7	Ana Edgerton	Girls Varsity soccer
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Principal: Latoya Williams

School: JFK

Signature: 

Date: 1/22/09

**MEMORANDUM**

DATE: January 15, 2009

TO: Matt Stewart, Director of Athletics

FROM: Jeff Wright Pinole Valley High School Athletic Director

RE: Certification of Coaches – Winter Sports

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I certify that the following individuals are fully qualified and have met all requirements listed in CCR, Section 5593

	Name	Sport
1	<u>Anthony Geddings</u>	<u>Boys Basketball</u>
2	<u>Darin Flechero</u>	<u>Boys Basketball</u>
3	<u>Ramon Clemons</u>	<u>Boys Basketball</u>
4	<u>Dan O'Shea</u>	<u>Girls Basketball</u>
5	<u>Robert Crain</u>	<u>Girls Basketball</u>
6	<u>Fred Mino</u>	<u>Girls Basketball</u>
7	<u>Dwayne Baz</u>	<u>Girls Basketball</u>
8	<u>Kyle Weeks</u>	<u>Boys Soccer</u>
9	<u>Alberto Ruiz</u>	<u>Boys soccer</u>
10	<u>Sal Oceguela</u>	<u>Boys Soccer</u>
11	<u>Anthony Palmer</u>	<u>Boys Soccer</u>
12	<u>Dennis Nunez</u>	<u>Boys Soccer</u>
13	<u>Gina Hansen</u>	<u>Girls Soccer</u>
14	<u>Bill Peria</u>	<u>Girls Soccer</u>
15	<u>Chuck Thompson</u>	<u>Girls Soccer</u>
16	<u>Steve Quinlan</u>	<u>Girls Soccer</u>

Principal   
Pinole Valley High School

Date \_\_\_\_\_

## Certification of Coaches Form

\_\_\_\_\_ Fall        X   Winter      \_\_\_\_\_ Spring

I certify that the following individuals are fully qualified and have met all requirements listed in CCR, Section 5593

---

	NAME	SPORT
1	Keith Allison	Basketball (Girls)
2	Donnye Ross	Basketball (Boys)
3	Rene Siles	Soccer (Boys)
4	Felipe Franco	Soccer (Girls)
5	Aurelio Garcia	Soccer (Girls)
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Principal: \_\_\_\_\_ School: Richmond HS \_\_\_\_\_

Signature:  Date: 01/15/09 \_\_\_\_\_

## Certification of Coaches Form

\_\_\_\_\_ Fall        x   Winter      \_\_\_\_\_ Spring

I certify that the following individuals are fully qualified and have met all requirements listed in CCR, Section 5593

---

	NAME	SPORT
1	Chris Rogers	Girls Soccer
2	Pam Wong	Girls Soccer
3		
4	Sergio Garcia Romero	Boys Soccer
5		
6	Joe Domauging	Girls Basketball
7	Jerron Davis	Girls Basketball
8	Alaina Krystek	Girls Basketball
9	David Quesada	Girls Basketball
10	Willie Lanere	Girls Basketball
11		
12	Mel Rosales	Boys Basketball
13	Marvin Jones	Boys Basketball
14	Ray Thomas	Boys Basketball
15	Jesse Wilson	Boys Basketball
16	Drew Evans	Boys Basketball
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Principal: \_\_\_\_\_

School: Hercules \_\_\_\_\_

Signature: \_\_\_\_\_

Date: 01/15/09 \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Bruce Harter, Superintendent

**Agenda Item:** CI C.20

**Subject:** Board Assignments

**Background Information:**

At the December reorganization meeting, Board President Audrey Miles made preliminary appointments for various subcommittees pending the opportunity for the Board to discuss these more fully at the Board retreat. At the January 24, 2009 governance retreat, the Board discussed various options for appointments and protocols as follows:

High School Assignment Preferences

El Cerrito High School – Madeline Kronenberg  
Hercules High School – Charles Ramsey  
Kennedy High School – Audrey Miles  
Pinole Valley High School – Charles Ramsey  
Richmond High School – Antonio Medrano  
DeAnza High School – Tony Thurmond

Middle College – Antonio Medrano  
Adult Education – Madeline Kronenberg  
Gompers-North Campus – Tony Thurmond  
Vista High – Audrey Miles

Committee Assignments

Special Education CAC – Audrey Miles  
Community Budget Advisory Committee – Tony Thurmond

Liaison to Five City Councils

El Cerrito – Audrey Miles  
Hercules – Madeline Kronenberg  
Pinole – Charles Ramsey  
Richmond – Tony Thurmond  
San Pablo – Antonio Medrano

**Recommendation:**

That the Board President make the subcommittee and liaison appointments.

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_



West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Bill Fay **Agenda Item:** CI C.21  
Associate Superintendent for Operations  
**Subject:** Citizens Bond Oversight Committee Member Appointment

**Background Information:**

There is currently a vacancy in the membership of the Citizen's Bond Oversight Committee for the statutorily-required representative of Parent/Guardian of a student in the District. The Superintendent recommends the appointment of Cheryl Sudduth to fill the position. Ms. Sudduth is a parent at Valley View Elementary School.

**Recommendation:**

Confirm the appointment of Cheryl Sudduth as the Superintendent's appointee to the Citizens Bond Oversight Committee representing Parent/Guardian of a student.

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Bruce Harter, Superintendent **Agenda Item:** CI C.22  
**Subject:** Resolution No. 66-0809: In Support of Solving the Budget Crisis

**Background Information:**

Facing even further reductions in State funding for schools over the next two years, the Board of Education seeks to adopt Resolution 66-0809 to oppose further cuts to education funding and urge the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases. The resolution supports broad local budget flexibility to help school districts prioritize resources to best serve the needs of students.

**Recommendation:** That the board approve and adopt Resolution No. 66-0809

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 66-0809  
IN SUPPORT OF SOLVING THE BUDGET CRISIS**

**WHEREAS**, California's more than 6 million students deserve the highest quality education; and

**WHEREAS**, The Legislature and Governor already imposed \$2.8 billion in education cuts in September 2008, resulting in significant reduction of essential programs and services to students that are integral to their success; and

**WHEREAS**, These cuts have resulted in teacher layoffs and increased class sizes statewide, not to mention a further erosion of the support system for students provided by thousands of classified and paraprofessional staff that have also been laid off; and

**WHEREAS**, The Legislature and the Governor propose to cut schools even further in the middle of the current school year, compounded by deep cuts in 2009-10, resulting in districts having \$1,500 less per student than they need to maintain programs and services for students of two years ago; and

**WHEREAS**, Very broad fiscal flexibility is essential for maximum local decision-making and would allow districts to prioritize during the budget crisis; and

**WHEREAS**, The Governor's budget plan also illegally manipulates Proposition 98, the state's minimum school funding law, to permanently cut at least \$7 billion from California's students, in violation of the California Constitution; and

**WHEREAS**, Further budget reductions to education are fundamentally inconsistent with the state's goal of improving student achievement, at a time when our students are making progress toward meeting rigorous state and federal education standards; and

**WHEREAS**, The budget problem was not created by our students and fixing it should not come at the expense of their educational progress and success;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Board of the West Contra Costa Unified School District adamantly opposes further cuts to education funding and urges the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases; and

**BE IT FURTHER RESOLVED** that the Governing Board of the West Contra Costa Unified School District supports broad local budget flexibility to help school districts prioritize the resources they have to best serve the needs of their students.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2009, at the regular meeting of the Board of Education by the following votes:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Governing Board of the West Contra Costa Unified School District at the public meeting of said Board held on February 4, 2009.

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Bruce Harter  
Secretary, Board of Education

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** February 4, 2009  
**From:** Bruce Harter **Agenda Item:** D.2  
**Subject:** In Memory of Members of the School Community

**Background Information:**

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.

Dr. W.W. "Woody" Snodgrass passed away Sunday, January 25, at the age of 95. Dr. Snodgrass began his career with the Richmond Unified School District in 1937. He served as Teacher, Counselor, Dean of Boys, Director of Adult Education, Principal, Deputy Superintendent and Superintendent. After his retirement in 1975, he continued to serve as Chief Negotiator, Board Trustee and Member of the Facilities Bond Committee.

Our thoughts go out to the family and friends in the loss of their loved one.

**Recommendation:** For Information Only

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Bill Fay  
Associate Superintendent for Operations

**Agenda Item:** F.1

**Subject:** Charter School Facilities Preliminary Offer to Leadership Public Schools

**Background Information:**

At the meeting of January 21, 2009, the Board directed staff to modify the proposed Charter School Facilities Preliminary Offer to Leadership Public Schools ("LPS") and prepare a new offer for placement at the Kennedy High School campus. Since that meeting, staff has reviewed options for placement at the site and engaged in dialogue with both Leadership and Kennedy staff to consider the proposal. The resultant of those planning meetings was a consensus of both staffs that the proposed offer of facilities at Kennedy High School for the 2009/2010 school year would cause an extreme hardship to the respective educational programs. Pursuant to the provisions of Proposition 39, LPS would be obligated to vacate district facilities in the event that they did not accept the District's offer for 2009/2010. Both groups are requesting the Board to reconsider the action. This would allow additional time for planning and preparation, giving the District and its Charter partner time to develop an appropriate shared facilities model at the Kennedy High site. Both LPS and the District have jointly agreed to waive the statutory deadline of February 1<sup>st</sup> for the preliminary offer, in anticipation that the Board would agree to reconsider. The Charter School Facilities Preliminary Offer to Leadership Public Schools for the Nystrom Temporary Campus is attached.

**Recommendation:** Reconsider previous action and authorize staff to submit Charter School Facilities Preliminary Offer to Leadership Public Schools for placement at the Nystrom Temporary Campus for the 2009/2010 school year. Direct staff to initiate a planning process for the 2010/2011 school year to place LPS at the Kennedy High School campus.

**Fiscal Impact:** Not known at this time.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**DRAFT**

**[WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
LETTERHEAD]**

February \_\_, 2009

Jonathan Faustine, Chief Operating Officer  
Leadership Public Schools, Inc.  
2601 Mission St., 9<sup>th</sup> Flr.  
San Francisco, CA 94110

Re: Proposition 39 Facilities Request  
PRELIMINARY OFFER OF FACILITIES

Dear Mr. Faustine:

The West Contra Costa Unified School District (“District”) has received the September 30, 2008 written request for facilities by Leadership Public Schools Richmond Charter School (“Leadership” or “Charter School”) for the 2009-2010 school year. The Board of Trustees (“Board”) of the District has considered the request of the Charter School for provision of a reasonably equivalent District facility under the terms of Proposition 39, its implementing regulations (Ed. Code, § 47614; Cal. Code Regs., tit. 5, § 11969.1 et seq.), and applicable case law. In accordance with District Policy, the District makes this preliminary offer of facilities.

5 CCR § 11969.9(f) states as follows:

On or before February 1, the school district shall prepare in writing a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. At a minimum, the preliminary proposal shall include (1) the projections of in-district classroom ADA on which the proposal is based, (2) the specific location or locations of the space, (3) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space, and (4) the projected pro rata share amount and a description of the methodology used to determine that amount. The district shall also provide the charter school a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b).

Following is the District's preliminary offer of facilities to the Charter School for the 2009-2010 school year:

1) Description of Facilities: The District will make available to the Charter School facilities at the "Leadership Public School Temporary Campus," located adjacent to the campus of Nystrom Elementary School at South 10<sup>th</sup> Street, Richmond, California, beginning with the 2009-2010 school year. The facilities, which the Charter School first occupied in January 2009, consist of the following:

Building Group A:

5 Classrooms (including Biology Classroom) @ 960 Square Feet each  
1 Administrative Office @ 542 Square Feet

Building Group B:

6 Classrooms @ 960 Square Feet each  
1 RSP Classroom @ 663 Square Feet  
1 Art Classroom @ 835 Square Feet  
6 Offices

Building Group C:

4 Classrooms & 960 Square Feet each  
1 Science Classroom @ 960 Square Feet each  
1 Biology Classroom @ 960 Square Feet each  
1 Girls' Toilet  
1 Storage Room

Building Group D:

2 Classrooms @ 960 Square Feet each  
1 Media Library Classroom @ 960 Square Feet  
1 Cafeteria

Building Group E:

2 Computer Classrooms @ 960 Square Feet each  
Boys' Toilet  
Girls' Toilet

A site plan depicting the above-listed facilities is attached as Exhibit A.

As part of the Master Facilities Plan update, the District will house the Charter School at the Temporary Campus Site pending the demolition of the building holding the Gompers Continuation School and the construction of a new facility at that site.

Funding has not yet been secured for this project, and there is no current timetable for its completion.

2) Comparison Group Schools:

In accordance with the methodology set forth in 5 C.C.R §11969.3(a), the comparison group schools for Leadership are Richmond High School, Kennedy High School and De Anza High School.

The above-described facilities meet the reasonable equivalence requirement set forth in Proposition 39 and 5 C.C.R §11969.3(a) with reference to the capacity and condition of the comparison group schools, since the Charter School's facilities consist of new construction and also includes the following non-classroom and specialized classroom space: 1 administrative space, 6 office spaces, Biology Classrooms (2), Art Classroom, RSP Classroom, 2 Computer Classrooms, Media Library Classroom and Science Classroom. The Charter School shall also have continued use of the auditorium, gymnasium and fields at Martin Luther King Park.

4) ADA Assumptions:

The Charter School's Request for Facilities identifies a projected total classroom ADA of 320, and a total in-District classroom ADA of 313, for the 2009-2010 school year. Pursuant to 5 C.C.R. § 11969.9(d), the District, on December 1, 2008, sent a letter to the Charter School objecting to its ADA projections and providing a projection of 300 ADA for the 2009-2010 school year. A true and correct copy of this letter is attached as Exhibit B.

The District's offer meets and exceeds the capacity standards set forth in 5 C.C.R. 11969.2(b) according to the District's loading standards. The District is offering no less than 17 classrooms, and 7 specialized teaching spaces, for the Charter School's projected in-District ADA of 300 students.

5) Pro Rata Share:

The District will waive the pro-rata share set forth in Education Code section 47614 since the pro rata share has historically yielded only nominal sums, and is cumbersome and time-consuming to calculate. It is not in the District's interests at this point to compute such a fee. The District is not waiving the right to collect this fee, or agreeing to any interpretation of the Education Code that would prevent the District from collecting the pro rata share under Education Code section 47614. The District will collect an oversight fee of 3% as set forth in Education Code section 47614, as well as the Charter School's share of the State Loan Repayment (\$ \_\_\_\_/ADA for 2009-2010), as well as special education encroachment (\$ \_\_\_\_/ADA for 2009-2010.)



6) Conditions:

The Charter School's use and occupation of the facilities is conditioned upon payment of the 3% oversight fee under Education Code section 47613. (The District will also collect the Charter School's share of the State Loan Repayment, as well as special education encroachment, as identified in the previous paragraph.) The Charter School will also be required to execute the attached Facilities Use Agreement. (5 CCR § 11969.9(f)(3).) The Charter School will be required to comply with all of the obligations set forth under Proposition 39 and its implementing regulations, including but not limited to the requirement that it assume responsibility for "[t]he ongoing operations and maintenance of facilities and furnishings and equipment" at the site, and "shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment." (5 C.C.R. § 11969.4)

7) Location Preference/Differences from Facilities Request:

The District notes that the Charter School's September 30, 2008 facilities request states that "the charter school desires to continue locating its facility in the temporary campus adjacent to Nystrom Elementary." This facilities offer complies with the location preference. Therefore, the District has met the requirement set forth in Education Code section 47614(b) that "[t]he school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate." There are also no differences between the Charter School's Facilities Request and the District's offer. (5 CCR § 11969.9(f))

Under 5 C.C.R. § 11969.9(g), the Charter School "shall respond in writing to the school district's preliminary proposal made pursuant to subdivision (f), expressing any concerns, addressing differences between the preliminary proposal and the charter school's facilities request pursuant to subdivision (b), and/or making counter proposals," on or before March 1, 2009.

Please contact me if you have any questions regarding this proposal.

Very truly yours,

[SIGNATURE]

cc: Bruce Harter, Superintendent

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** F.2

**Subject:** Public Hearing Regarding Request for Bond Waiver

**Background Information:** The West Contra Costa Unified School District Board of Education will hold a public hearing to review and consider adoption of Resolution #59-0809 Requesting the State Board of Education to Waive West Contra Costa Unified School District Measure J Bonding Limit, as provided by Education Code Sections 15106 and 15270. The public hearing, pursuant to Education Code 33050(a), will be held at a regular board meeting that begins at 6:30 p.m. on February 4, 2009, at Pinole Valley High School Cafeteria, 2900 Pinole Valley Road, Pinole, CA 94564.

The purpose of the waiver will be to permit the District to issue all the remaining authorized Measure J bonds for modernization and construction related projects.

Interested persons wishing to comment on the proposed waiver request may be heard at the public hearing, or may submit written comments and questions to the Office of Business Services no later than February 3, 2009.

The documentation for the Bond Waiver is available for review at 1108 Bissell Avenue, Richmond.

**Recommendation:** For information only.

**Fiscal Impact:** None.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services *sg* **Agenda Item:** F.3

**Subject:** Resolution No. 59-0809 Requesting the State Board of Education to Waive West Contra Costa Unified School District Measure J Bonding Limit

**Background Information:** The Education Code provides that bonds of a unified school district may be issued in amounts up to a statutory bonding limit of 2.5% of the district's assessed valuation, as calculated by the county assessor. The District's outstanding bonds from all ballot measures currently total approximately \$636 million, compared to an estimated bonding capacity of \$676 million. The District has remaining Measure J bonding authorization of \$210 million. To issue these bonds within the statutory bonding limit would require an unknown delay until assessed valuation can grow or outstanding bonds can be paid down in a sufficient amount. Delaying issuance of the remaining bonds will drive the building program seriously off schedule, and increase costs significantly.

The State Board of Education has the power to waive certain provisions of the Education Code, and has waived the bonding limit for other school districts (including the District in 2002). Measure J included a statement to the voters informing them that the District would likely seek a waiver of the statutory bonding limit. If the State Board grants the waiver, staff estimates that issuance of the bonds would cause the District's debt to be at 3.15% of total assessed valuation, and that debt would be above the 2.5% bonding limit until approximately 2012-2013, depending on actual growth in property values in the District. Bonds would be issued such that the property tax rate would not exceed the promise to the voters and the Proposition 39 limit of \$60 per \$100,000 of assessed valuation. The Bonds would be issued during the summer of 2009.

Preceding adoption of this resolution, the Board will conduct the requisite public hearing, scheduled during the February 4th meeting, following notice to the public. This resolution will authorize District staff to submit the waiver request to the State Board, and to work with them as required to document and support the request.

**Recommendation:** Recommend approval of Resolution 59-0809.

**Fiscal Impact:** None.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**Resolution No. 59-0809**

**RESOLUTION REQUESTING STATE BOARD OF EDUCATION TO WAIVE DISTRICT'S BONDING LIMIT.**

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WHEREAS, this Board of Education (the "Board of Education") of West Contra Costa Unified School District (the "District"), located in the County of Contra Costa (the "County"), California, duly called and an election was regularly held in the District pursuant to Chapter 1.5 of Part 10 of Title 1 (commencing with Section 15264) of the Code, on November 8, 2005, at which a bond proposition summarized as follows was submitted to the electors of the District:

"To continue repairing all school facilities, improve classroom safety and technology, and relieve overcrowding shall the West Contra Costa Unified School District issue \$400 million in bonds at legal interest rates, with annual audits and a citizens' oversight committee to monitor that funds are spent accordingly, and upon receipt of a waiver of the District's statutory debt limit from the State Board of Education, if required?"

and

WHEREAS, at least 55% of the votes cast on said proposition ("Measure J"), which is the requisite voter approval threshold, were in favor of issuing said bonds; and

WHEREAS, at the request of the District, the Board of Supervisors of the County has previously issued the West Contra Costa Unified School District General Obligation Bonds, Election of 2005, Series A, in the aggregate principal amount of \$70,000,000, and the West Contra Costa Unified School District General Obligation Bonds, Election of 2005, Series B in the aggregate principal amount of \$120,000,000; and

WHEREAS, an aggregate principal amount of \$210,000,000 of bonds remains unissued pursuant to Measure J; and

WHEREAS, Section 15270(a) of the Code provides, in pertinent part, that a unified school district may only issue bonds approved by a 55% vote that, in aggregation with any other outstanding bonds of the district, do not exceed 2.5% of the taxable property of the District as shown by the last equalized assessment of the County; and

WHEREAS, Section 15106 of the Code similarly provides, in pertinent part, that a unified school district may only issue bonds that, in aggregation with other outstanding bonds of the district issued pursuant to Section 15270, do not exceed 2.5% of the taxable property of the District as shown by the last equalized assessment of the County; and

WHEREAS, Section 15270(a) of the Code also provides that bonds approved by a 55% vote may only be issued if the tax rate levied to pay all of the bonds approved at such election will not exceed \$60 per year per \$100,000 of taxable property when assessed value is projected by the District; and

WHEREAS, based on the current amount of outstanding bonded indebtedness of the District, the current assessed valuation of property within the District, the facilities needs of the District, the expected cost increases associated with delay in issuing the unissued Measure J Bonds and completing the bond projects, and other factors, this Board of Education has determined that it is necessary and desirable to issue and sell all of the remaining Measure J Bonds in order to complete needed school facilities construction and renovation projects within the District, and

WHEREAS, based on the current equalized assessment of the County, issuance of all of the unissued Measure J Bonds would cause the total amount of bonds of the district to exceed the applicable bonding limit provisions of Section 15270(a); and

WHEREAS, Sections 33050 and following of the Code authorize the governing board of a school district to request the State Board of Education (the "State Board") to waive all or part of any section of the Education Code or any regulation adopted by the State Board that implements a provision of the Education Code, subject to certain exceptions; and

WHEREAS, the bonding limit provisions of Sections 15270(a) and 15106 are not listed as exceptions to Sections 33050 and following, and, therefore, may be waived by the State Board upon proper and sufficient application; and

WHEREAS, pursuant to Measure J, voters have authorized the Board of Education to seek the waiver herein contemplated under Section 33050 and have approved the issuance of Measure J Bonds upon such a waiver; and

WHEREAS, the Citizens Bond Oversight Committee of the District has been provided information regarding the proceedings undertaken by the District in connection with the request for waiver described herein; and

WHEREAS, the District, pursuant to applicable law, posted, distributed or published a public notice, including the date, time, location and subject of a public hearing, inviting public testimony regarding the request for waiver described herein; and

WHEREAS, the Board of Education held a duly noticed public hearing on February 4, 2009, during which the public was afforded the opportunity to testify regarding the same; and

WHEREAS, pursuant to Section 33050(d) of the Code, prior to the submission of the request for waiver described herein, the District intends to provide an opportunity for the exclusive representative or representatives of the employees of the District to participate in the development of the waiver request; and

WHEREAS, on November 14, 2002, the State Board has previously granted the District a waiver regarding the bonding limit provisions of Section 15106 with respect to bonds of the District issued pursuant to voter authorizations in 1998, 2000 and 2002; and

WHEREAS, the Board of Education deems that it is necessary and desirable to request the State Board to waive the bonding limit of Section 15270(a), but not the tax rate limit of Section 15270(a), and the bonding limit of 15106, if applicable, with regard to the unissued Measure J Bonds, pursuant to Sections 33050 and following, according to the terms and in the manner hereinafter set forth;

NOW, THEREFORE, THE BOARD OF EDUCATION OF WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. Recitals. All of the above recitals are true and correct.

Section 2. Waiver Request. The Board of Education hereby respectfully requests that the State Board waive the bonding limit of Section 15270(a), but not the tax rate limit provisions of Section 15270(a), and the bonding limit of 15106, if applicable, with regard to the District's authorized but unissued Measure J Bonds.

Section 3. Further Action: The Superintendent, or his designee, is hereby authorized and directed to prepare and submit, as soon as practicable hereafter, a General Waiver Request consistent with Section 2 hereof, to the California Department of Education for consideration and action by the State Board; provided that, prior to the submission of such request, the Superintendent, or his designee, provides an opportunity for the exclusive representative or representatives of the employees of the District to participate in the development of the waiver request. In addition, the Superintendent, or his designee, is hereby authorized and directed to provide such additional information and materials to the State Board as may be requested, and to take any such other action as the Superintendent may deem necessary to accomplish the purposes of this Resolution.

Section 4. Effective Date: This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this 4th day of February, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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President of the Board of Education  
West Contra Costa Unified School District

ATTEST:

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Clerk of the Board of Education  
West Contra Costa Unified School District

CLERK'S CERTIFICATE

I, Antonio Medrano, Clerk of the Board of Education of the West Contra Costa Unified School District, County of Contra Costa, California, do hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of said District duly and regularly held at the regular meeting place thereof on February 4, 2009, and entered in the minutes thereof, of which meeting all of the members of said Board of Education had due notice and at which a quorum thereof was present, and said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

An agenda of said meeting was posted at least 72 hours before said meeting at 1108 Bissell Avenue, Richmond, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda. A copy of said agenda is attached hereto.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office. Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand \_\_\_\_\_, 2009.

\_\_\_\_\_  
Clerk of the Board of Education  
West Contra Costa Unified School District



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** F.4

**Subject:** Resolution No. 60-0809 Approval of Behavioral Intervention Plans [Hughes Bill]  
Mandated Cost Claim Settlement and Agreement to Waive Future Claims

**Background Information:** The Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement settles the test claim CSM-4464 initiated by San Diego Unified School District, Butte County Office of Education, and San Joaquin County Office of Education, and the related Sacramento Superior Court case, case No. 03CS01432, regarding reimbursement for costs associated with behavioral intervention plans required by the Hughes Bill statute and regulations under state law. If approved, it ends a fourteen-year dispute with the State of California regarding funding for state behavioral intervention plan requirements that are in excess of federal law. The settlement provides reimbursement for past costs associated with behavioral intervention plans and certain funding for ongoing costs. The Legislature's obligation to fund the settlement is contingent on 85% of all districts, county offices of education, and special education local plan areas constituting 92% of statewide ADA waiving their rights to file additional mandated cost claims on the current Hughes Bill statute and regulations.

In the resolution, the Board (1) approves the settlement which will bring the District approximately \$14.85 per 2007-08 ADA annually for the six-year period beginning 2011-12 through 2016-17, the SELPA approximately \$8.85 per December 2007 special education pupil count in 2009-10 and approximately \$10.92 per ADA (ongoing) for the SELPA as part of the AB 602 funding formula, beginning in 2009-2010, and increasing by COLA and ADA growth in subsequent years; (2) agrees to waive its ability to file future mandated cost claims on the Hughes Bill statute and regulations as currently worded; and (3) directs the District's authorized representative to sign the Waiver to implement this action.

**Recommendation:** Recommend approval of Resolution 60-0898.

**Fiscal Impact:** Increase in estimated revenues for 2009/10 through 2017/18.

- \$416,000 – six annual installments (2011/12 through 2017/18)
- \$39,000 – one time (2009/10)
- \$10.92 per ADA or \$300,000 ongoing (beginning 2009/10)

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**GOVERNING BOARD OF THE  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
and of the  
WEST CONTRA COSTA SPECIAL EDUCATION LOCAL PLAN AREA  
(Single District SELPA)**

**RESOLUTION NO. 60-0809 APPROVAL OF BEHAVIORAL INTERVENTION PLANS  
[HUGHES BILL] MANDATED COST CLAIM SETTLEMENT AND AGREEMENT  
TO WAIVE FUTURE CLAIMS**

**WHEREAS**, the Commission on State Mandates (“the Commission”), in a test claim known as the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim, has determined that, since 1993, there are unfunded state mandates exceeding the federal requirements in the following seven (7) components of the Hughes Bill Statute and Regulations (California Education Code section 56523 and California Code of Regulations, title 5, sections 3001, subdivisions (c), (d), (e), (f), and (aa), and 3052): special education local plan area (“SELPA”) plan requirements, development and implementation of behavioral intervention plans, functional analysis assessments, modifications and contingent behavioral intervention plans, development and implementation of emergency interventions, prohibited behavioral intervention plans, and due process hearings;

**WHEREAS**, these state mandates remain required components of the Hughes Bill Statute and Regulations;

**WHEREAS**, final claiming instructions for the Behavioral Intervention Plans Mandated Cost Claim were never adopted by the Commission due to various disputes that arose with the State;

**WHEREAS**, the State’s Department of Finance disputes that any of the identified Behavioral Intervention Plans Mandated Cost Claim mandates qualify for state reimbursement because it contends they are required by federal law, and therefore the State has filed a lawsuit with the Sacramento Superior Court, case No. 03CS01432, to contest the Commission’s decision in the Behavioral Intervention Plans Mandated Cost Claim;

**WHEREAS**, the Test Claimants believe that the identified mandates require new programs and increased levels of service in excess of federal law, and are therefore unfunded state mandates, and therefore the Test Claimants oppose the court action filed by the State challenging the Commission’s decision;

**WHEREAS**, this litigation could thwart resolution of these matters for a number of years;

**WHEREAS**, to avoid the cost and uncertainty of further litigation, to alleviate the uncertainty regarding the Hughes Bill Statute and Regulations funding, and to expedite the resolution of this long-pending mandate claim, the State and the Test Claimants (“Parties”) have determined to compromise and settle the claims set forth in the Behavioral Intervention Plans Mandated Cost Claim;

**WHEREAS**, the Parties have negotiated a settlement agreement (“Agreement”), which provides \$520 million as general fund reimbursement for past costs associated with the Hughes Bill Statute and Regulations, allocated as follows:

- \$510 million to school districts based on 2007-08 P-2 average daily attendance (“ADA”) (about \$14.85 per ADA annually for six years, beginning in 2011-12, or for a lesser period at the State’s discretion should the State choose to accelerate payment of such reimbursement);
- \$1.5 million to county offices of education in 2009-10 based on December 2007 county special education pupil count, about \$35.06 per pupil, with no county office of education receiving less than \$5,000;
- \$6 million to SELPAs in 2009-10 based on December 2007 special education pupil count, about \$8.85 per pupil, with no SELPA receiving less than \$10,000; and
- \$2.5 million in 2009-10 for administrative costs incurred in pursuing the Claim;

**WHEREAS**, the settlement further provides \$65 million as a permanent increase to the AB 602 funding base for special education programs and services beginning in 2009-10, resulting in each SELPA’s funding rate increasing by about \$10.92 per ADA, with this amount increasing by the cost of living adjustment and ADA growth in subsequent years;

**WHEREAS**, by approving this settlement the West Contra Costa Unified School District will receive approximately \$2,496,000 in discretionary funding for retroactive reimbursement, \$416,000 over six-years in equal installments, unless the State, in its discretion, accelerates payment of such reimbursement, and the West Contra Costa SELPA will receive approximately \$39,000 in discretionary funding for retroactive reimbursement;

**WHEREAS**, the West Contra Costa Unified School District and SELPA, in exchange for the foregoing financial settlement, must waive rights to file any further mandate claims arising from the Hughes Bill Statute and Regulations, or to benefit from any new Hughes Bill Statute and Regulations claims filed, unless the Hughes Bill Statute and Regulations change;

**WHEREAS**, if for some reason the settlement process is not completed, the Waiver will not take effect;

**WHEREAS**, the Governing Board of the West Contra Costa Unified School District also serves as the Governing Board of the West Contra Costa SELPA;

**WHEREAS**, the Governing Board of the West Contra Costa Unified School District and SELPA has reviewed the Notice to LEAs Re: Pending Settlement of the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim and the required Waiver; and

**WHEREAS**, the District and SELPA administrative staff, having reviewed the terms of the pending settlement, recommends that the Governing Board approve the settlement and agree to waive rights to file mandated cost claims arising from the Hughes Bill Statute and Regulations in the future or to benefit from such claims unless the Hughes Bill Statute and Regulations change;

**NOW THEREFORE, BE IT RESOLVED**, the Governing Board of the West Contra Costa Unified School District, sitting also as the Governing Board of the SELPA, approves the terms of the pending settlement of the Behavioral Intervention Plans Mandated Cost Claim, agrees to waive its rights regarding claims as set forth in the attached Waiver both with respect to the school district and with respect to the SELPA, and authorizes the Superintendent [or Associate/Assistant Superintendent (as appropriate)] to sign the required Waiver on behalf of both entities and to deliver it as requested by no later than February 28, 2009, and to complete any other administrative task necessary to effectuate this decision.

Passed and adopted by the Governing Board of the West Contra Costa Unified School District and of the West Contra Costa SELPA on the fourth day of February, by the following vote:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_  
Audrey Miles, President, Governing Board  
West Contra Costa Unified School District and West Contra Costa SELPA  
Contra Costa County, California

Attested by: \_\_\_\_\_  
Bruce Harter, Secretary to the Board

00334.00100/110940.1

WAIVER

This Waiver is entered into on February 4, 2009 by the West Contra Costa Unified School District, hereinafter "LEA," to fulfill one of the terms of the Settlement and Release Agreement for the Behavioral Intervention Plans Mandated Cost Claim ("Agreement").

A. Known Claims

With respect to section 56523 of the California Education Code and the California Code of Regulations, title 5, sections 3001, subdivisions (c), (d), (e), (f), and (aa), and section 3052 as those sections read on or before July 1, 2008, (collectively "the Hughes Bill Statute and Regulations"), LEA hereby knowingly and voluntarily waives the rights set forth under article XIII B, section 6, of the California Constitution, sections 17500 through 17630 of the California Government Code, and sections 1181 through 1189.11 of Title 2 of the California Code of Regulations. By signing this Waiver, LEA hereby acknowledges that LEA forever gives up its right to file any mandated cost claim regarding the Hughes Bill Statute and Regulations, and/or to pursue any filed claim regarding that statute and regulations, and/or to benefit from such a claim, including any claim regarding the following programs and services:

1. Special education local plan area plan requirements pursuant to California Code of Regulations, title 2, sections 3001, subdivision (c), and 3052, subdivision (j), as these sections read on July 1, 2008;
2. Development and implementation of behavioral intervention plans pursuant to California Code of Regulations, title 2, sections 3001, subdivisions (c), (d), (e), and (f), and 3052, subdivisions (a), (c), (d), (e), and (f), as these sections read on July 1, 2008;
3. Functional analysis assessments pursuant to California Code of Regulations, title 2, sections 3001, subdivisions (d) and (f), and 3052, subdivisions (b), (c), and (f), as these sections read on July 1, 2008;
4. Modifications and contingent behavioral intervention plans pursuant to California Code of Regulations, title 2, section 3052, subdivisions (g) and (h), as these sections read on July 1, 2008;
5. Development and implementation of emergency interventions pursuant to California Code of Regulations, title 2, sections 3001, subdivisions (c) and (d), and 3052, subdivision (i), as these sections read on July 1, 2008;

6. Prohibited behavioral intervention plans pursuant to California Code of Regulations, title 2, sections 3001, subdivision (d), and 3052, subdivision (l), as these sections read on July 1, 2008; and
7. Due process hearings pursuant to California Code of Regulations, title 2, section 3052, subdivision (m), as this section read on July 1, 2008.

LEA further acknowledges and concedes that the amount that is required to be appropriated for the purpose of satisfying the STATE's minimum funding obligation to LEAs pursuant to article XVI, section 8, of the California Constitution shall not be required to be increased, to any extent, by payment of the retrospective amounts described in Paragraph II.B. of the Agreement, and by signing this Waiver LEA forever gives up its right to contend otherwise.

B. Unknown Claims

1. LEA expressly waives the application of California Civil Code section 1542 regarding mandated cost claims under California Education Code section 56523 and California Code of Regulations, title 5, sections 3001, subdivisions (c), (d), (e), (f), and (aa), and 3052 as those sections read on or before July 1, 2008.

2. LEA certifies that it has read the following provisions of California Civil Code Section 1542:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

3. LEA understands that it is agreeing that California Civil Code section 1542 does not apply to this Waiver. LEA understands and acknowledges that the significance and consequence of this waiver of California Civil Code section 1542 is:

- a. LEA may have additional claims arising or occurring up to the date of this Waiver of which it is not now aware;
- b. LEA may not make a further demand for any such claims;
- c. LEA may not receive any benefit(s) from any such claims that may be filed by other claimants; and
- d. LEA extends its waiver to include now unknown and/or later discovered claims.

C. Exemptions

LEA signs this Waiver with the understanding that it does not prohibit LEAs from filing mandated cost claims to the extent that the Hughes Bill Statute and Regulations are amended or added or changed in any way after July 1, 2008.

D. Advice of Attorney

LEA warrants and represents that it has reviewed and understands the Notice to LEAs Re: Pending Settlement of the Behavioral Intervention Plans Mandated Cost Claim ("the Notice") and this Waiver, and that it has been advised to seek legal advice from the attorney of its choice regarding the Notice and this Waiver. LEA acknowledges and represents either that it relied upon legal advice from its attorney in executing this Waiver or that it chose not to rely upon legal advice from its attorney in executing this Waiver. LEA further acknowledges and represents that, in executing this Waiver, it has not relied on any inducements, promises, or representations other than those stated in the Notice and Waiver.

E. Contingency of Waiver

LEA understands that this Waiver is binding only if the preconditions to the full implementation of the Settlement Agreement are satisfied. Those preconditions are set out in Section C of the Notice and Section II.A. of the Agreement, and are, in brief: (1) at least 85% of all LEAs sign this Waiver, including school districts and county offices of education who served student populations accounting for 92% of the P-2 2007-08 ADA; (2) the parties seek a superior court ruling that the settlement is final and binding on all LEAs; and (3) legislation is enacted appropriating the necessary funding and placing ongoing funding in statute.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Bruce Harter, Superintendent  
Authorized Agent for:  
West Contra Costa Unified School District

00334.00100/107130.1

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education *SG* **Meeting Date:** February 4, 2009  
**From:** Sheri Gamba, Assoc. Supt., Business Services **Agenda Item:** F. 5  
**Subject:** Resolution No. 61-0809 Temporary Borrowing Between Funds

**Background Information:** Due to concerns regarding the status of cash at the State level and the possibility that the normal flow of State deposits may be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the school district to temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

If the State Controller were to defer the deposits for our district, as has been proposed, our regular deposits would be cut in half in February. The deposits would then be restored in April and July. The District has implemented cost containment measures in an effort to preserve cash and avoid the need for temporary borrowing. In the event that temporary borrowing is needed, staff will provide the Board with a report with detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2008-09 fiscal year.

**Recommendation:** To approve Resolution 61-0809 for Temporary Borrowing Between Funds

**Fiscal Impact:** No fiscal impact

<b>DISPOSITION BY BOARD OF EDUCATION</b>		
Motion by: _____	Seconded by: _____	
Approved _____	Not Approved _____	Tabled _____



BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 61-0809  
TEMPORARY BORROWING BETWEEN FUNDS  
FEBRUARY 4, 2009

WHEREAS, the Board of Trustees of the West Contra Costa Unified School District has determined that there may be insufficient cash to meet current obligations; and

WHEREAS, Education Code Section 42603 permits the Governing Board of any school district to direct that monies held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds and shall not be available for appropriation or be considered income to the borrowing fund.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Education Code Section 42603, monies may be transferred between funds of the district and repaid in accordance with Education Code Section 42603 for the 2008-09 fiscal year.

PASSED AND ADOPTED by the Governing Board of the West Contra Costa Unified School District on this fourth day of February, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Antonio Medrano, Clerk of the Board  
West Contra Costa Unified School District  
Contra Costa County, California

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Bruce Harter

**Agenda Item:** G.1

**Subject:** Public Hearing / Board Discussion School Closures

**Background Information:**

In December, the Board approved a process for gathering public input and expert recommendations regarding the Board's commitment to close schools and consolidate students for 2009-10 and 2010-11. The final two stages in that process were to hold a public hearing on the recommended closures and to make a decision. The public hearing has been scheduled for this meeting (February 4, 2009) and the decision is scheduled for a special Board meeting on February 11.

**Recommendation:**

That the Board hold a public hearing and discuss the recommendations for school closures.

**Fiscal Impact:** Operational savings of at least \$16 million over the next five years.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION—BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Jessica R. Romeo,   
Assistant Superintendent Human Resources

**Agenda Item:** G.2

**Subject:** Board Review of Vacant Positions

**Background Information:**

Based on the current financial crisis facing the district, board members have expressed interest in reviewing the list of vacant positions prior to posting and hiring. Staff is requesting discussion and direction.

**Recommendation:** For Discussion Only

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** February 4, 2009

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** G.3

**Subject:** Donations

**Background Information:** The recent community meetings surrounding school closure have increased interest among parents and community stakeholders in providing funds through donations to the school district. The attached memorandum and information from a community member is provided for consideration by the Board. The purpose of this agenda item is to provide the board an opportunity to discuss the topic and provide direction to staff.

**Recommendation:** For discussion

**Fiscal Impact:** unknown

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
January 27, 2009

## MEMORANDUM

TO: Dr. Bruce Harter and the Board of Education

FROM: Sheri Gamba Associate Superintendent, Business Services

SUBJECT: Donations

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The recent community meetings surrounding school closure have increased interest among parents and community stakeholders in providing funds through donations to the school district.

Donations to particular schools and particular programs are a regular part of each board agenda. These funds are collected through the district office and placed in accounts for the purpose stated by the donor. The district currently has a set of locally restricted accounts to account for the proceeds and expenses related to these funds. They are not part of the unrestricted general fund – or “operating fund” of the district. In general, donations are purposed for the improvement of student programs.

Staff has been contacted by Brant Fetter, a parent, who wishes to establish a bank account to collect donations on behalf of the district. Mr. Fetter has approached Mechanics Bank, members of the Board and fellow parents to facilitate the donations. The solicitation and purpose of the donation effort has been provided by Mr. Fetter and is attached.

In order for the donations to be tax deductible, the account must be in the name of a charitable organization or the school district. Mechanics Bank currently has four accounts open for the District to receive donations in the areas of Athletics, Libraries and Books, Music and Parcel Tax Alternative. The accounts were established in answer to community requests to provide donations for the district’s potential program cuts prior to the passage of the parcel tax. These accounts have been essentially dormant since the 2005-06 school year, with some small deposits received in the interim.

The Board has two policies, based upon state law, which guide the receipt and disposition of donations in the district, board Policy 1321 and 3290 (attached). Education Code 51521 indicates that persons soliciting funds on behalf of the school district should have board approval, except if all funds are delivered to a public school.

If the Board wishes to approve the use of a district bank account for donations with the solicitation and purpose as stated, it should be noted that the donations become subject to the rules and laws governing all funds of the district. The Board may agree to the donor direction on how to distribute the funds, but retains the funds themselves as funds of the district. The accounts held in the name of the district must have authorized signatory by district employees, designated by the Board.

### **Board Policy 1321**

... The Governing Board recognizes that student participation in fund-raising activities for the schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

Whether solicitations are made on behalf of the school or on behalf of a charitable organization, students shall not be barred from an event or activity because they did not participate in fund-raising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system or charitable organizations. Staff is expected to emphasize the fact that donations are always voluntary...

### **Board Policy 3290**

... Before accepting a gift, the Board shall consider whether the gift:

1. Has a purpose consistent with the district's vision and philosophy.
2. Begins a program which the Board would be unable to continue when the donated funds are exhausted.
3. Entails undesirable or excessive costs.
4. Implies endorsement of any business or product.

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted...

### **Education Code 51521**

...No person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of any public school or the student body of any public school, unless such person obtains the prior written approval of either the governing board of the school district in which such solicitation is to be made or the governing board of the school district having jurisdiction over the school or student body represented to be benefited by such solicitation, or the designee of either of such boards...

# **Neighborhood School Rescue Fund**

Brant Fetter, Parent

## **Why?**

Our communities have been surprised by a move by the state trustee to take over the West Contra Costa School District . We've approved capital improvement money for the district but not operating costs. The state is running a colossal, and can't and will not help us.

This could also be called the "overlooked bills" fund drive. The problem is that we've passed bonds and measures to improve the infrastructure, but the district has not been given enough money to pay salaries and other bills. Just one affect on the budget are that tax revenues have dropped due to decreased values of properties.

Did you know that 23% of schools in West Contra Costa County are high performing schools that have a positive effect on property values? In the current, proposal for school closures there are 5 high performing schools to be closed bring the total of high performing in West Contra Costa County down to 11%. This will negatively affect ALL property values in the county, and hurt our children.

The district and the member cities and communities are working hard to organize funds and plans to save our neighborhood schools slated for possible closure. One part of this is just good 'ole donations. The hope is that if the State Trustee sees community participation as part of these solutions, there's a higher likelihood that we'll save the schools. We can generate over a million dollars by having everyone in the district donate just a little.

## **What the rest of us can do!**

If each resident in our district donated \$1 to \$5 per person, we can raise a large amount of funds to help save our schools and property values in the county.

## **How is the money collected?**

I propose that the WCCUSD Board approve the setup and use of an account for this purpose. (the Account) I propose that online donations go directly to the Fund. The best place for the online donations is the WCCUSC website. Mechanics bank uses a third party credit card processor that takes a small percentage. Cash and checks are collected by families of each school going out into their own neighborhoods and visiting their local businesses. Each family gives funds to the head of the PTA, or an appointed Teacher per school, and they are given a receipt for the cash. Each representative from the PTA or appointed Teacher deposits the funds to the Account. A running status/amount of the fund is shown on the District website.

**What organization holds the money?**

**How is the money distributed?**

I propose the full amount of the fund be given to the West Contra Costa School District for operating costs. The funds would be distributed to each school according to the number of students they have as a percentage of the total number of students attending in the district.

If the board members or the Staff would like to counter with a better or more fair distribution method, the community would welcome their input.