

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
May 18, 2011

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
MAY 18, 2011**

BOARD AGENDA PACKETS AND INFORMATION:

Complete Board meeting packets are available for review at the Administration Building, the District's six high schools, and at public libraries throughout West County.

Complete Board agendas and packets are available online at: www.wccusd.net/Documents/Board/boardinformation.aspx

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District office located at 1108 Bissell Avenue, Richmond, CA 94801 during normal business hours. In addition, such writings and documents may be posted on the District's website as noted above.

VIEWING THE BOARD MEETINGS:

Television:

Live television broadcast of regularly scheduled Board meetings is available by the City of Pinole on PCTV Channel 26/28, the City of Richmond KCRT Channel 28 and the City of Hercules Cable Channel 28. Please check the city websites for local listings of broadcast schedules.

You may also find the complete meeting available on a tape-delay basis through the Richmond City Web Page at: <http://www.kcrt.com> within a few days of the recording date.

Audio tapes of Board meetings are kept on file at the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1101).

The Board of Education would like to acknowledge Comcast, the cities of Pinole and Richmond, and WCCUSD staff for their generosity and efforts in helping to televise WCCUSD Board of Education meetings.

ATTENDING BOARD MEETINGS:

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

Location: **LOVONYA DEJEAN MIDDLE SCHOOL
3400 MACDONALD AVENUE
RICHMOND, CA 94805**

Time: The **Board of Education's Open Session meeting will begin at 6:30 PM.** The Board will convene at **6:00 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

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

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

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

B. OPENING PROCEDURES

B.1 Pledge of Allegiance

B.2 Welcome and Meeting Procedures

B.3 Roll Call

B.4 Presentation of Student Board Representative from Richmond High School

Comment:

A Student Board Representative from Richmond High School will attend the Board of Education meeting on May 18, 2011. We would like to recognize and commend their 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 Minutes: May 4, 2011**

C. BUSINESS ITEMS

CONSENT ITEMS (Routine Matters)

Consent Calendar Items designated by “CI” are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section E.

***CI C.1 Acceptance of Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements as detailed, dated May 18, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

***CI C.2 Acceptance of Donations**

Comment:

The District has received donations as summarized, dated May 18, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per donations summary

***CI C.3 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2010-11 school years are summarized, dated May 18, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

***CI C.4 Summary of Payroll and Vendor Warrant Reports**

Comment:

The summaries of Payroll & Vendor Warrants issued during the month of April are provided.

Total of payroll warrants (April 2011):	\$ 9,489,852
Total of vendor warrants (April 2011):	\$20,620,631

Recommendation:

Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:

As noted above

***CI C.5 Central Printing Lease Renewal**

Comment:

The District established a central printing facility, serving all school sites and departments, seven years ago in order to better serve the students and staff needs and save money for the District. The Central Printing Department averages over 20 million images annually for such jobs as Student Open Court Workbooks, Parent Student Handbooks, Student Assessments, District standard forms and more. The Central Printing Department operates with seven pieces of commercial equipment along with software to run the machines and web based work order system. The lease has expired on three of the machines with the remaining four to expire 2012. The District sought a proposal and has negotiated to upgrade to newer equipment along with extending the lease on some of the current equipment. The proposed 5-year plan for the Central Printing Facility includes the replacement of three machines, keeping four of the existing machines and adding another booklet maker. Maintenance costs are fixed for 5 years. This proposal saves the District \$66,077 during the 2011-12 fiscal year with no additional increases through 2015-16. This negotiated renewal increases the printing and output capacity for the large scale workbook jobs, improving the level of service offered while spending less money.

Recommendation:

Recommend Approval Lease Renewal

Fiscal Impact:

\$250,500 Fiscal Year 2011-2012, with a savings of \$66,077

***CI C.6 Community Budget Advisory Committee**

Comment:

On April 28, 2011 the Community Budget Advisory Committee approved a resolution concerning the 2010-2011 Parcel Tax Expenditures and Scope of Measure D 2008, finding that the expenditures budgeted for Fiscal Year 2010-2011 are within the stated purposes for Measure D 2008 funds. Committee Chair Erwin Reeves has requested the opportunity to submit this resolution to the Board.

Recommendation:

For Information Only

Fiscal Impact:

None

***CI C.7 Routine Personnel Changes - Certificated**

Comment:

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

Recommendation:

For Information Only

Fiscal Impact:

None

***CI C.8 Approval of Resolution No. 69-1011: Resolution to Enter into an Energy Service Contract, and approval of the Contract with selected vendor**

Comment:

As part of a legal settlement related to the expansion of the Conoco Phillips Refinery in Rodeo, the Bay Area Air Quality Management District (“BAAQMD”) initiated a program to fund grants for projects to achieve verifiable, quantifiable reductions in Greenhouse Gas emissions. Priority for the projects is that they be located in the vicinity of the refinery. The West Contra Costa Unified School District submitted a number of grant applications and was successful in receiving two grants for Hercules Middle High School. They are as follows:

- | | |
|---|-------------|
| 1. Installation of non-incandescent light fixtures, lamps, and ballasts | \$ 25,980 |
| 2. Installation of a renewable energy system (Photovoltaic panels) | \$1,302,682 |

The lighting efficiency grant will be used to replace incandescent fixtures throughout the campus with new, energy-efficient fixtures—work is already underway on this project. The second grant will fund a major portion of the installation of a Photovoltaic system for the site which must generate 445,373 kWh annually. The Board approved the Funding Agreement with BAAQMD at its meeting of October 20, 2010.

Staff has now taken the next steps and completed a public Request for Proposal (“RFP”) process requesting proposals for a “Design-Build Contract for Photovoltaic System Installation at Hercules Middle High School.” Six firms responded to the RFP. After reviewing and ranking the proposals, staff conducted final interviews and recommends Sunpower Corporation, based upon the best combination of pricing and performance (including installed cost per watt), appropriateness of system and components, experience of the firm and team, maintenance and service, warranties, schedule to complete, performance guarantee, and system monitoring.

The total installed cost for the system, including a 10 year maintenance contract and full performance guarantee is \$1,989,560. This represents an installed cost of \$6.39/watt with a 25-year cost per unit of output to the District of \$0.18/kWh. This project will be eligible for rebates under the California Solar Initiative (CSI) which will provide \$333,035 savings the project cost—based upon proposed system output and performance rebates in effect at the time the system begins operation. After subtracting the grant and CSI rebates from the total installed cost, the project will require District matching capital funds of \$353,853 for the base system.

The solar electric panels are proposed to be installed on parking lot shade structures which have been identified as appropriate for the system and the site. In addition, the District will request panel underside protection and has set aside an allowance of \$50,000 from the District’s matching funds.

Recommendation:

Approve Resolution No. 69-1011, and authorize staff to enter into an Energy Services Contract with Sunpower Corporation for design and construction of a photovoltaic system at Hercules Middle High School in accordance with the company’s proposal as noted above.

Fiscal Impact:

\$403,853, from the Capital Facilities Fund as the District’s project contribution. Lower operating utility costs from the General Fund for the site on a long-term basis.

***CI C.9 Kennedy High School ADA Compliance Project Award of Contract**

Comment:

The District is continuing with planned renovations at the Kennedy High School campus. One major area of work is access compliance work. The major element of this project is construction of a new elevator tower at the main classroom building to provide for full access to the second level. The project also includes lifts at the Multi-Purpose building and performing arts areas. The project includes the replacement of doors and upgrade to hardware systems throughout the campus.

Powell/HMC Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on April 19, 2011. Four Contractors submitted bids. Two of the bidders submitted their bids after the time listed in the Notice to Bidders and these bids were rejected as non-responsive. In addition, the District received a bid protest related to the apparent low bidder, which raised serious questions regarding their subcontractor listings. Given this situation it is appropriate for the District to reject all bids and rebid the project.

Recommendation:

Reject all bids and direct staff to rebid the project

Fiscal Impact:

Not known at this time. Funded by the Measure J Bond, under the Kennedy High School Renovations Project budget.

***CI C.10 School Consolidation Modularity Award of Contract**

Comment:

The next step in the Board approved School Consolidation process is the closure of Shannon Elementary School. Students from Shannon will go to Collins, Montalvin Manor or Tara Hills Elementary Schools. In order to accommodate the additional students at those sites the District will need to purchase and place new modular buildings. In addition, Mira Vista Elementary School will be adding 8th grade and will need 2 additional classroom spaces. Finally, Madera Elementary will be adding 6th grade and will need 2 additional classroom spaces.

The District has conducted a public bid for this project. Bids were opened on May 13, 2011. Two modular vendors submitted bids. They are as follows: Mobile Modular \$509,270.74; and, Williams Scottsman \$498,586. The lowest responsive, responsible vendor is Williams Scottsman at \$498,586.

Recommendation:

Award contract to lowest responsive, responsible vendor

Fiscal Impact:

\$498,586. Funded by the Special Reserve for Capital Facilities, Collins Elementary Budget. Also funded by the Measure J Bond, Additional Bond Funded Projects under Madera, Mira Vista, Montalvin Manor and Tara Hills School project budgets.

***CI C.11 Approval of contract for furniture, setup and installation at Pinole Middle School main building**

Comment:

The renovation of the existing Main Building at Pinole Middle School is nearly complete. The next step for the District is to purchase new furniture for the school. The District has prepared preliminary furnishing criteria with classroom configurations, specialty spaces including computer labs, special education, admin furnishings, offices and staff work areas. New furnishings will be comparable to those installed in the new Classroom Building at the Pinole Middle site.

The District engaged in a public bid process, using its preliminary furnishing criteria, to select the vendor for this contract. Public bids were opened on May 10, 2011. Two vendors submitted proposals. They are as follows: Young Office Solutions \$317,578.43; and Contrax Furnishings \$311,041.80. The lowest responsive, responsible vendor is Contrax Furnishings at \$311,041.80.

Recommendation:

Approve contract for Pinole Middle Main Building furniture, setup and installation with the lowest responsive, responsible vendor

Fiscal Impact:

\$311,041.80. Funded by the Measure J Bond under the Pinole Middle Furniture and Equipment Budget

***CI C.12 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified consulting, engineering, architectural, or landscape architectural firms to assist in completion of the referenced projects. Many of the firms are already under contract and the staff-initiated work may be an extension of the firm's existing contract with the District. Public contracting laws have been followed in initially qualifying and selecting these professionals.

Recommendation:

Ratify and approve contracts as noted

Fiscal Impact:

Total for this action: \$350,770. Funding sources as noted

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

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Dover Elementary New School; Gompers High School Demolition; and, Kennedy HS Security Fencing. Change orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

Recommendation:

Ratify negotiated change orders as noted

Fiscal Impact:

Total ratification and approval by this action: \$251,942.34

***CI C.14 2011-2012 Designation of California Interscholastic Federation (CIF) Representatives to the League**

Comment:

The California Interscholastic Federation annually requires the governing board to appoint district representatives. Ed. Code 33353 (a) (1) gives the governing boards of school districts specific authority to select their athletic league representatives.

The District recommends the appointment of Executive Director Vincent Rhea to continue in the capacity as its designated CIF representative.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.15 Resolution No. 73-1011: Resolution in Support of Contra Costa College's Capital Bond Initiative**

Comment:

Contra Costa College has served the west county for more than 60 years with programs that prepare students for jobs, transfer to four-year universities and successful basic skills. The College is proposing a bond initiative to go before voters in November 2011 for necessary capital improvements to the facilities located in San Pablo.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.16 Resolution No. 74-1011: In Support of Assembly Bill 402 (Skinner) Hunger Free Kids Act**

Comment:

In this legislative session, Assemblywoman Nancy Skinner has authored Assembly Bill 402 Hunger Free Kids Act, which would authorize school districts the option to provide CalFresh enrollment information to families of students who are applying for free meals and share a child's National School Lunch Program (NSLP) Application with the county social services department for the purpose of CalFresh program outreach and enrollment. The Assemblywoman has asked the Board to support AB 402. It is the Assemblywoman's intent that this legislation will alleviate hunger for children.

Recommendation:

Approval of Resolution No. 74-1011: In Support of Assembly Bill 402 (Skinner) Hunger Free Kids Act

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 WCCUSD Elementary Poet-Athlete Students from Grant Elementary Performed at the Apollo Theater in New York City on April 11, 2011 in Celebration of National Poetry Month**

Comment:

In celebration of April as National Poetry Month, America SCORES hosted the 5th Annual Poetry Slam on April 11, 2011 at the Apollo Theater in New York City. Representing West Contra Costa were Christian Suarez and Nayeli Cuiriz-Galvan from Grant Elementary School. America Scores will share the work they perform with District students. Christian Suarez and Nayeli Cuiriz-Galvan will share their hopes, dreams, and fears through their poetry with the Board and the audience.

Recommendation:

Celebrate students and their poetry

Fiscal Impact:
None

* **D.2 The Ed. Fund's 2010-2011 Scholarship Winners**

Comment:

For the 7th year, the Ed. Fund will be awarding scholarships to graduating seniors matriculating in institutions of higher learning. This year, the Ed. Fund awarded \$50,000 in scholarships to 20 students who will be the first generation in their families to attend college. Each of the \$2,500 scholarships was generously donated by: the Chevron Corporation, the Irvine Foundation and the Schroeder Family Fund.

The scholarship winners hail from six different high schools located within WCCUSD. The winners, along with their high schools, are as follows:

Living the Dream Scholarship Presented by Chevron: Hector Andrade (Kennedy High School), Alejandra Candelas (Richmond High School), Beatriz Dominguez (Richmond High School), Fabiola Gutierrez (Kennedy High School), Maria Martinez (Richmond High School), Lizbeth Moreno (Richmond High School), Jose Rosales (Leadership Public School-Richmond), Stacy Saechao (Richmond High School), Utsav Shrestha (Richmond High School), Janeth Velazquez (Richmond High School)

The Irvine Foundation Scholarship: Ashley Creswell (De Anza High School), Nelly Hernandez (Leadership Public School-Richmond), Edgar Jacinto (Leadership Public School-Richmond), Fabiola Ochoa (Leadership Public School-Richmond), Yadira Rodriguez (Leadership Public School-Richmond), Margarita Romo-Romo (Middle College High School), Michelle Saechao (Middle College High School), Zijun Tang (De Anza High School)

Norma and Arthur Schroeder Scholarship: Xue Xue He (El Cerrito High School), Lisa Yip (El Cerrito High School)

All of these scholars have overcome tremendous odds to succeed academically and were chosen for their dedication to community service. They are also involved in a wide range of extracurricular activities which have helped them prepare for college. The Ed. Fund is confident these students will return to our community to serve as the leaders and role models for West Contra Costa County.

Recommendation:

Congratulate the Ed Fund Scholarship Winners

Fiscal Impact:
None

* **D.3 Recognition of the Northern California MESA Day 2011 Competition Winners from WCCUSD**

Comment:

We would like to congratulate the following West Contra Costa Unified School District students who won or placed in their respective categories at the competition. This is a Northern California Regional Competition and this marks the third year that WCCUSD has entered this contest. We are excited about

the results that directly speak to all of the hard work and dedication that the students put forth for this competition.

<u>Category</u>	<u>School</u>	<u>Student</u>	<u>Place</u>
JH Solo Math at Large-Pre Algebra	Stewart	Julie Lum	1 st
JH Team Math Quest-General Math or Pre- Algebra	Stewart	Makana Ennis-Burn	2nd
		Julie Lum	2nd
		Emily Wong	2 nd
Algebra I or Geometry	Pinole MS	Thomas Johnston	3 rd
		Kevin Arias	3 rd
		Christiano Cayno	3 rd
JH Mousetrap Cars-Distance	Pinole MS	Christian Cuyno	1st
		Kevin Arias	1 st
SH Solo Math At Large-Level II	Middle College HS	Jerry Sanchez	3 rd
SH Team Math Quest-Algebra 1 or Geometry	Middle College HS	Alma Lugo	3 rd
	Middle College HS	Liliana Bravo Lopez	3 rd
	Middle College HS	Gabriella Bravo Lopez	3 rd
SH EggXPress-Grades 9&10	Richmond HS	Jessica Castro	1 st
	Richmond HS	Maria Castillo	1 st
	Richmond HS	Abel Gallardo	2 nd
	Richmond HS	Abhijeet Kunmar	2 nd
SH Mousetrap Cars-Accuracy	Middle College HS	Jerry Sanchez	2 nd
	Middle College HS	Andres Parades	2 nd
SPIRIT AWARD:	CSU EAST BAY		

Recommendation:
For Recognition

Fiscal Impact:
None

* **D.4 Recognition by the Los Angeles County Office of Education for the Support Personnel Accountability Report Card (SPARC) completion and submission**

Comment:

The following schools in the West Contra Costa Unified School District have received a “California Certificate of Student Support Accountability” based on their completion and submission of a self and peer –reviewed Support Personnel Accountability Report Card (SPARC). Laminated copies of their SPARC”s will be sent to the Governor’s Office as well as the state legislators representing their district:

DeAnza High School	Pinole Middle School
DeJean Middle School	Pinole Valley High School
El Cerrito High School	Portola Middle School
Hercules Middle High School	Richmond High School
John F. Kennedy High School	Samuel Gompers Continuation High School
Juan Crespi Middle School	Vista High School

Middle College High School
North Campus Continuation High School

Walter T. Helms Middle School

Recommendation:
For Recognition

Fiscal Impact:
None

* **D.5 Contra Costa College Capital Bond Initiative**

Comment:

President McKinley Williams of Contra Costa College will provide a presentation regarding support of the community college's capital bond initiative.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.6 Budget Update**

Comment:

Associate Superintendent Business Services will provide an update on the budget.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.7 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a "Request to Address the Board" form. Five minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee
Bayside Parent Teacher Association
Citizens' Bond Oversight Committee
Community Budget Advisory Committee
Facilities Subcommittee
Ivy League Connection
Linked Learning – Multiple Pathways
Safety Committee
Special Education Citizens Advisory Committee
Youth Commission

Public Employees Local 1
School Supervisors Association
United Teachers of Richmond
West Contra Costa Administrators Association

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

* **E.1 Superintendent's Report**

* **E.2 Request to Address the Board – Andrew Gooden, Gooden Family Scholarship Fund**

Comment:

The Gooden Family Scholarship Fund will present information about their program providing students with resources such as college fairs and scholarships.

Recommendation:

For Information Only

Fiscal Impact:

None

* **E.3 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 Community Roots Academy Charter School Petition**

Comment:

On April 8, 2010, the petitioners ("Petitioners") submitted to West Contra Costa Unified School District ("District") a petition for a charter school known as Community Roots Academy ("Charter School"). Petitioners withdrew this original petition prior to the Governing Board's consideration. At Petitioners' request, Staff later provided a summary of the major concerns identified in the original petition. On March 14, 2011, Petitioners submitted to the District a new charter petition ("Petition") for Charter Roots Academy. As submitted, the Petition indicates that Petitioners intend to commence operations at the beginning of the 2011-2012 school year; however, Petitioners recently submitted a request to postpone the Charter School's opening date until the beginning of the 2012-2013 school year.

The Petition proposes a 3rd through 8th grade charter school. As presented in the Petition, the Charter School expects to serve 72 students in grades 3 through 5 in its first year of operation (2012-2013), 96 students in grades 3 through 6 in its second year of operation (2013-2014), 120 students in grades 3

through 7 in its third year of operation (2014-2015), and 144 students in grades 3 through 8 in its fourth year of operation (2015-2016) and beyond. (Petition, Appendix A.) Petitioners chose to “focus on the critical years of 3rd through 8th grade, allowing students to develop the skills they will need to excel in high school, college and life while attending middle school in their own community.” (Petition, p. 5.) Petitioners further note, “Community experience and research on the achievement gap have demonstrated that disparities in achievement between middle-class and economically disadvantaged students increase after the 3rd grade and continue to widen through high school.” (Petition, p. 5.) The Charter School’s stated mission is to “grow [] future citizens of personal and social responsibility by teaching to high academic standards and cultivating character values, critical thinking, and life skills.” (Petition, p. 5.) If approved, Community Roots Academy would be governed by a nonprofit public benefit corporation, but the District would be responsible for oversight of the Charter School.

Pursuant to the Charter Schools Act of 1992 (the “Act”), Education Code section 47600 *et seq.*, the Legislature has charged local school boards with the responsibility for reviewing and acting on petitions by charter schools. Submission of a charter petition is governed by the requirements of Education Code section 47605 and 47607. Education Code section 47605(b) requires the Board, within 30 days of receiving a petition, to hold a public hearing to consider the level of support for the petition. The public hearing regarding Community Roots Academy was held on April 13, 2011.

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

Upon receipt of the Petition, components of the Petition were assigned to various staff members of the District for review and analysis based on individual areas of expertise. Review of the different components of the charter petition was allocated as follows: **Educational Program**, Linda Jackson, Executive Director K-12 Schools, Lyn Potter, Director Educational Services, Sonja Neely-Johnson, Harlan Kerr, Sherry Bell, and Susan Dunlap, Coordinators Educational Services; **Special Education**, Steve Collins, SELPA Director; **Fiscal/Budget**, Martin Coyne, Executive Director, CPA; **Human Resources/Employee Issues**, Patricia Calvert, Director of Human Resources; **Legal/Operational**, Ed Sklar, Lozano Smith Attorneys at Law.

Staff and legal counsel have reviewed the Petition and prepared the Staff Written Findings Regarding Community Roots Academy Charter School Petition (“Findings”), which are provided. Staff’s analysis of the Petition includes a review of its educational program, fiscal and governance structure, student admissions and discipline, labor and personnel issues, facilities and legal issues.

The pages immediately following this précis contain proposed findings prepared by Staff and legal counsel identifying major areas of concern and Staff’s recommendations regarding those areas.

Recommendation:

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

1. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School. (Ed. Code § 47605(b)(1).)
2. Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)
3. The Petition does not contain the number of signatures required by Education Code section 47605, subdivision (a)(1)(A) or (a)(1)(B).
4. The Petition does not contain the requisite affirmation for each of the conditions described in Education Code section 47605, subdivision (d).
5. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

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

Fiscal Impact:

None

G. DISCUSSION ITEMS

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – June 1, 2011

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

May 18, 2011

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

WCCUSD v. Orrick

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION
[Government Code Section 54956.9(b)]

Four cases

4. LIABILITY CLAIMS (Government Code Section 54956.95)

5. CONFERENCE WITH LABOR NEGOTIATORS

a. Superintendent/Dr. Bruce Harter

b. Employee Organizations

- UTR
- Local One
- School Supervisors Association
- WCCAA

c. Unrepresented Employees

- Confidential and Management

6. PUBLIC EMPLOYEE APPOINTMENT

7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

8. STUDENT DISCIPLINE (Education Code Section 35146)

Expulsions

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

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

To: Board of Education

Meeting Date: May 18, 2011

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

Agenda Item: B.4

Subject: Presentation of Student Board Representative from Richmond High School

Background Information:

A Student Board Representative from Richmond High School will attend the Board of Education on May 18, 2011. We would like to recognize and commend their 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 Macdonald Avenue
Richmond, CA 94805**

Agenda Item B.7

May 4, 2011

A. CLOSED SESSION

B. OPENING PROCEDURES

President Charles Ramsey called the meeting to order at 5:45 PM. The Board recessed into Closed Session. President Ramsey called the Public Session to order 6:35 PM.

B.1 Pledge of Allegiance

President Ramsey led the pledge of allegiance.

B.2 Welcome and Meeting Procedures

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

B.3 Roll Call

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

Staff Present: Patricia Calvert, Director Human Resources; Otilia Espinosa, Interpreter; Rosa Cornejo, Staff Secretary; Bill Fay, Associate Superintendent Operations; Erin Fleming, Director Classified Personnel; Luis Freese, Executive Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Joshua Herrera, Electronics Technician; Linda Jackson, Executive Director; Sue Khan, Pinole Valley Principal; Joe Mayes, Manager Building & Maintenance; Emily Millar, Director Employee Relations; Galen Murphy, Fairmont Principal; Nia Rashidchi, Assistant Superintendent Educational Services; Ann Reinhausen, Assistant Superintendent Human Resources; Vince Rhea Executive Director; Bill Savidge, District Engineering Officer

B.4 Presentation of Student Board Representative from El Cerrito High School

Ms. Suzanna Tran provided a report of activities at El Cerrito High School.

B.5 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the May 4, 2011 recommendation to approve expulsion cases #001 through #008.

Motion: Ms. Thurmond moved to ratify the action taken in Closed Session regarding the recommendations of May 4, 2011 for expulsion cases #001 through #008. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, Ms. Merriweather and President Ramsey voted yes and no absences. Motion carried 5-0-0-0.

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding administrative appointments for the Extended Learning:

Elementary School Principal

Janet Ramirez - Ford Elementary
Darlene Almeida - Lincoln Elementary
Cynthia Taylor - Montalvin Elementary
Kim Moses - Peres Elementary
Jawan Eldridge - Riverside Elementary
Natasha Flint-Moore - Stege Elementary
Alternates: Linda Frazier-Stafford
Greg Santiago
Wendy Forest

Secondary School Administrator, 7-12 Program

Julio Franco, Principal - Richmond High
Nancy Ivey, Assistant Principal - Richmond High

Pat Martin, Principal – Crespi Middle /High
Gabriel Chilcott, Principal – Helms Middle/High
Roxanne Brown-Garcia - Portola Middle

Special Education Extended-Year, Elementary School Principal
Galen Murphy – Fairmont Elementary
Denise Weis – Tara Hills Elementary

Motion: Mr. Thurmond moved to ratify the action taken in Closed Session regarding the appointment of Extended Learning administrators. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, and President Ramsey voted yes with no abstentions, and no absences. Motion carried 5-0-0-0.

B.6 Agenda Review and Adoption

Public Comment:
Robert Studdiford

MOTION: Ms. Kronenberg moved approval of the agenda with Item C.12 Appointment to the Citizens' Bond Oversight Committee tabled. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Board Representative Suzanna Tran (advisory vote only), and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

B.7 Minutes: April 13, 2011

MOTION: Mr. Medrano moved approval of the Minutes of April 13, 2011. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Board Representative Suzanna Tran (advisory vote only), and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

C. BUSINESS ITEMS

- C.1 Acceptance of Grants/Awards/Agreements**
- C.2 Acceptance of Donations**
- C.3 Approval of Fund Raising Activities**
- C.4 Adoption of Resolution No. 68-1011: Replacement of Outdated Warrant**
- C.5 Notice of Completion: Bid E068230 Richmond High School HVAC Renovation Project**
- C.6 Ratification and Approval of Engineering Services Contracts**
- C.7 Ratification and Approval of Negotiated Change Orders**
- C.8 Approval of Fairmont Elementary School Master Plan and Architectural Services Contract for Construction Documents and Construction Administration**
- C.9 Kennedy High School ADA Compliance Project Award of Contract**

Public Comment:
Tom Butt, Robert Studdiford

This item was tabled.

- C.10 Approval of Peres Elementary Dental Clinic Renovations Project**
- C.11 Approval of Increase in District Allocation for Maritime Center Renovations Project**
- C.12 Appointment to the Citizens' Bond Oversight Committee**
This item was tabled.

C.13 Approval of Board Member to Attend Conference

MOTION: Ms. Merriweather moved approval of Consent Items C.1 – C.8, C.10, C. 11 and C.13. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Board Representative Suzanna Tran (advisory vote only), and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 Ivy League Summer Programs: Students from El Cerrito High School, Pinole Valley High School, Hercules High School, John F. Kennedy High School, Richmond High School and Middle College High School will participate in college readiness programs offered at respective Ivy League Colleges and Universities

Superintendent Harter introduced Vince Rhea who honored the Ivy League chaperones, parents and benefactors. Mr. Rhea introduced Sue Khan, Pinole Valley Principal. Mr. Rhea and Ms. Khan presented the benefactors with a certificate of appreciation. Mr. Rhea and Ms. Khan introduced the chaperones that will accompany the students. The chaperones introduced the students in their groups. Mr. Rhea and Ms. Khan honored Mr. Ramsey and Ms. Kronenberg for their support in the Ivy League Connection.

The students and chaperones recognized included:

Certificated Chaperone: Sarah Larson

Students:

Kathleen He	Middle College High
Erin Miller	Pinole Valley High
Andrew Gonzales	Pinole Valley High
Erinn Kuehne	Hercules Middle High
Frank She	De Anza High

Certificated Chaperone: LaDonna Williams

Students:

Rebecca Scott	De Anza High
Cynthia Yip	De Anza High
Josephine Biteng	De Anza High
Adrianne Ramsey	El Cerrito High
Mariko Whitenack	El Cerrito High
Caroline Umali	El Cerrito High
Ava Burnell	El Cerrito High

Certificated Chaperone: Cheryl Lilhanand,

Students:

Will Laughon	Richmond High
Beilul Naizghi	Hercules Middle High
Milani Lyman	Pinole Valley High
Masao MacMaster	El Cerrito High
Eric Wang	Hercules Middle High
Irene Tait	El Cerrito High

Certificated Chaperone: Tiffani Neal

Students:

Kelly Xi	Hercules Middle High
Jobel Vecino	Hercules Middle High
Terilyn Chen	Hercules Middle High
Kevin Buensucesco	Hercules Middle High
Joe Arciniega	El Cerrito High School
Genevieve Simmons	El Cerrito High School
Taylor Doty	El Cerrito High School
Nick Shebek	El Cerrito High School

Certificated Chaperone: Mike Schweninger

Students:

Alex Elms	Pinole Valley High
Brian Seegers	El Cerrito High
Julia Martien	El Cerrito High

Certificated Chaperone: Yolanda Bulls
Students:
Kye Duren Pinole Valley High
Aiyana Hedeem-Garrett Pinole Valley High
Julia Chang Pinole Valley High

Certificated Chaperone: Lori Nardone
Students:
Tom Miller El Cerrito High
Matt Lee Pinole Valley High
Dyana So Pinole Valley High

Several Ivy League scholars spoke of their experiences in the Ivy League Connection:
Beulah Agbabiaka, Guadalupe Morales, Irene Rojas Carroll, Yueming Wang and Austin Long.

Public Comment:
None

Board Comment:
None

Student Representative Suzanna Tran left for the evening.

The Board recessed at 7:38 p.m. and reconvened at 8:02 p.m.

D.2 West Contra Costa Unified School District presents: Classified Employee of the Year

Ms. Reinhausen honored and recognized classified employees of the year. Ms. Reinhausen asked Ms. Erin Fleming, Human Resources Director, to present the honorees with a certificate of appreciation. Those recognized included:

Classified Supervisor - Stephanie Hearne, Assessment Supervisor, Assessment Office
General Services M & O – Leon Hawkins, Head Custodian, Verde Elementary School
Office & Technical – Vicki Chen, Registrar, Hercules Middle High School
Paraprofessional – Charles Johnson, Campus Security Officer II, Richmond High School

Public Comment:
None

Board Comment:
None

D.3 Standing Reports

Citizens' Bond Oversight Committee: Robert Studdiford gave an update on their last meeting. He talked about their tour of Dover and how productive the meeting was.

Public Employees Local One: Richard Leung congratulated the classified employees of the year. Mr. Leung introduced Peter Tierwan, new Local One business agent.

Academic Subcommittee: Ms. Rashidchi announced the next meeting to be held on May 24, 2011.

Facilities Subcommittee: Mr. Medrano announced the next meeting to be held on May 10, 2011.

Linked Learning: Ms. Kronenberg talked about the event held on April 26. She also talked about Linked Learning being introduced into the middle schools and academies at Helms Middle School in the coming year.

Safety Committee: Mr. Greer announced the next meeting to be held on May 12, 2011 at Kennedy High School.

Youth Committee: Mr. Greer announced that next meeting will be held on May 9, 2011 at the RYSE Center from 6:30 – 8:00 PM. Mr. Thurmond stated that they will be discussing staffing support needs.

D.4 In Memory of Members of the School Community

Superintendent Harter recognized contributions of members of the community who have passed away.

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

E.1 Superintendent's Report

Superintendent Harter provided a report of activities in the District.

E.3 WCCUSD Public Comment

Ken Ryan, Robert Studdiford

F. ACTION ITEMS

President Ramsey recused himself from action and asked Ms. Kronenberg to address the next item.

F.1 Richmond College Prep K-5 Charter School Addendum Renewal

Ms. Linda Jackson gave a presentation on the addendum of the Richmond College Prep renewal petition.

Public Comment:

None

Board Comment:

Ms. Merriweather asked about the addition of the 6th grade. Ms. Jackson and Superintendent Harter clarified that Richmond College Prep needs to be aligned with the rest of elementary schools in the District.

MOTION: Mr. Medrano moved approval of the Richmond College Prep K-5 Charter School Addendum Renewal. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond, and Ms. Merriweather voted yes with no abstentions and President Ramsey absent. Motion carried 4-0-0-1.

President Ramsey returned to the dais.

F.2 Resolution No. 70-1011: Resolution to Terminate Certificated Employees

Ms. Reinhausen presented the final resolution for the layoff of certificated employees.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Medrano moved approval of Resolution No. 70-1011: Resolution to Terminate Certificated Employees. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano and President Ramsey voted yes. Ms. Merriweather and Mr. Thurmond voted no with no abstentions and no absences. Motion carried 3-2-0-0.

G. DISCUSSION ITEMS

G.1 Project Status Report – Facilities Planning and Construction

Mr. Savidge provided a presentation of updates on the status of the Bond Facilities projects.

Public Comment:

None

Board Comment:

None

H. UNFINISHED REQUESTS TO ADDRESS THE BOARD (continued from Item E)

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Mr. Medrano gave a brief report on an immigration workshop he attended. He also announced an upcoming immigration and housing forum on May 7, 2011 at Helms Middle School.

Ms. Kronenberg invited the public to look at the new website. She also spoke about the proposed state's plan to change the school year from 180 days to 160 days. She asked for anyone that has affiliation with any association to reach out to the legislation.

Superintendent Harter talked about the budget approval scheduled for the meeting of June 29 and the conflict with two Board members' calendars for that night. After discussion, Mr. Ramsey announced that the second meeting in June would be June 28, 2011.

Mr. Medrano announced that he would be in Sacramento for CSBA Legislative Days. Ms. Merriweather also announced that she would be in Sacramento attending the event as well.

President Ramsey thanked the Board members for going to Sacramento. He talked about the Ivy League Connection and sharing profiles of the District's high schools. The students attending this summer's program will be visiting about twenty admissions offices.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – May 18, 2011

K. ADJOURNMENT

President Ramsey adjourned the meeting at 9:00 PM in the name of Dick Barker.

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

BH:rc

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: May 18, 2011

From: Sheri Gamba 
Associate Superintendent Business Services

Agenda Item: CI C.1

Subject: Grants/Awards/Agreements

Background Information: Formal action is requested from the Board of Education to accept the grants/awards/agreements, as detailed on the attached sheet dated May 18, 2011.

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
CPA - Academy of Law Careers - De Anza	\$15,000	California Department of Education - Secondary, Career, & Adult Learning Division	Start up for a Academy of Law Careers at DeAnza High School
Resource # 7220	7/1/10 - 6/30/12		PCA # 23181-05
CPA - Law Academy - Kennedy	\$15,000	California Department of Education - High School Transformation Unit	Start up for a Law Academy at Kennedy High School
Resource # 6385	7/1/10 - 6/30/12		PCA # 24960-53
CPA - Visual and Performing Arts Acad. - Pinole Valley	\$15,000	California Department of Education - High School Transformation Unit	Start up for a Visual & Performing Arts Academy at Pinole Valley High School
Resource # 6385	7/1/10 - 6/30/12		PCA # 54960-54
CPA - Creative & Per- forming Arts - Richmond	\$15,000	California Department of Education - High School Transformation Unit	Start up for a Creative & Performing Arts Academy at Richmond High School
Resource # 6385	7/1/10 - 6/30/12		PCA # 24960-51
CPA - Hospitality & International Tourism Industry - Hercules H.S.	\$15,000	California Department of Education - High School Transformation Unit	Start up for a Hospitality & inter- national tourism Academy at Hercules High School
Resource # 6385	7/1/10 - 6/30/12		PCA # 24960-50

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: May 18, 2011

From: Sheri Gamba 
Associate Superintendent Business Services

Agenda Item: CI C.2

Subject: Acceptance of Donations

Background Information: The District has received donations as summarized on the attached sheet dated May 18, 2011. 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 _____

West Contra Costa Unified School District
May 18, 2011 Board Meeting

<u>Donor Name</u>	<u>Description or Purpose</u>	<u>Estimated Value</u>	<u>Receiving School or Department</u>
Ms. Jean Cibula	Supplies	\$60.00	Cameron School
Mr. Tim Ortiz	Supplies	\$30.00	Cameron School
Mr. Tim Ortiz	Supplies	\$30.00	Cameron School
Mr. Luis Hernandez	Supplies	\$30.00	Cameron School
Mr. Luis Hernandez	Supplies	\$30.00	Cameron School
Mr. Denise Logsdon	Supplies	\$30.00	Cameron School
Mr. Denise Logsdon	Supplies	\$30.00	Cameron School
Mr. Alixandra Kirkman	Supplies	\$12.00	Madera Elementary
Madera PTA	Supplies	\$551.35	Madera Elementary
Madera PTA	Supplies	\$1,179.95	Madera Elementary
Madera PTA	Supplies	\$2,545.58	Madera Elementary
Mr. Ron Rubenstein, Attorney at Law	Supplies	*\$299.99	Murphy Elementary
Mr. Kenneth Lindgren	Close-up Going to Washington	\$100.00	Kennedy High
George Miller Youth Fund, Inc.	Close-up Going to Washington	\$1,768.00	Kennedy High
Mr. & Mrs. Crenshaw	Baseball Supplies	\$100.00	Pinole Valley High
Chevron Humankind	Forensics Supplies	\$100.00	Pinole Valley High
Mr. Glenn Sylvester	Baseball Supplies	\$100.00	Pinole Valley High
Filipino American Law Enforcement	Baseball Supplies	\$100.00	Pinole Valley High


*Estimated values for the non-cash donations are provided by the donor
Donation Précis 051811

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: May 18, 2011

From: Sheri Gamba 
Associate Superintendent Business Services

Agenda Item: CI C.3

Subject: Approval of Fund-Raising Activities

Background Information: The planned fund-raising events for the 2010-11 school year are summarized on the attached sheet dated May 18, 2011.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____

Approved _____ Not Approved _____ Tabled _____

West Contra Costa Unified School District
May 18, 2011 Board Meeting

APPROVAL OF FUND-RAISERS

<u>School</u>	<u>Fund-Raising Activity</u>	<u>Activity Sponsor</u>
Hercules High School	Change for Change Japan disaster relief	Hercules High Interact Club

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: May 18, 2011

From: Sheri Gamba *SG*
Associate Superintendent Business Services

Agenda Item: CI C.4

Subject: Summary of Payroll and Vendor Warrant Reports

Background Information: Attached are the summaries of Payroll & Vendor Warrants issued during the month of April.

Total of payroll warrants (April 2011): \$ 9,489,852
Total of vendor warrants (April 2011): \$20,620,631

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted above

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____


Approved _____ Not Approved _____ Tabled _____

West Contra Costa Unified School District

Month of : April 2011

Payrolls	Warrant From	Numbers To	Total Warrants Current	Total Warrants Previous	Total Warrants To Date
Regular	620468	621279	1,897,801	34,796,894	36,694,695
Variable	619232	620467	716,468	17,069,291	17,785,759
Special				1,336,747	1,336,747
Reg. EFT	298582	300675	6,218,522	101,834,411	108,052,934
Var. EFT	297198	298581	649,535	16,550,851	17,200,386
Special EFT				3,619,780	3,619,780
Typed	297249	297270	18,646	362,531	381,177
BENEFITS				130,698	130,698
Cancelled	Various	Various	(11,120)	(288,840)	(299,960)
Totals			9,489,852	175,412,363	184,902,215

Salary detail is available upon request in the Payroll office.



Cheryl Lewis, Payroll Supervisor

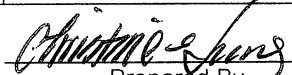
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
WEEKLY VENDOR WARRANT REPORT
2010-2011

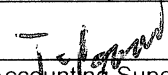
PAYMENT

DATE: April 6, 2011

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FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL	436677	436931	4,495,950	65,364,873	69,860,823
7706	CAFETERIA	436697	436909	49,321	3,760,931	3,810,252
7707	CHILD DEVELOPMENT	436716	436892	2,185	196,467	198,652
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,789,344	4,789,344
7710	BUILDING	436676	436928	1,519,481	65,969,076	67,488,557
7711	CAPITAL FACILITIES	436927	436927	8,256	1,359,557	1,367,813
7712	SELF INSURANCE PROPERTY & LIABILITY	436700	436872	102,103	2,991,010	3,093,113
7713	STATE SCHOOL LEASE/PURCHASE				0	0
7714	COUNTY SCHOOL FACILITIES				0	0
7715	SPECIAL RESERVE FOR NON-CAPITAL OUTLAY				0	0
7719	CHARTER SCHOOL				0	0
7725	MRAD				0	0
7728	DEBT SERVICE				0	0
7744	RETIREE BENEFITS	436708	436920	6,056	113,449	119,505
7770	ADULT EDUCATION	436701	436905	2,653	222,061	224,714
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING				42,792,331	42,792,331
	TOTALS			6,186,005	187,561,596	193,747,601


Prepared By


Accounting Supervisor

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
WEEKLY VENDOR WARRANT REPORT
2010-2011

PAYMENT

DATE: April 13, 2011

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FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL	436959	437222	1,593,536	69,860,823	71,454,359
7706	CAFETERIA	436968	437205	252,245	3,810,252	4,062,497
7707	CHILD DEVELOPMENT	437038	437038	50	198,652	198,702
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY	436997	437190	30,064	4,789,344	4,819,408
7710	BUILDING	436967	437223	2,687,103	67,488,557	70,175,660
7711	CAPITAL FACILITIES	437024	437218	6,896	1,367,813	1,374,709
7712	SELF INSURANCE PROPERTY & LIABILITY	437039	437039	5,300	3,093,113	3,098,413
7713	STATE SCHOOL LEASE/PURCHASE				0	0
7714	COUNTY SCHOOL FACILITIES				0	0
7715	SPECIAL RESERVE FOR NON-CAPITAL OUTLAY				0	0
7719	CHARTER SCHOOL				0	0
7725	MRAD				0	0
7728	DEBT SERVICE				0	0
7744	RETIREE BENEFITS				119,505	119,505
7770	ADULT EDUCATION	436975	437041	3,821	224,714	228,535
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING				42,792,331	42,792,331
	TOTALS			4,579,015	193,747,601	198,326,616

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
WEEKLY VENDOR WARRANT REPORT
2010-2011

PAYMENT

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DATE: April 20, 2011

FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL	437227	437507	845,262	71,454,359	72,299,621
7706	CAFETERIA	437227	437489	92,353	4,062,497	4,154,850
7707	CHILD DEVELOPMENT	437266	437398	737	198,702	199,439
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,819,408	4,819,408
7710	BUILDING	437241	437503	550,928	70,175,660	70,726,588
7711	CAPITAL FACILITIES	437463	437463	450	1,374,709	1,375,159
7712	SELF INSURANCE PROPERTY & LIABILITY				3,098,413	3,098,413
7713	STATE SCHOOL LEASE/PURCHASE				0	0
7714	COUNTY SCHOOL FACILITIES				0	0
7715	SPECIAL RESERVE FOR NON-CAPITAL OUTLAY				0	0
7719	CHARTER SCHOOL				0	0
7725	MRAD				0	0
7728	DEBT SERVICE				0	0
7744	RETIREE BENEFITS				119,505	119,505
7770	ADULT EDUCATION	437296	437474	2,717	228,535	231,252
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING				42,792,331	42,792,331
	TOTALS			1,492,447	198,326,616	199,819,063

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
WEEKLY VENDOR WARRANT REPORT
2010-2011

PAYMENT

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DATE: April 28, 2011

FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL	437508	437584	2,166,327	72,299,621	74,465,948
7706	CAFETERIA	437561	437706	27,820	4,154,850	4,182,670
7707	CHILD DEVELOPMENT	437645	437682	752	199,439	200,191
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,819,408	4,819,408
7710	BUILDING	437512	437722	386,964	70,726,588	71,113,552
7711	CAPITAL FACILITIES				1,375,159	1,375,159
7712	SELF INSURANCE PROPERTY & LIABILITY				3,098,413	3,098,413
7713	STATE SCHOOL LEASE/PURCHASE				0	0
7714	COUNTY SCHOOL FACILITIES				0	0
7715	SPECIAL RESERVE FOR NON-CAPITAL OUTLAY				0	0
7719	CHARTER SCHOOL				0	0
7725	MRAD				0	0
7728	DEBT SERVICE				0	0
7744	RETIREE BENEFITS				119,505	119,505
7770	ADULT EDUCATION	437524	437716	4,047	231,252	235,299
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING				42,792,331	42,792,331
	TOTALS			2,585,910	199,819,063	202,404,973

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
WEEKLY VENDOR WARRANT REPORT
2010-2011

PAYMENT

DATE: April 8, 2011

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FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL				74,465,948	74,465,948
7706	CAFETERIA				4,182,670	4,182,670
7707	CHILD DEVELOPMENT				200,191	200,191
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,819,408	4,819,408
7710	BUILDING				71,113,552	71,113,552
7711	CAPITAL FACILITIES				1,375,159	1,375,159
7712	SELF INSURANCE PROPERTY & LIABILITY				3,098,413	3,098,413
7713	STATE SCHOOL LEASE/PURCHASE				0	0
7714	COUNTY SCHOOL FACILITIES				0	0
7715	SPECIAL RESERVE FOR NON-CAPITAL OUTLAY				0	0
7719	CHARTER SCHOOL				0	0
7725	MRAD				0	0
7728	DEBT SERVICE				0	0
7744	RETIREE BENEFITS				119,505	119,505
7770	ADULT EDUCATION				235,299	235,299
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING	436932	436958	837,760	42,792,331	43,630,091
	TOTALS			837,760	202,404,973	203,242,733

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
WEEKLY VENDOR WARRANT REPORT
2010-2011

PAYMENT

DATE: April 29, 2011

PAGE-6

FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL				74,465,948	74,465,948
7706	CAFETERIA				4,182,670	4,182,670
7707	CHILD DEVELOPMENT				200,191	200,191
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,819,408	4,819,408
7710	BUILDING				71,113,552	71,113,552
7711	CAPITAL FACILITIES				1,375,159	1,375,159
7712	SELF INSURANCE PROPERTY & LIABILITY				3,098,413	3,098,413
7713	STATE SCHOOL LEASE/PURCHASE				0	0
7714	COUNTY SCHOOL FACILITIES				0	0
7715	SPECIAL RESERVE FOR NON-CAPITAL OUTLAY				0	0
7719	CHARTER SCHOOL				0	0
7725	MRAD				0	0
7728	DEBT SERVICE				0	0
7744	RETIREE BENEFITS				119,505	119,505
7770	ADULT EDUCATION				235,299	235,299
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING	437723	437784	4,939,494	43,630,091	48,569,585
	TOTALS			4,939,494	203,242,733	208,182,227

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: May 18, 2011

From: Sheri Gamba 
Associate Superintendent Business Services

Agenda Item: CI C.5

Subject: Central Printing Lease Renewal

Background Information: The District established a central printing facility, serving all school sites and departments, seven years ago in order to better serve the students and staff needs and save money for the District. The Central Printing Department averages over 20 million images annually for such jobs as Student Open Court Workbooks, Parent Student Handbooks, Student Assessments, District standard forms and more. The Central Printing Department operates with seven pieces of commercial equipment along with software to run the machines and web based work order system. The lease has expired on three of the machines with the remaining four to expire 2012. The District sought a proposal and has negotiated to upgrade to newer equipment along with extending the lease on some of the current equipment. The proposed 5-year plan for the Central Printing Facility includes the replacement of three machines, keeping four of the existing machines and adding another booklet maker. Maintenance costs are fixed for 5 years. This proposal saves the District \$66,077 during the 2011-12 fiscal year with no additional increases through 2015-16. This negotiated renewal increases the printing and output capacity for the large scale workbook jobs, improving the level of service offered while spending less money.

Recommendation: Recommend Approval Lease Renewal

Fiscal Impact: \$250,500 Fiscal Year 2011-2012, with a savings of \$66,077

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: May 18, 2011

From: Sheri Gamba
Associate Superintendent Business Services

Agenda Item: CI C.6

Subject: Community Budget Advisory Committee

Background Information:

On April 28, 2011, the Community Budget Advisory Committee approved a resolution concerning the 2010-2011 Parcel Tax Expenditures and Scope of Measure D 2008, finding that the expenditures budgeted for Fiscal Year 2010-2011 are within the stated purposes for Measure D 2008 funds. Committee Chair Erwin Reeves has requested the opportunity to submit this resolution to the Board.

Recommendation: For Information Only

Fiscal Impact: None

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____

Approved _____ Not Approved _____ Tabled _____

WCCUSD Community Budget Advisory Committee

Resolution

Concerning: *2010-2011 Parcel Tax Expenditures and Scope of Measure D*

Adopted: Meeting of the WCCUSD Community Budget Advisory Committee (CBAC)
April 28, 2011

Background

Starting in the 2009-10 fiscal year, Measure D (Election of 2008) has provided parcel tax revenues for West Contra Costa Unified School District schools. The text of the measure is available on the District's website located at: www.wccusd.net.

According to Measure D: "Parcel Tax funds shall also be subject to an annual independent financial audit which shall be made public, including oversight by the Community Budget Advisory Committee and posting on the District's website."

As part the Committee's oversight, we reviewed the financial summary reports for parcel tax expenditures and found the reports to be aligned with the stated purposes of the parcel tax measure.

The purpose of the special tax is to improve the quality of education in the District by supporting the following programs:

- Enhancing core subjects including reading, writing, mathematics and science,
- Retaining quality teachers and counselors to better prepare students for college and the workforce,
- Supporting libraries and computer training for students,
- Maintaining high school athletic programs,
- Maintaining reduced class sizes for kindergarten through third grade students,
- Maintaining the cleanliness and good order of our school sites.

Finding

The Committee finds that the expenditures budgeted for FY 10-11 are within the stated purposes for Measure D funds.



Erwin Reeves

Chair

WCCUSD Community Budget Advisory Committee

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: May 18, 2011

From: Ann Reinhausen,
Assistant Superintendent Human Resources

Agenda Item: CI C.7

Subject: Routine Personnel Changes - Certificated

Background Information:

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

Recommendation: For Information Only

Fiscal Impact: None

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____

Not Approved _____

Tabled _____

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**May 18, 2011****FOR INFORMATION
ONLY****CERTIFICATED BOARD CHANGES****NEW HIRE/RE
HIRE/TRANSFER**

<u>FIRST NAME</u>	<u>LAST NAME</u>	<u>SITE</u>	<u>POSITION</u>	<u>STATUS</u>	<u>HIRE DATE</u>
JOY	VAUGHNS	PSC	SCHOOL NURSE	NEW HIRE	4/26/2011
MARIA	HASKELL	PSC	SCHOOL NURSE	NEW HIRE	4/25/2011
MICHELLE	KRISKOVIC	PSC	DHH	NEW HIRE	4/14/2011
HELISA	KATZ	CAMERON	DHH	NEW HIRE	3/29/2011

TERMINATED/RETIRED

<u>FIRST NAME</u>	<u>LAST NAME</u>	<u>SITE</u>	<u>POSITION</u>	<u>STATUS</u>	<u>TERM DATE</u>
VERA	ROWSEY	BAYVIEW	K-12 INSTRUCTIONAL SPECIALIST	RETIRED	6/15/2011
FRANK	BIANCHI	SHANNON	PRINCIPAL	RETIRED	6/27/2011
JOSE RAUL	RAMIREZ	ADULT EDUCATION	PRINCIPAL	RETIRED	6/30/2011

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:** May 18, 2011
From: Bill Fay **Agenda Item:** CI C.8
Associate Superintendent for Operations
Subject: Approval of Resolution 69-1011, Resolution to Enter into an Energy Service Contract, and approval of the Contract with selected vendor.

Background Information:

As part of a legal settlement related to the expansion of the Conoco Phillips Refinery in Rodeo, the Bay Area Air Quality Management District ("BAAQMD") initiated a program to fund grants for projects to achieve verifiable, quantifiable reductions in Greenhouse Gas emissions. Priority for the projects is that they be located in the vicinity of the refinery. The West Contra Costa Unified School District submitted a number of grant applications and was successful in receiving two grants for Hercules Middle High School. They are as follows:

- | | |
|--|-------------|
| 1. Installation of non-incandescent light fixtures, lamps, and ballasts. | \$ 25,980 |
| 2. Installation of a renewable energy system (Photovoltaic panels) | \$1,302,682 |

The lighting efficiency grant will be used to replace incandescent fixtures throughout the campus with new, energy-efficient fixtures—work is already underway on this project. The second grant will fund a major portion of the installation of a Photovoltaic system for the site which must generate 445,373 kWh annually. The Board approved the Funding Agreement with BAAQMD at its meeting of October 20, 2010.

Staff has now taken the next steps and completed a public Request for Proposal ("RFP") process requesting proposals for a "Design-Build Contract for Photovoltaic System Installation at Hercules Middle High School." Six firms responded to the RFP. After reviewing and ranking the proposals, staff conducted final interviews and recommends Sunpower Corporation, based upon the best combination of pricing and performance (including installed cost per watt), appropriateness of system and components, experience of the firm and team, maintenance and service, warranties, schedule to complete, performance guarantee, and system monitoring.

The total installed cost for the system, including a 10 year maintenance contract and full performance guarantee is \$1,989,560. This represents an installed cost of \$6.39/watt with a 25-year cost per unit of output to the District of \$0.18/kWh. This project will be eligible for rebates under the California Solar Initiative (CSI) which will provide \$333,035 savings the project cost—based upon proposed system output and performance rebates in effect at the time the system begins operation. After subtracting the grant and CSI rebates from the total installed cost, the project will require District matching capital funds of \$353,853 for the base system.

The solar electric panels are proposed to be installed on parking lot shade structures which have been identified as appropriate for the system and the site. In addition, the District will request panel underside protection and has set aside an allowance of \$50,000 from the District's matching funds.

Recommendation: Approve Resolution 69-1011, and authorize staff to enter into an Energy Services Contract with Sunpower Corporation for design and construction of a photovoltaic system at Hercules Middle High School in accordance with the company's proposal as noted above.

Fiscal Impact: \$403,853, from the Capital Facilities Fund as the District's project contribution. Lower operating utility costs from the General Fund for the site on a long-term basis.

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____
Approved _____ Not Approved _____ Tabled _____

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
RICHMOND, CALIFORNIA**

**RESOLUTION NO. 69-1011
RESOLUTION TO ENTER INTO AN ENERGY SERVICE CONTRACT**

WHEREAS, Government Code section 4217.12(a)(1) authorizes a public agency to enter into an energy service contract with respect to an energy conservation facility on terms that the public agency's governing board determines are in the best interests of the public agency and if the governing board finds that the anticipated cost to the public agency for the energy provided by the energy conservation facility will be less than the anticipated marginal cost to the West Contra Costa Unified School District ("District") of thermal, electrical or other energy that would have been consumed by the District in the absence of those purchases; and

WHEREAS, the District has received a Greenhouse Gas Reduction Grant from the Bay Area Air Quality Management District ("BAAQMD") for the installation of a renewable energy system at the Hercules Middle High School campus; and

WHEREAS, the BAAQMD grant requires that the District install a renewable energy system with a minimum total annual energy production of 445,373 KWh, in order to meet the greenhouse gas reduction goals associated with the expansion of the Conoco-Phillips Refinery in Rodeo, California; and;

WHEREAS, the District has conducted a public Request for Proposal process in order make a system selection, including requests for anticipated energy usage and savings as the result of installing such a system at the Hercules Middle High School; and

WHEREAS, Sunpower Corporation, ("Vendor"), provided the most advantageous photovoltaic system based upon a combination of factors including the best combination of price, cost per unit output, appropriateness of system and components, warranties, schedule for completion, performance estimation, maintenance, and monitoring of the system; and

WHEREAS, Vendor, as part of its proposal, has completed an assessment of the District's current energy usage at the Hercules Middle High School Site and projected energy usage with and without the installation of Energy Conservation Facilities and recommends the installation of Energy Conservation Facilities in the form of a 311.3 Kw (DC) photovoltaic system with a total annual energy production of 448,509 kWh; and

WHEREAS, Vendor, as part of its proposal, has analyzed the energy needs of the Site and has represented that provision of the Energy Conservation Facilities on the Site will result in a reduction in consumption of or demand for nonrenewable energy that will result in net cost savings to the District ("Cost Savings") based upon the energy analysis included in the Vendor's proposal and reviewed by District staff as a part of their proposal review process; and

WHEREAS, Vendor has represented to the District that they developed certain procedures for the design and provision of energy conservation facilities for the production of energy from alternate sources, namely photovoltaic system, as defined in Government Code section 4217.11 ("Energy Conservation Facility"); and

WHEREAS, on May 18, 2011, pursuant to Government Code section 4217.10 *et seq.*, the Board held a public hearing at a regularly scheduled Board meeting, with respect to the District entering into an Energy Service Contract; and

WHEREAS, based upon the reports, analysis and presentation by Vendor, the anticipated cost to the District for solar energy that is generated by the Energy Conservation Facility will be less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of the Energy Conservation Facilities; and

WHEREAS, the District desires to enter into an Energy Service Contract, through which the Vendor would provide, design and install the Energy Conservation Facilities pursuant to the terms and conditions of the Energy Service Contract.

NOW, THEREFORE, BE IT RESOLVED that it is found, determined and resolved by the Governing Board of the District as follows:

1. The above recitals are true and correct.
2. The District held a public hearing at a regularly scheduled meeting of the Board for which notice was given not less than two weeks in advance.
3. Based upon all available information, including but not limited to reports, analysis and presentations by Vendor, reviewed by the Board in connection herewith, and pursuant to Government Code section 4217.12, the Board hereby determines that it is in the best interests of the District to enter into an Energy Service Contract with Vendor.
4. The District's superintendent and designees are authorized to enter into an Energy Service Contract with Sunpower Corporation, and to take all steps and perform all actions necessary to enter into an Energy Service Contract with Sunpower Corporation, and to take any actions deemed necessary to protect the interests of the District.

PASSED AND ADOPTED by the Board of Education of the West Contra Costa Unified School District at a regular meeting held on May 18, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: _____

SIGNED:

Charles Ramsey
President
Board of Education

I, _____, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the West Contra Costa Unified School District at the regular meeting on May 18, 2011, which resolution is on file in the office of said Board.

DATED: _____

SIGNED:

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:** May 18, 2011
From: Bill Fay **Agenda Item:** CI C.9
Associate Superintendent for Operations
Subject: Kennedy High School ADA Compliance Project Award of Contract

Background Information:

The District is continuing with planned renovations at the Kennedy High School campus. One major area of work is access compliance work. The major element of this project is construction of a new elevator tower at the main classroom building to provide for full access to the second level. The project also includes lifts at the Multi-Purpose building and performing arts areas. The project includes the replacement of doors and upgrade to hardware systems throughout the campus.

Powell/HMC Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on April 19, 2011. Four Contractors submitted bids. Two of the bidders submitted their bids after the time listed in the Notice to Bidders and these bids were rejected as non-responsive. In addition, the District received a bid protest related to the apparent low bidder, which raised serious questions regarding their subcontractor listings. Given this situation it is appropriate for the District to reject all bids and rebid the project.

Recommendation: Reject all bids and direct staff to rebid the project.

Fiscal Impact: Not known at this time. Funded by the Measure J Bond, under the Kennedy High School Renovations Project budget.

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** May 18, 2011

From: Bill Fay **Agenda Item:** CI C.10
Associate Superintendent for Operations

Subject: School Consolidation Modulares Award of Contract

Background Information:

The next step in the Board approved School Consolidation process is the closure of Shannon Elementary School. Students from Shannon will go to Collins, Montalvin Manor or Tara Hills Elementary Schools. In order to accommodate the additional students at those sites the District will need to purchase and place new modular buildings. In addition, Mira Vista Elementary School will be adding 8th grade and will need 2 additional classroom spaces. Finally, Madera Elementary will be adding 6th grade and will need 2 additional classroom spaces.

The District has conducted a public bid for this project. Bids were opened on May 13, 2011. Two modular vendors submitted bids. They are as follows: Mobile Modular \$509,270.74; and, Williams Scottsman \$498,586. The lowest responsive, responsible vendor is Williams Scottsman at \$498,586.

Recommendation: Award contract to lowest responsive, responsible vendor.

Fiscal Impact: \$498,586. Funded by the Special Reserve for Capital Facilities, Collins Elementary Budget. Also funded by the Measure J Bond, Additional Bond Funded Projects under Madera, Mira Vista, Montalvin Manor and Tara Hills School project budgets.

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:** May 18, 2011
From: Bill Fay **Agenda Item:** CI C.11
Associate Superintendent for Operations
Subject: Approval of contract for Furniture, setup and installation at Pinole Middle School Main Building

Background Information:

The renovation of the existing Main Building at Pinole Middle School is nearly complete. The next step for the District is to purchase new furniture for the school. The District has prepared preliminary furnishing criteria with classroom configurations, specialty spaces including computer labs, special education, admin furnishings, offices and staff work areas. New furnishings will be comparable to those installed in the new Classroom Building at the Pinole Middle site.

The District engaged in a public bid process, using its preliminary furnishing criteria, to select the vendor for this contract. Public bids were opened on May 10, 2011. Two vendors submitted proposals. They are as follows: Young Office Solutions \$317,578.43; and Contrax Furnishings \$311,041.80. The lowest responsive, responsible vendor is Contrax Furnishings at \$311,041.80.

Recommendation: Approve contract for Pinole Middle Main Building furniture, setup and installation with the lowest responsive, responsible vendor.

Fiscal Impact: \$311,041.80. Funded by the Measure J Bond under the Pinole Middle Furniture and Equipment Budget.

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:** May 18, 2011
From: Bill Fay **Agenda Item:** CI C.12
Associate Superintendent for Operations
Subject: Ratification and Approval of Engineering Services Contracts

Background Information:

Contracts have been initiated by staff using previously qualified consulting, engineering, architectural, or landscape architectural firms to assist in completion of the referenced projects. Many of the firms are already under contract and the staff-initiated work may be an extension of the firm's existing contract with the District. Public contracting laws have been followed in initially qualifying and selecting these professionals.

Recommendation: Ratify and approve contracts as noted.

Fiscal Impact: Total for this action: **\$350,770.** 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

Project/Funding	Dates	Firm	Contract Cost	Reference
Highland Elementary School Reconstruction Master Plan Measure J Bond	May 2011 thru October 2011	Quattrocchi Kwok Architects	\$150,260	Architectural programming and master planning services.
Lupine Hills and Verde Restroom Wall Repairs Project Measure J Bond	May 2011 thru September 2011	WLC Architects	\$34, 200	Architectural and engineering services, including Construction Administration and Closeout
Portola Middle School Demolition Measure J Bond	May 2011 thru July 2011	Alan Kropp & Associates	\$9,810	Geotechnical engineering recommendations regarding site demolition & surface grading operations.
El Cerrito High School Water Intrusion Measure J Bond	April 2011 thru June 2011	Grossman Design Group	Hourly not to exceed \$10,000	Water intrusion investigation, report, and recommendations
Harding Elementary School DSA Closeout Services Measure J Bond	May 2011 thru October 2011	HY Architects	Hourly, not to exceed \$35,000	Documentation processing, DSA coordination and submission for Closeout with Certification.
LPS/Gompers New Campus Project Measure J Bond	April 2011 thru October 2011	Grossman Design Group	\$90,000	Roofing and Waterproofing Consulting Services
Portola Middle School Demolition Measure J Bond	May 2011 thru September 2011	Interactive Resources	Hourly, not to exceed \$18,500 + \$3,000 reimburse expenses.	Historic American Buildings Survey as required by Environmental Impact Report.

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:** May 18, 2011
From: Bill Fay **Agenda Item:** CI C.13
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: Dover Elementary New School; Gompers High School Demolition; and, Kennedy HS Security Fencing. Change orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

Recommendation: Ratify negotiated change orders as noted.

Fiscal Impact: Total ratification and approval by this action: **\$251,942.34.**

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____
Approved _____ Not Approved _____ Tabled _____

May 18, 2011 Change Order Ratification Summary

	Project	Company	Original Contract	Previously Approved CO's	Items Pending Board Action		Total CO's	CO Percent of Original Contract	Adjusted New Contract	Change Order Numbers
					CO's Pending Ratification	CO's Pending Approval				
1	Kennedy HS Security Fencing	Crusader Fence Co. Inc.	\$467,000.00	\$12,214.97	\$19,881.86	\$0.00	\$32,096.83	6.87%	\$499,096.83	2
2	Gompers Demolition	Evans Brothers, Inc.	\$1,693,000.00	\$0.00	\$50,012.48	\$0.00	\$50,012.48	2.95%	\$1,743,012.48	1
3	Dover ES	Alten Construction, Inc.	\$21,491,000.00	\$311,368.50	\$182,048.00	\$0.00	\$493,416.50	2.30%	\$21,984,416.50	12

Pending Board Actions	Ratifications	\$251,942.34
	Approvals	\$0.00
	Total Board Action	\$251,942.34

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:** May 18, 2011
From: Bruce Harter **Agenda Item:** CI C.14
Superintendent
Subject: 2011-2012 Designation of California Interscholastic Federation (CIF) Representatives to the League

Background Information:

The California Interscholastic Federation annually requires the governing board to appoint district representatives. Ed. Code 33353 (a) (1) gives the governing boards of school districts specific authority to select their athletic league representatives.

The District recommends the appointment of Executive Director Vincent Rhea to continue in the capacity as its designated CIF representative.

Recommendation: Recommend Approval

Fiscal Impact: None

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____
Approved _____ Not Approved _____ Tabled _____



MARIE M. ISHRAH EXECUTIVE DIRECTOR

CALIFORNIA INTERSCHOLASTIC FEDERATION

CIF STATE OFFICE • 4350 DICKERSON DRIVE • SACRAMENTO, CA 95834 • (916) 239-4477 • FAX (916) 239-4478 • CIFSTATE.ORG

2011-2012 Designation of CIF Representatives to League

Please complete the form below for each school under your jurisdiction and **RETURN TO THE CIF SECTION OFFICE (ADDRESSES ON REVERSE SIDE) no later than July 1, 2011.**

West Contra Costa Unified School District/Governing Board at its _____ meeting,
(Name of school district/governing board) (Date)

appointed the following individual(s) to serve for the 2011-2012 school year as the school's league representative:

PHOTOCOPY THIS FORM TO LIST ADDITIONAL SCHOOL REPRESENTATIVES

NAME OF SCHOOL West Contra Costa Unified School District
NAME OF REPRESENTATIVE Vincent Bhea POSITION Executive Director K-12 Schools
ADDRESS 1108 Bissell Avenue CITY Richmond ZIP 94801
PHONE (510) 231-1110 FAX (510) 620-2225 E-MAIL vrhea@wccusd.net

NAME OF SCHOOL _____
NAME OF REPRESENTATIVE _____ POSITION _____
ADDRESS _____ CITY _____ ZIP _____
PHONE _____ FAX _____ E-MAIL _____

NAME OF SCHOOL _____
NAME OF REPRESENTATIVE _____ POSITION _____
ADDRESS _____ CITY _____ ZIP _____
PHONE _____ FAX _____ E-MAIL _____

NAME OF SCHOOL _____
NAME OF REPRESENTATIVE _____ POSITION _____
ADDRESS _____ CITY _____ ZIP _____
PHONE _____ FAX _____ E-MAIL _____

If the designated representative is not available for a given league meeting, an alternate designee of the district governing board may be sent in his/her place. **NOTE:** League representatives from public schools and private schools must be designated representatives of the school's governing boards in order to be eligible to serve on the section and state governance bodies.

Superintendent's or Principal's Name _____ Signature _____

Address _____ City _____ Zip _____

Phone _____ Fax _____

PLEASE MAIL OR FAX THIS FORM DIRECTLY TO THE CIF SECTION OFFICE. SEE REVERSE SIDE FOR CIF SECTION OFFICE ADDRESSES.

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:** May 18, 2011
From: Bruce Harter **Agenda Item:** CI C.15
Superintendent
Subject: Resolution No. 73-1011: Resolution in Support of Contra Costa College's Capital Bond Initiative

Background Information:

Contra Costa College has served the west county for more than 60 years with programs that prepare students for jobs, transfer to four-year universities and successful basic skills. The College is proposing a bond initiative to go before voters in November 2011 for necessary capital improvements to the facilities located in San Pablo.

Recommendation:

Recommend 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. 73-1011
Resolution in Support of Contra Costa College's
Capital Bond Initiative**

WHEREAS, Contra Costa College has been serving the west county area for more than 60 years;

WHEREAS, Contra Costa College is one of the premier community colleges in the nation with exemplary programs that prepare students for entry-level jobs, transfer to four-year universities and to be successful in basic skills and ESL instruction;

WHEREAS, Contra Costa College has consistently collaborated with business and industry to improve the economic and business climate of the west county area;

WHEREAS, science and allied health programs at the college are experiencing unprecedented growth and student success while the facilities in which these programs are taught are antiquated and not conducive to learning in a 21st Century educational environment;

WHEREAS, Contra Costa College is located near the Hayward fault line and has buildings in need of seismic retrofitting;

WHEREAS, Contra Costa College still has facilities that are challenging for disabled students to access;

WHEREAS, Contra Costa College has infrastructure needs that require improvements to classrooms, high voltage vaults and energy systems;

WHEREAS, Contra Costa College will request residents of west county to vote their support of a \$97 million School Facilities Bond with a local bond over site committee to monitor the use of the funds;

NOW THEREFORE BE IT RESOLVED, the Governing Board of the West Contra Costa Unified School District on Wednesday, May 18, 2011, voted to support Contra Costa College's 2011 Capital Bond Initiative.

PASSED AND ADOPTED on this 18th day of May 2011 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 Regular meeting held on May 18, 2011.

President, Charles Ramsey

Secretary, Bruce Harter

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: May 18, 2011

From: Bruce Harter
Superintendent

Agenda Item: CI C.16

Subject: Resolution 74-1011: In Support of Assembly Bill 402 (Skinner) Hunger Free Kids Act

Background Information:

In this legislative session, Assemblywoman Nancy Skinner has authored Assembly Bill 402 Hunger Free Kids Act, which would authorize school districts the option to provide CalFresh enrollment information to families of students who are applying for free meals and share a child's National School Lunch Program (NSLP) Application with the county social services department for the purpose of CalFresh program outreach and enrollment. The Assemblywoman has asked the Board to support AB 402. It is the Assemblywoman's intent that this legislation will alleviate hunger for children.

Recommendation: Approval of Resolution 74-1011: In Support of Assembly Bill 402 (Skinner) Hunger Free Kids Act

Fiscal Impact: None

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____

Not Approved _____

Tabled _____

**West Contra Costa Unified School District
Resolution No. 74-1011**

**Resolution in Support of Assembly Bill 402 (Skinner)
Hunger Free Kids Act**

WHEREAS, current law authorizes improved information sharing and coordination of eligibility processes between Medi-Cal and the National School Lunch program, however current law does not allow school districts sharing of select information with county agencies for purposes of conducting CalFresh outreach and/or enrolling eligible students and families in CalFresh program; and

WHEREAS, families continue to feel the impacts of the recession, federal programs such as the Free or Reduced Price Meal Program and CalFresh (formerly Food Stamp) provide a safety net to help ensure that low-income children get adequate nutrition; and

WHEREAS, although 3.4 million children are now eligible for school meal programs, a large number of these children and their families are not participating in CalFresh; and

WHEREAS, the school meal program serves families at or below 130% of the federal poverty level (\$28,665 for a family of four in 2010), foster care children, and families receiving CalFresh and/or TANF (CalWORKs) benefits; and

WHEREAS, children experiencing hunger are more likely to be hyperactive, absent and tardy, in addition to having behavioral and attention problems more often than other children. Children experiencing hunger can have many negative effects on children's academic performance and school behavior; and

WHEREAS, passage of AB 402 allows school districts to use their school meal application as a tool to increase CalFresh participation by sharing information with local social services agencies, and with direct initiation of CalFresh enrollment information to families of students who are on the school meal program, families can be targeted to increase CalFresh participation, since most are likely eligible to also receive CalFresh benefits; and

WHEREAS, AB 402 authorizes local school districts or county superintendents the option to provide CalFresh enrollment information to families of students who are applying for free meals and have indicated that they wish to receive such information, and, at each school district's option, allow school districts to share a child's National School Lunch Program (NSLP) Application with county social services department for the purpose of CalFresh program outreach and enrollment; and

NOW, THEREFORE, BE IT RESOLVED that the governing board of the West Contra Costa Unified School District strongly urges the California State Legislature to support and adopt Assembly Bill 402 (Skinner) Hunger Free Kids Act.

PASSED AND ADOPTED by the Board of Education of the West Contra Costa Unified School District on the eighteenth day of May 2011, 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 May 18, 2011.

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:** May 18, 2011

From: Nia Rashidchi, Assistant Superintendent **Agenda Item:** D.1
Educational Services

Subject: WCCUSD Elementary Poet-Athlete Students from Grant Elementary Performed at the Apollo Theater in New York City on April 11, 2011 in Celebration of National Poetry Month

Background Information:

In celebration of April as National Poetry Month, America SCORES hosted the 5th Annual Poetry Slam on April 11, 2011 at the Apollo Theater in New York City. Representing West Contra Costa were Christian Suarez and Nayeli Cuiriz-Galvan from Grant Elementary School. America Scores will share the work they perform with District students. Christian Suarez and Nayeli Cuiriz-Galvan will share their hopes, dreams, and fears through their poetry with the Board and the audience.

Recommendation: Celebrate students and their poetry

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:** May 18, 2011
From: Nia Rashidchi **Agenda Item:** D.2
Assistant Superintendent Education Services
Subject: The Ed. Fund's 2010-2011 Scholarship Winners

Background Information:

For the 7th year, the Ed. Fund will be awarding scholarships to graduating seniors matriculating in institutions of higher learning. This year, the Ed. Fund awarded \$50,000 in scholarships to 20 students who will be the first generation in their families to attend college. Each of the \$2,500 scholarships was generously donated by: the Chevron Corporation, the Irvine Foundation and the Schroeder Family Fund.

The scholarship winners hail from six different high schools located within WCCUSD. The winners, along with their high schools, are as follows:

Living the Dream Scholarship Presented by Chevron: Hector Andrade (Kennedy High School), Alejandra Candelas (Richmond High School), Beatriz Dominguez (Richmond High School), Fabiola Gutierrez (Kennedy High School), Maria Martinez (Richmond High School), Lizbeth Moreno (Richmond High School), Jose Rosales (Leadership Public School-Richmond), Stacy Saechao (Richmond High School), Utsav Shrestha (Richmond High School), Janeth Velazquez (Richmond High School)

The Irvine Foundation Scholarship: Ashley Creswell (De Anza High School), Nelly Hernandez (Leadership Public School-Richmond), Edgar Jacinto (Leadership Public School-Richmond), Fabiola Ochoa (Leadership Public School-Richmond), Yadira Rodriguez (Leadership Public School-Richmond), Margarita Romo-Romo (Middle College High School), Michelle Saechao (Middle College High School), Zijun Tang (De Anza High School)

Norma and Arthur Schroeder Scholarship: Xue Xue He (El Cerrito High School), Lisa Yip (El Cerrito High School)

All of these scholars have overcome tremendous odds to succeed academically and were chosen for their dedication to community service. They are also involved in a wide range of extracurricular activities which have helped them prepare for college. The Ed. Fund is confident these students will return to our community to serve as the leaders and role models for West Contra Costa County.

Recommendation: Congratulate the Ed Fund Scholarship Winners.

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: May 18, 2011

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

Agenda Item: D.3

Subject: Recognition of the Northern California MESA Day 2011 Competition Winners from WCCUSD

Background Information:

We would like to congratulate the following West Contra Costa Unified School District students who won or placed in their respective categories at the competition. This is a Northern California Regional Competition and this marks the third year that WCCUSD has entered this contest. We are excited about the results that directly speak to all of the hard work and dedication that the students put forth for this competition.

<u>Category</u>	<u>School</u>	<u>Student</u>	<u>Place</u>
JH Solo Math at Large-Pre Algebra	Stewart	Julie Lum	1 st
JH Team Math Quest-General Math or Pre- Algebra	Stewart	Makana Ennis-Burn	2 nd
		Julie Lum	2 nd
		Emily Wong	2 nd
Algebra I or Geometry	Pinole MS	Thomas Johnston	3 rd
		Kevin Arias	3 rd
		Christiano Cayno	3 rd
JH Mousetrap Cars-Distance	Pinole MS	Christian Cuyno	1 st
		Kevin Arias	1 st
SH Solo Math At Large-Level II	Middle College HS	Jerry Sanchez	3 rd
SH Team Math Quest-Algebra 1 or Geometry	Middle College HS	Alma Lugo	3 rd
	Middle College HS	Liliana Bravo Lopez	3 rd
	Middle College HS	Gabriella Bravo Lopez	3 rd
SH EggXPress-Grades 9&10	Richmond HS	Jessica Castro	1 st
	Richmond HS	Maria Castillo	1 st
	Richmond HS	Abel Gallardo	2 nd
	Richmond HS	Abhijeet Kunmar	2 nd
SH Mousetrap Cars-Accuracy	Middle College HS	Jerry Sanchez	2 nd
	Middle College HS	Andres Parades	2 nd
SPIRIT AWARD:	CSU EAST BAY		

Recommendation: Formal recognition

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: May 18, 2011

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

Agenda Item: D.4

Subject: Recognition by the Los Angeles County Office of Education for the Support Personnel Accountability Report Card (SPARC) completion and submission

Background Information:

The following schools in the West Contra Costa Unified School District have received a “California Certificate of Student Support Accountability” based on their completion and submission of a self and peer –reviewed Support Personnel Accountability Report Card (SPARC). Laminated copies of their SPARC”s will be sent to the Governor’s Office as well as the state legislators representing their district:

DeAnza High School
DeJean Middle School
El Cerrito High School
Hercules Middle High School
John F. Kennedy High School
Juan Crespi Middle School
Middle College High School
North Campus Continuation High School

Pinole Middle School
Pinole Valley High School
Portola Middle School
Richmond High School
Samuel Gompers Continuation High School
Vista High School
Walter T. Helms Middle School

Recommendation: Formal recognition

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: May 18, 2011

From: Bruce Harter
Superintendent

Agenda Item: D.5

Subject: Contra Costa College Capital Bond Initiative

Background Information:

President McKinley Williams of Contra Costa College will provide a presentation regarding support of the community college's capital bond initiative.

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: May 18, 2011

From: Sheri Gamba 
Associate Superintendent Business Services

Agenda Item: D.6

Subject: Budget Update

Background Information: Associate Superintendent Business Services will provide an update on the budget.

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: May 18, 2011

From: Bruce Harter
Superintendent

Agenda Item: E.2

Subject: Request to Address the Board – Andrew Gooden, Gooden Family Scholarship Fund

Background Information:

The Gooden Family Scholarship Fund will present information about their program providing students with resources such as college fairs and scholarships.

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: May 18, 2011

From: Wendell Greer
Associate Superintendent, K-Adult Operations

Agenda Item: F.1

Subject: Community Roots Academy Charter School Petition

Background Information:

On April 8, 2010, the petitioners ("Petitioners") submitted to West Contra Costa Unified School District ("District") a petition for a charter school known as Community Roots Academy ("Charter School"). Petitioners withdrew this original petition prior to the Governing Board's consideration. At Petitioners' request, Staff later provided a summary of the major concerns identified in the original petition. On March 14, 2011, Petitioners submitted to the District a new charter petition ("Petition") for Charter Roots Academy. As submitted, the Petition indicates that Petitioners intend to commence operations at the beginning of the 2011-2012 school year; however, Petitioners recently submitted a request to postpone the Charter School's opening date until the beginning of the 2012-2013 school year.

The Petition proposes a 3rd through 8th grade charter school. As presented in the Petition, the Charter School expects to serve 72 students in grades 3 through 5 in its first year of operation (2012-2013), 96 students in grades 3 through 6 in its second year of operation (2013-2014), 120 students in grades 3 through 7 in its third year of operation (2014-2015), and 144 students in grades 3 through 8 in its fourth year of operation (2015-2016) and beyond. (Petition, Appendix A.) Petitioners chose to "focus on the critical years of 3rd through 8th grade, allowing students to develop the skills they will need to excel in high school, college and life while attending middle school in their own community." (Petition, p. 5.) Petitioners further note, "Community experience and research on the achievement gap have demonstrated that disparities in achievement between middle-class and economically disadvantaged students increase after the 3rd grade and continue to widen through high school." (Petition, p. 5.) The Charter School's stated mission is to "grow[] future citizens of personal and social responsibility by teaching to high academic standards and cultivating character values, critical thinking, and life skills." (Petition, p. 5.) If approved, Community Roots Academy would be governed by a nonprofit public benefit corporation, but the District would be responsible for oversight of the Charter School.

Pursuant to the Charter Schools Act of 1992 (the "Act"), Education Code section 47600 *et seq.*, the Legislature has charged local school boards with the responsibility for reviewing and acting on petitions by charter schools. Submission of a charter petition is governed by the requirements of

Education Code section 47605 and 47607. Education Code section 47605(b) requires the Board, within 30 days of receiving a petition, to hold a public hearing to consider the level of support for the petition. The public hearing regarding Community Roots Academy was held on April 13, 2011.

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

Upon receipt of the Petition, components of the Petition were assigned to various staff members of the District for review and analysis based on individual areas of expertise. Review of the different components of the charter petition was allocated as follows: **Educational Program**, Linda Jackson, Executive Director K-12 Schools, Lyn Potter, Director Educational Services, Sonja Neely-Johnson, Harlan Kerr, Sherry Bell, and Susan Dunlap, Coordinators Educational Services; **Special Education**, Steve Collins, SELPA Director; **Fiscal/Budget**, Martin Coyne, Executive Director, CPA; **Human Resources/Employee Issues**, Patricia Calvert, Director of Human Resources; **Legal/Operational**, Ed Sklar, Lozano Smith Attorneys at Law.

Staff and legal counsel have reviewed the Petition and prepared the Staff Written Findings Regarding Community Roots Academy Charter School Petition (“Findings”), which are attached. Staff’s analysis of the Petition includes a review of its educational program, fiscal and governance structure, student admissions and discipline, labor and personnel issues, facilities and legal issues.

The pages immediately following this précis contain proposed findings prepared by Staff and legal counsel identifying major areas of concern and Staff’s recommendations regarding those areas.

Recommendation:

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

1. The Charter School presents an unsound educational program for the students to be enrolled in the Charter School. (Ed. Code § 47605(b)(1).)
2. Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Ed. Code § 47605(b)(2).)
3. The Petition does not contain the number of signatures required by Education Code section 47605, subdivision (a)(1)(A) or (a)(1)(B).
4. The Petition does not contain the requisite affirmation for each of the conditions described in Education Code section 47605, subdivision (d).

5. The Petition does not contain reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

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

Fiscal Impact: None

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____ Not Approved _____ Tabled _____

**STAFF REPORT AND PROPOSED FINDINGS OF FACTS
REGARDING THE
COMMUNITY ROOTS ACADEMY CHARTER SCHOOL PETITION
May 6, 2011**

Introduction

The West Contra Costa Unified School District (“District”) received a charter petition on or about March 14, 2011, proposing the creation of Community Roots Academy Charter School (“Charter School”). The petition (“Petition”) proposes a 3rd-8th grade charter school with a mission to “grow[] future citizens of personal and social responsibility by teaching to high academic standards and cultivating character values, critical thinking, and life skills.” (Petition, p. 5.) The Charter School intends to enroll 72 children in grades 3-5 in Year 1, 96 students in grades 3-6 in Year 2, 120 students in grades 3-7 in Year 3, and 144 students in grades 3-8 in Year 4 and beyond. (Petition, Appendix A.) The Petition further proposes that the Charter School be located on the grounds of the North Richmond Missionary Baptist Church (1427 Filbert Street).

Petitioners originally submitted a petition to establish a charter school in April 2010; however, Petitioners later withdrew that petition prior to its consideration by the District’s Governing Board. Following withdrawal of the petition, the District provided the Lead Petitioner with written feedback regarding primary areas of concern with the petition as identified by District staff. In the intervening months between withdrawal of the original petition and resubmission of this Petition, Petitioners made some revisions as recommended by District staff; however, many other areas of concern were not addressed or remain incomplete. These deficiencies are addressed in this Report.

The Petition, as submitted on March 14, 2011, indicates that Petitioners plan to commence operations at the beginning of the 2011-2012 school year; however, Petitioners recently submitted a request to postpone the Charter School’s opening date until the beginning of the 2012-2013 school year. No explanation for the requested postponement was provided to District staff.

Several significant concerns are raised with the Petition, including, but not limited to the Petition’s discussions concerning: the Charter School’s proposed educational program; its plan for educating English Language Learners (“ELL”), special education students, and students achieving above or below grade level; employee qualifications and job descriptions; the plan for governance of the Charter School; and its proposed operating budget. Finally, the Petition does not include the signatures and affirmations required by law

This Staff Report sets forth findings based upon a review of the Petition and its attachments by District staff and legal counsel. District staff recommends that the Board adopt this Staff Report and the findings contained herein and that the Petition be denied on the basis of such findings.

Overview of Charter Petitions Generally

The Charter Schools Act of 1992 (“Act”) governs the creation of charter schools in the State of California. The Act states that a school district governing board considering whether to grant a charter petition “shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.” With this legislative intent in mind, the governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” (Ed. Code § 47605 (b).) The governing board may not deny a petition unless it sets forth specific facts to support one or more of the following five findings:

- (1) The charter school presents an unsound educational program for the students to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures prescribed by the Education Code.
- (4) The petition does not contain an affirmation of certain specific conditions set forth in Education Code section 47605, subdivision (d), including that the Charter School: (1) will be nonsectarian in its admission policies, employment practices, and all other operations; (2) will not charge tuition; and (3) will not discriminate against any students on the basis of the characteristics set forth in Education Code section 220.
- (5) The petition does not contain reasonably comprehensive descriptions of sixteen certain elements in its program and operations. (Ed Code § 47605 (b)(5)(A-P).) These are sixteen separate elements that must be discussed in every charter petition:
 - (A) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.
 - (B) The measurable student outcomes identified for use by the charter school. “Student outcomes” means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.
 - (C) The method by which student progress in meeting those student outcomes is to be measured.
 - (D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

- (E) The qualifications to be met by individuals to be employed by the school.
- (F) The procedures that the school will follow to ensure the health and safety of students and staff.
- (G) The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
- (H) Admission requirements, if applicable.
- (I) The manner in which annual, independent, financial audits will be conducted, which will employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies will be resolved to the satisfaction of the chartering authority.
- (J) The procedures by which students can be suspended or expelled.
- (K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System ("STRS"), the Public Employees' Retirement Systems ("PERS"), or federal social security.
- (L) The public school attendance alternatives for students residing within the school district who choose not to attend charter schools.
- (M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- (N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.
- (O) A declaration whether or not the charter school will be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act ("EERA" or Rodda Act").
- (P) A description of the procedures to be used if the charter school closes. These procedures must ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

Charter school petitions are also required to include discussion of the impact on the chartering district, including, the facilities to be utilized by the school, the manner in which administrative services will be provided, potential civil liabilities for the school district, and a three year projected operational budget. (Ed. Code § 47605 (g).)

Proposed Findings of Fact

Please note that the following proposed findings of fact have been grouped for convenience under the aforementioned grounds for denial of a charter petition; however, certain findings of fact may support more than one ground for denial.

Finding 1: Community Roots Academy Presents an Unsound Educational Program for Pupils to be Enrolled at the Charter School

The Petitioners have indicated that they intend to engage students “with a rigorous and relevant curriculum and providing them with academic and life skills they need to excel in school and make healthy choices for themselves and their community.” (Petition, p. 5.) In particular, the Charter School appears to target students from Latino and African American families, especially those who are socio-economically disadvantaged. (Petition, pp. 4-5.) However, as described below, the Charter School presents an unsound educational program for the students to be enrolled at the Charter School, for the following reasons:

- A. The Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.
 - B. The Petition does not include detailed plans for academically low-achieving or high-achieving students.
 - C. The Petition does not adequately address how the Charter School will modify its educational program to educate ELL students.
 - D. The Petition does not address how the Charter School’s educational program will serve special education students.
- A. The Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.

The Petition presents an unsound educational program regarding the proposed curriculum or teaching methods. The Petition fails in this regard for both its general program and its programs for special groups, such as special education students and ELL students, as described in detail below.

While Petitioners include many pages of references to innovative teaching pedagogies and educational philosophies, the Petition lacks any coherent plan for the integrated delivery of instruction to Charter School pupils. Rather, the Charter School’s Educational Program reads like a scrapbook of collected references.

In describing the Charter School's overall *Educational Program*, Petitioners assert that there are too many State standards and that many standards are "not critical to students' future success." (Petition, pp. 14-15.) Instead, Petitioners propose to teach only "Essential Standards" which will be identified by Charter School faculty. (Petition, p. 14-15.) This approach is troubling on several levels. First, Petitioners have not included any detailed explanation of the "disciplined process" used to identify examples of "Essential Standards" included in the Petition, and to identify remaining "Essential Standards" going forward. (Petition, pp. 14-15.) Second, Petitioners apparently intend that Charter School faculty will complete the standards-identification process during a summer professional learning institute prior to the first day of instruction at the Charter School (Petition, pp. 44-45.) However, the Petition does not describe how the Charter School intends to ensure that newly-hired faculty has the teaching and curriculum-development experience necessary for meaningful participation in such an exercise. Third, because Petitioners have not yet identified the standards they intend to teach (and will not do so until shortly before the start of the school year), they have not identified any curriculum or instructional materials that they intend to use at the Charter School. (Petition, pp. 12-26.) In fact, other than a passing reference to the possible use of the *Envision Math* textbook series, the Petition does not provide the District with any concrete information as to the instructional and curricular materials Petitioners plan to use in any of the proposed grade levels at the Charter School. (Petition, p. 25.) Additionally, the Petition does not include any assurance that the Charter School will provide the District with a fully-developed curriculum for all grade levels prior to the Charter School's opening.

Similarly, Petitioners' plan for teaching foreign language, physical education, health, music, and the arts lacks any discussion of the standards upon which instruction will be based or the curricular and instructional materials that the Charter School intends to use in teaching these subject areas. (Petition, pp. 26-7.) Neither is there any provision in the Petition describing how technology will be taught or implemented at the Charter School.

Other elements of the *Educational Program*, such as the Community School Model and the plan for Project-Based Learning (Petition, pp. 39-46) are incomplete and are poorly developed. For example, Petitioners describe five initiatives for development of a community school model, including the design and implementation of a "culturally-relevant adult learning program." (Petition, p. [46]39.) However, the Petition does not identify what such a program is, or describe the time line for development of such a program. The components or curriculum of this program are not described in the Petition and there are no references in the budget or budget narrative describing the staffing or other costs for such a program. The Petition also broadly references community partnerships with local business and non-profit organizations that will provide services and programming to students and families. However, no details regarding the scope of such services or the qualifications of the individuals who would provide them are set out in the Petition. (Petition, p. [46]39.)

Professional development opportunities for Charter School teachers are also unclear. (Petition, p. 44.) The Petition describes an annual "summer professional learning institute" during which time Charter School teachers will "unpack" the State standards and determine the essential skills and concepts the Charter School intends to teach. Other than this exercise, there is no other

information in the Petition as to the content of this proposed “professional learning” program, who will teach it, what levels of teacher experience the institute is targeting, or how many days it will run each year. It is not clear from the budget and staffing plans whether these days are in addition to the instructional year, or whether teachers will receive additional compensation for attendance. Further confusing the issue is a reference in the Petition to a plan to invite teachers from other local schools to participate in the proposed summer institute. (Petition, p. 44.) The Petition also notes that teachers will meet daily to collaboratively assess student learning and design instruction. (Petition, p. 45.) However, the daily schedule only shows Professional Development and Collaboration as scheduled for minimum days. (Petition, pp. 37-38.)

Of additional concern is the Petition’s plan for developing academic literacy and cultural relevance for Charter School students. (Petition, pp. 20-21.) Specifically, Petitioners propose to “validate the linguistic proficiencies” of Charter School pupils by teaching them to “switch codes” between dialects of non-standard English such as African American Vernacular English and standard English. However, the Petition provides no clues as to how or when such instruction will be delivered and whether teaching staff will be provided with any training in the use of such a methodology.

Significant deficiencies noted in the Charter School’s plan describing Measurable Student Outcomes and Measures to Assess Student Progress, are set out in detail, below at Finding 5.

In sum, without additional information describing a comprehensive and cohesive educational and instructional program, the District cannot evaluate whether the Charter School’s students will receive the benefit of a sound educational program.

B. The Petition does not include any plans for serving academically low-achieving or high-achieving students.

As noted above, Petitioners intend for Charter School students to “meet high academic standards and prepare themselves for a future in higher education.” (Petition, p. 12.) However, Petitioners do not present any information as to how they intend to meet the needs of low-achieving or high-achieving students. Instead, Petitioners describe daily meetings for each Charter School student with an assigned advisor. The advisor will assist the student in developing an “annual personal learning plan,” that will utilize a “cycle of inquiry” to “guide the student in monitoring progress and reflecting on his/her development” and to implement plans for improving their academic skills. (Petition, p. 27.) Petitioners assert that such personal learning plans are sufficient to guide teachers in differentiating instruction “to meet the needs of all students, *including students performing substantially below or above grade level.*” No examples or additional information about the personal learning plan is included in the Petition.

Other than general reading interventions, the Petition does not present any details as to how the Charter School will actually identify and respond to the needs of pupils who are not achieving at expected levels, or what interventions, supports, and services will be available to them. Despite its well-meaning intentions, the Petition makes no reference to scaffolding instruction, types of learning materials, pre-teaching, re-teaching, or any of the other standard strategies for addressing the needs of low performing students. The Petition does not identify how, or when,

students will be designated as low-achieving. It is not clear if such a determination will be made on the basis of standardized tests as opposed to, or in addition to, below-grade level classroom performance.

With regard to reading interventions, the Petition notes that students who perform below grade level on an entrance fluency test will be administered additional phonics tests, the results of which will be used to place students in small groups and provide them “targeted instruction” during a daily literacy seminar and an after-school program. (Petition, p. 18. (Petition, pp. 19, 35-37.) However, based on the Petition’s description of each block in the instructional day, it appears that this literacy seminar is the same period during which English Language Development (“ELD”), writers’ workshop, sustained silent reading, and Reciprocal Teaching Literature circles all take place. Moreover, reading instruction appears to be delivered solely in a small group setting. No mention is made of any individualized instruction. (Petition, p. 35.) The Petition fails to provide any specific information concerning what the reading intervention services would look like, who will provide the services, what curriculum will be used, and how it will be determined whether the interventions are effective.

Also troubling is Petitioners’ assertion that the “director of school will provide intervention support during the Readers’ Workshop.” (Petition, p. 19.) This is of concern on two fronts: (1) there is no requirement in the job qualifications that the Charter School administrator must have a current California teaching credential or any specialized experience in providing reading instruction (Petition, p.56.); and (2) it suggests that there are significant periods during the school day when the “Director of School” will not be available to conduct day-to-day business and oversee the Charter School’s operation.

Lastly, the Petition indicates that students “who are not progressing” in reading will be offered additional reading instruction in an after-school program. (Petition, p. 18.) Petitioners have not budgeted for after-school tutoring or reading intervention; instead, they indicate that they intend to rely on community volunteers, including volunteers from the North Baptist Missionary Baptist Church, to provide such services. (Petition, pp. 35-6.) However, the Petition does not describe the qualifications for staff or volunteers for providing such remediation and tutoring services. If Petitioners intend to rely on volunteer tutors, the Petition should include the minimum qualifications necessary for providing supplemental academic instruction to low-achieving students and a plan for staffing tutoring sessions in the event a community or parent volunteer is not located, or is absent. Thus, the Charter School’s intent to provide low-achieving students with additional tutoring services seems, at best, speculative.

With the exception of the daily meetings with an advisor and the development of an “annual personal learning plan, the Petition is similarly deficient as to how it intends to serve its high-performing students. No mention is made of the Charter School’s plans for identifying high-achieving students, whether the Charter School intends to offer a Gifted and Talented Education (“GATE”) program, or what other services, programs or learning opportunities will be available to high-achieving students.

In sum, the Charter School’s plan to “meet the needs of every student” describes a plan to meet the needs only of those students performing at grade level.

C. The Petition does not adequately address how the Charter School will educate ELL students.

According to the California Department of Education (“CDE”), all federal requirements and some State requirements for ELL programs apply to charter schools. Reviews under the State’s Categorical Program Monitoring process are conducted in the same manner for charter schools as for other public schools. Overall, charter schools are not exempt from meeting the educational needs of ELL students. Accordingly, Petitioners should reasonably expect a similar percentage of ELL students to be enrolled in the Charter School as are currently enrolled in the District. As presented in the Petition, however, the Charter School’s plan for serving ELL students reflects serious misunderstandings as to how ELL students learn and are best served through the delivery of English Language Development (“ELD”) instruction. (Petition. pp. 27-30.)

In identifying ELL students, the Petition indicates that the CELDT will be administered to all English Learners; however it does not describe how the student’s performance on the CELDT will be used to determine the student’s ELL level, or any of the specific programs or services that will be offered to ELL students at each of the ELL levels. (Petition, p. 28.) Petitioners then describe a three-pronged approach in educating ELL students—an intense focus on EL achievement; individualized support for EL students; and an integrated ELD curriculum—but none of these three components is set out in detail.

In describing the “intense focus on EL achievement” that the Charter School intends to offer to its ELL students, Petitioners cite to studies that support “the use of data to continuously monitor student progress and adjust professional practice.” (Petition, p. 28.) This study appears to describe a formative assessment process, whereby a teacher adjusts his or her instruction based on the how well the student is learning the content. However, the Petition lacks any substantive discussion as to what data the Charter School proposes to collect, how it will be analyzed to determine student progress and how professional practice will be adjusted to appropriately meet the identified needs of ELL students. Specifically, other than testing that will occur “periodically” (Petition, p.28), there is no discussion as to how teachers will formally or informally monitor growth during the course of instruction in all subject areas, how a student’s progress will be monitored to identify specific areas of need in EL development, or how specific interventions will be used to improve individual performance in identified areas. We are told that students will be expected to advance one performance level on the CELDT each year, but there is little concrete discussion as to how this goal will be achieved, and what interventions will be offered to students who fail to make progress, and that short term goals will be based on periodic assessments aligned to the CELDT.

Although individualized interventions should be the focus of an effective ELL program, the Petition fails to describe whether any individualized ELD will be provided. The Petition does not designate a time for ELD instruction other than a reference to the provision of ELD services to be provided in small groups during the daily literacy seminar (which appears to make students receiving ELD unavailable for reading interventions and other services that Petitioners intend to provide during this period) (Petition, p.29). Instead, as noted above, Petitioners note that ELL students will attend ELD small group sessions in the daily literacy seminars, but does not

indicate who will provide these services or how ELD will otherwise be integrated in the instructional day. Although Petitioners propose having teachers trained in the GLAD program, an effective program for SDAIE teachers and schools that want to assist their ELL students in accessing the core curriculum, the Charter School still needs to provide explicit language development for student to reach their goal of making one level's growth on the CELDT ("California English Language Development Test") each year and becoming reclassified by the eighth grade. The model proposed by the Charter School discusses integrating ELD by creating Language Objectives for the core subject areas. (Petition, p. 29.) Although a good practice, in the District's experience, this alone will not yield the results that the Charter School proposes its ELL students achieve. District experience has shown that students are reclassified as Fluent English Proficient ("RFEP") at a higher rate when ELD instruction is included as part of each student's daily instruction. Specifically, the District provides 45 minutes per day of ELD at the elementary level, and one class period per day at the middle school level, working on specific strategies for reading, writing, listening, and speaking. Instead, the Charter school proposes using a "situational appropriateness and code-switching during core subject area instruction. These approaches are unlikely to yield sufficient progress in English language development.

The Petition also lacks any substantive discussion of the curriculum, instructional materials, and services that the Charter School intends to offer to its ELL students and how Petitioners intend to meet their legal obligations in educating those students. The Petition should identify a consistent curriculum, specific assessments, and a schedule for monitoring student progress.

With regard to its proposed process for the reclassification of ELL students, the Petition provides only that the Charter School intends that all ELL students will be reclassified as Fluent English Proficient by the time they graduate from 8th grade. The Petition notes that the Charter School will use CELDT and CST scores and grades in English Language Arts to reclassify students, but it not describe the cut-off levels for reclassification using these tools. Additionally, it does not appear that the Charter School intends to conduct its ELL reclassification and annual reviews using a Language Review Team ("LRT") process, which is required under state and federal Categorical Program Review, if the Charter School intends to apply for federal Title III-NCLB funding, or state Economic Impact Aid--Limited English Proficiency ("EIA-LEP") funding, as is proposed in the attached Budget (Petition, Appendix B.) Specifically, the LRT process is designed to ensure that each ELL student is making appropriate progress and is appropriately placed. Reclassified Fluent English Proficient students must also be evaluated twice each year, for two years following their RFEP designation, to ensure that they are receiving adequate support for transitioning into the mainstream classroom after termination of targeted ELD support. However, the Petition makes no mention of these requirements.

While the Charter School intends to provide six days of GLAD training to its teaching staff (Petition, p. 29), it does not make completion of CLAD or BCLAD certification or special competency to meet the needs of ELL students an essential job qualification. (Petition, pp. 55-8.) It is not clear whether classroom teachers must be qualified to provide English Language Development ("ELD") instruction, and if so, how ELD will be individualized and delivered to each eligible student in the classroom setting. This is particularly troubling in light of the fact that the Charter School is targeting students from second-language families, and should expect a high percentage of its student population to be ELL students.

Overall, Petitioners provide an insufficient description of how ELL students will be supported and do not have a sound and realistic plan for meeting their legal obligations to this subgroup of learners and ensuring that all ELL students have access to appropriate ELD instruction.

D. The Petition does not address how the Charter School's educational program will serve special education students.

The Charter School states, that for purposes, of special education, it will operate as an “arm of the District.” (Petition, p. 31.) The law does not provide for such a relationship and this language in the Petitioners appears to reflect a misunderstanding on Petitioners’ part as to how the law describes the allocation of responsibility for the provision of special education services to charter school students. In brief, a charter school can be considered a local educational agency (“LEA”) and assume responsibility for the provision of special education services only after providing certain written assurances and securing membership in a special education local plan area (“SELPA”). (Ed. Code § 47641 (a).) Otherwise, a charter school is “deemed to be a public school of the local agency that granted the charter.” (Ed. Code § 47641(b).) In the case of a charter school deemed to be a public school of a chartering district, the chartering district retains ultimate responsibility for ensuring that special education services are provided in the same manner as provided to other students in that district. (Educ. Code § 47646(a).) How special education services are allocated is generally set out in a separate agreement between the charter school and the chartering authority.

In this case, the Petition contains little concrete information regarding the Charter School’s plan for the provision of special education and related services to eligible students, and only broad statements as to the Charter School’s understanding of its legal duties and responsibilities under both the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”).

Delineation of Duties; Funding; Staffing. As a threshold matter, Petitioners appear to be confused as to how the provision of special education services to eligible Charter School students will actually occur, and they do not identify the specific funding mechanisms that they are proposing.

The Petition proposes that the Charter School will function as an “arm of the district” for the purposes of special education (Petition, p.54), and notes that the Charter School intends to enter into an agreement with the District regarding the provision of special education services. (Petition, pp. 54-5.) Elsewhere, the Petition indicates that the Charter School “anticipate purchasing special education services from the district and intend[] to enter into a contract for these services.” (Petition, Appendix A.) Petitioners do not seem to understand that a charter school and its chartering agency can agree that the district will retain the special education funding for the charter school and in exchange, assume responsibility for the provision of services to the charter school’s eligible students. Under this scenario, the charter school does not “purchase” special education services from its chartering authority. Moreover, while Petitioners have indicated that they intend to contract for special education services from the District, there is no indication in Petitioners’ budget projections that they have allocated funds for special

education services, though again, this may reflect Petitioners' misunderstanding of special education funding mechanisms. (Petition, Appendix A.)

Petitioners indicate that they intend to work with the District to ensure that Charter School students are served in compliance with the IDEA (Petition, pp.31, 54), but it is clear that Petitioners do not understand how the District works collaboratively with its existing charter schools to ensure that all eligible pupils are provided with a free appropriate public education ("FAPE").

Identification; Referral; Assessment. With regard to the identification and referral of students who may be eligible for special education or related services, the Petition states that students "failing to make adequate progress towards grade-level standards" will be referred first to a Student Study Team ("SST") for a determination as to whether general education interventions will assist the child. (Petition, p. 32.) This language appears to describe a "response to intervention" ("RTI") approach to the identification and referral of students for special education services. Regulations implementing the IDEA allow districts to use a process based on the child's response to scientific, research-based intervention ("RTI approach") as part of their criteria for determining whether a child has a specific learning disability. However, the regulations also provide parents the right to request an initial evaluation at any time. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation. *Memorandum to State Directors of Special Education*, 111 LRP 4677 (OSEP 2011.) Moreover, an RTI approach is only appropriate for determining whether a child is eligible for special education under the specific learning disability category. The Petition does not indicate any process for the identification of students suspected of having another disability such as autism, emotional disturbance, or mental retardation.

Further, the Petition does not indicate that Petitioners are cognizant of the requirements in state and federal law related to assessments for special education eligibility, or that such assessments require parental consent. The Petition does not describe any of the legal timelines mandated for referral, development of an assessment plan, and convening an IEP team meeting following assessment. There is no mention of how, or if, Petitioners intend to ensure that appropriate special education assessments are timely conducted by qualified assessors, in accordance with state and federal law. The Petitioners also fail to include any provision in the Petition describing the Charter School's obligations to timely refer students for mental health assessments.

The Petition's almost complete lack of specificity as to its duties and obligations with regard to the identification, referral, and assessment of students who may be eligible for special education and related services suggests that Petitioners cannot ensure that Charter School pupils will receive the services to which they are legally entitled under federal and state special education law.

Extended School Year. The Petition fails to discuss the Charter School's obligation to provide extended school year ("ESY") services to an eligible student as determined by the student's IEP team. Again, it is not clear if the Charter School intends the District to provide those services, and if so, where they are to be provided during the ESY period. Even though Petitioners indicate that they intend to enter into an agreement with the District regarding the provision of special

education services, they cannot rely on the District to provide these services unless an agreement has been executed. To date, no such agreement has been reached between the parties. (Petition, p. 54.)

Development of IEPs & Placement. The Petition states that the Charter School intends for the District to “arrange and notice the necessary IEP meetings.” (Petition, p. 33.) As noted above, the Charter School cannot rely on the District to provide such services unless, and until, an agreement is reached between the parties. Petitioners further state that “IEP team members shall be in compliance with state and federal law, but the Petition does not demonstrate that the Charter School understands what special education law actually requires with regard to properly noticed and constituted IEP team meetings. (Petition, p. 33.) Petitioners are mistaken in their assertion that “the determination of special education eligibility shall be the responsibility of the district.” (Petition, p. 33.) In fact, it is a student’s IEP team, acting as a whole in a legally noticed IEP team meeting that is responsible for determining whether the student satisfies the eligibility for special education and related services. (Ed. Code, §§ 56323, and 56329.)

Further, there is no description of the Charter School’s duties and obligations with regard to development of an appropriate IEP for each eligible student, and no discussion of the relevant timelines set out in state and federal law concerning the development of an initial IEP, or annual and triennial IEP team review meetings. Instead, Petitioners broadly declare that the Charter School intends to provide programs, services, and placement to eligible students “in accordance with the policies, procedures, and requirements of the district and of the SELPA and state and federal law.” That blanket assurance does not demonstrate that Petitioners understand the requirements described in District or SELPA policies or applicable provisions of law. (Petition, p. 34.)

The Petition acknowledges that a student with an IEP who enters the Charter School during the school year is entitled an interim placement and/or comparable services for up to thirty days. (Petition, p. 33.) However, Petitioners mistakenly state that “the district and the charter school shall implement the existing IEP, to the extent practicable or as otherwise agreed between the district and parent/guardian.” (Petition, p. 34.) As with all other elements of the proposed plan for special education, in the absence of an agreement with the District to the contrary, the Charter School remains responsible for providing an appropriate interim placement.

Discipline. The Petition does not adequately describe the Charter School’s policies and procedures for the discipline of students eligible for special education and related services. Instead, Petitioners note their intention to “act according to district administrative policies relating to disciplining special education students.” (Petition, p. 33.) Later, the Petition sets out provisions that inadequately describe the manifestation determination process. (Petition, pp.73-5.) For example, Petitioners indicate that a manifestation determination must be conducted prior to the expulsion of a student with disabilities. (Petition, p.74.) However, they fail to note that such a proceeding must be convened whenever a special education student has been removed from his or her placement for more than ten cumulative days in a school year. (34 C.F.R. § 300.536.) As a further example, Petitioner describe the steps a school must take following a determination that a student’s conduct was a manifestation of his or her disability, but omit any mention of the IEP team’s responsibilities when it determines that a student’s behavior was not a

manifestation of his or her disability. (Petition, pp.74-75.) Specifically, the law requires that the student must receive, as appropriate, a functional behavioral assessment, and behavior interventions and services that are designed to address the behavior violation so that it does not recur. (34 C.F.R. § 300.530.)

Additional Missing Special Education Program Elements. The Petition also fails to describe the following special education program elements: the implementation of eligibility criteria; how the Charter school will respond to requests for Independent Educational Evaluations; how the Charter School will timely refer students with special needs for reevaluations and behavioral assessments; how the Charter School will comply with Least Restrictive Environment mandates; the method by which the Charter School's special education program will comply with independent study law; and the method by which the Charter School will address filings for due process.

Section 504 & ADA. Other than acknowledging its sole responsibility for compliance with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA"), and its intention to comply with these laws (Petition, pp.31-2.), the Petition does not describe any of the Charter School's obligations and duties pursuant to Section 504 and the ADA. Such obligations are separate and distinct from the Charter School's obligations pursuant to the IDEA. Consequently, without a clear and comprehensive description of the Charter School's plan for the provision of Section 504 services and accommodations, the District cannot be assured that Petitioners will provide appropriate services to eligible students.

In sum, the Charter School has not presented a reasonably comprehensive plan for special education and has not demonstrated an understanding of its responsibility for individuals with special needs or its ability to comply with federal and state law. Without a comprehensive plan available for review, District staff cannot reasonably be expected to evaluate this essential element of the Petition.

Finding 2: The Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition.

In order to successfully implement the educational program described in the Petition, the Petition must demonstrate that its policies and procedures are consistent with the educational program. Based upon the information provided in the Petition, the Petitioners are demonstrably unlikely to successfully implement the educational program for the following reasons:

- A. The employee qualifications described in the Petition are inconsistent with the educational program.
- B. The Petition presents an inadequate and unrealistic financial and operational plan for the proposed charter school.
- C. The Petition does not include certain policies and procedures necessary to ensure that the program can be implemented.

A. The employee qualifications described in the Petition are inconsistent with the educational program.

Certificated Personnel. The Petition does not adequately address the qualifications and responsibilities of certificated personnel. As noted above, Petitioners have not indicated how they intend to assure that ELL students are provided with sufficient ELD instruction in the classroom to enable them to progress to measurable fluency in English. Other than indicating that teachers must hold appropriate California teaching credentials and should have “Spanish language skills or a willingness to learn,” the job qualifications included in the Petition do not actually require teachers to have either a CLAD or BCLAD credential, despite the anticipated ELL student population. (Petition, p. 56.) In light of the student population proposed to be served by the Charter School, its failure to guarantee that it intends to hire teachers who are qualified to provide ELD instruction to ELL students, calls into question the Charter School’s ability to provide its ELL population with appropriate instruction.

Administrative Personnel. Of even greater concern are the listed qualifications for the two Administrator positions the Charter School proposes to hire. Both positions (Director of School and Director of Family and Community Partnerships) require only a “minimum M.A. in Education or related field” and “experience in urban education.” (Petition, p. 56.) In other words, there is no requirement that either Administrator at the Charter School have an administrative credential, a teaching credential, or any hands-on experience overseeing the finances, staffing, instructional program, or day-to-day operation of a school.

As noted in the Petition, the job duties of the Director of School include personnel supervision and oversight, student conduct, admission administration, testing and data analysis, staff and parent relations, professional development, and curriculum and program development. However, a review of the biography of the Lead Petitioner, who intends to serve as the Charter School’s first Director, does not reflect significant experience serving as principal, senior school administrator, or otherwise evaluating teacher performance and overseeing curriculum. (Petition, p. 6, Appendix E.)

Similarly, the biography for the proposed Director of Family and Community Partnerships makes only scant reference to her past experience, and does not provide sufficient information as to whether she possesses sufficient experience in the areas of facilities oversight, fiscal management and reporting, the development of a capital fundraising campaign, and other job duties described in the Petition. (Petition, pp. 6-7, Appendix E.) Of additional concern, the attached budget (Petition, Appendix B), notes that the Director of Family and Community Partnerships position is supposed to be partially funded by fundraising in Year 2 (40%), and entirely funded by fundraising in Year 3. However, no fundraising has yet happened, and should fundraising efforts fall short, the Charter School would be left with no staff qualified to oversee the financial management and operations of the school.

Non-Core Teachers; Volunteers. Other than a statement that “non-core” teachers will have “relevant experience in urban education, and skills in areas that support or supplement the core curricula” the Petition includes no meaningful threshold qualifications for non-core teachers. Neither is there any discussion in the Petition as to what classes, programs, or services non-core instructors will provide. The Petition does not discuss how teaching assignments will be allocated between certificated teachers and non-certificated personnel. Other than three fulltime teachers, the budget for Year 1 of the Charter School’s operation does not appear to provide for funding any other staff, such as classroom aides, reading specialists, or ELD teachers. (Petition, Appendix B.)

The Petition suggests that some non-core teachers will be volunteers, but this may prove to be an unreliable resource. (Petition, p. 56.) Furthermore, using volunteers as teachers may allow them access to the confidential pupil records of students. This would violate both federal and state law. Federal law limits the release of education records to “school officials” and other statutorily identified individuals. (See, Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq.). Similarly, state law limits the release of education records to only “school officials and employees of the district” and other statutorily identified individuals. (See Education Code section 49076.) Because a volunteer constitutes neither a “school official” nor any other individual who is statutorily permitted access to education records, allowing a volunteer access to confidential education records may be deemed a violation of both FERPA and the Education Code. Petitioners’ plan for the use of volunteer teachers also does not state how the Charter School will address various practical issues, including but not limited to, compliance with fingerprinting requirements, anticipated lack of consistency of volunteer services, and issues related to using untrained volunteers. Lacking a more thoughtful discussion of how volunteers would be used as non-core teachers, the District cannot evaluate the plans or implementation of their use.

Finally, the Petition assures the District that “Each staff member will possess experience and expertise appropriate for their position within the school as outlined in the school’s staffing plan and personnel policies. (Petition, p. 57.) However, the Petition includes no staffing plan or personnel policies, raising concern that neither has been created yet.

In sum, without appropriate job qualifications, the District cannot be assured that the Charter School’s administrators are sufficiently qualified to run the school and assume responsibility for its daily operations.

B. The Petition presents an inadequate and unrealistic financial and operational plan for the proposed charter school.

As with other elements of the Petition, Petitioners’ proposed start-up and three-year budget appears to be based largely on assumptions that are not yet solidified. (Petition, Appendix B). Of primary concern, the Charter School does not have a budget that shows revenue assumptions in line with state and federal funding guidelines. Other budgetary concerns include the following:

- It is not clear whether the Charter School has actually applied for and received a \$575,000 Charter School Planning and Implementation Grant upon which Petitioners appear to rely on for much of their revenue during their start-up year and Years 1 and 2 of the Charter School's operation. Moreover, even assuming Petitioners are successful in the grant application process, the Charter School may not use such funds to pay facility rental costs, and there appear to be no other funds available for paying rental fees.
- No private funds or outside revenue has yet been secured according to Petitioners' Budget Narrative. (Petition, Appendix B). Neither is any fundraising identified. Despite this fact, the budget indicates that one of the two administrative positions at the Charter School—the Director of Family and Community Partnerships—is supposed to be partially funded by fundraising in Year 2 (40%), and entirely funded by fundraising in Year 3.
- The Charter School budget's projected health insurance costs of \$450 a month per employee are too low if the Charter School intends to fund 100% of the costs. By way of comparison, Kaiser health insurance runs \$6270 per year for single coverage and \$16,153 per year for family coverage.
- Special education costs are underestimated by \$27,440 in 2012-2013, \$80,595 in 2013-2014, and \$137,307 in 2014-2015.
- Other than three teachers, two administrators, a custodian and an administrative assistant, Year 1 of the Budget does not appear to include any funding for any other instructional staff positions such as classroom aides, ELD teachers, or reading specialists.
- A Playworks coach, described as providing after-school and recess programming and assistance with Physical education, is funded only for Year 1. The Petition indicates that the Charter School will explore private funding" to staff the position in Years 2 and 3.
- Legal services estimates appear to be low (\$2000 per year), particularly in light of the typical legal expenses generated in connection with start-up procedures.

In addition to the specific deficiencies in the Budget and Budget Narrative, as identified above, the Petition further fails to include any description of the Charter School's proposed annual budget development, implementation, and review process, or the process by which the Charter School leadership and governance team will monitor and report regarding the continuing financial solvency of the school. Petitioners have not included any description of the manner, format, and content by which the Charter School will prepare a preliminary budget, interim financial reports, and other reports required by law.

- C. The Petition fails to provide certain policies and procedures described in the Petition that are necessary to confirm that the program can be implemented.

Health and Safety Policies and Procedures. Education Code section 47605(b)(5)(F) requires the Petition to include “the procedures that the school will follow to ensure the health and safety of pupils and staff.” The Petition indicates that “Community Roots Academy will adopt and implement full health and safety procedures and risk management at our school site in consultation with our insurance carriers and risk management experts.” Petitioners promise a draft of the required policies to the District “at least 60 days prior to operation.” (Petition, p. 58.) Petitioners further promise to provide the District with copies of a comprehensive sexual harassment policy, an Emergency Preparedness Handbook, an Infectious Disease Control Plan and a School Safety Plan. (Petition, pp. 58-61.) In lieu of the necessary policies and procedures, Petitioners have provided a summary that expresses Petitioners’ intent to comply with the law, but provides few details as to how the Charter School will meet these requirements. This “summary” appears to be boilerplate language lifted verbatim from several other charter petitions submitted around the state. It provides little insight as to whether Petitioners will actually complete development of the required policies and procedures, or whether they are actually aware of their obligations to ensure the health and safety of the Charter School’s students. Petitioners’ failure to develop comprehensive health and safety policies again demonstrates that they are demonstrably unlikely to successfully implement the Charter School’s program.

Free Speech and Expression Rights. Recently enacted Senate Bill (“SB”) 438 amends Education Code section 48907 to require charter schools to give their students freedom of the press and expression in what they say, wear, and write in official school publications. Section 48907 further requires charter schools to adopt a written policy that includes reasonable restrictions for conducting such activities. The Petition does not include the required policy and its absence suggests that Petitioners may not be aware of current law related to charter schools.

Finding 3: The Petition does not contain the number of signatures as required by Education Code section 47605, subdivision (a).

Staff notes that as to third basis for denial of a charter petition, pursuant to Education Code section 47605, subdivision (b)(3), the Petition does not contain the number of signatures required by Education Code section 47605, subdivision (a)(1)(A) or (B). Education Code section 47605, subdivision (a)(1)(A) requires that the Petition be signed by a number of parents or guardians of students equal to at least one-half the number of students that the charter school estimates will enroll in the charter school for its first year of operation. In the alternative, Education Code section 47605, subdivision (a)(1)(B) requires that the Petition be signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during the first year of operation. The Petition, as submitted, does not contain any signatures of parents or guardians, nor does it contain any teacher signatures. While the absence of the required signatures constitutes a sufficient basis for denying the Petition, it also calls into question Petitioners’ ability to attract the number of students

projected (Petition, p. Appendix A) and further suggests that Petitioners are unaware of even basic laws related to charter schools.

Finding 4: The Petition does not contain the requisite affirmations for the conditions described in Education Code section 47605, subdivision (d)(1).

With regard to the fourth basis for denial of a charter petition, the Petition does not contain any of the affirmations as required by Education Code section 47605, subdivision (d). Of particular concern, the Petition does not contain the required affirmation that the Charter School will be nonsectarian in its programs, admissions policies, employment practices, and all other operations (Ed. Code § 47605(b)(4).) Like all public schools, charter schools must not discriminate on the basis of religion or otherwise violate the Establishment Clause of the U.S. Constitution. However, in this instance, Staff is concerned that the links between North Richmond Missionary Baptist Church and the proposed Charter School may open the Charter School to legal challenge by members of the public. Without the required affirmations, Staff is unable to assess whether the Charter School will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and that it will not charge tuition, or discriminate against any pupil.

Finding 5: The Petition Does Not Contain Reasonably Comprehensive Descriptions of Certain Required Elements

The Petition does not contain reasonably comprehensive descriptions of certain elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P), as set forth below.

Element 2: Measurable Student Outcomes

Petitioners' plan describing *Measurable Pupil Outcomes* notes that students are expected to meet four learning outcomes each year—Rigorous Academic Standards; Habits of Heart; Habits of Mind; and Habits of Practice. (Petition, p. 48.)

In describing how students will meet rigorous academic standards, the Petition states that students will develop “proficiency” with regard to “essential academic skills and concepts.” (Petition, pp. 48-50) Other than a goal of having students improve one performance level on the ELA and Math CST each year, the Petition does not otherwise describe how “proficiency” will be measured academically. Neither is there any explanation as to how student progress towards Habits of Heart, Habits of Mind, and Habits of Practice will be measured. (Petition, pp. 48-49.) How are traits and skills such as respect, compassion, making connections, and reflecting to be measured? These omissions are further evident in the Charter School’s proposed Promotion Requirements which require students to have “demonstrated proficiency in Essential Grade-level Standards” for promotion (Petition, p. 49.)

Element 3: Measures to Assess Student Progress

In describing *Measures to Assess Pupil Progress Towards Measurable Outcomes*, the Petition notes that the Charter School intends to be “an outcome-driven school—all curriculum will clearly align to a collective vision of who we expect our students to become as 21st century citizens.” (Petition, p. 12.) Despite this assurance, the Petition fails to describe multiple, valid and reliable measures of pupil progress. Neither does it describe how assessments will be aligned to the Charter School’s mission, exit outcomes, and curriculum, or what the minimum performance levels for attaining each identified standard. While Petitioners make reference to the CST and CELDT release questions for benchmark exams, they not describe any plan for examining data or assessment results as a method for driving instruction. The Petition also states that assessment will be aligned to the Charter School’s instructional pacing guides, but those guides are not provided. (Petition, p. 50.) Portfolios of student work are also used to measure student progress, but no rubrics for evaluating portfolio work are included or described.

Element 4: Governance

Governance Structure. The Petition states that the Charter School will be governed by a nonprofit corporation, however no copy of the nonprofit organization’s bylaws have been provided, and the Articles of Incorporation have not been appropriately tailored to meet the needs of a nonprofit organization operating a school. (Petition, p. 52, Appendix F.)

Parent Participants. The Education Code requires the Petition to describe “the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.” (Ed. Code § 47605(b)(5)(D).) The Petition does not adequately the parental participation requirement. In fact, except for membership on the School Site Council (discussed in greater detail, below), there is no discussion of the avenues available to parents for any school participation.

Conflict of Interest; Compliance with Applicable Laws. The Petition fails to state that the Charter School intends to comply with the Brown Act, the Public Records Act, or conflict of interest laws applicable to public agencies, including Government Code section 1090. The absence of compliance with these laws allows for too much opportunity for “self-dealing,” and too little opportunity for public accountability. Other than a brief summary (Petition, Appendix E), the Petition does not include any policies that clearly describe the Board’s function, scope of authority, or responsibilities and duties.

Board of Directors. While the Petition indicates that the Board of Directors will consist of between 5 and 9 members (Petition, p. 52), it does not otherwise identify the composition of the board, or the process for election, selection, or removal of Board members, or other provisions related to board governance that should be included in the Charter School’s bylaws. In addition, the Petition notes that the District is entitled to have a non-voting member on the Charter School’s Board. This is incorrect. Pursuant to the Education Code, no limitations are placed on the voting rights of a District representative serving on the board of a charter school operating as a nonprofit public agency. (Ed. Code § 47604(b).) In fact, recent amendments to the

Corporations Code require directors of boards of non-profit corporations to be voting participants.

School Committees. The Petition includes erroneous and incomplete information regarding the establishment of a School Site Council—required by law for each school that participates in school-based program coordination. Pursuant to Education Code 52852, a district may establish a school site council (“SSC”) “composed of the principal; representatives of teachers selected by teachers at the school; other school personnel selected by peers at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.” (Ed. Code § 52852.) The Petition specifies that SSC membership shall be composed of one faculty representative, two to four “community partners,” four to six parents/guardians, and one student member per grade level. (Petition, p. 54.) However, the Education Code further requires that at both the elementary and secondary levels, classroom teachers shall comprise the majority of school representatives. (Ed. Code § 52852.) Additionally, the law requires parity in membership between school representatives and parents, community members and students (at the secondary level.) As construed, the Charter School’s proposed SSC does not meet the membership or parity requirements of the law and with a single faculty representative, would give majority control of the SSC to parents and community members. In addition, there is no mention of the Charter School’s intention to form an English Language Advisory Committee (“ELAC”). Given the large number of ELL students that Petitioners expect to enroll in the Charter School, this oversight cuts off an important avenue for parent participation. If the Charter School intends to apply for Title I or EIA-LEP funding (as is indicated in the budget), the SSC and ELAC must approve portions of the Single Plan for Student Achievement. Thus, an SSC and an ELAC formed in compliance with the law are essential.

Element 5: Qualifications of School Employees

Concerns raised by the qualifications of school employees as described in the Petition, are addressed in detail, above, at Finding 2.A.

Element 6: Health and Safety Plan

As discussed in greater detail above, the Petition does not provide any policies or procedures related to health and safety. Also missing from the Petition are copies of the Charter School’s comprehensive sexual harassment policy, an Emergency Preparedness Handbook, an Infectious Disease Control Plan and a School Safety Plan. (Petition, pp. 58-61.)

Of additional concern is the Petition’s lack of assurance that it intends to comply with the requirements of Education Code section 49423 regarding the administration of medications to pupils at school. Although there is a reference to a school nurse’s responsibility for checking students for the presence of head lice (Petition, p. 60), the Charter school’s proposed budget does not include any allocation of funds for the hiring a school nurse or for contracting with a nursing registry or agency for the provision of nursing services to Charter School students in accordance with the provisions of section 49423 and other applicable laws and regulations. Because a single student with diabetes may require the administration of insulin multiple times during the school

day, this budgetary oversight suggests that Petitioners are not familiar with the legally-mandated requirements and costs for the provision of health and nursing services to students who require such services to access their educational program.

In sum, without additional information, copies of the required policies and procedures, and a realistic assessment of the staffing and budget projections needed to provide for the health and safety of its students, the District cannot evaluate whether the Charter School's health and safety plan will sufficiently protect pupils and staff, thereby facilitating successful implementation of the Charter School program.

Element 7: Racial and Ethnic Balance

As noted above, the Petition must include a reasonably comprehensive description of the means by which the Charter School will achieve a racial and ethnic balance among its students *that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.*

Language in the Petition suggests that Petitioners intend to target African American and Hispanic students primarily from North Richmond, rather than working to achieve a racial and ethnic balance that is reflective of the general population residing within the District as a whole. (Petition, pp. 4-5, 62-3.) Review of demographic data for the District shows that for the 2009-2010 school year, the District's student population reflects a student body that includes 12% white students and approximately 18% Asian, Pacific Islander, and Filipino students. The Petition does not describe how the Charter School intends to recruit students from these racial/ethnic groups, in addition to the African-American and Hispanic communities it intends to target. Moreover, many of the proposed strategies for achieving a racial/ethnic balance among the Charter School's students have yet been developed or implemented. (Petition, p. 63.)

Element 9: Independent Fiscal Audit

The Petition does not contain a reasonably comprehensive description of the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Petitioners simply state that the Charter School will ensure an annual is conducted pursuant to state regulations and that is "anticipated that the annual audit will be completed by December 15 each year." (Petition, p. 65.) The Petition does not specify that the auditor will have any experience in education finance and does not otherwise describe the independent auditor's required qualifications.

The Petition includes no deadlines for delivery to the District of a preliminary budget, an interim financial report, the annual independent audit report, a second interim financial report or a final unaudited financial report. Instead, the Petition simply notes that the Charter School and District will jointly a timeline for the submission of required reports. (Petition, p. 77.) There is no process or timeline stated for when the Board will submit a report to the District describing how audit exceptions and deficiencies will be resolved, or how the Charter School will communicate regarding progress on correcting exceptions and deficiencies. Neither does the Petition indicate that exceptions and deficiencies will be resolved to the satisfaction of the District. Instead, the

Petition indicates that “[a]ny disputes regarding the resolution of audit exceptions and deficiencies will be referred to the dispute resolution process” included in the Petition. (Petition, p. 65.) This provision is unacceptable, as the District’s oversight duties require it to “monitor the fiscal condition of each charter school under its authority.” (Ed. Code § 47604.32(d).)

Element 14: Dispute Resolution Process

Additional problems are raised with regard to the dispute resolution provisions in the Petition continue to be unresolved. Specifically, the Petition does not clearly state the District’s right to pursue revocation when warranted under Education Code section 47607 without first participating in dispute resolution, and does not clearly indicate that the District has discretion to determine which disputes, including internal matters, relate to issues that may result in revocation of the Charter.

Recommended Grounds for Denying Charter Petition

Based on this review, Staff recommends that the Governing Board deny the Community Roots Academy Charter School Petition under all five of the grounds listed above. In sum, the Petition presents an unsound educational program and the Petitioners are demonstrably unlikely to successfully implement the proposed program. Moreover, the Petition lacks the requisite signatures, lacks the requisite affirmations, and does not contain reasonably comprehensive descriptions of the sixteen required program and operation elements.

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