

**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**  
June 28, 2011

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
TUESDAY, JUNE 28, 2011**

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**BOARD AGENDA PACKETS AND INFORMATION:**

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

Complete Board agendas and packets are available online at: [www.wccusd.net](http://www.wccusd.net).

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

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**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.

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**ATTENDING BOARD MEETINGS:**

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

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

**Time:**            The **Board of Education's Open Session meeting will begin at 6:30 PM**. The Board will convene at **5:30 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.

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

**B. OPENING PROCEDURES**

**B.1 Pledge of Allegiance**

**B.2 Welcome and Meeting Procedures**

**B.3 Roll Call**

**B.4 Report/Ratification of Closed Session**

\* **B.5 Agenda Review and Adoption (Public Comment)**

\* **B.6 Minutes: June 1, 2011; June 14, 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 June 28, 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 June 28, 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 June 28, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:  
Additional revenue for schools

**\*CI C.4 Contracted Services**

Comment:  
Permission is requested of the Board of Education to approve contracts for services as detailed, dated June 28, 2011.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.5 Summary of Payroll and Vendor Warrant Reports**

Comment:  
The summaries of Payroll and Vendor Warrants issued during the month of May, 2011 are:

Total of payroll warrants (May 2011):	\$ 9,888,492
Total of vendor warrants (May 2011):	\$25,258,226

Recommendation:  
Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:  
As noted above

**\*CI C.6 Agreements for Nonpublic, Nonsectarian School/Agency Services**

Comment:  
Permission is requested of the Board of Education to approve the Master Contracts between the District and named schools/agencies for nonpublic, nonsectarian school/agency services for the period of July 1, 2011 through June 30, 2012.

Recommendation:  
Recommend Approval

Fiscal Impact:  
\$7,500,000.00 Non-Licensed Children's Institute/Licensed Children's Institute

**\*CI C.7 Resolution No. 77-1011 Temporary Borrowing Between Funds**

Comment:  
Due to concerns regarding the status of cash at the State level and the fact that the normal flow of State deposits will be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the school district to



temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

In the event that temporary borrowing is needed, staff will provide the Board with a report containing detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2011-12 fiscal year.

Recommendation:  
Recommend Approval

Fiscal Impact:  
No Fiscal Impact

**\*CI C.8 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.9 Routine Personnel Changes – Classified**

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

Recommendation:  
For Information Only

Fiscal Impact:  
None

**\*CI C.10 Acceptance of Contracts for Placement of Student Teachers**

Comment:  
Teachers in this district provide supervision and evaluation for students seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher at no cost to the district.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed, dated June 28, 2011.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.11 Approve Job Descriptions: Attendance/Enrollment Technician, Classroom Support Aide**

Comment:

The District and Local One have met and agreed to the job descriptions:

1. Attendance/Enrollment Technician: There are currently two job descriptions that support the student attendance/enrollment data and agency reporting which are now being combined into one revised job description.
2. Classroom Support Aide: There are currently two job descriptions and three separate models for compensating classified employees who work with our special needs students providing specific services as determined from the students IEP. This new job description updates and documents the duties associated with this job and streamlines the pay structure for employees.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.12 Approve Job Description: Food Service Warehouse Supervisor**

Comment:

The District and School Supervisors Association (SSA) have met and approved the newly created Food Service Warehouse Supervisor job description.

This new position has been created to improve efficiency and supervision over the Food Service Warehouse functions. This action will allow us the opportunity to eliminate a vacant Food Services Area Supervisor position.

Recommendation:

Recommend Approval

Fiscal Impact:

Increase of \$8,373 per fiscal year paid from the Cafeteria Fund

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

Comment:

This is to ratify the Memorandum Of Understanding between West Contra Cost Unified School and the County Office of Education for the Making Waves Academy Charter School, which defines our terms of Special Education operation.

Recommendation:

Recommend Approval

Fiscal Impact:

Cost recovery for charter operation

**\*CI C.14 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: \$801,101. Funding sources as noted.

**\*CI C.15 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Nystrom Elementary New Multi-Purpose and Ford Elementary School New Campus. Change orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted change order for the Pinole Middle School Modernization project is required by the Board, with special findings as noted below, because this is in excess of the Public Contract Code limit of 10% of the original contract value. In accordance with Public Contract Code 20118.4, the Board, by approving and ratifying these change orders, finds that it would have been futile to publicly bid the work in question because of the tight time frames to complete this work without affecting the operations of the District, and that the public is best served by having this work completed by the contractor on the project.

Recommendation:

Ratify negotiated Change Orders as noted

Fiscal Impact:

Total ratification and approval by this action: \$98,759.25.

**\*CI C.16 Approval of Construction Management Services for ongoing Bond Projects**

Comment:

The District's Construction Management firm, Seville Group, "SGI," is providing Construction Management services at a number of District Bond Construction sites. There are new project phases beginning or extensions of services required. The proposed Construction Management Services contract adjustments are as follows:

1. Kennedy High School: Administration Renovations, ADA Compliance, and Quad Renovations added projects, ongoing services on the Field Building and Lights project. Services through February 2012. \$156,301.
2. King Elementary School New Campus: Ongoing services, project extended duration. Services through January 2012. \$230,344.
3. Restroom Wall Repairs Projects Madera & Stewart Elementary: New projects. Services through October 2011. \$34,611.

Recommendation:

Approve Construction Management Services contracts as noted

Fiscal Impact:

\$421,256

**\*CI C.17 Ratification of Staff Awarded Contracts for Summer Projects**

Comment:

The Operations Division is engaged in completing a number of projects which must be completed prior to the start of school. The District has completed construction documents and has publicly bid each of the projects. In consideration of the need to complete the work expeditiously, the Superintendent's designee authorized award of a contract for the projects as follows:

1. Madera Elementary Restroom Wall Surface Repairs: Architect: Hamilton + Aitken. Lowest responsive, responsible bidder: Streamline Builders, \$119,800.
2. Stewart Elementary Restroom Wall Surface Repairs: Architect: Interactive Resources. Lowest responsive, responsible bidder: Streamline Builders, \$100,800.
3. Kennedy High School Administration Area Renovations: Architect: Powell and Partners. Lowest responsive, responsible bidder: Am Woo Construction, \$370,200, including Bid Alternate 1.

The Education Code requires the Board to ratify this award action by the Superintendent's designee.

Recommendation:

Ratify staff awarded contracts as noted

Fiscal Impact:

\$590,800 for all projects noted. Madera Project Budget \$119,800, Measure J Bond Fund. Stewart Project Budget \$100,800, Measure J Bond Fund. Kennedy Project Budget \$370,200, Measure J Bond Fund.

**\*CI C.18 Ohlone Elementary Reconstruction Award of Contract for Construction**

Comment:

The last project in the Measure J Bond is the reconstruction of Ohlone Elementary School. The original campus was constructed using modular buildings and is far beyond its useful life. The Board approved the Master Plan for reconstruction in April of 2008. The project schedule was impacted by funding constraints, but at this time there are adequate funds available to complete the project.

The District conducted a public bid process for the project. Bids were opened on June 23, 2011.

\_\_\_\_\_ Contractors submitted bids. They are as follows: The lowest responsive, responsible bidder is \_\_\_\_\_. Staff will bring a recommendation for award to Board meeting.

Recommendation:

Award Contract to lowest responsive, responsible bidder

Fiscal Impact:

\$\_\_\_\_\_. Funded from the Ohlone Elementary Project Budget under the Measure J Bond.

**\*CI C.19 Collins Elementary Parking and Driveway Project Award of Contract**

Comment:

The rear parking area and driveway at Collins Elementary is deteriorated and has drainage and capacity issues. The District has initiated a project to upgrade this area. Pacific Engineering prepared construction documents. The District conducted a public bid process for the project. Bids were opened on June 15, 2011. Six Contractors submitted bids. They are as follows: American Asphalt \$321,000; Bruce Carone \$229,250; WR Forde \$204,440; ERA Construction \$199,500; J.A. Gonsalves & Son \$196,801; and, Michael G. McKim \$178,750. The lowest responsive, responsible bidder is Michael G. McKim at \$178,750.

Recommendation:

Award Contract to lowest responsive, responsible bidder

Fiscal Impact:

\$178,750. Funded from the Deferred Capital Projects Budget, Collins Elementary, under the Measure J Bond.

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

**\* D.1 Bond Finance Report**

Comment:

The Bond Finance Team will present a report on the impact of assessed valuation on the tax rates for outstanding bonds. The decrease in assessed valuation over the past few years has caused the tax rates

for certain bonds to rise. There may be an opportunity to refund certain bonds which could result in savings for taxpayers.

Recommendation:  
For Information Only

Fiscal Impact:  
None

\* **D.2 Seal of Biliteracy Awards Report**

Comment:  
Biliteracy awards recognize and value the biliteracy skills of all students, prepare our students with 21<sup>st</sup> century skills, affirm the value of diversity and honor the multiple cultures and languages of our community. A Biliteracy Awards program would present biliteracy awards to graduating high school, 8<sup>th</sup> grade and 6<sup>th</sup> grade students who demonstrate proficiency in English and one or more other languages.

Staff will give a report on the Seal of Biliteracy Award pathway. Criteria for the Biliteracy awards is provided.

Recommendation:  
Report

Fiscal Impact:  
None

\* **D.3 Standing Reports**

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

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

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

\* **D.4 In Memory of Members of the School Community**

Comment:

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Sylvester Greenwood passed away earlier this month. Mr. Greenwood started with the Richmond Unified School District in 1969 as a security officer. He became a teacher in 1974 and also served as dean, counselor, vice principal and principal at various schools. In 1988 he moved to the Administration Building and held positions of Deputy Superintendent and Assistant Superintendent, retiring in 2006.

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

Recommendation:

For Information Only

Fiscal Impact:

None

**E. PUBLIC AND COMMITTEE COMMUNICATIONS**

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

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

\* **E.2 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** If there are more requests to speak than can be heard within this time limit, "WCCUSD Public Comment" will continue after Item G. Individuals wishing to speak must submit a "WCCUSD Public Comment" form prior to the beginning of this item on the agenda.

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

**F. ACTION ITEMS**

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

Comment:

The Board will hold a public meeting and hear any public comments with regard to the Maintenance and Recreation Assessment District for 2011-12. Staff and the engineer will be available to answer questions on the Maintenance and Recreation Assessment District.

After the public hearing the Board may adopt “A Resolution Approving Engineer’s Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2011-12.” The resolution gives final approval to the engineer’s report and directs that the assessment diagram and assessments be filed with the county. The District will receive funds at the time it receives property tax payments. Proceeds of the MRAD will be deposited in a separate fund.

This is the third and final resolution in the process of levying an annual assessment. On March 16th the Board adopted a resolution ordering the preparation of the engineer’s report and then on June 1st, adopted a resolution calling a public meeting for June 28, and causing notice of that meeting to be published.

Recommendation:

Recommend approval of this resolution for MRAD

Fiscal Impact:

\$5,500,000 Revenue for MRAD Fund

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

Comment:

Education Code Section 42127 requires the governing board of each school district to adopt a budget for the subsequent year, on or before July 1<sup>st</sup>. The budget including the multi-year plan is subject to the review and approval of the State Trustee and the County Superintendent. Any revisions to the school district’s budget which results from passage of the state budget will be presented to the governing board within 45 days after the Governor signs the State Budget Act.

A public hearing will be held, and staff will provide an overview of the proposed budget delineating the significant revenue and expenditure components. The final proposed budget is presented to the Board of Education for approval.

Education Code Section 42605(c)(2) requires a public hearing and the ultimate reporting to the Legislature regarding expenditures in Tier III. The consequence of not conducting the public hearing, or the inability to demonstrate that a public hearing was conducted, is the loss of all Tier III funds.

The public hearing for Tier III Programs is being held in conjunction with the public hearing for the adoption of the 2010-11 budget and documentation provided. The list of Tier III Categorical Programs can be found as Appendix A to the 2011-12 Executive Summary.

Recommendation:

Approval of the 2011-12 Budget including Tier III Provisions

Fiscal Impact:

Adopted Budget



\* **F.3 Community Outreach for Possible Parcel Tax**

Comment:

In November 2008, the voters of West Contra Costa Unified School District overwhelmingly renewed the parcel tax that provides funding for our counselors, library staff, some of our custodians and psychologists, our athletic program as well as partial funding for class size reduction in grades K-3. As the five-year time frame for that funding draws to a close, the Board should consider whether to determine if our electorate will support the renewal of that levy. In 2007, the Board appointed a committee of two members and authorized them to develop a request for qualifications for a consulting firm to assist the district in this effort. The Attorney General has determined that a school district may legally expend district funds to hire a consultant to conduct surveys and establish focus groups to assess the potential support and opposition to a measure, the public's awareness of the district's financial needs, and the overall feasibility of developing a measure that could win voter approval.

Recommendation:

That the Board appoint two members as a subcommittee to select a polling firm and a consulting firm to conduct a survey and provide outreach services to determine the feasibility of a measure to renew the current parcel tax and authorize the superintendent to sign the contract or contracts.

Fiscal Impact:

Not to exceed \$60,000

\* **F.4 Shining Crescent Charter School Petition**

Comment:

On, April 18, 2011 the petitioner submitted to West Contra Costa Unified School District a petition for a charter school known as Shining Crescent Charter School ("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.

Staff has reviewed the charter petition ("Petition") for the establishment (for five years) of the Shining Crescent Charter School ("Charter School"). The Charter School is governed by a nonprofit public benefit corporation, but the District would be responsible for oversight of the Charter School. As presented in the Petition, the Charter School expects to serve approximately 302 students in grades K through 8 in its first year of operation (2012-2013), increasing to 312 students in the second year of operation (2012-2013) and 345 students at full implementation, in year five (2016-2017). (Petition, Appendix N: Budget Assumptions.) Petitioners intend the Charter School "to provide cultural and language support to all students" with a focus on the "underserved population of students who speak languages, e.g. Wolof, Hausa, Twi, Ga, Fante, African American Language/Ebonic, Farsi, Punjabi, Hindi, Bangladeshi, and Arabic. (Petition p. 10.) Petitioners propose to "develop primary language groups not listed in West Contra Costa data." (Petition p. 12)

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 was held on May 18, 2011. "After review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension." Education

Code section § 47605(b) A written agreement was made between Shining Crescent Charter School and West Contra Costa Unified School District to defer the board action until June 28, 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, Lynn Potter, Director Educational Services, Sonja Neely-Johnson, Harlan Kerr, Sherry Bell, 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 Shining Crescent 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 contain proposed findings prepared by District staff and legal counsel condensing the remaining areas of concern, the resolution of those concerns, and Staff’s ultimate recommendation regarding those areas.

Recommendation:

Staff recommends that the Board deny the charter 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. The 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 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 of fact, attached, as its own. Staff further recommends that the Board deny the Petition.

Fiscal Impact:  
None

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

Comment:

A community day school may serve pupils in any kindergarten and grades 1 to 12, inclusive, or the same or lesser included range of grades as may be founding any individual middle or junior high school operated by the District. If a school district is organized as a district that serves kindergarten and grades 1 to 8 inclusive the school district may establish a community day for grades 1 to 8.

The general waiver request application is due on July 1, 2011, for consideration at the July 13 -14, 2011 State Board of Education meeting. West Contra Costa has complied with the requirements necessary to apply for the waiver and will submit the application upon Board approval.

Notice of the hearing tonight has been posted for ten days as required.

Recommendation:

That the Board of Education hold a public hearing on June 28, 2011 to allow the public to comment on the approval of the submission by West Contra Costa Unified School District of a General Waiver of Education Code 48660 and 48916.1 on behalf of Harbor Way Community Day School. The General Waiver will be in the board agenda for the School Board meeting of July 13 -14, 2011.

Fiscal Impact:  
None

## **G. DISCUSSION ITEMS**

- \* **G.1 Manzanita Charter School MOU - Demand for Review**

Comment:

On May 12, 2010, the Governing Board met to consider renewal of Manzanita’s petition for a second five-year term. The Governing Board agreed to renew Manzanita’s charter petition under certain conditions and provided that the Charter School provided the following written assurances to the District:

- The Charter School shall make all requested modifications or clarifications to the Petition identified in the attached Findings.
- The Charter School shall agree to enter in to a Special Education Memorandum of Understanding that is mutually acceptable to the Charter School and the District and which adequately addresses each of the issues identified in the Findings.
- The Charter School shall confirm that the Board of Directors will adopt amendments to their Articles [of] Incorporation and Bylaws to assure compliance with all applicable State conflict of interest laws, including Government Code section 1090.

- The Charter School shall revise the Student Handbook for consistency with the Petition.
- The Charter School shall agree to enter into an Operational Memorandum of understanding that is mutually acceptable to the Charter School and District.

Under the conditions of approval set by the District's Governing Board in May 2010, Manzanita is obligated to enter into an operational MOU with the District, as well as an MOU to allocate responsibility between the parties for the funding, delivery, and implementation of special education and related services under the IDEA and related State special education law. In the intervening eight months, the District has engaged in prolonged negotiations with Manzanita in an effort to reach agreement on appropriate MOU terms. While efforts to resolve and finalize the terms of the Operational MOU are ongoing and are in the final stages of resolution, the Charter School has refused to finalize the terms of a Special Education MOU on the grounds that the District is obligated to provide Section 504 services to eligible Manzanita students. This assertion is untrue. During the course of these negotiations, the District has made clear that pursuant to law, and in the absence of an agreement to the contrary, the responsibility for Section 504 services rests solely with the Charter School. District staff will not be responsible for developing Section 504 plans or providing Section 504 services to Manzanita students.

Therefore, the District directs Manzanita to enter into Operational and Special Education MOUs with the District no later than July 5<sup>th</sup> 2011. Moreover, the Special Education MOU shall include language indicating that Manzanita has assumed sole responsibility for the provision of Section 504 services to eligible students.

Recommendation:

It is recommended that the above concerns must be remedied and the requested information provided. If Manzanita fails to remedy these concerns and provide the requested information by July 5, 2011 to the Superintendent, the District will notify the CDE of the possible non-renewal of Manzanita's charter and take appropriate steps to initiate the charter school closure process. The District may also initiate remedies under Education Code section 47607 in order to have the Charter School cure its lack of compliance with the law.

Fiscal Impact:

None

- H. UNFINISHED REQUESTS TO ADDRESS THE BOARD** (continued from Item E)
- I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**
- J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**  
Lovonya DeJean Middle School – July 13, 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

**June 28, 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**

Administrative Appointments for the 2011-2012 school year:

Principal, Elementary School  
Vice Principal, Middle School  
Assistant Principal, High School  
K-12 Instructional Specialist  
Principal, Adult Education  
Vice Principal, Adult Education  
Principal, Alternative Education  
Coordinator of Education Services  
Special Education, Administrator  
Executive Director K-12 Schools

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

**8. STUDENT DISCIPLINE** (Education Code Section 35146)

Expulsions

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

Certificated / Classified Employee Dismissal

**10. REPORT OF CLOSED SESSION ACTIONS**

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Ann Reinhausen,  
Assistant Superintendent Human Resources

**Agenda Item:** A.6

**Subject:** Administrative Appointments for the 2011-2012 School Year

**Background Information:**

The following administrative appointments will be reported for the 2011-2012 school year:

Principal, Elementary School  
Vice Principal, Middle School  
Assistant Principal, High School  
K-12 Instructional Specialist  
Principal, Adult Education  
Vice Principal, Adult Education  
Principal, Alternative Education  
Coordinator of Education Services  
Special Education, Administrator  
Executive Director K-12 Schools

**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  
Minutes of the Board of Education Meeting  
Lovonya DeJean Middle School  
3400 Macdonald Avenue  
Richmond, CA 94805**

Agenda Item B.6

**June 1, 2011**

**A. CLOSED SESSION**

**B. OPENING PROCEDURES**

President Charles Ramsey called the meeting to order at 5:00 PM. The Board recessed into Closed Session.  
President Ramsey called the Public Session to order at 6:30 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:** Magdy Abdalla, Director Facilities Construction; Patricia Calvert, Director Human Resources; Steve Collins, SELPA Director; Susan Dunlap, Coordinator Ed Services; Otilia Espinosa, Interpreter; 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; Debbie Haynie, Executive Secretary; Joshua Herrera, Electronics Technician; Linda Jackson, Executive Director; Barbara Jellison, Director Food Services; Joe Mayes, Manager Building & Maintenance; Emily Millar, Director Employee Relations; Sonya Neely-Johnson, Coordinator Ed Services; Lyn Potter, Director Ed Services; 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 Kennedy High School**

Ms. Fabiola Gutierrez provided a report of activities at Kennedy High School.

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

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the June 1, 2011 recommendation to approve expulsion cases #001 through #003.

**MOTION: Mr. Medrano moved to ratify the action taken in Closed Session regarding the recommendations of June 1, 2011 for expulsion cases #001 through #003. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather and President Ramsey voted yes with Mr. Thurmond abstaining, and no absences. Motion carried 4-0-1-0.**

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the dismissal of a classified employee.

**MOTION: Mr. Medrano moved to ratify the action taken in Closed Session regarding the dismissal of a classified employee. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather and President Ramsey voted yes with Mr. Thurmond abstaining, and no absences. Motion carried 4-0-1-0.**

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

**Elementary School Principals:**

Jay Dowd – Valley View  
Marcos Garcia – Riverside  
Valerie Garrett – Verde  
Nivia Smith-Kirknis – Bayview

Linda Takimoto – Harding  
Cynthia Taylor – Lupine Hills  
Eric Peterson – Dover  
Haidee Foust – Stewart  
Harlan Kerr – Shannon

**Middle School Principal:**  
Denise VanHook – Pinole Middle

**Interim Middle School Principal:**  
Matthew Burnham – Portola

**Middle School Assistant Principals:**  
Morenike O'Neal – DeJean  
Gabriel Chilcott – Helms  
Guthrie Fleischman – Hercules  
Deborah Narasaki – Crespi  
Jerrold Scheidt – Pinole  
Ladonna Williams – Hercules

**Adult Education Principal:**  
David Luongo

**Alternative Education Principals:**  
Paul Shatswell – North Campus  
Sherry Bell – Vista

**High School Assistant Principals:**  
Jennifer Bender – Richmond  
Yolanda Bulls – Pinole Valley  
Terri Ishmael – Hercules  
Nancy Ivey – El Cerrito  
Phillip Johnson – De Anza  
Kibby Kleiman – Richmond  
Ryan Kolb – Pinole Valley  
Reginald Marsh – Kennedy  
Armando Torres – Richmond

**K-12 Instructional Specialist:**  
Olanrewaju Ajayi – Lake  
Elaine Brady - Nystrom  
Jawan Eldridge – Lincoln  
Tracie Manipis – Bayview  
Alison Makela – Dover  
Jessica Smith-Kennan – De Anza

**Executive Director of K-12 Schools:**  
Cecilia Mendoza

**Coordinator of Educational Services:**  
Carol Butcher  
Katie VonHusen  
Susan Dunlap  
Sonja Neely-Johnson  
Humphrey Kiuruwi – Interim

**Administrator Special Education:**  
Darlene Almeida – Administrator

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

**B.6 Agenda Review and Adoption**

**MOTION:** Mr. Thurmond moved approval of the agenda with moving item F.1 Affirmation or Reconsideration for Shannon's Closure to follow B.7 Minutes. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Board Representative Gutierrez (advisory vote only), and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

**B.7 Minutes: May 18, 2011**

**MOTION:** Ms. Kronenberg moved approval of the Minutes of May 18, 2011. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Board Representative Gutierrez (advisory vote only), and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

**F.1 Affirmation or Reconsideration for Shannon's Closure**

Superintendent Harter provided context regarding the 2009 school closure plan for eight schools over a three year period due to enrollment declines throughout the District. He said that Shannon was scheduled to close at the end of the 2010-11 year. Community meetings were held to introduce the new boundaries that included Collins, Montalvin and Tara Hills schools for the displaced Shannon students. It has since come to the attention of the Board that the total expenditure for additional housing at those three schools is estimated to be \$1.2 million in capital facilities funds designated for that use and would be offset against a savings of approximately \$325,000 per year. The Board will weigh the financial benefit from the closure versus the capital cost in adding capacity at the other schools.

**Public Comment:**

Debbie Long, Heather Hernandez, Roy Swearingen, Blake Holtzclaw, Mari Tanaka, Christopher Myers, Maria Poblano, Charles Cowens, Carlton Hale Jr.

**Board comments:**

Mr. Medrano asked what circumstances had changed in the last two years that might cause the Board to reconsider the previous decision to close the school. President Ramsey responded with information about achievement test scores as well as the original intent and purpose of the school closure decision.

Mr. Medrano asked staff about Montalvin's capacity to absorb additional students. Superintendent Harter responded with information about the 2009 plan to add some capacity at some schools to house students from closures, but with the initial three schools that was not necessary. Staff anticipated a general elementary redistricting at the time of closures, but in the Shannon case reassigned students to the three closest elementary schools.

Mr. Thurmond said that he saw this discussion about doing something more cost effective for students. The Board should consider whether it is better to keep the school open at a cost savings. He said that he supports moving forward with keeping the school open.

Student Representative Gutierrez said she felt that the effects on the community are significant and supports keeping the school open.

Ms. Merriweather said she agreed that keeping the school open is good for the children and the community.

Ms. Kronenberg made a motion in terms of the limitations set by the State Trustee for the Board to consider the cost benefit of the closure and keep Shannon open for the 2011-2012 school year.

President Ramsey passed the gavel to Ms. Kronenberg in order to second the motion. He then said that the Board is staying within the guidelines set by the State Trustee for keeping the school open for another year. He said that time will allow development of issues in the best interest of the community. He was hopeful to keep the school open for next year and beyond even though he originally supported the closure.

Mr. Thurmond commented about any action taken by the Board possibly being reversed by the State Trustee. He urged the community to stay vigilant in having its voice heard.

**MOTION:** Ms. Kronenberg moved approval of keeping Shannon Elementary School open for the 2011-2012 school year. Mr. Ramsey passed the gavel in order to second the motion. A roll call vote was taken with Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond, Student Representative Fabiola Gutierrez (advisory vote only) and President Ramsey voting yes with no abstentions and no absences. Motion carried 5-0-0-0.

The Board recessed at 7:19 p.m. and reconvened at 7:28 p.m.  
Mr. Thurmond left the meeting for the evening.  
Student Representative Gutierrez left the meeting for the evening.

**C. BUSINESS ITEMS**

- C.1 Acceptance of Grants/Awards/Agreements**
- C.2 Acceptance of Donations**
- C.3 Approval of Fund Raising Activities**
- C.4 Contracted Services**
- C.5 Notices of Completion: Bid J068252 Verde Elementary School Restroom Surface Repair and Bid J068249 Lupine Hills Elementary School Restroom Surface Repair**
- C.6 Certificated Board Authorization - Education Code 44328**
- C.7 Routine Personnel Changes - Certificated**
- C.8 Routine Personnel Changes – Classified**
- C.9 Resolution No. 71-1011: Credential Assignment Options**
- C.10 Educator-on-Loan Agreement with Alameda County Office of Education**
- C.11 Community Advisory Committee (CAC) for Special Education**
- C.12 Ratification and Approval of Engineering Services Contracts**
- C.13 Ratification and Approval of Negotiated Change Orders**
- C.14 Measures J and D 2010 Bond Program Budget**

**MOTION:** Ms. Kronenberg moved approval of Consent Items C.1 – C.14. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather and President Ramsey voted yes with no abstentions and Mr. Thurmond absent. Motion carried 4-0-0-1.

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

**D.1 Preliminary Budget for 2011-12**

Ms. Gamba provided an overview of the Governor's May revision and its effect on the preliminary budget for the 2011-2012 school year.

**Public Comment:**

Janet Duckart, Alvin Herring, Kristen Pursley, Maria Prado, Charles Cowens

**Board Comment:**

Mr. Medrano asked for clarification of Ed Jobs and Tier III Flexibility. Ms. Gamba responded.  
Ms. Merriweather asked about Ed Jobs funds. Ms. Gamba responded with clarification.

**G.1 Shining Crescent Charter School**

Executive Director Linda Jackson presented information regarding the charter school petition, providing background information regarding the material revisions. Ms. Jackson introduced Ms. Nabeehah Sabree-Shakir as a spokesperson who provided information about the culturally relevant pedagogy and educational implementation.

**Public Comment:**

Shabana Shahbaz, Khizer Subhant, Hayla Albagal, Firas Jandali

**Board Comment:**

President Ramsey thanked the speakers.

President Ramsey afforded a group from Montalvin Elementary School opportunity to address the Board.

**Public Comment:**

Christopher Myers, Patricia Mejia, Yulisma Lopez, Gisselle Hernandez, Sheila Pineda, Jose Lopez, Lucia Lopez, Deysi Oytiz

**G.2 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:**

President Ramsey had questions about the deferred capital projects budget. Mr. Savidge responded with clarification and an example.

Ms. Gamba clarified that these kinds of expenditures are under the bond program budget for use on capital projects. Discussion continued about Tier III Flexibility, deferred maintenance and the fund sweep into the general fund over the last two years.

President Ramsey continued with questions about the Hercules architect selection process and scheduling for the Coronado and El Cerrito phase II projects. Mr. Savidge responded with information.

Mr. Ramsey asked further questions about portable classrooms. Mr. Savidge clarified that portables for Madera and Mira Vista will be purchased but not for Montalvin, Tara Hills and Collins. Mr. Savidge reported that King Elementary plans to move administrative staff into the new building during the week after school is out and that demolition of remainder of facility will begin after the removal of hazardous materials in July and August.

Mr. Fay announced a preview reception for the community at the new King campus scheduled for June 2<sup>nd</sup>.

**E.2 Request to address the Board - Community Garden – Kelli Barram**

Ms. Barram introduced students from Washington Elementary school who shared the importance of school gardens.

**E.3 Public Comment:**

Andrew Woo, Winston Long, Mark Ohlmann, Marc Phillip Mart, Marco Mallque, William Bryce, Austin Long, Michael Wilson, Kimberly Johnson, Billy Alexander, Maria Magana, Juma Donaldson, Ana Maria Ramirez

**D.4 Standing Reports**

**Academic Subcommittee.** Ms. Rashidchi gave an overview of topics discussed at the last meeting. The next meeting has yet to be scheduled.

**Linked Learning.** Ms. Kronenberg reported on the second Annual Linked Learning Academy Awards to recognize students and business community supporters. Mr. Medrano said he enjoyed awarding the plaques of recognition to students and their parents.

**Citizens' Bond Oversight Committee.** Chairperson Robert Studdiford reported on the May 23<sup>rd</sup> meeting with a tour of the King Elementary campus. The meeting resumed at the Facilities Operations Center where local construction workers spoke about their difficulty acquiring work in the District and asking questions about the Local Building Capacity hiring guidelines. He concluded by saying this was a valuable meeting with information for the members and community.

**Youth Commission.** Mr. Greer reported on the year end event, June 6<sup>th</sup> at Albany Bowl.

**Safety Committee.** Mr. Greer announced the next meeting scheduled for June 12<sup>th</sup> at the Richmond City Emergency Operations Center.

**Community Budget Advisory.** Ms. Gamba reported on the May 26 meeting where discussion included the preliminary budget information and plans for an upcoming schedule of events. She invited the public to join in discussion at its meetings.

**Facilities Subcommittee.** Mr. Medrano reported that Jake Sloan will meet with a group of workers from Richmond to follow up on their concerns expressed at the recent CBOC meeting.

**Ivy League Connection.** Ms. Kronenberg reported on a meeting with participants to review details of their trips. She also announced a mentoring program with Brown University students and alumni. Mr. Ramsey spoke about the mentors working with students on college applications. He also reported that an Ivy League poets and writers group will work with a local publisher in the fall. He commented that 160 students have been served since the program began.

**D.2 Report on Student Demographics**

Ms. Gamba provided information about the ten year demographic study by Davis Demographics, how the information was gathered and projections for use.

**Public Comment:**

None

**Board Comment:**

None

**D.3 WCCUSD Seamless Summer Feeding Program**

Food Service Director Barbara Jellison reported on the summer feeding program for students. She said this is the 22<sup>nd</sup> year that the Food Services division has provided meals for students in the community. Meals are provided throughout the summer at no charge for students 18 years of age and younger.

**Public Comment:**

None

**Board Comment:**

None

**D.4 Standing Reports**

This item was moved to follow E.3.

**E. PUBLIC AND COMMITTEE COMMUNICATIONS**

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

**E.1 Superintendent's Report**

This item was moved to follow F.3.

**E.2 Request to Address the Board – Kelli Barram, Growing West County School Gardens**

This item was moved to follow G.2.

**E.3 WCCUSD Public Comment**

This item moved to follow E.2.

**F. ACTION ITEMS**

**F.1 Affirmation or Reconsideration for Shannon's Closure**

This item was moved to follow B.7.

**F.2 Resolution No. 75-1011 Intention to Levy Assessments for Fiscal Year 2011-12, Preliminarily Approving Engineer's Report and providing for Notice of a Public Hearing**

Ms. Gamba provided information for adoption of the resolution and notice to the public for a June 28 public hearing. Maintenance Recreation and Assessment District (MRAD) is a funding source for grounds keeping, lighting, and assistance in maintaining school cleanliness.

**Public Comment:**

None

**Board Comment:**

None

**MOTION:** Mr. Medrano moved approval of Resolution No. 75-1011 Intention to Levy Assessments for Fiscal Year 2011-12, Preliminarily Approving Engineer's Report and providing for Notice of a Public Hearing. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather and President Ramsey voted yes with no abstentions and Mr. Thurmond absent. Motion carried 4-0-0-1.

**F.3 Resolution No. 72-1011: Declaration to Hire 30-Day Substitutes on CBEST Waivers**

Ms. Reinhausen presented information regarding the possibility of hiring substitute teachers who have not taken or passed the California Basic Skills Educational Test (CBEST).

**Public Comment:**

None

**Board Comment:**

None

**MOTION:** Ms. Kronenberg moved approval of Resolution No. 72-1011: Declaration to Hire 30-Day Substitutes on CBEST Waivers. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather and President Ramsey voted yes with no abstentions and Mr. Thurmond absent. Motion carried 4-0-0-1.

**E.1 Superintendent's Report**

Superintendent Harter provided a report of activities in the District.

**G. DISCUSSION ITEMS**

**G.1 Shining Crescent Charter School**

This item was moved to follow D.1.

**G.2 Project Status Report – Facilities Planning and Construction**

This item was moved to follow G. 1.

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

**I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**

Ms. Merriweather reported that she recently attended the Middle College graduation and recognized the outstanding students in the District. She said that two Middle College students were awarded the Gates Millennium Scholarship. She also plans to attend the DeAnza and Kennedy graduation ceremonies.

Mr. Medrano remarked that over half of the Middle College graduates also received their Associate of Arts Degree. He said he will attend an awards assembly at Richmond High and the graduation next week. He concluded by speaking about a career advancement academy at Contra Costa College supported by Devi Jamison. Qualified students will receive free textbooks and tuition for attending.

Ms. Kronenberg congratulated the graduates and their teachers. She said she will attend the El Cerrito and Adult School graduations and be in the audience for others as well. This is an important time for families to celebrate. She wished a happy Father's Day to the fathers in the audience.

President Ramsey recognized Mr. Thurmond and his family in dealing with personal issues. Mr. Ramsey further commented about finding creative ways to keep schools open. He said he hopes that Richmond voters will rally around Measures C and D in support of their community. He concluded by adjourning the meeting in the names of Linda Jackson who is retiring and Mario Miranda, one of the original Ivy League chaperones.

**J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

Lovonya DeJean Middle School – *Tuesday, June 28, 2011*

**K. ADJOURNMENT**

President Ramsey adjourned the meeting at 9:47 PM.

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

**West Contra Costa Unified School District  
Minutes of the Special Board of Education Meeting  
Facilities Operations Center  
1300 Potrero Ave., Conference Room C  
Richmond, CA 94804**

Agenda Item B.6

**June 14, 2011**

**A. OPENING PROCEDURES**

President Charles Ramsey called the meeting to order at 6:00 PM

**A.1 Pledge of Allegiance**

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

**A.2 Welcome and Meeting Procedures**

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

**A.3 Roll Call**

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

**Board Members Absent:** Elaine Merriweather

**Staff Present:** Martin Coyne, Interim Executive Director/Business Services (Bond and Facilities); Bill Fay, Associate Superintendent for Operations; Sheri Gamba, Associate Superintendent for Business Services; Bruce Harter, Superintendent; Debbie Haynie, Executive Secretary; Bill Savidge, District Engineering Officer; Julian Szot, Mira Vista Principal

**Public Comment:**

Ken Maxey

**B. BUSINESS ITEMS - CONSENT ITEMS**

**B.1 Madera Modulares Site Work Project Award of Contract**

**B.2 Mira Vista Modulares Site Work Project Award of Contract**

This item was pulled for public comment.

**B.3 Crespi Administration Building Fire Completion Project Award of Contract**

**MOTION:** Mr. Medrano moved approval of Consent Items B.1 and B.3. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.

**B.2 Mira Vista Modulares Site Work Project Award of Contract**

Superintendent Harter provided background regarding the Board's decision to make Mira Vista a K-8 school. Approval of this item will create the classroom space necessary to house the additional 8<sup>th</sup> graders. Mr. Wallace Gordon of DLM Architects presented a map of the site and discussed placement of the modular buildings. Principal Julian Szot spoke about the goal to house 6<sup>th</sup> – 8<sup>th</sup> grade students in one wing of the facility, allowing teachers to teach core subjects.

**Public Comment:**

Elizabeth Underwood

**Board Comment:**

President Ramsey addressed a concern about additional play space adjacent to the building to house the middle school students.

Mr. Medrano asked questions about maintenance of the grassy areas in the vicinity of the building to deter potential fire hazards.

**MOTION:** Mr. Medrano moved approval of Consent Item B.2, Mira Vista Modulares Site Work Project Award of Contract with the additional scope of work to provide a dedicated play space for the middle school students. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Ramsey voted yes with no abstentions and Ms. Merriweather absent. Motion carried 4-0-0-1.



**C. ADJOURNMENT**

President Ramsey adjourned the meeting at 6:12 PM.

**The next regular scheduled Board of Education Meeting:**

Lovonya DeJean Middle School – Tuesday, June 28, 2011

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

BH:dh  
Min 6-14-11 sp


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

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Sheri Gamba   
Associate Superintendent Business Services

**Agenda Item:** CI C.1

**Subject:** Grants/Awards/Agreements

**Background Information:** Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed on the attached sheet dated June 28, 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
Local Assistance Entitlements	\$0  Amendment # 1	California Department of Education - Special Education Division, Grants	Extend the 09-10 grant period from 9/30/10 to 9/30/11
Resource # 3310	7/1/09 - 09/30/11		PCA # 13379-01
Early Head Start Prog. Enhancement Services.	\$58,800  1/1/11 - 12/31/11	Contra Costa County Employment & Human Services	Preschool program at Cameron  Contract # 38-865-7
Local Assistance Entitlements	\$813  Amendment #1	California Department of Education - Special Education Division, Grants	Budget Increase
Resource # 3310	7/1/10 - 9/30/12		PCA # 13379-01
Mental Health Services	\$297,594	California Department of Education - Special Education Division, Grants	Mental Health Services program
Resource # 6500	7/1/10 - 9/30/12		CPA # 25161-01

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 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 June 28, 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  
June 28, 2011 Board Meeting

<u>Donor Name</u>	<u>Description or Purpose</u>	<u>Estimated Value</u>	<u>Receiving School or Department</u>
Cartridges For Kids	Supplies	\$32.34	Cameron School
Kaiser Permanente Community Giving Campaign	Special Administrative Account	\$30.00	Hanna Ranch Elementary
PG&E Corporation Foundation	Special Administrative Account	\$220.00	Hanna Ranch Elementary
Wells Fargo Community Support Campaign	Special Administrative Account	\$350.00	Hanna Ranch Elementary
Wells Fargo Foundation Educational Matching Gift Program	Office Supplies	\$520.00	Madera Elementary
Madera School PTA	Office Supplies	\$771.38	Madera Elementary
Mr. Estanislao G. Ledezma	Supplies	\$25.00	Madera Elementary
Ms. Salvatore Morabito	Student Body Fund	\$200.00	DeAnza High
Mr. & Mrs. Dante and Lisa Robinson	Supplies	\$350.00	Hercules Middle High
Ms. Julia Thomas Gant	Supplies	\$100.00	Hercules Middle High
Ms. Tiffany Walker	Supplies	\$35.00	Hercules Middle High
Mr. Lawrence Crooks	Student Body Fund	\$1,000.00	Portola Middle
Mr. Daniel Wright	Track Spikes and Training Shoes	\$218.32	John F. Kennedy High
Mr. Robert A. Dubow	Student Association	\$100.00	John F. Kennedy High
The Ed Fund	Band Supplies	\$250.00	Pinole Valley High
Toyota Dealer Match Program	Athletic General	\$2,500.00	Pinole Valley High
Mr. Grant Imahara	Robotics Program	\$4,000.00	Richmond High
Intuitive Surgical Op. Inc	Robotics Program	\$1,000.00	Richmond High
Chevron	Robotics Program	\$20,000.00	Richmond High
Mr. Robert Thompson	Miscellaneous Supplies	\$350.00	State Preschool Dept.
23rd Street Merchant Association	Reclassification Ceremony	\$250.00	Educational Services
West County Public Education Fund	Reclassification Ceremony	\$500.00	Educational Services

\*Estimated values for the non-cash donations are provided by the donor  
Donation Précis 062811


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

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

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**To:** Board of Education

**Meeting Date:** June 28, 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 2011-12 school year are summarized on the attached sheet dated June 28, 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  
June 28, 2011 Board Meeting

APPROVAL OF FUND-RAISERS

<b><u>School</u></b>	<b><u>Fund-Raising Activity</u></b>	<b><u>Activity Sponsor</u></b>
Hercules Middle High School	Christmas Tree Sale	Athletic Program Director
Hercules Middle High School	Sell ESPN Magazine	Athletic Program Director
Pinole Valley High School	Car Wash	Ms. Williamson & Ms. Valdenueza

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Sheri Gamba   
Associate Superintendent Business Services

**Agenda Item:** CI C.4

**Subject:** Contracted Services

**Background Information:** Permission is requested of the Board of Education to approve the following contracts for services as detailed on the attached sheets dated June 28, 2011.

**Recommendation:** Recommend Approval

**Fiscal Impact:** As noted per contracts summary

**DISPOSITION BY BOARD OF EDUCATION**

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

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



West Contra Costa Unified School District  
June 28, 2011 Board Meeting

CONTRACTED SERVICES

The following professional consultant services are recommended for approval.

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<u>DEPARTMENT</u>	<u>DATE OF SERVICE</u>	<u>CONSULTANT NAME</u>	<u>COST &amp; FUNDING</u>	<u>PURPOSE</u>
Curriculum Federal Project	6/29/11 Thru 7/28/11	Museum of Children's Art R28519	\$60,731 Title I ARRA	Provide visual and movement art classes to be taught during the summer school program. Two classes per artist, per day, four days per week. MOCHA will serve as lead agency and provide seven visual artists, Destiny Arts Center, as subcontractor, will provide seven movement arts instructors.
Curriculum Federal Project	7/1/11 Thru 6/30/12	Bay Area Community Resources	\$133,260 SIG	Provide two counselors that provide counseling services and dropout prevention for Lincoln Elementary School students and families including individual and group/family sessions. Activities include consultation with parents/guardians and family sessions as indicated. Counseling includes talk, play, expressive and art therapy. Maintenance of clinical files. Counselor also works to problem solve student issues and coaches staff members on relationship building with students/families.
Curriculum Federal Project	7/1/11 Thru 6/30/12	Bay Area Community Resources	\$65,625 SIG	SB65/Parent Liaison Support Services Coordinator Consultant to provide attendance and dropout prevention for Lincoln Students and Families including initiating, coordinating and attending home visits, monitoring and following up on attendance issues and arranging, facilitating and following up (case management) on CARE team and SST meetings.

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:** June 28, 2011

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

**Agenda Item:** CI C.5

**Subject:** Summary of Payroll and Vendor Warrant Reports

**Background Information:** Attached are the summaries of Payroll and Vendor Warrants issued during the month of May, 2011.

Total of payroll warrants (May 2011): \$ 9,888,492

Total of vendor warrants (May 2011): \$25,258,226

**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 : May 2011

Payrolls	Warrant From	Numbers To	Total Warrants Current	Total Warrants Previous	Total Warrants To Date
Regular	622574	623373	1,900,089	36,694,695	38,594,785
Variable	621280	622573	895,924	17,785,759	18,681,683
Special				1,336,747	1,336,747
Reg. EFT	302116	304217	6,253,560	108,052,934	114,306,494
Var. EFT	300676	302115	819,883	17,200,386	18,020,269
Special EFT				3,619,780	3,619,780
Typed	297271	297301	30,400	381,177	411,577
BENEFITS				130,698	130,698
Cancelled	Various	Various	(11,365)	(299,960)	(311,325)
Totals			9,888,492	184,902,215	194,790,707

Salary detail is available upon request in the Payroll office.




Cheryl Lewis, Payroll Supervisor

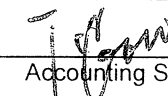
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
WEEKLY VENDOR WARRANT REPORT  
2010-2011

PAYMENT  
DATE: May 4, 2011

PAGE-1

FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL	437786	438047	5,211,074	74,465,948	79,677,022
7706	CAFETERIA	437804	438025	69,223	4,182,670	4,251,893
7707	CHILD DEVELOPMENT	437877	437877	384	200,191	200,575
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY	437873	438001	28,762	4,819,408	4,848,170
7710	BUILDING	437785	438041	1,891,614	71,113,552	73,005,166
7711	CAPITAL FACILITIES				1,375,159	1,375,159
7712	SELF INSURANCE PROPERTY & LIABILITY	437811	437912	18,545	3,098,413	3,116,958
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	437819	438037	6,039	119,505	125,544
7770	ADULT EDUCATION	437832	437980	2,916	235,299	238,215
7785	DEFERRED MAINTENANCE				2,497	2,497
7701	PAYROLL REVOLVING				48,569,585	48,569,585
	TOTALS			7,228,557	208,182,227	215,410,784

  
Prepared By

  
Accounting Supervisor

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

PAYMENT

DATE: May 11, 2011

PAGE-2

FUND#	FUND DESCRIPTION	WARRANT FROM	NUMBERS TO	TOTAL WARRANTS THIS REPORT	TOTAL PREVIOUS WARRANTS	TOTAL WARRANTS TO DATE
7701	GENERAL	438125	438358	1,217,958	79,677,022	80,894,980
7706	CAFETERIA	438099	438324	194,174	4,251,893	4,446,067
7707	CHILD DEVELOPMENT	438112	438273	298	200,575	200,873
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY	438094	438120	17,163	4,848,171	4,865,334
7710	BUILDING	438084	438359	3,056,367	73,005,166	76,061,533
7711	CAPITAL FACILITIES	438076	438351	26,092	1,375,159	1,401,251
7712	SELF INSURANCE PROPERTY & LIABILITY	438104	438194	4,183	3,116,958	3,121,141
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				125,544	125,544
7770	ADULT EDUCATION	438108	438284	2,811	238,215	241,026
7785	DEFERRED MAINTENANCE	438322	438322	9,700	2,497	12,197
7701	PAYROLL REVOLVING				48,569,585	48,569,585
	TOTALS			4,528,746	215,410,784	219,939,530

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

PAYMENT

DATE: May 18, 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	438360	438637	1,694,242	80,894,980	82,589,222
7706	CAFETERIA	438381	438620	13,088	4,446,067	4,459,155
7707	CHILD DEVELOPMENT	438559	438559	349	200,873	201,222
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY	438418	438418	340	4,865,334	4,865,674
7710	BUILDING	438370	438618	1,546,421	76,061,533	77,607,954
7711	CAPITAL FACILITIES	438432	438432	11,515	1,401,251	1,412,766
7712	SELF INSURANCE PROPERTY & LIABILITY	438575	438575	1,523	3,121,141	3,122,664
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				125,544	125,544
7770	ADULT EDUCATION	438413	438613	7,898	241,026	248,924
7785	DEFERRED MAINTENANCE	438601	438601	25,626	12,197	37,823
7701	PAYROLL REVOLVING				48,569,585	48,569,585
	TOTALS			3,301,002	219,939,530	223,240,532

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

PAYMENT

DATE: May 25, 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	438640	438949	1,286,333	82,589,222	83,875,555
7706	CAFETERIA	438659	438929	213,515	4,459,155	4,672,670
7707	CHILD DEVELOPMENT	438677	438677	515	201,222	201,737
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY	438685	438859	20,294	4,865,674	4,885,968
7710	BUILDING	438648	438948	3,117,699	77,607,954	80,725,653
7711	CAPITAL FACILITIES	438713	438713	259	1,412,766	1,413,025
7712	SELF INSURANCE PROPERTY & LIABILITY	438806	438806	262	3,122,664	3,122,926
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				125,544	125,544
7770	ADULT EDUCATION	438656	438913	2,329	248,924	251,253
7785	DEFERRED MAINTENANCE				37,823	37,823
7701	PAYROLL REVOLVING				48,569,585	48,569,585
	TOTALS			4,641,206	223,240,532	227,881,738

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

PAYMENT

DATE: May 10, 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				83,875,555	83,875,555
7706	CAFETERIA				4,672,670	4,672,670
7707	CHILD DEVELOPMENT				201,737	201,737
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,885,968	4,885,968
7710	BUILDING				80,725,653	80,725,653
7711	CAPITAL FACILITIES				1,413,025	1,413,025
7712	SELF INSURANCE PROPERTY & LIABILITY				3,122,926	3,122,926
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				125,544	125,544
7770	ADULT EDUCATION				251,253	251,253
7785	DEFERRED MAINTENANCE				37,823	37,823
7701	PAYROLL REVOLVING	438048	438073	920,301	48,569,585	49,489,886
	TOTALS			920,301	227,881,738	228,802,039



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

PAYMENT

DATE: May 31, 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				83,875,555	83,875,555
7706	CAFETERIA				4,672,670	4,672,670
7707	CHILD DEVELOPMENT				201,737	201,737
7708	SPECIAL RESERVE FOR CAPITAL OUTLAY				4,885,968	4,885,968
7710	BUILDING				80,725,653	80,725,653
7711	CAPITAL FACILITIES				1,413,025	1,413,025
7712	SELF INSURANCE PROPERTY & LIABILITY				3,122,926	3,122,926
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				125,544	125,544
7770	ADULT EDUCATION				251,253	251,253
7785	DEFERRED MAINTENANCE				37,823	37,823
7701	PAYROLL REVOLVING	438950	439009	4,638,414	49,489,886	54,128,300
	TOTALS			4,638,414	228,802,039	233,440,453

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

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

**Agenda Item:** CI C.6

**Subject:** Agreements for Nonpublic, Nonsectarian School/Agency Services

**Background Information:** Permission is requested of the Board of Education to approve the Master Contracts between the District and named schools/agencies for nonpublic, nonsectarian school/agency services for the period of July 1, 2011 through June 30, 2012.

**Recommendation:** Recommend Approval

**Fiscal Impact:** \$7,500,000.00 Non-Licensed Children's Institute / Licensed Children's Institute

**DISPOSITION BY BOARD OF EDUCATION**

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

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

# CONTRACT FOR NON-PUBLIC SCHOOLS 2011-2012 BOARD APPROVAL

<b>Name of School</b>	<b>Address</b>	<b>City / State</b>	<b>Zip</b>
1 Jean Weingarten Peninsula	3518 Jefferson Ave.	Redwood City	94062
2 A Better Chance School	4138 Lakeside Drive	Richmond	94806
3 Aldea School	4002 Jefferson Street	Napa	94558
4 Aspen Ranch	2000 West Dry Valley Road	Loa, UT	84747
5 CEID	1035 Grayson	Berkeley	94710
6 Challenge to Learning	924 Balboa Street	San Francisco	94118
7 Childrens Learning Center	1910 Central Avenue	Alameda	94501
8 Copper Hills Youth Center	5899 W. Rivendell Drive	West Jordan, UT	84088
9 Devereux Foundation	5850 T.G. Lee Boulevard, Ste 400	Orlando, FL	32822
10 Edgewood Children's Center	1801 Vicente Street	San Francisco	94116
11 Everest School	1155 Capital Street	Vallejo	94590
12 Excelsior Youth Center	15001 E. Oxford Avenue	Aurora, CO	80014
13 Family Life Center	365 Kuck Lane	Petaluma	94952
14 Keystone Education	11980 Mt. Vernon	Grand Terrace	92313
15 La Cheim School/Michael Thomas	1 Bolivar Drive	Berkeley	94710
16 Lincoln Child Center	4368 Lincoln Avenue	Oakland	94602
17 Logan River Academy	P. O. Box 3662	Logan, Utah	84323
18 Lynn Center	950 El Pueblo Avenue	Pittsburg	94565
19 Milhous School, Inc	10591 Milhous Drive	Nevada City	95959
20 Oakhill School	300 Sunny Hills Dr., Building 6	San Anselmo	94960
21 Oakgrove School, Inc	3375 Harrison Blvd.	Ogden, UT	84403
22 Raskob Day School	3520 Mountain Boulevard	Oakland	94619
23 Sands Path Academy	1218 S. Van Ness Avenue	San Francisco	94110
24 Seneca Center	2275 Arlington Drive	San Leandro	94578
25 Sierra School of Solano County	P.O. Box 590	Elmira	95625
26 Spectrum Center	16360 San Pablo Ave	San Pablo	94806
27 Springstone Community High School	1085 Carol Lane	Lafayette	94549
28 Star Academy	4470 Redwood Highway	San Rafael	94903
29 Starlight	455 Silicon Valley Blvd.	San Jose	95138
30 Sunny Hills Children's Services	300 Sunny Hills Drive	San Anselmo	94960
31 Via Center	2126 Sixth Street	Berkeley	94710

# CONTRACT FOR NON-PUBLIC AGENCIES 2011-2012 BOARD APPROVAL

Name of Agency	Address	City / State	Zip
1 Accentcare Home Health	2300 Contra Costa Blvd #125	Pleasant Hill	94523
2 Alta Bates Summit Medical Center (Herrick Campus)	2001 Dwight Way	Berkeley	94704
3 Augmentative Communications & Technology	350 Santa Ana Avenue	San Francisco	94127
4 Beyond the Classroom	3020 El Cerrito Plaza #125	El Cerrito	94530
5 CARD Center for Autism Related Disorders	19019 Ventura Blvd., Suite 300	Tarzana	91356
6 Career Staff Unlimited	5000 Hopyard Road #220	Pleasanton	94588
7 Center for Accessible Technology	2547 8th Street, 12-A	Berkeley	94710
8 Children's Hospital Autism Intervention	747 52nd Street	Oakland	94609
9 Communication Works	4400 Keller Ave., Suite 200	Oakland	94605
10 Contra Costa County Office of Education/JPA	77 Santa Barbara Road	Pleasant Hill	94523
11 Contra Costa ARC/George Miller Pool	20 Allen Street, #120	Martinez	94553
12 Contra Costa Health Department/Mental Health	525 Green Street	Martinez	94553
13 Contra Costa Health Services	50 Douglas Drive, Suite 320 A	Martinez	94553
14 Donna Slater, OTR/L	2350 Farnsworth Drive	Livermore	94551
15 Dori Maxon	5830 Sacramento Avenue	Richmond	94804
16 Easter Seals Bay Area	180 Grand Avenue, Suite 300	Oakland	94612
17 East Bay Therapy/Bonnie Groth	2307 Grosvenor Heights Court	Livermore	94550
18 Ed Support Services	5426 Brookdale Ave.	Oakland	94619
19 Educational Based Services (EBS)	343 Soquel Avenue	Santa Cruz	95062
20 Elizabeth B. Isono	2550 Ninth Street, Suite 115	Berkeley	94710
21 Faltz Associates, Inc	4279 Piedmont Avenue	Oakland	94611
22 Global Health Care	433 N 4th Street, Suite 101	Montebello	90640
23 Hallsten Speech Pathology	2436 Woolsey Street	Berkeley	94705
24 Hearing Conservation	10952 South Airport Way	Manteca	95336
25 Holly Kaiser Therapy	321 Karen Way	Tiburon	94920
26 Imagine Consulting	15 W. Santa Inez Avenue	San Mateo	94402
27 Interpreting and Consulting Services	836 B Southhampton Rd #353	Benicia	94510
28 Lindamood Bell	416 Higuera Street	San Luis Obispo	93401
29 MacMillian, Anne	85 Crestmont Drive	Oakland	94619
30 Maxim Health Care	1900 Powell Street, Suite 450	Emeryville	94608
31 Method Management Consultants	2725 Broderick Street	San Francisco	94123
32 Pacific Child & Family Associates	410 Arden Ave., #203	Glendale	91203
33 Pediatric contracting Services, Inc	1563 Solano Avenue, #255	Berkeley	94707
34 Professional Tutors of America	3350 East Birch Street, Suite 108	Brea	92521
35 Progressus Therapy	2701 N. Rocky Pt. Drive #650	Tampa, FL	33607
36 Quality Behavioral Outcomes	4900 Hopyard Road #100	Pleasanton	94588
37 Rose Stamm/OT/Cameron	6753 Glen Mawr Avenue	El Cerrito	94530
38 Speech Pathology/Susan Stark	2021 Ygnacio Valley Road, C-201	Walnut Creek	94598
39 STE Consultants	2560 9th Street, Suite 319A	Berkeley	94710
40 The Independent Speech Pathology Network	1 Peralta Court	Moraga	94556
41 Welcome Transport Group	1542 Sherman Street	Alameda	94501
42 Williams-Masters, Donna	16032 Windsor Drive	San Leandro	94578
43 Yellow Cab Express	771 McLaughlin Street	Richmond	94805

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:** June 28, 2011

**From:** Sheri Gamba   
Associate Superintendent Business Services

**Agenda Item:** CI C.7

**Subject:** Resolution No.77-1011 Temporary Borrowing Between Funds

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

In the event that temporary borrowing is needed, staff will provide the Board with a report containing detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2011-12 fiscal year.

**Recommendation:** Approve Resolution 77-1011 for Temporary Borrowing Between Funds

**Fiscal Impact:** No fiscal impact

DISPOSITION BY BOARD OF EDUCATION

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

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

BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 77-1011  
TEMPORARY BORROWING BETWEEN FUNDS  
JUNE 28, 2011

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

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

NOW, THEREFORE, BE IT RESOLVED that in accordance with Education Code Section 42603, monies may be transferred between funds of the district and repaid in accordance with Education Code Section 42603 for the 2011-12 fiscal year.

PASSED AND ADOPTED by the Governing Board of the West Contra Costa Unified School District on this twenty-eighth day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Madeline Kronenberg, Clerk of the Board  
West Contra Costa Unified School District  
Contra Costa County, California

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

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

---

**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Ann Reinhausen,  
Assistant Superintendent Human Resources

**Agenda Item:** CI C.8

**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**  
**June 28, 2011**  
**FOR INFORMATION ONLY**

**CERTIFICATED BOARD CHANGES**

**TERMINATED/RETIRED**

<b><u>FIRST NAME</u></b>	<b><u>LAST NAME</u></b>	<b><u>SITE</u></b>	<b><u>POSITION</u></b>	<b><u>STATUS</u></b>	<b><u>TERM DATE</u></b>
REBECCA	TURMAN	LEAVE	TEACHER	RETIRED	6/9/2011
DANIELLE	DIBBLE	LEAVE	TEACHER	RESIGNATION	6/9/2011
ELIZABETH	KATZ	DEJEAN	TEACHER	RESIGNATION	6/9/2011
COLLEEN	GRUENWALD	LEAVE	TEACHER	RESIGNATION	6/9/2011
DAVID	MAHLOW	MURPHY	TEACHER	RESIGNATION	6/9/2011



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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Ann Reinhausen,  
Assistant Superintendent Human Resources

**Agenda Item:** CI C.9

**Subject:** Routine Personnel Changes – Classified

**Background Information:**

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

**Recommendation:** For Information Only

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

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

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

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

June 28, 2011

**FOR INFORMATION ONLY**

Classified Personnel

Changes

PROMOTION			
RUSSELL, KENNETH WAYNE	ASST CUSTODIAL SERVICES SUPV	CUSTODIAL DISTRICTWIDE	5/1/2011
BROADWAY, ISIAH	CUSTODIAN	PORTOLA MIDDLE	5/31/2011
AVALOS, SOCORRO	FOOD SERVICE AIDE	FAIRMONT	5/10/2011
GREEN, LAKEYAH M.	REGISTRAR	EL CERRITO HIGH	5/23/2011
RAMIREZ, ARCELIA T.	SCHOOL LUNCH WORKER I	CENTRAL KITCHEN	5/16/2011
BURTON, LINDA J	SCHOOL LUNCH WORKER I	PINOLE VALLEY HIGH	5/18/2011
DUANGSAWANG, NGEUNBOON K	SP ED ASSISTANT-BROOKSIDE	CAMERON	5/2/2011
GONZALEZ, ANGIE Y	SP ED ASSISTANT-BROOKSIDE	CAMERON	5/2/2011
RIVERA, ANNA BERTHA	TYPIST CLERK I BILINGUAL	BAYVIEW	5/11/2011
MUNOZ, LIZETH	TYPIST CLERK I BILINGUAL	GRANT	5/24/2011
DAVIDSON, HENRIETTA	TYPIST CLERK II	EL CERRITO HIGH	5/9/2011
BOSTON, LINDA E	TYPIST CLERK II	STATE & FEDERAL	5/9/2011

TERMINATION			
PITTMAN, PAUL E	GARDENER OPERATOR	TERMINATION	5/16/2011
BELL, ANDRE	EXECUTIVE DIRECTOR, FISCAL SERVICES	RESIGNATION	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**

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**To:** Board of Education **Meeting Date:** June 28, 2011  
**From:** Ann Reinhausen,  
Assistant Superintendent Human Resources **Agenda Item:** CI C.10  
**Subject:** Acceptance of Contracts for Placement of Student Teachers

**Background Information:**

Teachers in this district provide supervision and evaluation for students seeking credentials to teach in California public school classrooms. These arrangements are made between the institution of higher education and the individual classroom teacher at no cost to the district.

Staff requests approval from the Board of Education to accept Contracts for Placement of Student Teachers as detailed on the attached sheet dated June 28, 2011.

**Recommendation:** Recommended Approval.

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

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

West Contra Costa Unified School District  
June 28, 2011

ACCEPTANCE OF CONTRACTS FOR PLACEMENT OF STUDENT TEACHERS

The following institutions of higher education have submitted a contract with West Contra Costa Unified School District. These institutions intend to place student teachers in the West Contra Costa Unified School District schools.

California State University, Fresno CHHS/Department of Nursing Agreement -Clinical Nursing Experience  
University of Southern California Student Teaching Agreement

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Ann Reinhausen  
Assistant Superintendent Human Resources

**Agenda Item:** CI C.11

**Subject:** Approve the following Job Descriptions:

Attendance/Enrollment Technician  
Classroom Support Aide

**Background Information:**

The district and Local One have met and agreed to the attached job descriptions:

1. Attendance/Enrollment Technician: There are currently two job descriptions that support the student attendance/enrollment data and agency reporting which are now being combined into one revised job description.
2. Classroom Support Aide: There are currently two job descriptions and three separate models for compensating classified employees who work with our special needs students providing specific services as determined from the students IEP. This new job description updates and documents the duties associated with this job and streamlines the pay structure for employees.

**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**

### **ATTENDANCE/ENROLLMENT TECHNICIAN**

#### **DEFINITION:**

Under supervision, to perform complex duties in maintaining the student information attendance accounting system; assist the development and preparation of reports for local, county, state and federal agencies; train and provide guidance to district staff as needed; perform other related duties as assigned.

#### **EXAMPLES OF DUTIES:**

Analyzes various attendance reports and enrollment data and confers with data processing and school personnel regarding adjustments and systems modifications; contacts school personnel to correct data entry errors and to clarify procedures; instructs personnel in schools and programs that maintain their attendance records manually; audits records, summarizes and incorporates data into various reports; keeps informed of legislation and policy changes regarding attendance accounting and assists in developing and implementing necessary changes in the district's operations and reports; prepares various monthly and annual reports as required by law and compiles and verifies data to be used in financial reports; identifies areas for end user training; conducts training sessions for staff; works with school sites on school enrollment accuracy to ensure compliance with state- and federally required reporting requirements.

#### **QUALIFICATIONS:**

##### **Knowledge of:**

- Modern office methods and procedures, including modern methods of statistical record keeping particularly as applied to attendance records; advanced knowledge of Excel;
- The operation and care of computers, adding machines, calculators and other office technology;
- Communication systems operations, including email and various phone systems;
- Applicable sections of the Education Code, state, federal and local regulations related to attendance;
- Principles and practices of effective training techniques;
- Report writing methods and techniques;
- Familiar with district, state, and federal regulations and reporting requirements with respect to enrollment and attendance;
- Ability to calculate and report on Average Daily Attendance (ADA)

##### **Ability to:**

- Perform complex tasks;
- Plan, organize and administer attendance accounting activities of the District;
- Interpret, apply and explain rules, regulations, policies and procedures;
- Analyze situations accurately and adopt an effective course of action;
- Meet schedules and time lines;
- Prepare accurate, comprehensive statistical reports utilizing Excel or other district software;
- Maintain knowledge of law's and trends related to student attendance accounting;
- Make mathematical computations with speed and accuracy;
- Operate office machines and computer hardware and software programs;
- Understand and follow oral and written instructions;
- Provide training to all levels of staff;
- Compose letters, maintain records and prepare reports;
- Work cooperatively and tactfully with those in the course of work;
- Create and update attendance manual, calendar and other documentation for end user distribution;
- Ability to multi task, evaluate and set priorities;

- Establish and maintain effective working relationships with staff and external agencies;
- Work independently with little supervision;
- Maintain confidentiality regarding student information;
- Ability to coach and train employees on adhering to established policies and procedures;
- Travel for business meetings.

Experience:

- Three years of increasingly responsible experience in clerical work and two years experience relating to school attendance accounting.

Education:

- High school education or equivalent in training and experience.

License:

- Valid California Drivers license

**WORKING CONDITIONS:**

**Environment:**

Indoor work environment.

**Physical Demands:**

- Enter data into a computer terminal/typewriter and operate standard office equipment;
- Sit for extended periods of time;
- See and read a computer screen and printed matter with or without vision aids;
- Hear and understand speech at normal levels and on the telephone, with or without hearing aids;
- Lift and/or carry up to 20 lbs.;
- Bend at the waist, kneeling or crouching to retrieve files;
- Reach overhead, above the shoulders and horizontally, grasp, push/pull.

**SALARY:**

Schedule: 5

Salary Range: 58

**Approved by the Human Resources Division:**

**Approved by the Board of Education:**

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**  
**Classroom Support Aide**

**DEFINITION:** Under general supervision, and direction of the teacher, will perform work of complex difficulty in providing specialized health care procedures and instructional support services in various general education, pre K-12 and adult, special education settings including but not limited to severely disabled, autistic, behavioral, full inclusion or assistive technology; and performs related work and attends related training as required.

**EXAMPLES OF DUTIES: (The incumbent may or may not perform all the duties below):**

- Assists the classroom teacher in reinforcing instruction with students in a group or individual basis assisting with specific instructional tasks and accommodating the special needs of individual students;
- Assist special needs students in learning or using special equipment of instructional media;
- Assist special needs students in the development and maintenance of appropriate social behaviors through the use of a variety of positive reinforcement techniques, activities and/or materials;
- Guides students and/or provides appropriate modeling in a variety of areas: physical development and fitness, communication, personal hygiene, academic learning, appropriate dress, vocational skills, and is often assigned to do more in-depth work in one of these areas;
- May administer medications according to physician orders with parent permission and under the supervision of the assigned school nurse;
- Assists lifting of students in and out of wheelchairs, braces, and other orthopedic equipment, assists in physically transferring/lifting students from and to their wheelchairs for busing, school, classroom and/or community activities;
- Encourage and assist special needs students in communicating and engaging in social activities such as field trips and extracurricular activities;
- Assists the teacher in establishing and maintaining a clean, safe, and cooperative classroom and learning environment;
- Supervise students in snack and lunch activities and outdoor/campus activities;
- Assist students with special needs in learning gross motor skills and teaching independent mobility;
- Support students of diverse levels and types of disabilities, gender, ethnic and cultural backgrounds;
- Maintains confidentiality of student records and classroom information in accordance with legal requirements and policies;
- Assists teachers in maintaining student records and assists in preparing instructional material;
- Actively engage students with outdoor play activities;
- May assist students with personal hygiene functions including toileting, diapering, eating, dressing and other self-help skills which involves frequent lifting;
- May attend to students' physical needs which may include, but are not limited to, gastronomy feeding tubes/buttons; catheterization; urinal, colostomy and ileostomy bags; diabetes testing, supervise diabetes management; change wound dressings; tracheotomy suctioning and care; nasal and oral suctioning;
- Maintain a positive, helpful, constructive attitude and working relationship with the classroom teacher, principal, site staff, district employees, students, parents and the general public in all situations;
- Participates with the classroom teacher or Special Ed Program Specialist on determining strategies on supporting a student based on Individual Education Plans (IEP's);
- Will be required to travel from location to location;
- Attend required training and job-related meetings;
- Perform related duties as assigned.



## **QUALIFICATIONS:**

**Training and Experience:** A combination of training and experience equivalent to high school graduation and one year experience working with special needs students or adults. Successful completion of the Instructional Assistant Proficiency Examination (NCLB) and/or have a minimum of forty-eight (48) college semester units.

### **Knowledge of:**

- The appropriate subject matter, program and special instructional or communication procedures;
- Correct English usage, spelling, grammar, punctuation and mathematics;
- Reading and writing communication skills;
- Interpersonal relations skills using tact, patience and courtesy;
- General classroom procedures, practices and equipment;
- General needs relative to students who are physically challenged and/or disabled;
- Techniques of learning reinforcement and behavior modification for students;
- First aid techniques;

### **Skill in:**

- Applying special instructional or communication procedures;
- Following oral and written directions;
- Communicating clearly both orally and in writing;
- Recordkeeping and providing clerical support duties;
- Establishing and maintaining cooperative working relationships with school staff, students and parents;
- Reading, writing and arithmetic;
- Keeping school and student matters confidential;
- Understand and appropriately respond to the needs of disabled students and to possess a genuine liking for students;
- Using computers and associated software

### **Ability to:**

- Perform the duties of the position with or without accommodation;
- Assist teachers and staff in meeting the educational and behavioral goals of students;
- Learn, apply and interpret rules, policies, regulations and procedures;
- Act calmly and appropriately in emergencies;
- Assist in feeding and toileting of students;
- Work cooperatively and communicate effectively with those contacted during the course of work

## **WORKING CONDITIONS:**

### **Environment:**

- Indoors within a specialized classroom environment; outdoor playground environment;
- While performing the duties of this job, constantly exposed to risk of trip and fall (over wheelchairs, walkers, IV stands, Hoyer lifts, crutches, etc.);
- Noise level in the work environment is usually moderate. Approximately 30 minutes each day maybe spent at bus loading area where noise is extremely shrill and loud.

### **Physical Demands:**

- Dexterity of hands and fingers to operate standard office and classroom equipment;
- Hearing and speaking to exchange information;
- Sitting or standing for extended periods of time;

- Seeing to read a variety of materials and monitor student activities;
- Hearing and speaking to exchange information;
- Bending at the waist, twist, push, pull, climb, squat, crawl, kneeling or crouching to assist students;
- Pushing wheelchairs for special needs students;
- Ability to run;
- Lifting children in and out of wheel chairs as needed.
- Reaching overhead, above the shoulders and horizontally;
- Lift 50 lbs. to waist height

**SALARY:**

Schedule: 10

Salary Range: 43

- Plus a 10 % stipend for supporting students with personal hygiene such as toileting and diapering
- Plus a 13.4% stipend for supporting students with personal hygiene such as toileting and diapering and performing medical procedures.

**Approved by the Human Resources Division:**

**Approved by the Board of Education:**

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Ann Reinhausen  
Assistant Superintendent Human Resources

**Agenda Item:** CI C.12

**Subject:** Approve Job Description:  
  
Food Service Warehouse Supervisor

**Background Information:**

The district and School Supervisors Association (SSA) have met and approved the newly created Food Service Warehouse Supervisor job description.

This new position has been created to improve efficiency and supervision over the Food Service Warehouse functions. This action will allow us the opportunity to eliminate a vacant Food Services Area Supervisor position.

**Recommendation:** Recommend Approval

**Fiscal Impact:** Increase of \$8,373 per fiscal year paid from the Cafeteria Fund.

**DISPOSITION BY BOARD OF EDUCATION**

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

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

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_

## **West Contra Costa Unified School District**

### **FOOD SERVICES WAREHOUSE SUPERVISOR**

#### **BASIC FUNCTION:**

Under direction, to have responsibility for the operation of the Food Service warehouses: to maintain stock control and inventory systems: to supervise the receiving, storing, and the disbursement of food items, school meals, school equipment and supplies of the Nutrition Center Warehouse: manage, develop and maintain efficient truck routing schedules; ensure compliance with food safety & sanitation regulations by implementing HACCP standard operating procedures.

#### **ESSENTIAL DUTIES:**

Plans, organizes, directs, and assists in the receiving, marking, and proper storage and issuing of food items and school meals, equipment and supplies; records delivery and inspects incoming stock for conformity to purchase order specifications and reports shortages, damages, and other discrepancies to the business office.

Communicates with vendors on regularity of shipments received and notifies department staff of food and supply inventory needs; interprets specifications for compliance with purchase order terms; prioritizes stock requisitions and checks on appropriateness of all emergency requisitions; supervises and/or operates material handling equipment such as hand and pallet trucks and forklift; assists in the loading and unloading of all incoming and outgoing deliveries, assesses and implements efficient and improved methods of stock control and storage; stages & packs orders for shipping and storage; conducts periodic and annual inventories; coordinates the pick-up and distribution of catering orders and equipment; provides instruction and training for procedural improvement. Conducts inspections of warehouse, safety, areas to check on cleanliness and condition of the warehouse; prepares reports.

Supervises and evaluates the performance of assigned staff. Recommends and coordinates training of personnel. Assists in the planning and execution of the Summer Food program and other special programs as required. Other related duties as assigned.

#### **KNOWLEDGE AND ABILITIES:**

##### **KNOWLEDGE OF:**

Warehouse computer software system to implement effective warehousing and inventory management; Clerical and record keeping procedures associated with the receipt, storage, issuance and delivery of a variety of food items, school meals, supplies, related equipment; methods of proper and orderly storage, issuance and transporting of supplies and equipment; food safety & sanitation procedures; basic computer skills.

##### **ABILITY TO:**

Establish, maintain, and modify when necessary a central warehousing system; keep accurate and current records: plan and direct the delivery of food, supplies and equipment; conduct work inside refrigerator and freezer as needed; implement food safety procedures; fill requisitions and mark orders for delivery; assist in determining storage space requirements and proper methods of monitoring inventory; operate business machines necessary to the warehouse record keeping procedures; work cooperatively with those contacted in the course of work. Safely operate forklift & pallet trucks. Supervise, evaluate and train employees.

#### **EXPERIENCE:**

Three years of responsible warehousing or storekeeping experience dealing with food perishable items.

Two years prior supervisor experience

Versed in the use and safe application of forklifts and pallet trucks

Basic computer skills

**EDUCATION:**

High school diploma.

**LICENSE & CERTIFICATES:**

Possession of a valid California driver's license to operate a motor vehicle.

Forklift Certification.

Serve Safe (Food Safety) Certification.

**WORKING CONDITIONS:****ENVIRONMENT:**

Warehouse, indoor and outdoor environment.

Refrigeration & freezer environment.

Driving a vehicle to conduct work.

**PHYSICAL ABILITIES:**

Working in refrigerator & freezer for an extended period of time.

Lifting and carrying up to 50 pounds and pushing and pulling heavy objects up to 75 pounds.

Dexterity of hands and fingers to operate warehouse equipment.

Sitting or standing for extended periods of time.

Heavy physical labor.

Reaching overhead, above the shoulders and horizontally.

Bending at the waist, kneeling and stooping.

Hearing and speaking to exchange information.

Seeing to view a computer monitor and read a variety of materials.

**SALARY:**

Schedule: 4

Range: 74

**Approved by the Human Resources Division:**

**Approved by the Board of Education:**

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

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

**Agenda Item:** CI C.13

**Subject:** County Office of Education / Making Waves Academy Charter School

**Background Information:**

This is to ratify the Memorandum Of Understanding between West Contra Cost Unified School and the County Office of Education for the Making Waves Academy Charter School, which defines our terms of Special Education operation.

**Recommendation:** Board approves the Special Education memorandum

**Fiscal Impact:** Cost recovery for charter operation

**DISPOSITION BY BOARD OF EDUCATION**

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

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

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_

**SPECIAL EDUCATION MEMORANDUM OF UNDERSTANDING  
BETWEEN THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
AND  
CONTRA COSTA COUNTY OFFICE OF EDUCATION  
FOR THE PROVISION OF SPECIAL EDUCATION SERVICES TO  
MAKING WAVES ACADEMY CHARTER SCHOOL**

This Memorandum of Understanding ("Agreement") is entered into as of \_\_\_\_\_, 2011, by and between the Board of Trustees of the West Contra Costa Unified School District ("District") and Contra Costa County Office of Education ("COE"), a public entity that chartered Making Waves Academy Charter School ("Charter School"), a public charter school operating within the jurisdictional boundaries of the District. This Agreement will set forth the responsibilities of the parties with respect to the delivery and financing of special education services to students enrolled in the Charter School. The District and the COE are collectively referred to as the "parties."

**I. RECITALS**

- A. On October 2, 2006, the Petitioners submitted a charter petition to the District to establish the Charter School, serving students grades 5-8.
- B. On November 15, 2006, the Board of Trustees of the District voted 4 to 1 to deny the Charter School's petition and adopted the District's Staff Written Findings regarding the Making Waves Academy Charter petition as the basis for denial of the petition.
- C. On or about January 11, 2007, Petitioners, consistent with Education Code section 47605, subdivision (j)(1), submitted a charter petition to the COE to establish the Charter School.
- D. On March 7, 2007, the Governing Board of the COE approved the Charter School's petition for establishment of the Charter School, serving students grades 5-8.
- E. The Charter School commenced operations at the beginning of the 2007-2008 school year as a charter school sponsored by the COE, operating within the jurisdictional boundaries of the District.
- F. On April 14, 2010, the Governing Board of the COE approved an amendment to the Charter to establish grades 9-12 beginning in the 2011-2012 school year.
- G. Under Education Code section 47646, the COE, as the local educational agency ("LEA") that granted the charter, is obligated to: (1) ensure that all children with disabilities enrolled in the Charter School receive special education and

designated instruction and services in a manner that is consistent with their individualized education program and is in compliance with the federal Individuals with Disabilities Education Act (“IDEA”) (20 U.S.C. § 1400 *et. seq.*); (2) and ensure that the Charter School that is deemed a public school for purposes of public education receives an equitable share of special education funding and services.

- H. The District is a duly-formed single district Special Education Local Plan Area (“SELPA”) under Education Code section 56205.
- I. It is the intent of the parties that the District provide special education services to students with disabilities enrolled in the Charter School.
- J. Nothing in this Agreement shall impose upon the District any liability as a sponsoring LEA under the Charter School Act (Education Code section 47600 *et. seq.*), including but not limited to liability under Education Code section 47604 subdivision (c).
- K. This Agreement has the purpose of clarifying the roles and responsibilities of the parties with regard to students who are enrolled and attend the Charter School and are or may be eligible for special education and related services under the IDEA.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements herein set forth, the COE and the District do hereby agree as follows:

## **II. TERM**

This Agreement shall be for one (1) year, from August 1, 2011 to July 31, 2012. The term of this Agreement may be amended by mutual written agreement of the parties at any time.

## **III. DESIGNATED REPRESENTATIVE**

The District’s designated representative shall be the Superintendent and shall have the authority to act on behalf of the District. The COE’s designated representative shall be the Superintendent of Schools and shall have the authority to act on behalf of the COE.

## **IV. COOPERATION BY THE CHARTER SCHOOL**

The COE is responsible to ensure, and to take all steps necessary to ensure, that the Charter School cooperates with the District in good faith with regard to the District’s provision of special education services under the terms of this Agreement.



## **V. SECTION 504 AND THE ADA**

The parties agree that this Agreement is intended to address the responsibilities of the parties with respect to the provision and financing of special education services under the IDEA and does not cover services or accommodations required under Section 504 of the Rehabilitation Act of 1973 ("Section 504"), nor under the Americans with Disabilities Act ("ADA").

## **VI. SPECIAL EDUCATION FUNDING**

- A. Pass Through Special Education Funds.** The Charter School, which has been deemed a public school for purposes of special education, shall participate in state and federal funding for special education in the same manner as any other public school of the COE. (Ed. Code, § 47646(a).) The parties agree that, pursuant to the division of responsibilities set forth in this Agreement, the District has agreed to provide special education and related services for the Charter School, consistent with the services it provides eligible students at its own public schools. Consistent with this division of responsibility, the COE shall pass through any and all state and federal special education funding allocated for Charter School students through its SELPA, the Contra Costa SELPA.
- B. Insufficient Funds.** In the event that any and all state and federal special education funding allocated for the Charter School are insufficient to cover the costs of the District's provision of special education services to the Charter School's students, the COE shall owe the District the actual costs incurred for provision of unfunded and underfunded special education services. The District will invoice COE for the amount due within ninety (90) days of the end of the 2011-2012 school.
- C. Payment for Services In Excess of District's Days of Service.** Making Waves pay any unfunded services of school days, not COE.

## **VII. PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES**

### **A. General Provisions**

- 1. Intent of the Parties.** The COE intends to ensure that all students with disabilities who attend the Charter School are provided a free appropriate public education ("FAPE") in compliance with the IDEA (20 U.S.C. § 1400, *et seq.*) and California Education Code section 56000, *et seq.*
- 2. Provision of Services.** Individuals with exceptional needs attending the Charter School shall be served in the same manner as individuals with exceptional needs are served in public schools of the District. (Ed. Code, § 56145.)

3. **Delegation of Responsibility.** The COE and District agree that the District shall provide special education services, including but not limited to occupational therapy, speech and language services, and resource services, to students enrolled in the Charter School as required by an individual student's individualized education program ("IEP").
4. **Staffing Requirements.** All special education services must be provided by qualified personnel meeting state certification, licensing, registration or other applicable requirements. (34 C.F.R. § 300.156.)

**B. Enrollment and Assessment**

1. **Student Records.** The COE hereby designates the employees of the District as having a legitimate educational interest such that they are entitled upon request to access to the Charter School's education records under the Federal Educational Rights and Privacy Act ("FERPA") and related state laws regarding student records. At a minimum, such records include emergency contact information, health and immunization data, attendance summaries, IEPs, disciplinary reports, and academic performance data from all statewide student assessments pursuant to Education Code sections 60605 and 60851.
2. **Enrollment Information.** The COE will ensure that Making Waves Academy Charter School will provide the District with a list of special education students enrolled in the Charter School at the beginning of each school year and shall update the list on a quarterly basis.
3. **Assessment.** District staff shall conduct all necessary special education assessments of Charter School students, including but not limited to initial assessments, annual assessments and triennial assessments, unless the parties agree otherwise in writing. All such assessments will be conducted by qualified personnel and comply with state and federal law and regulations. (20 U.S.C. 1414(a)-(c); 34 C.F.R. §§ 300.300-305; Ed. Code, § 56320; Cal. Code Regs., tit. 5, § 3023.) Neither the District nor the Charter School may conduct any assessment without first obtaining the written consent of the Parent/Guardian. (20 U.S.C. 1414(a)(1)(D); 34 C.F.R. 300.300; Ed. Code, § 56321.)

**C. Individualized Education Programs (IEPs)**

1. **IEP Membership.** The District shall be responsible for having District service providers, assessors, and/or designated representative(s) of the

District in attendance at the IEP meetings.

2. **IEP Team Meetings.** Responsibility for arranging necessary IEP meetings shall be allocated in accordance with the District's general practice and procedure and applicable law. The Parent/Guardian shall be given a copy of the procedural safeguards upon notice of each IEP meeting. (Ed. Code, § 56341.)
3. **IEPs.** The COE will ensure that Making Waves will provide the District with current IEPs for all special education students enrolled in the Charter School at the beginning of each school year and shall update the list on a quarterly basis.
4. **IEP Contents.** Each IEP must include, but is not limited to: a statement of the child's present levels of educational performance; measurable annual goals; the special education and related services and supplementary aids and services to be provided to the child; an explanation of the extent, if any, to which a child will not participate with non-disabled children; the dates, frequency, location and duration of services for the child; and a statement of how the child's progress toward his or her annual goals will be measured. (20 U.S.C. § 1414(d)(1)(A); 34 C.F.R. § 300.320; Ed. Code, § 56345.)

**D. Program and Services**

1. **Eligibility and Placement.** Decisions regarding eligibility, goals/objectives, program, placement and exit from special education shall be the decision of the IEP team. Services and placements shall be provided to all eligible Charter School students in accordance with the policies, procedures and requirements of the District and applicable law.
2. **Independent Study.** No Charter School student eligible for special education and related services may participate in independent study, unless his or her IEP provides for such participation. The determination regarding the appropriateness of independent study for a particular student shall be made by the IEP team. (Ed. Code, § 51745(c).)
3. **Transportation.** The District shall provide transportation to any Charter School student that is eligible for and receives special education services, if required as a related service in the student's IEP. All special education transportation shall be provided in the same manner it is provided to other eligible special education students in the District.
4. **Referral to Nonpublic or Private Schools.** The District bears no responsibility for the costs associated with placement at nonpublic

schools, private schools or residential placements without consultation with and prior written approval of the District. If a parent unilaterally places a student at a nonpublic school, private school or in a residential placement, the COE shall immediately notify the District upon learning such information.

#### **VIII. DISCIPLINE OF SPECIAL EDUCATION STUDENTS**

If a Charter School student is suspended for more than 10 days in any school year and/or commits an expellable offense, the COE will ensure that Making Waves will immediately notify the District. The COE remains responsible for any and all student discipline matters. Upon adequate notice, the District will provide the manifestation determination process for the student.

#### **IX. COMPLAINTS AND DISPUTE RESOLUTION**

- A. Parent Concerns.** Whenever a Parent/Guardian raises a concern regarding special education services, COE will ensure that Making Waves will immediately inform the District.
- B. Complaints.** The COE will ensure that Making Waves will cooperate fully with reasonable requests from the District for information and documentation related to such complaints.
- C. Due Process Hearings.** The District and COE shall work together to defend any due process hearing brought by a student enrolled in the Charter School, in which the District is named. In the event that the COE determines that representation by legal counsel is needed, the District/COE shall be jointly represented by legal counsel provided at COE's expense, unless there is a conflict of interest. In the case separate counsel is needed by the District, the District shall be responsible for the separate costs of its legal counsel.

The COE shall cooperate fully with reasonable requests from the District for information and documentation related to due process hearings in which the District is a party.

#### **X. MUTUAL INDEMNIFICATION**

- A. Indemnification of District.** The COE agrees to defend, indemnify and hold harmless the District from and against any and all claims, demands, losses and expenses (including without limitation any and all attorneys fees and consultant fees) arising out of or resulting from the COE's or Charter School's negligent or wrongful acts or omissions in the performance of this Agreement.

- B. Indemnification of COE.** The District agrees to defend, indemnify and hold harmless the COE and Making Waves from and against any and all claims, demands, losses and expenses (including without limitation any and all attorneys fees and consultant fees) arising out of or resulting from District's negligent or wrongful acts or omissions in the performance of this Agreement.

## **XI. MISCELLANEOUS PROVISIONS**

- A. Default.** In the event that the Charter School or COE fails to comply with the terms of this Agreement, including, but not limited to, failure to cooperate with the COE in regards to its obligation to provide special education services, the District will serve written notice on the COE that the COE is not in compliance with this Agreement and provide ten (10) calendar days to cure said non-compliance ("Notice to Cure"). Service of the Notice to Cure may be completed by regular U.S. mail or by facsimile transmission, to COE's Superintendent of Schools, at the following address and/or fax number:

Contra Costa County Office of Education  
Joseph A. Ovick, Ed. D.  
Superintendent of Schools  
77 Santa Barbara Road  
Pleasant Hill, CA 94523

Should the COE fail to cure its lack of compliance, within ten (10) calendar days of the District's written notice, the COE shall be in default. If the COE is in default, the District shall be entitled to any or all remedies available to the District in law or equity.

- B. Venue.** The validity of this Agreement and any of its terms or provisions as well as the rights and duties of the parties shall be governed by the laws of the state of California, and venue shall lie only in Contra Costa County Superior Court.
- C. Modifications.** No modifications, amendments, changes, or variations or any kind to this Agreement are authorized without written consent, evidenced by execution of an amendment by an authorized representative of the District.
- D. Interpretation.** The language herein shall be construed as jointly proposed and jointly accepted, and in the event of any subsequent determination of ambiguity, all parties shall be treated as equally responsible for such ambiguity.
- E. Integrated Agreement.** This Agreement is intended by the parties as the final expression of their agreement with respect to such terms as are included herein and as the complete and exclusive statement of its terms and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement, nor explained or supplemented by evidence of consistent additional

terms. Each of the parties acknowledges that no one has made any promise, representation or warranty whatsoever, express or implied, written or oral, not contained herein to induce them to execute this Agreement, and that this Agreement is not executed in reliance upon any such promise, representation or warranty.

- F. Severability.** If any provision or any part of this Agreement is for any reason held to be invalid or unenforceable or contrary to public policy, law or statute and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.
- G. Survival of Covenants.** Notwithstanding termination of the Agreement, the indemnification provisions shall survive and be fully enforceable notwithstanding the termination date of the Agreement.
- H. Notices.** All notices required by this Agreement may be sent by United States mail; postage pre-paid, to the parties as follows:

West Contra Costa  
Unified School District  
Bruce Harter, Ph. D.  
Superintendent  
1108 Bissell Avenue  
Richmond, CA 94801

Contra Costa County  
Office of Education  
Joseph A. Ovick, Ed. D.  
Superintendent of Schools  
77 Santa Barbara Road  
Pleasant Hill, CA 94523

Any notices required by this Agreement sent by facsimile transmission or electronic mail to the facsimile and electronic mail addresses above shall be considered received on the business day they are sent, provided they are sent during in the receiving party's business hours and provided receipt is confirmed by telephone, facsimile, or electronic mail, and further provided the original is promptly placed into the United States mail, postage pre-paid, and addressed as indicated above.

- I. Warranty.** Each person below warrants and guarantees that he is legally authorized to execute this Agreement on behalf of the designated entity and that such execution shall bind the designated entity to the terms of this Agreement.
- J. Counterparts.** This Agreement may be signed in counterpart such that the signatures may appear on separate signature pages. Facsimile or photocopy signatures shall have the same force and effect as original signatures.

WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT

CONTRA COSTA COUNTY  
OFFICE OF EDUCATION

By: \_\_\_\_\_  
Bruce Harter, Ph.D.  
Superintendent

By: \_\_\_\_\_  
Joseph A. Ovick, Ed.D.  
Superintendent of Schools

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved and ratified this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Board of Education of the West Contra Costa Unified School District by the following vote:

AYES:

NOES:

Abstentions:

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

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

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**To:** Board of Education **Meeting Date:** June 28, 2011  
**From:** Bill Fay **Agenda Item:** CI C.14  
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: **\$801,101.** Funding sources as noted

DISPOSITION BY BOARD OF EDUCATION

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

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



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

**ENGINEERING & ARCHITECTURAL SERVICES CONTRACTS**

<b>Project/Funding</b>	<b>Dates</b>	<b>Firm</b>	<b>Contract Cost</b>	<b>Reference</b>
Pinole Middle School Portables Demolition  Measure J Bond	June 2011 thru September 2011	Winzler and Kelly	\$14,904	Hazardous Materials abatement plans & specs, construction phase monitoring.
Pinole Valley High School New Campus  Measure J Bond	July 2011 thru September 2011	WLC Architects	\$28,600	Supplemental survey information services.
LPS/Gompers High School New Campus  Measure J Bond	June 2011 thru August 2011	HMC/Beverly Prior Architects	\$198,000	Additional services for revised structural foundation system design.
Elementary School Restroom Wall Repairs—Washington  Measure J Bond	July 2011 thru December 2011	Interactive Resources	\$21,700	Architectural services for repair plan, construction documents, bidding.
Pinole Middle School Fields Project  Measure J Bond	June 2011 thru September 2012	Powell and Partners Architects	\$240,960	Architectural and Engineering Services for field design.
Madera Elementary School Field Drainage Repairs  Measure J Bond	June 2011 thru October 2011	Hamilton + Aitken Architects	\$4,750	Civil engineering services to repair perimeter drainage.
Fairmont Elementary School Reconstruction  Measure J Bond	July 2011 thru September 2011	Luk Associates	\$9,200	Update Boundary and Topographic Survey
Kennedy High School Field Lights  Measure J Bond	June 2011 thru October 2011	Powell and Partners Architects	\$17,465	Additional services for supplemental lighting and sound system.

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

**ENGINEERING & ARCHITECTURAL SERVICES CONTRACTS**

<b>Project/Funding</b>	<b>Dates</b>	<b>Firm</b>	<b>Contract Cost</b>	<b>Reference</b>
Portola Middle School at Castro  Measure J Bond	June 2011 thru August 2011	HY Architects	\$5,800	Storm Water Pollution Prevention Plan design documents.
Hercules Middle High School Photovoltaic Project  Capital Facilities Fund	June 2011 thru March 2012	WJ Robinson & Associates	\$94,500	Construction Management Services during design and construction.
Peres Elementary Dental Clinic  Measure J Bond	June 2011 thru February 2012	HY Architects	\$50,616	Architectural and Engineering Services for clinic upgrades.
Pinole Middle School Modernization  Measure J Bond	June 2011 thru August 2011	Alan Kropp & Associates	\$14,366	Geotechnical engineering services.
LPS/Gompers High School New Campus  Measure J Bond	June 2011 thru July 2011	RGA Environmental	\$14,487	Hazardous Materials, soil contamination testing and removal monitoring services.
Facilities Operations Center  Measure J Bond	July 2011 thru December 2011	Grossman Design Group	\$67,000	Architectural & engineering services for roofing and mechanical system upgrades.
Hercules Middle High School Photovoltaic Project  Capital Facilities Fund	June 2011 thru March 2012	RMA Group	\$18,753	Geotechnical report and Geohazard assessment. Geotechnical engineering services.

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:** June 28, 2011  
**From:** Bill Fay **Agenda Item:** CI C.15  
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: Nystrom Elementary New Multi-Purpose and Ford Elementary School New Campus. Change orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted change order for the Pinole Middle School Modernization project is required by the Board, with special findings as noted below, because this is in excess of the Public Contract Code limit of 10% of the original contract value. In accordance with Public Contract Code 20118.4, the Board, by approving and ratifying these change orders, finds that it would have been futile to publicly bid the work in question because of the tight time frames to complete this work without affecting the operations of the District, and that the public is best served by having this work completed by the contractor on the project.

**Recommendation:** Ratify negotiated Change Orders as noted.

**Fiscal Impact:** Total ratification and approval by this action: **\$98,759.25.**

**DISPOSITION BY BOARD OF EDUCATION**

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

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

**June 28, 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	Nystrom ES	John Plane Construction	\$5,240,107.00	\$65,907.85	\$10,289.25	\$0.00	\$76,197.10	1.45%	\$5,316,304.10	5
2	Ford ES	Alten Construction, Inc.	\$16,734,206.00	\$1,287,335.00	\$11,043.00	\$0.00	\$1,298,378.00	7.76%	\$18,032,584.00	21
3	De Anza HS	Wright Contracting	\$62,508,000.00	\$380,188.00	\$47,323.00	\$0.00	\$427,511.00	0.68%	\$62,935,511.00	8
4	Pinole Middle School	Alpha Bay Builders, Inc.	\$9,570,735.00	\$1,026,137.70	\$0.00	\$30,104.00	\$1,056,241.70	11.04%	\$10,626,976.70	12,13

Pending Board Actions	Ratifications	\$68,655.25
	Approvals	\$30,104.00
	Total Board Action	\$98,759.25

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 94801-3135  
Office of Superintendent of Schools

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

**To:** Board of Education **Meeting Date:** June 28, 2011  
**From:** Bill Fay **Agenda Item:** CI C.16  
Associate Superintendent for Operations  
**Subject:** Approval of Construction Management Services for ongoing Bond Projects

**Background information:**

The District's Construction Management firm, Seville Group, "SGI," is providing Construction Management services at a number of District Bond Construction sites. There are new project phases beginning or extensions of services required. The proposed Construction Management Services contract adjustments are as follows:

1. **Kennedy High School:** Administration Renovations, ADA Compliance, and Quad Renovations added projects, ongoing services on the Field Building and Lights project. Services through February 2012. **\$156,301.**
2. **King Elementary School New Campus:** Ongoing services, project extended duration. Services through January 2012. **\$230,344.**
3. **Restroom Wall Repairs Projects Madera & Stewart Elementary:** New projects. Services through October 2011. **\$34,611.**

**Recommendation:** Approve Construction Management Services contracts as noted.

**Fiscal Impact:** \$421,256.

**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:** June 28, 2011  
**From:** Bill Fay **Agenda Item:** CI C.17  
Associate Superintendent for Operations  
**Subject:** Ratification of Staff Awarded Contracts for Summer Projects

**Background information:**

The Operations Division is engaged in completing a number of projects which must be completed prior to the start of school. The District has completed construction documents and has publicly bid each of the projects. In consideration of the need to complete the work expeditiously, the Superintendent's designee authorized award of a contract for the projects as follows:

1. **Madera Elementary Restroom Wall Surface Repairs.** Architect: Hamilton + Aitken.  
Lowest responsive, responsible bidder: Streamline Builders, \$119,800.
2. **Stewart Elementary Restroom Wall Surface Repairs.** Architect: Interactive Resources.  
Lowest responsive, responsible bidder: Streamline Builders, \$100,800.
3. **Kennedy High School Administration Area Renovations.** Architect: Powell and Partners.  
Lowest responsive, responsible bidder: Am Woo Construction, \$370,200, including Bid Alternate 1.

The Education Code requires the Board to ratify this award action by the Superintendent's designee.

**Recommendation:** Ratify staff awarded contracts as noted

**Fiscal Impact: \$590,800 for all projects noted.** Madera Project Budget \$119,800, Measure J Bond Fund. Stewart Project Budget \$100,800, Measure J Bond Fund. Kennedy Project Budget \$370,200, Measure J Bond Fund.

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:** June 28, 2011  
**From:** Bill Fay **Agenda Item:** CI C.18  
Associate Superintendent for Operations  
**Subject:** Ohlone Elementary Reconstruction Award of Contract for Construction

**Background information:**

The last project in the Measure J Bond is the reconstruction of Ohlone Elementary School. The original campus was constructed using modular buildings and is far beyond its useful life. The Board approved the Master Plan for reconstruction in April of 2008. The project schedule was impacted by funding constraints, but at this time there are adequate funds available to complete the project. The District conducted a public bid process for the project. Bids were opened on June 23, 2011. \_\_\_\_\_ Contractors submitted bids. They are as follows: The lowest responsive, responsible bidder is \_\_\_\_\_. Staff will bring a recommendation for award to Board meeting.

**Recommendation:** Award Contract to lowest responsive, responsible bidder.

**Fiscal Impact:** \$ \_\_\_\_\_. Funded from the Ohlone Elementary Project Budget under the Measure J Bond.

DISPOSITION BY BOARD OF EDUCATION

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

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

ITEM REQUIRING ATTENTION --- BOARD OF EDUCATION

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**To:** Board of Education **Meeting Date:** June 28, 2011  
**From:** Bill Fay **Agenda Item:** CI C.19  
Associate Superintendent for Operations  
**Subject:** Collins Elementary Parking and Driveway Project Award of Contract

**Background information:**

The rear parking area and driveway at Collins Elementary is deteriorated and has drainage and capacity issues. The District has initiated a project to upgrade this area. Pacific Engineering prepared construction documents. The District conducted a public bid process for the project. Bids were opened on June 15, 2011. Six Contractors submitted bids. They are as follows: American Asphalt \$321,000; Bruce Carone \$229,250; WR Forde \$204,440; ERA Construction \$199,500; J.A. Gonsalves & Son \$196,801; and, Michael G. McKim \$178,750. The lowest responsive, responsible bidder is Michael G. McKim at \$178,750.

**Recommendation:** Award Contract to lowest responsive, responsible bidder.

**Fiscal Impact:** \$178,750. Funded from the Deferred Capital Projects Budget, Collins Elementary, under the Measure J Bond.

DISPOSITION BY BOARD OF EDUCATION

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

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



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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Sheri Gamba   
Associate Superintendent Business Services

**Agenda Item:** D.1

**Subject:** Bond Finance Report

**Background Information:** The Bond Finance Team will present a report on the impact of assessed valuation on the tax rates for outstanding bonds. The decrease in assessed valuation over the past few years has caused the tax rates for certain bonds to rise. There may be an opportunity to refund certain bonds which could result in savings for taxpayers.

**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**

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**To:** Board of Education

**Meeting Date:** June 28, 2011

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

**Agenda Item:** D.2

**Subject:** Seal of Biliteracy Awards Report

**Background Information:**

Biliteracy awards recognize and value the biliteracy skills of all students, prepare our students with 21<sup>st</sup> century skills, affirm the value of diversity and honor the multiple cultures and languages of our community. A Biliteracy Awards program would present biliteracy awards to graduating high school, 8<sup>th</sup> grade and 6<sup>th</sup> grade students who demonstrate proficiency in English and one or more other languages.

Staff will give a report on the Seal of Biliteracy Award pathway. Criteria for the Biliteracy awards is provided.

**Recommendation:** Report

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

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

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

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_

## Seal of Biliteracy and Pathway Awards toward Biliteracy Attainment

Purpose: To recognize and value the biliteracy skills of all students; to encourage students to pursue bilingualism; to prepare students with 21<sup>st</sup> century skills; to strengthen intergroup relationships, affirm the value of diversity and honor the multiple cultures and languages of our community.

Grade Level	Awards	Criteria for English Learners	Criteria for Non-English Learners
6 <sup>th</sup>	<b>1. Pathway to Biliteracy Award</b> for full attainment of criteria.	<u>Portfolio</u> 1. Meet re-designation criteria for RFEP. 2. Score proficient on the STS. 3. Score of proficient or higher on a persuasive essay written in English and Spanish (translation) entitled <i>Why Bilingualism is Important</i> to them personally, to their community and the world, using WCCUSD Biliteracy Pathway Rubric. 4. A reading log listing 5 grade-level appropriate books in English and in Spanish that the student has read.	<u>Portfolio</u> 1. Score proficient on 5 <sup>th</sup> grade CST. 2. Score of proficient or higher on a persuasive essay written in English and Spanish (translation) entitled <i>Why Bilingualism is Important</i> to them personally, to their community and the world (using WCCUSD Biliteracy Pathway Rubric). 3. A reading log listing 5 grade-level appropriate books in English and in Spanish that the student has read.
8 <sup>th</sup>	<b>1. Biliteracy Certificate</b> for full attainment of criteria.	<u>Portfolio</u> 1. Meet re-designation criteria for RFEP. 2. Earn a score of Basic or higher on the CST. 3. Passing grade of B or better in at least one class taught in Spanish or earn a score of proficient on the STS. 4. Earn a grade point average of 2.0 or better. 5. Score of proficient or higher on a persuasive essay written in English and Spanish (translation) entitled <i>Why Bilingualism is Important</i> to them personally, their community or the world or another appropriate topic, using WCCUSD Biliteracy Certificate Rubric.	<u>Portfolio</u> 1. Earn a score of proficient or higher on the CST. 2. Passing grade of B or better in at least one class taught in Spanish. 3. Score <i>at or approaching grade level</i> on Spanish Language assessment (to be identified) 4. Earn a grade point average of 2.0 or better. 5. Score of proficient or higher on a persuasive essay written in English and Spanish (translation) entitled <i>Why Bilingualism is Important</i> to them personally, their community or the world or another appropriate topic, using WCCUSD Biliteracy Certificate Rubric.

<p>HS 11<sup>th</sup> 12<sup>th</sup></p>	<p><b>1. Seal of Biliteracy</b> for full attainment of criteria. **</p>	<p>1. Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above;  2. Score of proficient on CELDT  3. Proficiency in one or more languages other than English demonstrated through one of four methods:  a. Advanced Placement or International Baccalaureate exam with passing score of 3 or higher;  b. successful completion of a four-year high school course of study in the same foreign language attaining an overall grade point average of 3.0 or above;  c. passing a district foreign language exam at a proficient level or higher;  d. or passing a foreign government's approved language exam and receipt of a certificate of competency from the authorizing government agency.</p>	<p>1. California Standards Test – English Language Arts portion at a “Proficient” level or above.  2. Proficiency in one or more languages other than English demonstrated through one of four methods:  a. Advanced Placement or International Baccalaureate exam with passing score of 3 or higher;  b. successful completion of a four-year high school course of study in the same foreign language attaining an overall grade point average of 3.0 or above;  c. passing a district foreign language exam at a proficient level or higher;  d. or, passing a foreign government's approved language exam and receipt of a certificate of competency from the authorizing government agency.</p>
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\*\*HS requirements are from legislation working its way to the Governor's office.

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

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

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**To:** Board of Education **Meeting Date:** June 28, 2011  
**From:** Bruce Harter **Agenda Item:** D.4  
**Subject:** In Memory of Members of the School Community

**Background Information:**

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Sylvester Greenwood passed away earlier this month. Mr. Greenwood started with the Richmond Unified School District in 1969 as a security officer. He became a teacher in 1974 and also served as dean, counselor, vice principal and principal at various schools. In 1988 he moved to the Administration Building and held positions of Deputy Superintendent and Assistant Superintendent, retiring in 2006.

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

**Recommendation:** For Information Only

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

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

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

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

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

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To: Board of Education

Meeting Date: June 28, 2011

From: Sheri Gamba   
Associate Superintendent Business Services

Agenda Item: F.1

**Subject:** Resolution #76-1011 -- Approving Engineer's Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2011-2012

**Background Information:** The Board will hold a public meeting and hear any public comments with regard to the Maintenance and Recreation Assessment District for 2011-12. Staff and the engineer will be available to answer questions on the Maintenance and Recreation Assessment District.

After the public hearing the board may adopt "A Resolution Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2011-12." The resolution gives final approval to the engineer's report and directs that the assessment diagram and assessments be filed with the county. The district will receive funds at the time it receives property tax payments. Proceeds of the MRAD will be deposited in a separate fund.

This is the third and final resolution in the process of levying an annual assessment. On March 16th the board adopted a resolution ordering the preparation of the engineer's report and then on June 1st, adopted a resolution calling a public meeting for June 28, and causing notice of that meeting to be published.

**Recommendation:** Recommend approval of this resolution for MRAD.

**Fiscal Impact:** \$5,500,000 Revenue for MRAD Fund

DISPOSITION BY BOARD OF EDUCATION

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

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

BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 76-1011

A RESOLUTION APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND  
ASSESSMENT AND ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 2011-12

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
Maintenance and Recreation Assessment District

June 28, 2011

RESOLVED, by the Board of Education (the "Board") of the West Contra Costa Unified School District (the "District"), County of Contra Costa, State of California, that

WHEREAS, by its Resolution No. 76-1011, A Resolution Directing Preparation of Annual Report for the West Contra Costa Unified School District Maintenance and Recreation Assessment District (the "Maintenance District"), this Board designated SCI Consulting Group as Engineer of Work and ordered said Engineer to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972;

WHEREAS, the report was duly made and filed with the Clerk of the Board and duly considered by this Board and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 28, 2011, at the hour of 6:30 p.m. in the Lovonya DeJean Middle School Multipurpose Room, 3400 Macdonald Ave., Richmond, California, 94805, were appointed as the time and place for a hearing by this Board on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Board, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Board thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, that:

1. The public interest, convenience and necessity require that the levy be made.
2. The Maintenance District benefited by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the Secretary of the Board, which map is made a part hereof by reference thereto.

3. The Engineer's Report as a whole and each part thereof, to wit:

- (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
- (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Maintenance District; and
- (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Maintenance District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto;

are finally approved and confirmed.

4. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report as herein above determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Board.

5. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 2011-12 is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution Directing Preparation of Annual Report.

6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Board expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

7. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the Secretary of the Board shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Contra Costa. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner



as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Associate Superintendent of Business Services.

8. Upon receipt of moneys representing assessments collected by the County, the Associate Superintendent of Business Services shall deposit the moneys in the District Treasury to the credit of the improvement fund previously established under the distinctive designation of the Maintenance District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

PASSED AND ADOPTED this 28nd day of June, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

I hereby certify that the foregoing resolution was duly and regularly introduced, passed, and adopted by the Board of the West Contra Costa Unified School District of Contra Costa County, at the meeting of said board on June 28, 2011.

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Dr. Bruce Harter  
Secretary, Board of Education

## EXHIBIT A

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
Maintenance and Recreation Assessment District

The improvements consist of the installation, maintenance and servicing of public recreational facilities, including but not limited to landscaping, playgrounds, basketball courts, tennis courts, sprinkler systems, swimming pools, running tracks and turf areas, as applicable, at each of the following locations:

Bayview Elementary	3001 - 16 <sup>th</sup> St	San Pablo
Cameron	7140 Gladys Ave	El Cerrito
Cesar E Chavez Elementary	960 - 17 <sup>th</sup> St	Richmond
Collins Elementary	1224 Pinole Valley Rd	Pinole
Coronado Elementary	2001 Virginia Ave	Richmond
Dover Elementary	1870 19 <sup>th</sup> Street	San Pablo
Downer Elementary	1777 Sanford Ave	San Pablo
Ellerhorst Elementary	3501 Pinole Valley Rd	Pinole
Fairmont Elementary	724 Kearney St	El Cerrito
Ford Elementary	2711 Maricopa Ave	Richmond
Grant Elementary	2400 Downer Ave	Richmond
Hanna Ranch Elementary	2480 Refugio Valley Rd	Hercules
Harbour Way Elementary	214 So 11 <sup>th</sup> St	Richmond
Harding Elementary	7230 Fairmount Ave	El Cerrito
Lupine Hills Elementary	1919 Lupine Rd	Hercules
Highland Elementary	2829 Moyers Rd	Richmond
Kensington Elementary	90 Highland Blvd	Kensington
King Elementary	4022 Florida Avenue	Richmond
Lake Elementary	2700 - 11 <sup>th</sup> St	San Pablo
Lincoln Elementary	29 - 6 <sup>th</sup> St	Richmond
Madera Elementary	8500 Madera Dr	El Cerrito
Mira Vista Elementary	6397 Hazel Ave	Richmond
Montalvin Elementary	300 Christine Dr	San Pablo
Murphy Elementary	4350 Valley View Rd	Richmond
Nystrom Elementary	230 Harbour Way	Richmond
Ohlone Elementary	1616 Pheasant Dr	Hercules
Olinda Elementary	5855 Olinda Rd	El Sobrante
Peres Elementary	719 - 5 <sup>th</sup> St	Richmond
Riverside Elementary	1300 Amador St	San Pablo
Shannon Elementary	685 Marlesta Rd	Pinole
Sheldon Elementary	2601 May Rd	Richmond
Stege Elementary	4949 Cypress Ave	Richmond
Stewart Elementary	2040 Hoke Dr	Pinole
Tara Hills Elementary	2300 Dolan Way	San Pablo
Valley View Elementary	3416 Maywood Dr	Richmond


Verde Elementary	2000 Giaramita St	Richmond
Washington Elementary	565 Wine St	Richmond
Wilson Elementary	629 - 42 <sup>nd</sup> St	Richmond
Crespi Middle	1121 Allview Ave	El Sobrante
DeJean Middle	3400 Macdonald Ave	Richmond
Helms Middle	2500 Road 20	San Pablo
Pinole Middle	1575 Mann Dr	Pinole
Portola Middle	1021 Navellier St	El Cerrito
De Anza High	5000 Valley View Rd	Richmond
El Cerrito High	540 Ashbury Ave	El Cerrito
Hercules Middle/High	1900 Refugio Valley Rd	Hercules
Kennedy High	4300 Cutting Blvd	Richmond
Pinole Valley High	2900 Pinole Valley Rd	Pinole
Richmond High	1250 - 23 <sup>rd</sup> St	Richmond
Gompers Continuation	157 - 9 <sup>th</sup> St	Richmond
North Campus	2465 Dolan Way	San Pablo
Vista High	2600 Moraga Way	San Pablo
Adult Education	6028 Ralston Ave	Richmond
Alvarado	5625 Sutter Ave	Richmond
Adams	5000 Patterson Circle	Richmond
Castro	7125 Donal Ave	El Cerrito
El Sobrante	1060 Manor Rd	El Sobrante
Seaview	2000 Southwood Dr	San Pablo
Vista Hills	2625 Barnard Rd	Richmond
Harmon Center	2853 Groom Dr	Richmond
Knolls Center	2867 Groom Dr	Richmond
Central District	1108 Bissell Ave	Richmond
Nutrition Center	750 Bissell Ave	Richmond
Electronics & Glazier	2336 Welcome Ave	Richmond
Facilities Operations Center	1300 Potrero Ave	Richmond
Gardeners Warehouse	2550 Moraga Ave	San Pablo
Kerry Hills (PSC)	2465 Dolan Way	San Pablo
Maintenance & Operations	125 So 8 <sup>th</sup> St	Richmond
Paint	125 So 8 <sup>th</sup> St	Richmond
Vehicle Garage	260 So 23 <sup>rd</sup> St	Richmond
Warehouse-Furniture	600 So. 6 <sup>th</sup> St	Richmond
Warehouse-Stores	810 Ohio Ave	Richmond

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:** June 28, 2011

**From:** Sheri Gamba   
Associate Superintendent Business Services

**Agenda Item:** F.2

**Subject:** Public Hearing and Adoption of the 2011-12 Budget  
Public Hearing for Tier III Programs

**Background Information:**

Education Code Section 42127 requires the governing board of each school district to adopt a budget for the subsequent year, on or before July 1<sup>st</sup>. The budget including the multi-year plan is subject to the review and approval of the State Trustee and the County Superintendent. Any revisions to the school district's budget which results from passage of the state budget will be presented to the governing board within 45 days after the Governor signs the State Budget Act.

A public hearing will be held, and staff will provide an overview of the proposed budget delineating the significant revenue and expenditure components. The final proposed budget is presented to the Board of Education for approval.

Education Code Section 42605(c)(2) requires a public hearing and the ultimate reporting to the Legislature regarding expenditures in Tier III. The consequence of not conducting the public hearing, or the inability to demonstrate that a public hearing was conducted, is the loss of all Tier III funds.

The public hearing for Tier III Programs is being held in conjunction with the public hearing for the adoption of the 2010-11 budget and documentation provided. The list of Tier III Categorical Programs can be found as Appendix A to the 2011-12 Executive Summary.

**Recommendation:** Approval of the 2011-12 Budget including Tier III Provisions

The detailed 2011-12 budget documentation is delivered under separate cover.

**Fiscal Impact:** Adopted Budget

**DISPOSITION BY BOARD OF EDUCATION**

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

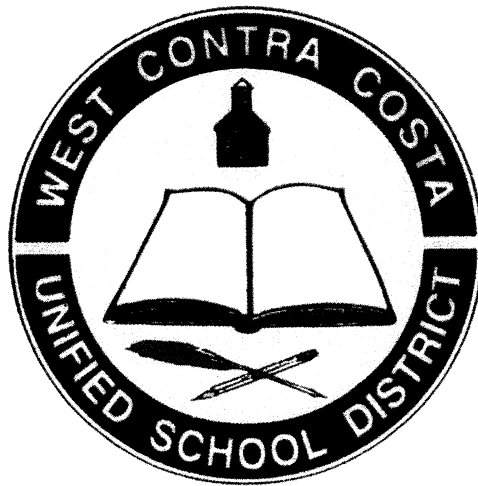
Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_

# **West Contra Costa Unified School District**



## **2011-12 Budget Executive Summary Board Meeting June 28, 2011**

## **West Contra Costa Unified School District**

The State of California requires all school district budgets to adhere to a set of standards and criteria pursuant to Section 33127 of the Education Code. The County Office of Education is the agency which reviews school district budgets and may approve, conditionally approve or disapprove a school district budget based upon the review. This review includes the districts ability to satisfy its multi-year financial commitments. Each year the district provides budget and financial reports to satisfy these requirements.

### **Introduction**

For the third consecutive year the District has struggled with a budget adopted by the State that does not realistically solve a major deficit. The most recent budget proposal, the May Revise, seeks to solve the deficit problem by extending temporary taxes. Unfortunately, the action needed by the legislature has not occurred and the taxes needed remain uncertain, and may remain uncertain well into the school year. So for the fourth year in a row we include this statement: "This year the District is facing enormous financial challenges brought on by both internal and external factors". Since the 2008-09 school year the state and national economies have driven funding downward causing an unprecedented loss in revenue to the levels that are now budgeted for all California Schools. In addition, the constant revision of revenue deferral schedules coupled with the uncertainty that the funds will actually be available this coming year has made budget planning efforts all the more difficult.

During the past few years, the State has exercised numerous "accounting" changes, including cash deferrals, booking funds back and forth between two fiscal years, categorical flexibility and more.

The Governor's May Revise Budget proposes solutions that require action by the State Legislature. Existing taxes are proposed to be extended and the Legislature can enact this with a 2/3 vote. Alternatively, the Legislature could vote by simple majority to place an extension of the taxes on the November ballot and could be extended by the people. This same plan was proposed in January for a vote in June and was unsuccessful.

## **West Contra Costa is a Fiscally Responsible District**

During the years of the greatest economic down turn in US history West Contra Costa Unified School District has addressed funding cuts by focusing on many of the cost saving measures pointed out through numerous fiscal reports and studies. Through the collective bargaining process contract modifications are now in place to control benefit costs and staffing in order to accomplish budget savings. School and facility closures have occurred and there is a plan adopted by the Board to address school facility consolidation. In addition, the Board has adopted flexibility options including modified K-3 Class size reduction and categorical flexibility. The Board has arranged for temporary inter-fund borrowing should it be necessary due to cash flow constraints. The Board has also undertaken efforts to improve funding for schools by engaging in efforts to raise local taxes in support of locally controlled funds for schools. In spite of the corrective action and demonstrated fiscal responsibility, the district must still face the State's funding uncertainties as it plans for the 2011-12 budget.

## **Parcel Tax – Local Support for Students**

The parcel tax program includes support for a wide variety of services to students of the District. The parcel tax funding, approved in November of 2008, is accounted for in a locally restricted account and is subject to the review by the Citizens Budget Advisory Committee. The parcel tax expires in 2014-15. The following table illustrates a summary of funding levels included in the budget adoption for programs in the 2011-12 school year.

<b>West Contra Costa Unified School district Measure D Parcel Tax Expenditure Budget Summary 2011-12</b>		
<b>Library and athletic programs</b>	<b>\$</b>	<b>3,023,623</b>
<b>*Reduced class sizes for Kindergarten through third grade</b>	<b>\$</b>	<b>1,920,000</b>
<b>Textbooks and teaching materials</b>	<b>\$</b>	<b>750,000</b>
<b>Teachers and counselors</b>	<b>\$</b>	<b>2,976,176</b>
<b>Custodial support - Facilities clean and in good condition</b>	<b>\$</b>	<b>537,520</b>
<b>Grand Total</b>	<b>\$</b>	<b>9,207,319</b>

\* Parcel tax funding pays for a small portion of the K-3 CSR program

## **Maintenance and Recreation Assessment District – MRAD**

In an effort to raise and sustain funding for the school district in 1994 the District formed a Maintenance and Recreation District. In 1996 the formation of MRAD was followed by a vote of the people to continue these levies. This allows the District to levy taxes to support the maintenance and operations of fields and outdoor areas for the purpose of public use. MRAD is budgeted for 2011-12 in the amount of \$5.5 million, which pays for evening/after school custodial services, gardeners and outdoor capital projects.

## **Funding Flexibility – The Tier III Shift**

The 2009 Budget Act enacted a series of reductions to the revenues of school districts and also contained language permitting districts to seek relief from these cuts by repurposing funds from what has traditionally been restricted funding. The practical application of repurposing these funds requires that school districts either cut the programs and staffing associated with the State funds or find alternative funding sources to support the ongoing efforts of these programs.

The Board took action for both the 2009-10 and 2010-11 school years to identify the programs and estimated amounts available for the Tier III shift and used that funding to offset cuts from the State. The 2011-12 budget includes the continued use of Tier III funding in the estimated amount of \$13.5 million. Tier III flexibility has been extended to June of 2015.

## **Federal Stimulus Funding**

The intent of the American Recovery and Reinvestment Act (ARRA) and subsequent Ed Jobs federal funding is provided to save jobs and stimulate the economy. The new Ed Jobs one time funding is more restricted than the previous ARRA funding provided by the federal government and can be spent through the 2011-12 school year. It is available for school site level jobs and related services. The District has received \$5.2 million in funding which is budgeted for 2011-12. This funding is paying for 65 jobs, it has helped offset the loss of the onetime ARRA funds and has been used toward the implementation K-3 Class Size Reduction, to pay for site safety positions and toward teacher salaries.

## **K-3 Class Size Reduction**

The State budget includes the continued flexibility for the class size reduction program. The flexibility is designed to provide financial relief and flexibility to school districts during these difficult times. Class size flexibility legislation expires in June of 2014. In accordance with State funding flexibility, the Board has adopted a modified class size reduction program. Class size targets have been set at 24 for kindergarten, 20 for first and second grades and 28 for third grade. One time Ed Jobs Federal Funding, in the amount of \$2.5 million, and Title I carry over, in the amount of \$3.6 million, are being used to fund the program. These one-time funding sources totaling \$6.1 million expire at the end of the 2011-12 school year. Parcel tax funding is also provided in the amount of \$1.9 million toward this program, which would be roughly equivalent to the cost of 31 teachers. Therefore, class sizes in grades K-3 may have to be set in 2012-13 using only parcel tax funding to reduce class sizes. The multi-year projection does not include the staffing costs necessary to implement the K-3 Class Size Reduction Program in 2012-13 and beyond.



Other Districts in Contra Costa County have struggled to keep class size reduction in place, some have managed to keep class sizes below 31. The following table shows the K-3 Class Size program at selected districts.

**Class Size Reduction Chart**

<b>DISTRICT NAME</b>	<b>GRADE</b>	<b>CLASS SIZE</b>
<b>Antioch Unified School District</b>	Kindergarten	31
	1 <sup>st</sup> – 3rd	27
<b>John Swett Unified School District</b>	Kindergarten	30
	1 <sup>st</sup> -3rd	30
<b>Martinez Unified School District</b>	Kindergarten	23
	1 <sup>st</sup> – 3rd	30
<b>Mt. Diablo Unified School District</b>	Kindergarten	32
	1 <sup>st</sup> – 3rd	31
<b>San Ramon Valley Unified School District</b>	Kindergarten	26
	1 <sup>st</sup> – 3rd	26

### **School Resource Officers**

The following table represents the contracts and costs associated with the School Resource Officer program. It should be noted that in all cases the Police Departments at each agency offer special programs to school sites as well as special services at school events such as athletics, dances and special assemblies as a part of their contract. The 2011-12 budget, along with the multi-year projection includes the funding for this service.

### School Resource Officers Chart

City	Total # of Officers	# paid by City	Contract Amount	Coverage	Services
Hercules	2	1	\$160,000	Hercules Family Schools	C,YC,TS, DM,SP
San Pablo	2	2	\$0	San Pablo Family Schools	C,TS,DM,SP
CC Sheriff	1	0	\$193,000	Unincorporated, North Campus, Crespi	C,TS,DM,SP
El Cerrito	3	0	\$420,000	El Cerrito Family Schools	C, TS, DM, SP
Richmond	7	1	\$876,000	Richmond, Kennedy and DeAnza Family Schools	C, TS, DM,SP
Pinole	3	1	\$320,000	Pinole Family	C, TS, DM, SP
<b>Total</b>	<b>18</b>	<b>5</b>	<b>\$1,969,000</b>		

C= Student Behavior Coaching, YC= Youth Curfew, TS= Truancy Sweeps, DM=District Meetings, SP= Special Services

### Shared Commitments and Employee Concessions

Over the past three years the Board has requested concessions from employees and through negotiations with employee groups has enacted reductions, keeping the District fiscally solvent.

In 2008-09 the executive team (Superintendent and Cabinet) took a three day furlough. In January of 2009 the entire unrepresented management team, including the executive team, were placed on a tiered capped benefit program. During the 2009-10 school year all groups both represented and unrepresented were placed on a tiered cap program for health benefits, gave up the previous retiree lifetime benefit program and began a three year plan of work year reduction with a commensurate salary reduction. In addition, teacher class sizes were increased and prep teachers were eliminated, saving \$3.2 million.

The work year reduction for all employees saves \$4.4 million per year. The tiered cap program saves the district \$9.9 million per year. For the employee, these types of reductions mean less take home pay. It would have been impossible to cut the number of jobs needed to enact these savings and still serve the students of this district.

The work year reduction agreement sunsets at the end of 2011-12, therefore projected funding for the restoration of work days in the amount of \$2.2 million is included in the multi-year projection beginning in 2012-13.

## **Other Post Retirement Benefit Liability (OPEB) or Retiree Lifetime Benefits**

The Board has taken action, with the cooperation of employee groups, to substantially reduce the District's long term liability for post-employment health care. In the actuarial study completed in 2008 it was determined that the Governmental Accounting Standards Board or "GASB 34" liability was \$495 million. Had the program not been amended the GASB 34 liability would have grown to \$550 million, with the implementation of new retiree benefit provisions the GASB 34 liability is \$385 million.

Effective July 1, 2010 employees of the District are no longer eligible to enter a retiree benefit program with uncapped lifetime benefits. Each union has ratified a modified retiree benefit program for existing and future employees. This change is essential for the long term financial stability of the District and further shows the commitment to fiscal responsibility this Board has made.

## **School Closure**

The West Contra Costa Unified School District has experienced a decline in enrollment of over 5,000 students since the 2002-03 school year. School sizes in the West Contra Costa Unified School District have been smaller on average than comparable school districts in California.

In order to address the structural deficit, the School Board passed a resolution on February 11, 2009 to close schools and other facilities under a three year plan. The City of Richmond has provided \$1.5 million per year (for 2010-11 and 2011-12) to keep Olinda Elementary, Grant Elementary and Kennedy High School open. The City of San Pablo has committed \$300,000 per year for the 2009-10, 2010-11 and 2011-12 school years to keep Lake Elementary School open. Since city funding sources are not ongoing, the School Board has provided specific direction on the closure and consolidation of these schools. The following table illustrates the three year school closure plan:

<b>Facility</b>	<b>Scheduled Closure</b>	<b>Notes</b>
El Sobrante Elementary	June 2009	Closed
Castro Elementary	June 2009	Closed
Adams Middle School	June 2009	Closed
Seaview Center	June 2009	Closed
Furniture Warehouse	June 2009	Closed
Lake Elementary	June 2009  (rescheduled June 2012)	Suspended due to City of San Pablo funding for three years, 2009-10 through 2011-12
Olinda Elementary	June 2010  (rescheduled June 2012)	Suspended due to City of Richmond funding commitment funding for two years 2010-11 & 2011-12

Grant Elementary	June 2010 (rescheduled June 2012)	Suspended due to City of Richmond funding commitment funding for two years 2010-11 & 2011-12
Kennedy High School	June 2010 (rescheduled June 2012)	Suspended due to City of Richmond funding commitment funding for two years 2010-11 & 2011-12
Shannon Elementary	June 2011 (rescheduled June 2012)	Suspended due to student housing plan costs. Board to consider student housing options in order to close in June of 2012

School closure and the sale of surplus property had been identified as a means to address the long term debt of the District when the Board adopted the 2008-09 budget. However, due to the decline in real estate value and the Board's desire to keep property for future use the surplus property has not been offered for sale. The Facilities Department has undertaken the task of exploring alternative use scenarios that may generate funding for the District. It is highly desirable to bring revenue into the District for these properties because the upkeep and insurance for the vacancies divert funding and staff time away from schools and facilities in use by students.

### Long Term Debt

The District is responsible for the following long term debt obligation, which originated during the early 1990's.

	Principal	11-12 Payment	Pay off year
<b>COPS</b>	\$ 8,890,000	\$ 922,576	2024
<b>State Emergency Loan</b>	\$ 9,368,387	\$ 1,421,602	2018
<b>Voluntary Integration</b>	\$ 872,000	\$ 872,000	2012
<b>IBM</b>	\$ 3,742,000	\$ 1,242,000	2015
<b>Total</b>	\$ 22,872,387	\$ 4,458,178	

### Fund Balance – Deficit Spending

During budget development it is important to plan toward eliminating deficit spending if deficits are anticipated in the coming year. Deficit spending can be tracked by monitoring the ending fund balance each year. It is also reflected in the State reports and is described as the net decrease in fund balance.

For the past three fiscal years the unrestricted ending fund balance has been in a decline. While this is not a desirable trend, the fund balance has been carefully monitored to make sure the appropriate funds are in place for a 3% reserve. The

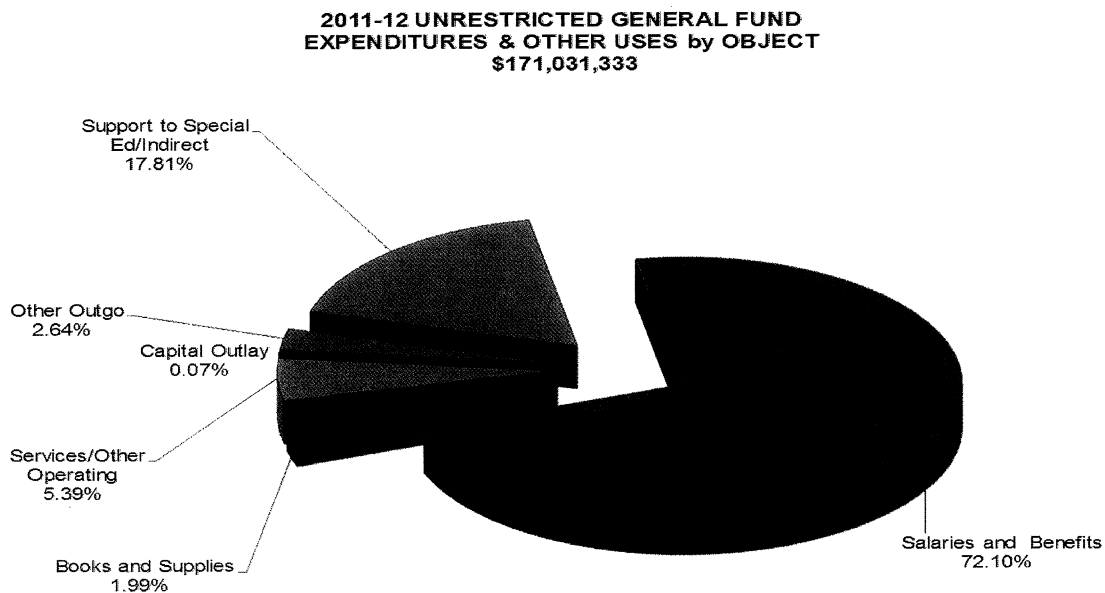
following table illustrates the unrestricted ending fund balance for each year end closing.

June 2008	June 2009	June 2010	June 2011 (estimated)
\$21,567,077	\$20,049,661	\$15,439,421	15,732,324
Net Increase (Decrease):	(\$1,517,416)	(\$4,610,240)	\$343,515

The Board has set in place a plan to close the budget gap for next year, should the November State election to extend taxes be unsuccessful. Funds in excess of what is required to balance the budget in 2010-11 identified to be placed into the Special Reserve (Fund 17). During the 2011-12 budget year it may be necessary to withdraw those funds and place them into use if the Governor's May Revise budget is unsuccessful. There is \$10 million earmarked in Special Reserve. According to current projections it will be necessary to utilize \$3.0 million of the Special Reserve in 2012-13 and \$2.5 million in 2013-14 in order to close the operational deficit. Should it be necessary to use the full \$10 million in 2011-12 due to mid-year funding cuts the District will need to identify cuts to balance 2012-13 and 2013-14.

### Overview of General Fund Unrestricted Spending

The District spends the majority of operating funds on the salary and benefits of employees. Services and operating expenses include things like utilities, property and liability insurance, legal services and audits. The following chart includes the contributions to Special Education and Maintenance which support salary and benefits in those programs. The chart is divided up into the major "object" categories according to the State account code structure.



## **General Fund Budget Assumptions 2011-12**

### **Beginning Fund Balance**

The estimated unrestricted ending fund balance for 2010-11 is projected to be \$15.7 million, and this balance will be carried forward to the 2011-12 year.

The actual ending fund balance figure is likely to increase slightly when staff reports the Unaudited Actuals due to budget balances that may remain unspent. The restricted beginning fund balance is estimated to be \$16.6 million. This balance is also subject to change, based on the closing of the books, and any fund balance remaining is designated for restricted carry-over. The combined estimated beginning fund balance is \$32.3 million.

### **Revenue Limit**

Revenue limit funding is based mainly upon student attendance. West Contra Costa Unified School District is currently considered a declining enrollment district. Therefore; the basis for Revenue Limit funding for 2011-12 is 2010-11 P-2 Average Daily Attendance (K-12 ADA) along with certain annual adjustments. A declining enrollment district is held harmless for one year to help minimize the impact of declining Revenue Limit funding. The District is funded on the greater of current year or prior year ADA.

The Restricted Special Education Program includes a transfer of \$7 million of the Revenue Limit dollars based on the Special Education ADA generated. The total Revenue Limit funding for the District is estimated at \$151 million.

The Revenue Limit base includes the 2.24% COLA, as recommended at the Governor's May Revise. The base Revenue Limit is reduced due to the inclusion of a deficit factor of 19.754% for the 2011-12 fiscal year in the May Revision. The funded revenue limit is \$5,227 for each full ADA earned.

### **Lottery and Other State Revenue**

Unrestricted lottery funds are estimated at \$111 per ADA and restricted at \$17.50 per ADA, for a total of \$3.6 million. Total Other State revenue is estimated at \$17 million for 2011-12 and includes many of the Tier III programs.

### **Contributions to Restricted Programs**

Various programs require contributions from the District's unrestricted general fund either through law or because the programs cannot be operated within their revenue streams.

Routine Repair and Restricted Maintenance	\$ 4,118,437
Special Education Program	\$22,291,126
Special Education Transportation	\$ 5,434,504

### Restricted Revenue

Revenues for the remaining categorical programs have been projected using prior year funding as a base. Budgeted revenue is projected for programs that have supporting documentation for current year funding and assurance of funding in the coming year. Programs for which documentation was not provided will be added to the budget as the funding letters become available. These additions will be brought to the Board as budget increases as a part of the First and Second Interim Reports.

### Employee Salary and Benefits

Employee salaries include step and column increases. Statutory payroll benefits are based upon actual benefit costs of current employees and estimates for vacant positions. The following salary driven benefit rates have been used for budget development:

State Teacher Retirement System	8.25%
Public Employee Retirement System	10.923%
Unemployment	1.61%
Medicare	1.45%
Worker's Compensation	2.4648%
FICA (Social Security)	6.20%
PERS Reduction	1.317%

### Other Expenditures

Books and supplies for school sites have been allocated from unrestricted funding on a per-pupil basis in the amount of \$15 at the elementary level, \$16 at the middle and \$18 at the high school levels. Services and other operating expenses include items such as utilities, telephones, copier service agreements, district memberships, legal and audit expenses. Utilities have been budgeted at the 2010-11 levels.

### Restricted Expenditures

The categorical program expenditures related to grants and entitlements will be subject to change based upon carry-over funds and revised funding levels for the 2011-12 school year.

### **Multi-Year Projection**

Due to the increased costs associated with the restoration of furlough days, escalating retiree health care costs and the loss of one time Ed Jobs funding it is necessary to utilize \$3 million of the special reserve set aside in 2012-13 and an additional \$2.5 million in 2013-14 in the multi-year projection. It should be noted that the cost of restoration is less than the savings because not all work days are restored.

The multi-year projection for 2011-12 includes the savings for school closures identified by the Board and iterated earlier in this narrative. The amount of savings is estimated at \$2.7 million per year, ongoing.

In 2012 the District will make the final payment toward the Voluntary Integration Audit Finding. Therefore the cost for that debt is no longer a part of the ongoing deficit spending in 2012-13.

The following are the assumptions used for the development of the multi-year projections.

2012-13 Assumptions

Funded ADA: 27,115  
Revenue Limit COLA: 3.2%  
Revenue Limit Deficit: 19.754%  
California CPI: 2.70%  
Restricted Lottery: \$17.20 per ADA  
Unrestricted Lottery: \$110.00 per ADA  
Reserve for Economic Uncertainty: 3%  
Step and Column: 1.0%  
Retiree Health Benefits: 10%

2013-14 Assumptions

Funded ADA: 26,924  
Revenue Limit COLA: 2.7%  
Revenue Limit Deficit: 19.754%  
California CPI: 3.10%  
Restricted Lottery: \$17.20 per ADA  
Unrestricted Lottery: \$109.00 per ADA  
Reserve for Economic Uncertainty: 3%  
Step and Column: 1.0%  
Retiree Health Benefits: 10%

The projected unrestricted ending fund balance for 2011-12 is \$15.7 million, which is sufficient to meet the 3% requirement for reserves.

The unrestricted ending fund balance for 2011-12 and 2012-13 is projected to be \$15.7 million.

In accordance with the oversight provisions of AB1200 the County Office is requiring an assurance that the Board has identified how it will deal with a budget that does not include an extension of taxes. This assurance is part of the budget adoption in order that the County Office of Education, under Education code 42127, can consider these facts when reviewing the status of the District and moves to approve, conditionally approve, or disapprove the 2011-12 budget and multi-year plan.

The West Contra Costa Unified School District will utilize the Special Reserve Fund in the event that the taxes are not successful. It will also be necessary, if that occurs, to identify ongoing cuts for the 2012-13 year. The certificate will be signed by the Board Secretary and is included as Appendix B.



## **Other Funds**

### **Adult Education Fund – Fund 11**

West Contra Costa Adult Education provides educational service to community members of all ages. Programs include vocational education, high school diploma studies, English as a Second Language, basic education geared to promote adult literacy, parent education, adults with disabilities and senior citizen classes. The State of California has placed the state portion of Adult Education funding within the Tier III flexibility program. The Board has approved the Adult fund to retain \$2.2 Million in flexibility funding in order to operate the program. The proposed operating budget is \$2.0 million.

### **Child Development Fund – Fund 12**

The Child Development fund is also known as the Preschool fund. Grants are received from both state and federal sources to support early childhood development with the school district. The operating budget for preschools is \$2.5 million for 2011-12.

### **Cafeteria Fund – Fund 13**

The Food Services Department of West Contra Costa Unified School District serves over 1,100,000 breakfasts, 3,000,000 lunches and almost 640,000 after-school snacks to its students during the regular school year. The program is entirely self sufficient through state and federal grants, with modest fees in place for meals and snacks that are not reimbursable through grants.

The Food Services Department also plays a critical role in ensuring that many children get enough to eat during summer months and provided over 256,000 nutritious meals to children age 18 and below during last year's Summer Feeding program. As the national leader in program innovations to prevent child obesity, the Food Services Department of WCCUSD has become the first school district in the Bay Area to provide a complete resource kit to support healthy food fundraising events by PTA / Student groups. It also continuously provides technical support and education to school administrators, teachers, parents, and students about nutrition and wellness. The Cafeteria Fund has an operating budget of \$12 million for 2011-12.

### **Deferred Maintenance Fund – Fund 14**

The Deferred Maintenance Fund provides separate accounting for State apportionments and District matching contributions for deferred maintenance purposes. Deferred maintenance is defined as major repair or replacement of plumbing, heating, air conditioning, electrical, roofing and floor systems, and includes any other items approved by the State Allocation Board. The Board has determined that the program will be suspended due to the fiscal crisis, and has set in place a Tier III fund transfer as funding becomes available.

### **Special Reserve Fund for Other Than Capital Outlay Projects – Fund 17**

This fund is used primarily to provide for the accumulation of general fund dollars for general operating purposes other than capital outlay. Amounts from this fund must first be transferred through board resolution to the General Fund, or other appropriate fund, before expenditures can be made. In addition, during the 2009-10 and 2010-11 school year the Board adopted a plan to place Tier III funding and general fund balance reserves in the Special Reserve Fund. This funding has accumulated to \$10 million and is reserved to offset potential cuts that may arise if the Governor's May revise budget is not successful. Should the Governor's May revise budget pass it is anticipated that this funding will be used in 2012-13 (\$3 million) and 2013-14 (\$2.5 million) to ease the cuts that would otherwise be needed to close the budget gap during that year. This would leave \$4.5 million in one-time funding for the Board to prioritize use.

### **Building Fund – Fund 21**

This fund accounts for proceeds from the sale of bonds and may not be used for any purpose other than those for which the bonds were issued. The District anticipates a \$100 million bond sale for new construction in the fall of 2011. The Board has adopted project budgets for the expenditure of these funds.

### **Capital Facilities Fund – Fund 25**

Education Code sections 17620-17626 authorize the District to levy fees on developers or other agencies as a condition of approving a development. This fund is used to account for the receipt and expenditure of the fees collected. Expenditures are restricted by Government Code sections 65970-65981 and are generally limited to those expenditures necessary for the District to provide services to the areas where the development has impacted the District's ability to provide those services. In prior years, the District has received many millions of dollars in developer fees that have been used to support the construction of growth projects throughout the District. These funds have primarily been used to pay for capital leases for portable classrooms. Based on a decline in revenue, the District must adjust program budget and project plans to reflect available forecasted balances. A conservative \$160,000 in developer fees is projected in the 2011-12 budget.

### **County School Facilities Fund – Fund 35**

This fund was established pursuant to Education Code section 17070.43 to receive apportionments from State School Facilities Funds approved by the voters authorizing the sale of bonds under Propositions 1A, 47, and 55. Fund 35 has no new funding or expenses for 2011-12.

### **Special Reserve Fund for Capital Outlay Projects – Fund 40**

This fund exists to accumulate moneys to fund capital projects. The District deposits facilities-related revenues such as proceeds generated from redevelopment agency pass-through payments, and local facility grants. Funds received are generally available for expenditure subject to certain restrictions and/or requirements of the funding source. The State Emergency Repair Program (ERP) is also accounted for within this fund. \$1.4 million is projected in expenditures for this fund in 2011-12, attributable to certain summer work and portable replacement.

### **Debt Service Funds – Funds 52 and 56**

The Debt Service funds are used to account for various debts of the District. Fund 56 contains funding for the District's State Emergency Apportionment Loan. According to State law, when the District sells property, the proceeds from those sales must be used for debt service of the loan and are accumulated in this fund. Fund 52 has been used to account for repayment of the District's outstanding Certificates of Participation (COP), and is now used for the required reserve for the COP. Fund 56 and 52 will be necessary until the State Loan and COPs are paid off.

### **Self-Insurance Fund – Fund 67**

This fund is used for self-insurance activities from other operating funds of the District. Insurance premiums from the General, Adult Education and Cafeteria funds are deposited to this fund. Funds deposited are then used to purchase insurance and to pay self-insured claims up to \$100,000 per claim. This is the District's deductible or self-insured retention. The budget is \$1.7million.

West Contra Costa Unified School District  
 Budget Flexibility Transfer for Tier III Programs  
 June 28, 2011  
 Public Hearing  
 Appendix A

Resource	Tier III Program Name	Estimated 10-11	Estimated 11-12
7394	Targeted Instructional Improvement Grant (TIIG)	\$ 2,788,366	\$ 2,788,366
7395	School and Library Improvement Block Grant	\$ 1,956,037	\$ 1,956,037
7393	Professional Development Block Grant	\$ 1,298,281	\$ 1,298,281
7080	Supplemental School Counseling Program	\$ 780,177	\$ 780,177
7392	Teacher Credentialing Block Grant (BTSA)	\$ 580,706	\$ 580,706
7325	Administrator Training	\$ 33,963	\$ 33,963
6760	Arts and Music Block Grant	\$ 421,314	\$ 421,314
6405	School Safety Block Grant	\$ 188,783	\$ 188,783
7390	Pupil Retention Block Grant	\$ 1,162,384	\$ 1,162,384
7055	CAHSEE Supplemental Instruction	\$ 271,874	\$ 271,874
7294	Mathematics and Reading Professional Dev	\$ 223,532	\$ 223,532
7140	Gifted and Talented (GATE)	\$ 190,715	\$ 190,715
6258	PE Teacher Incentive Grants	\$ 411,041	\$ 411,041
7271	Peer Assistance Review (PAR)	\$ 122,985	\$ 122,985
7156	IMFRP	\$ 1,665,288	\$ 1,665,288
7276	Certificated Staff Mentoring Program	\$ 147,831	\$ 147,831
6260/6263	Alternative Credentialing	\$ 190,975	\$ 190,975
6267	National Board Certification	\$ 13,422	\$ 13,422
Fund 11	Adult Education	\$ 1,000,000	\$ 1,000,000
		\$ -	\$ -
	<b>Total</b>	<b>\$ 13,447,674</b>	<b>\$ 13,447,674</b>
<b>Supported Programs/General Fund</b> Teacher Salary and Benefits for K-12 Education GATE Support Pupil Retention Program/ Special Education Bussing School Safety Staff			



Joseph A. Ovick, Ed.D., Superintendent of Schools

77 Santa Barbara Road • Pleasant Hill, CA 94523 • (925) 942-3388

## 2011-12 Budget - Executive Summary

### Appendix B

DISTRICT: WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

### MAINTENANCE OF FISCAL SOLVENCY

In submitting the 2011-12 Adopted Budget, the Board understands its fiduciary responsibility to maintain fiscal solvency for the current and subsequent two fiscal years. Additionally, the Board recognizes and is prepared to analyze and make additional reductions and/or identified reserves as necessary to maintain fiscal solvency if the proposed tax extension fails.

\_\_\_\_\_  
Bruce Harter, Board Secretary

\_\_\_\_\_  
Date

Phone Number: 510-231-1170

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:** June 28, 2011

**From:** Bruce Harter  
Superintendent

**Agenda Item:** F.3

**Subject:** Community Outreach for Possible Parcel Tax

**Background Information:**

In November 2008, the voters of West Contra Costa Unified School District overwhelmingly renewed the parcel tax that provides funding for our counselors, library staff, some of our custodians and psychologists, our athletic program as well as partial funding for class size reduction in grades K-3. As the five-year time frame for that funding draws to a close, the Board should consider whether to determine if our electorate will support the renewal of that levy. In 2007, the Board appointed a committee of two members and authorized them to develop a request for qualifications for a consulting firm to assist the district in this effort. The Attorney General has determined that a school district may legally expend district funds to hire a consultant to conduct surveys and establish focus groups to assess the potential support and opposition to a measure, the public's awareness of the district's financial needs, and the overall feasibility of developing a measure that could win voter approval.

**Recommendation:**

That the Board appoint two members as a subcommittee to select a polling firm and a consulting firm to conduct a survey and provide outreach services to determine the feasibility of a measure to renew the current parcel tax and authorize the superintendent to sign the contract or contracts.

**Fiscal Impact:**

Not to exceed \$60,000

**DISPOSITION BY BOARD OF EDUCATION**

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

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

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_

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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

**From:** Wendell Greer  
Associate Superintendent, K – Adult Schools

**Agenda Item:** F.4

**Subject:** Shining Crescent Charter School Petition

**Background Information:** On, April 18, 2011 the petitioner submitted to West Contra Costa Unified School District a petition for a charter school known as Shining Crescent Charter School (“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.

Staff has reviewed the charter petition (“Petition”) for the establishment (for five years) of the Shining Crescent Charter School (“Charter School”). The Charter School is governed by a nonprofit public benefit corporation, but the District would be responsible for oversight of the Charter School. As presented in the Petition, the Charter School expects to serve approximately 302 students in grades K through 8 in its first year of operation (2012-2013), increasing to 312 students in the second year of operation (2012-2013) and 345 students at full implementation, in year five (2016-2017). (Petition, Appendix N: Budget Assumptions.) Petitioners intend the Charter School “to provide cultural and language support to all students” with a focus on the “underserved population of students who speak languages, e.g. Wolof, Hausa, Twi, Ga, Fante, African American Language/Ebonic, Farsi, Punjabi, Hindi, Banglade, and Arabic. (Petition p. 10.) Petitioners propose to “develop primary language groups not listed in West Contra Costa data.” (Petition p. 12)

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 was held on May 18, 2011. “After review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.” Education Code section § 47605(b) A written agreement was made between Shining Crescent Charter School and West Contra Costa Unified School District to defer the board action until June 28, 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, Lynn Potter, Director Educational Services, Sonja Neely-Johnson, Harlan Kerr, Sherry Bell, 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 Shining Crescent 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 District staff and legal counsel condensing the remaining areas of concern, the resolution of those concerns, and Staff's ultimate recommendation regarding those areas.

### **Recommendation**

Staff recommends that the Board deny the charter 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. The 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 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 of fact, 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 FACT  
REGARDING REVISED SHINING CRESCENT CHARTER PETITION  
JUNE 20, 2011**

**Background**

In November 2010, the West Contra Costa Unified School District (“District”) received a charter petition (“Original Petition”) from the Shining Crescent Foundation, Inc., a California nonprofit public benefit corporation, proposing the creation of a charter school to be called the Shining Crescent Charter School (“Shining Crescent” or “Charter School”). Following review of the Original Petition by District Staff and legal counsel, Staff submitted a report to the District’s Governing Board (“Board”) recommending that the Original Petition be denied. On January 19, 2011, the Board denied the Original Petition.

Following the District’s denial of the Original Petition, Petitioners revised their Petition (“Revised Petition”) and submitted it to the Contra Costa County Board of Education (“County Board”), requesting approval of the Revised Petition. However, state regulations prohibit revisions to petitions submitted to a county board of education. Rather, Petitioners were required to provide the County Board with a copy of *the charter petition as denied* by the District. (See 5 CCR 11967(b).) Consequently, the County Board declined to review the Revised Petition and referred Petitioners back to the District.

Petitioners submitted their Revised Petition to the District on April 18, 2011. At the same time, Petitioners also submitted a “Response to Denial of Petition Report” (“Response”). In the Response, Petitioners indicate that “[w]hile the original charter petition did cover all areas but we accepted the findings of the staff and has [sic] enhanced and solidified all mentioned elements in the revised petition.” (Response, p. 1.) Although the Revised Petition describes a plan to commence operations at the Charter School for the 2011-2012 school year, Petitioners have now indicated they intend to postpone opening of the Charter School until fall 2012.

This Report sets forth findings based upon a review of the Revised Petition and its appendices by District Staff and legal counsel. Staff notes that a number of missing or incomplete elements of the Original Petition have been significantly overhauled and reworked in the Revised Petition; however, Staff concludes that the Revised Petition, as a whole, continues to raise significant concerns regarding Petitioners’ ability to provide students with a sound educational program and to successfully implement their proposed program. These concerns are addressed in detail, below.

## **Introduction**

As presented in the Revised Petition, Petitioners intend the Charter School to “provide students with a learning environment that teaches them to recognize and appreciate the traditions, histories, civilizations and accomplishments of Asia, Africa and the Middle East as they learn about Western culture in an academic environment and with the guidance of their family.” (Petition, p. 6.)

Petitioners note that “three groups that are under-served with instructional assistants [sic] who are from similar cultural backgrounds are those students from Africa, the Middle East and South Asia: India-Pakistan-Afghanistan-Bangladesh and surrounding areas.” (Petition, p. 6.) Although Petitioners indicate that the Charter School will be open to all students, they identify the need for a school such as Shining Crescent in order to “provide cultural and language support to all students with a focus on underserved populations of students who speak languages which are of a minority percentage, e.g. Wolof, Hausa, Twi, Ga, Fante, African American Language/Ebonics, Farsi, Punjabi, Hindi, Bangladeshi, and Arabic.” (Petition, pp. 10-11.) Elsewhere, the Revised Petition establishes the Charter School’s commitment “to serving a diverse population of students [in?] the surrounding area of the school that represents underserved cultural-linguistic groups.” (Petition, p. 25.)

Petitioners identify a need “to develop a public charter school that will design culturally relevant, specific and linguistically appropriate curriculum and instruction that addresses ‘youth culture’ with a focus on living and working in culturally diverse world, critical and logical thinking, college readiness and service learning.” (Petition, pp. 13-14.) Petitioners further note that the Charter School intends to provide students with “wrap around community support,” although, as discussed herein, the exact nature and scope of such “wrap around” support is not specifically identified in the Revised Petition. (Petition, p. 14.)

## **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.” (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).) 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 required by Education Code section 47605, subdivision (a)(1)(A) or (a)(1)(B).
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 student on the basis of the characteristics set forth in Education Code section 220.
5. The petition does not contain reasonably comprehensive descriptions of certain elements in its program and operations as set forth in Education Code section 47605, subdivision (b)(5)(A-P), which describes the following sixteen separate elements that must be addressed 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, the Public Employees' Retirement System, 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 chartering school district, and a three year projected operational budget. (Ed. Code § 47605(g).)

### **Recommended Grounds for Denying the Charter Petition**

Staff recommends that the Board deny the Revised 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. The 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 reasonably comprehensive descriptions of certain required elements set forth in Education Code section 47605, subdivisions (b)(5)(A-P).

In order to deny the Revised 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. Staff further recommends that the Board deny the Revised Petition.

Please note that these 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.

### **Proposed Findings of Fact**

#### **Finding 1: Shining Crescent Presents an Unsound Educational Program for Pupils to be Enrolled at the Charter School**

While the Revised Petition includes more detail regarding the Charter School’s proposed general educational program, it does not adequately describe or address the particular needs and challenges of several significant student populations, including academically low-achieving and high-achieving students, special education students and English Learners. Specifically, the Charter School presents an unsound educational program for the students to be enrolled at the Charter School, for the following reasons:

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

A. The Revised Petition does not sufficiently describe the proposed curriculum or teaching methods to be employed at the Charter School.

A charter petition must include a description of the educational program of the Charter School and the instructional approach that the charter school will utilize including, but not limited to the curriculum and teaching methods. (Ed. Code § 47605(b)(5).) The Revised Petition fails to present an adequate educational program for both its general education program and its programs for special groups such as special education students and ELL students, as described in detail below.

*Instructional Approaches and Strategies.* Petitioners note that “Shining Crescent will be unique in how children are taught.” (Petition, p. 15.) As in the Original Petition, Petitioners are proposing an educational program that blends “a variety of methodologies from eastern culture . . . with western teaching techniques.” (Petition, p. 16.) The Revised Petition retains language from the Original Petition describing various educational systems throughout the world and emphasizing concepts such as respect, discipline, and self-control. (Petition, pp. 16-17.) However, Petitioners have not clarified how teachers will implement the various pedagogical approaches described in the Revised Petition, or to what extent teaching staff is expected to demonstrate familiarity or expertise in using such methodologies in the classroom. Because no job descriptions are included in the Revised Petition, it is not possible to determine whether the Charter School intends to hire teachers with such experience, or alternatively, how it intends to provide its teachers with the skills necessary to effectively integrate the various multicultural methodologies described in the Revised Petition.

*Curriculum; Teaching Materials; Technology.* Petitioners state that “SCCS will always select California State adopted curriculum which is aligned with the California Content Standards.” (Petition, p. 29.) However, while some textbook series are now identified as “Sample Curriculum” (Petition, p. 29), the Revised Petition still fails to explain how teaching staff will develop and implement specific lesson plans and the identified curricular materials. No sample lesson plans or curriculum plans for any grade levels are included. The Revised Petition should include an outline of the curriculum for each core academic subject area at one or more grade levels. There are is no discussion as how academic content standards will be linked to instructional practices to ensure mastery of each core curricular area.

*Foreign Languages.* With regard to foreign language instruction, Petitioners propose to teach Arabic, Punjabi, and Urdu/Hindi. (Petition, p. 17.) However, other than noting that such languages will be introduced “at an early stage” and citing from a series of studies supporting the early introduction of foreign language study, the Revised Petition contains no description of its proposed foreign language program. (Petition, p. 17.) Petitioners’ Response states that foreign language instruction will begin during kindergarten (Response, p. 5), but there is no indication as to how often foreign language will be taught during the regular school week, or what qualifications the Charter School will require of foreign language instructors. Other than a single reference to an Arabic language textbook series (Petition, p. 30), no other teaching materials or instructional

methodologies for teaching languages are identified in the Revised Petition and no sample language lessons are provided. Of additional concern, is not clear how differentiated instruction, especially in foreign languages, will be provided to the broad array of students expected to enroll in the Charter School. Specifically, how will instruction to students from the targeted student population (i.e., students coming from households where the primary or secondary language may be Arabic, Punjabi, or Urdu/Hindi) differ from instruction to students from households whose primary language is Spanish or English? Moreover, the Revised Petition appears to provide that foreign language instruction will be delivered to English Learner students, however, it does not clarify at what grade level or English proficiency level such instruction will commence. (Additional concerns regarding the delivery of foreign language instruction to English Learners are discussed elsewhere in this Report.)

*Daily & Weekly Schedules.* The Revised Petition includes a proposed daily bell schedule, but includes no detail as to what classes will be taught to each grade level during each period; also missing is a weekly schedule that indicates when or how many times per week each academic subject areas will be taught to each grade level. (Petition, pp. 124-5.) There is no indication as to when instruction in English Language Development (“ELD”), reading remediation, or other intervention services will be provided during the school day or how many instructional minutes of these services will be provided.

*Teaching Staff.* Concerns regarding teaching staff and teaching assignments remain also unresolved in the Revised Petition. Petitioners have revised their estimated number of teaching staff. The Revised Petition now notes that the Charter School intends to hire “13 Certificated Teachers; 5 Primary Language/ELD Support/After School; 1 P.E. Instructional Asst.” (Petition, p. 124.) The Revised Petition indicates that the Charter School will have thirteen classrooms with class sizes ranging from 20 to 37 students. A 5th grade classroom is listed as having a projected enrollment of 35 students, but Petitioners intend to reduce class size in two ways: “(1) as students leave for non-core subjects and Team Teaching whereby teachers collaborate to groups instructionally efficient.” (Petition, p. 124.) However, they provide no details as to how team teaching will be implemented at the Charter School. Again, the lack of comprehensive daily and weekly schedules with sufficient information as to the instructional program and the distribution of teaching assignments hampers the District’s ability to evaluate the Charter School’s educational program. Without clearly defined teaching assignments and comprehensive job descriptions, the District cannot adequately assess whether appropriately qualified staff will provide instruction to Charter School students.

Petitioners do state that they will “recruit teachers who have resumes which include at least 3 years experience in teaching students utilizing CLAD/SDAIE methods of teaching English as a second language.” (Petition, p. 12.) Less clear is whether the group of staff broadly identified as “Primary Language/ELD Support/After School” will be certificated or otherwise qualified to deliver ELD instruction or “primary language support for minority language groups.” (Petition, p. 12.) The Revised Petition notes that Petitioners will “seek to hire literacy instructional assistants with a minimum of a Bachelor’s of Arts

degree or the equivalent who speak the primary language of the students to provide support for to [sic] access the core subject content.” (Petition, p. 38.) This raises a concern that non-credentialed staff may not be qualified to provide ELD, foreign language instruction, and “primary language support” in a classroom setting or after-school program.

In sum, the instructional and curricular components of the Charter School, as described in the Revised Petition, present an unsound educational program for the students to be enrolled in the school. (Additional Staff concerns regarding the delivery of language instruction to English Learners, measurable student outcomes, and the progress by which pupil progress is measured are addressed, below, in separate sections.)

B. The Revised Petition does not include detailed plans for serving low-achieving or at-risk students.

The Revised Petition notes that the Charter School intends to “maintain a culture of high expectations for all students” and will “work to ensure that no individual student falls behind.” (Petition, p. 18.) This is a laudable goal, but Petitioners do not adequately describe how the Charter School will identify and respond to the needs of pupils who are not achieving at expected levels.

The Revised Petition provides that a student will be designated as “low-achieving” if the student “falls below the 50th percentile on the adopted standardized test and/or falls below learning behavior, language acquisition, and fine and gross motor skills in comparison with the peer group.” (Petition, p. 19.) This approach for identifying low-achieving students is problematic. First, the Revised Petition does not indicate which standardized test is the “adopted standardized test” that the Charter School intends to use. Additionally, there is no information provided as to when students will be designated as low-achieving on the basis of standardized testing as opposed to, or in addition to, “learning behavior, language acquisition, and fine and gross motor skills in comparison with the peer group.” The Revised Petition indicates that the Charter School will identify “at-risk” students as those students “who achieve at or below the 40th percentile on adopted state tests, who may or may not qualify for special education, and whose achievement potential is not being realized.” (Petition, p. 19.) Again, the Petitioners do not identify the testing measures that will be used to identify at-risk students, and do not set out any method they will use to determine whether a student’s achievement potential is being realized. (Revised Petition, p. 19.)

The Revised Petition broadly states that the Charter School will use cooperative learning in flexible groups and will emphasize students of all abilities working closely together in group settings. (Petition, p. 19.) Despite its well-meaning intentions, the Petition only briefly references any other specific behavioral interventions or services that the Charter School plans to employ in order to assist low-achieving and at-risk students, and does not describe those interventions or services in any detail. Moreover, the Petition makes no reference to scaffold instruction, types of learning materials, pre-teaching, re-teaching, or



any of the other standard learning strategies used to address the needs of low performing students.

Although Petitioners note that low-achieving or at-risk students will be served through a Student Study Team (“SST”) process, the Petition does not include any information regarding what specific assessments and observations will be conducted through that SST process, who will conduct them, what extra attention or intervention services identified students may receive, who will provide the services, how often the services will be provided, what curriculum will be used, or how it will be determined whether interventions are effective. (Petition, p. 19.) Lastly, as noted above, the Revised Petition does not provide any detailed information regarding the qualifications of staff who will deliver specialized interventions to low-achieving and at-risk students.

Thus, the Revised Petition fails to present a sound educational program for low-achieving and at-risk students.

C. The Revised Petition does not include a detailed plan for meeting the needs of its high-achieving students.

While the Revised Petition identifies broad intentions to provide opportunities for high-achieving students, it does not include any descriptions of particular services or programs that will be available to high-achieving students, or how such services or programs will be implemented. (Petition, p. 35) Petitioners propose to pair high-achieving students with students who are struggling with certain material. Other than that, the Revised Petition simply indicates that high achieving students will be required “to increase the depth and breadth of projects, e.g. quote sources, PowerPoint presentations, presentations to low-achieving students, advanced Academic English Development mini-courses.” (Petition, p. 35.) Such plans are problematic on two levels. First, the District is left to guess how the Charter School intends to identify high-achieving students and ensure that the curriculum is appropriately modified to meet their needs. Without further information, the District cannot adequately assess whether Petitioners will be able to meet the needs of high-achieving students. Second, an emphasis on peer-teaching raises concerns that low-achieving students, already struggling with academic subject matter, may receive instruction and interventions from high-achieving students who are otherwise not qualified to provide such remediation.

D. The Petition does not adequately address how the Charter School will educate EL students.

According to the California Department of Education, all federal requirements and some state requirements for English Learner (“EL”) 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 EL students.

A review of demographic data for the District shows that, for the 2009-2010 school year, 9,821, or 33% of District's students were English Learners. Accordingly, Petitioners should reasonably expect a similar percentage of EL students to be enrolled in the Charter School. Petitioners themselves state that they expect "70-80% of the student population will be classified as English Language Learners." (Petition, p. 35.) Unfortunately, as explained herein, the Charter School's plan gives short shrift to EL students whose home languages are not Arabic, Punjabi, Hindi, or Urdu. Specifically, the information provided in the Revised Petition raises the following areas of concern regarding the Charter School's plan for educating its EL students:

1. *Identification, Assessment, Reclassification.* The Revised Petition indicates that the California English Language Development Test ("CELDT") will be administered to students with a home language other than English, but it does not identify specific services and/or programs that will be available to EL students at each of the levels. (Petition, pp. 36-7.) While students will be reclassified "following the Language Review Team Process" there is no additional information demonstrating that Petitioners are aware of the requirements and time lines for reclassification. Other than the CELDT, the Revised Petition does not identify any formative or normative assessments that will be used to assess the progress of EL students throughout the school year, and does not how often such assessments will be administered. (Petition, pp. 37, 70-71.)

2. *Curriculum, Teaching Materials and Instruction.* As in the Original Petition, Petitioners state that they "do not intend to adopt a singular English language development program." (Petition, p. 38.) District Staff, continue to identify the Charter School's decision not to use any specialized English Language Development ("ELD") curriculum or others materials and its lack of specific information regarding the delivery of instruction to EL students as major concerns.

According to Petitioners, all EL students will be placed in regular "structured English immersion" classrooms for the entire school day. Despite that fact that no direct 1:1 ELD instruction is identified in the Revised Petition, the Charter School, nonetheless, intends to "uphold the same rigorous academic and behavioral standards for every student, regardless of their native language." (Petition, p. 35.) Under the model presented in the Revised Petition, the Charter School intends to provide its EL students (regardless of their home language) with instruction in core subject areas in English—which EL students have not yet mastered to a level appropriate for their age. Instead of using any structured ELD, the Charter School will provide "grammatically focused lessons that raise students' conscious awareness of how English works." (Petition, p. 37.) In addition to English immersion, students would receive instruction in Arabic, Punjabi, Hindi or Urdu as a "new" foreign language. Under this model, EL students would not receive any instruction in their home/dominant language, *unless their home/dominant language was Arabic, Punjabi, Hindi, or Urdu*. This approach is unlikely to be successful, especially with younger students (i.e., kindergarten and first grade). For example, a Spanish-speaking EL kindergarten student could spend an entire day with no direct instruction in English as a second language. Instead, the student would be placed in a classroom for Math and RLA where he or she would receive all such instruction in English—a language

the student does not yet understand proficiently. In addition, the student would receive instruction in Arabic, Punjabi, Hindi, or Urdu as a “new” language. District staff is unaware of any research that would support the Charter School’s proposed model or that indicates that such a model would be beneficial to the majority of EL students. Unlike the Charter School’s proposed model, recognized programs designed to teach students a second or third language are typically based either on: (1) instruction in multiple subjects in the student’s dominant language and one other language (“dual immersion”), with a third language added after the student has become reasonably proficient in their second language; or (2) core instruction in the student’s dominant language and one other language as a new/second language starting in kindergarten, with a third language added when a student reaches the upper elementary grades. While such a model may be effective for a certain subgroup of EL students, it is likely to discourage enrollment in the Charter School of many other EL students, especially those from Spanish-speaking homes.

As noted above, the Charter School does not propose to provide EL students with any direct 1:1 ELD instruction. The majority of language practice at the Charter School will occur only in “small cooperative” groups and between other EL peer partners. (Petition, pp. 39-40.) The groups will be “facilitated,” but there is no indication as to whether these student groups will be “facilitated” by a teacher qualified to provide ELD. The Revised Petition states that “enrichment teachers” will provide small-group support to English Language Learners,” but no qualifications for such staff are described. (Petition, p. 31.)

Other than the student language groups, the Revised Petition does not address how EL students will be provided the necessary support throughout the school day in their core curriculum classes such as English Language Arts, Math, Science, and History, and does not provide any specific examples of how SDAIE or other strategies will be implemented throughout the day by classroom teachers. The Charter School notes its commitment to monthly professional development for teachers to support the needs of EL students, but the Revised Petition does not provide information as to how professional development will be delivered or how many hours per months of such training will occur.

3. *Academic English Development.* Petitioners propose to provide an Academic English Development (“AED”) program for students: (1) whose parents indicate “English” as a home language; and (2) whose STAR test scores or oral language assessments indicate below mastery levels in English Language Arts or Math. (Petition, pp. 41-2.) The Revised Petition states that the AED program would “utilize curriculum and instructional strategies based on the pedagogy of teaching English as second language to students who speak African American Language.” (Petition, pp. 42.) However, language in the Revised Petition seems confusing—while it notes that such students “are not designated as ELL”, it later states that some AED-eligible students “speak English as a first language, but in their home, a language other than English is spoken and thus they are entitled to English Language Development funding.” (Petition, p. 42.) If the funding referenced is for English Learners, and these students are initially-proficient in English, they would not be eligible for English Learner funding. Moreover,

as set out in the Revised Petition, any student would appear qualify for the AED program if the student's Home Language Survey indicates English as the student's home language, and if his or her STAR test results indicates "below mastery" in Math. In sum, the District requires additional information that clearly sets out the AED program's purpose, eligibility, curriculum, methodology, and staffing and that clearly describes how and when AED instruction would be delivered during the course of the school day.

Overall, Petitioners provide an insufficient description of how English Learners will be supported and do not have a sound and realistic plan for meeting their legal obligations to this subgroup of learners.

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

1. *Overview.* Although the Revised Petition now contains a plan for the provision of special education and related services to eligible students, Staff notes that Petitioners appear to have "lifted" their plan, in large part, from other similar petitions submitted statewide. This is particularly apparent in provisions referencing their intent to comply with the requirements of the Chanda Smith Modified Consent Decree, applicable only to schools in the Los Angeles Unified School District. (Petition, pp. 55, 61.) The inclusion of language from other charter petitions, is not, of course, an immediate bar to approval of the Revised Petition, but the Charter School's founders must demonstrate to the District that they have a clear understanding as to their legal responsibilities under the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA"). Close review of the proposed plan does not support such a conclusion.

1. *Status of Charter School; Delineation of Duties; Staffing.* Language in the Revised Petition suggests that Petitioners continue to be confused as to funding models and the allocation of responsibilities for the provision of special education and related services. Specifically, the Revised Petition now clarifies that the Charter School "plans to operate as a public school within the WCCUSD for special education services in Year 1." (Petition, p. 55.) Further, Petitioners note that "after becoming an independent legal [sic] educational agency (LEA) [the Charter School] will join the Contra Costa Special Educational [sic] Local Plan Area (SELPA) pursuant to the California Education Code." (Petition, p. 44.) Petitioners acknowledge in one section of the Revised Petition that so long as the Charter School is deemed a public school of the District, the District will be entitled to retain state and federal funding for special education. (Petition, p. 55.) Such an arrangement is common, and generally indicates that a charter school expects its chartering authority to be responsible for providing special education services to the charter school's eligible students. However, at another page, Petitioners state that "SCCS will receive its allocated share of AB602 special education funds and will be fiscally responsible for the provision of special education services and instruction to the students for which the funds are allocated." (Petition, p. 60.) At other ages, the Revised Petition also appears to indicate that the Charter School does intend to take over responsibility for providing special education services to eligible pupils with its own staff. For example,

the Revised Petition provides for a student's referral to the Charter School's "special education department" for assessment. (Petition, p. 45.) The Revised Petition also indicates that the Charter School will use District forms to develop, maintain and review assessments and IEPs in the format required by the District, suggesting that they intend to assume responsibility for convening IEP team meetings and developing IEPs for eligible students. (Petition, p. 55.) Elsewhere, Petitioners state that they intend to manage and be fiscally responsible for special education and instruction and to be responsible for the Charter School's "special education budgets, personnel, programs and services." (Petition, pp. 56, 59) The Revised Petition further states that the Charter School "*will hire staff with the appropriate State of California Special education credential and experience to oversee and implement our program.*" (Petition, p. 53.) Nowhere in the Revised Petition, however, is there any discussion as to how the Charter School will attract, recruit, and hire appropriately trained and credentialed personnel to provide special education to children with disabilities. The Revised Petition does not include job descriptions for special education teachers, special education aides, speech and language pathologists, school psychologists, occupational therapists, or any other special education staff. Moreover, no funding in the proposed budget has been reserved for this purpose. As with the plan for educating EL students, Petitioners promise to provide monthly professional development to teachers to ensure compliance with applicable provisions of state and federal special education law, but no additional detail is provided as to how such training will be implemented or who will provide it. (Petition, p. 52) Adding to the confusion, Petitioners also indicate that the Charter School plans to "contract" with the District or another service provider for special education services. (Petition, pp. 56.)

3. *Identification; Referral; Assessment.* The Revised Petition now includes legal timelines mandated for referral, development of an assessment plan, and convening an IEP team meeting following assessment. The Head of School is given responsibility for ensuring Charter School staff provide such services in compliance with applicable law, but elsewhere the Revised Petition states that "[o]ur Special Education Coordinator will be responsible for overseeing the 504 Team assessments, the IEP process as well as the resulting IEPs, and implementing or coordinating the service needs for special education students." (Petition, p. 53.) As noted above, the Revised Petition contains no plan for the hiring or funding of qualified special education staff to undertake such duties. Additionally, discussion in the Revised Petition related to the use of Response to Intervention ("RTI") strategies does not include language clarifying that Petitioners understand that any decision to assess a child for special education eligibility may only be made with parental consent, and that a parent or guardian may, at any time, make a request for special education assessment that will trigger start of the legal time lines for the development of an assessment plan, completion of assessments, and the convening of an IEP team meeting to review the assessment results.

4. *Extended School Year.* The Revised Petition notes that the Charter School will operate an extended school day, extended school year, and extended summer break for students who do not meet grade level standards and requirements." (Petition, p. 18.) However, it does not include any reference to the Charter School's obligation to provide extended school year ("ESY") services for an eligible student as determined by the

student's IEP team. 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. The Charter School cannot rely on the District to provide these services unless an agreement is reached regarding same.

5. *Development of IEPs.* The Revised Petition indicates that the Charter School will be responsible for convening IEP team meetings and developing IEPs (Petition, p. 55), but there is no indication that they are aware of state and federal requirements regarding a properly noticed and convened IEP team meeting, the membership of an IEP team, or that IEP programmatic decisions must be individualized to the student and designed to meet the student's unique needs, based on input from his/her IEP team. (Ed. Code §§ 56323, and 56329.)

6. *Additional Missing Special Education Program Elements.* The Revised Petition also fails to indicate that the Charter School understands eligibility criteria; how the Charter School will timely refer students with special needs for reevaluations, behavioral assessments, and mental health referrals; how the Charter School will comply with Least Restrictive Environment mandates; or the method by which the Charter School's special education program will comply with independent study law.

7. *Section 504.* Throughout the Revised Petition, Petitioners have conflated the requirements of the IDEA of those with the Charter School's separate and distinct responsibilities under Section 504. For example, in the provisions purporting to describe the Charter School's duties under Section 504, they note that they intend to "provide special education and instruction and related services in accordance with the IDEA, California State Education Code requirements and applicable policies and practices of SELPA." (Petition, p. 45.)

In sum, Petitioners have not demonstrated that they understand the scope and nature of their duties and responsibilities under state and federal special education law. (Additional concerns regarding the Charter School's proposed budget for special education costs are set forth elsewhere in this Report.)

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

In order to successfully implement the educational program described in the Revised Petition, the Charter School must demonstrate that its policies and procedures are consistent with the educational program. Based upon the information provided in the Revised 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 fails to provide certain policies and procedures described in the Petition that are necessary to confirm that the program can be implemented.
- A. The employee qualifications described in the Revised Petition are inconsistent with the educational program.

Other than a general statement that the Charter School's teaching staff will be appropriately credentialed pursuant to the requirements set out in the Education Code, the Revised Petition does not include any actual job descriptions for its teachers. As noted above, the Charter School intends to "recruit teachers who have resumes which include at least 3 years experience in teaching students utilizing CLAD/SDAIE methods of teaching English as a second language." (Petition, p. 12.)

Also missing are job descriptions for classified positions and non-credentialed staff teaching non-core classes. The Revised Petition does not describe how the Charter School will determine what constitutes sufficient expertise or experience for non-core instructors. While charter schools have "flexibility" for hiring instructors for non-core classes, the qualifications for these positions should be high and clearly articulated.

Petitioners intend to hire "5 Primary Language/ELD Support/After School; 1 P.E. Instructional Asst." (Petition, p. 124.) Presumably, all of these six positions would be "instructional assistants." However, review of the proposed budget and salary and benefit calculations suggests that a total of five instructional assistants, rather than six, will be hired in Year 1 (Petition, Appendix I.) Two of these positions are identified as "FE/Math", two others are identified as "FE/ELL", and the fifth position is identified as "PE." (Petition, Appendix I.) There is no information in the Revised Petition that describes the distribution of teaching assignments for the instructional assistants, or the percentage of time each assistant will be assigned to particular classroom or student group.

Of additional concern, the Revised Petition does not include any job description or list of qualifications for the Head of School position. Because the Principal or Head of School will be the Charter School's only administrator, he or she will be solely responsible for the day-to-day operation and management of the school, including oversight of the school's finances, management of human resources and personnel matters, compliance with special education and with all other state and federal requirements.

Without full and comprehensive job descriptions and additional information as to how the Charter School proposes to allocate responsibility for the school's operation and management, the District cannot be assured that Petitioners can successfully implement the proposed educational program.

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

A review of the Charter School's proposed Budget and Budget Narrative and multi-year plan (Petition, Appendix I) raises several significant concerns, including the following:

1. The Charter School's multi-year planning budget lists no sources for: "start-up capital" in the amount of \$150,000. No sources of supplemental working capital are provided.
2. The Charter School's Operational Budget lists a Charter School Planning and Implementation Grant ("CSPIG"), 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. However, it is now too late for the Charter School to apply for such grants for the 2011-2012 school year, and the CDE had not yet posted the grant cycle calendar for the 2012-2013 school year. Even assuming Petitioners are successful in the CSPIG application process, the Charter School may not use such funds to pay facility rental costs. Alternatively, funds provided through the Charter School Facility Grant Program, which operates as a reimbursement program, may not be used for Year 1 facilities expenses. Thus, the Charter School will be responsible for paying its first year rental costs up front, and there appear to be no other funds available for this purpose.
3. The Budget Narrative indicates the Charter School "is expected to raise \$100,000 through fund raising activities." However, no fundraising has occurred to date, and the Revised Petition does not describe any plan for a fundraising campaign.
4. The multi-year projection seriously underestimates the Charter School's special education costs. For Years 1 through 3, these expenses are underestimated by \$182,765, \$188,477, and \$208,274, respectively. This miscalculation alone, calls into serious question Petitioner's ability to successfully implement the proposed program.
5. Given that the Charter School has indicated that it intends to provide special education services to its eligible students, the Budget Narrative and budget should reflect expenses allocated for the hiring of special education staff or contracting with other service providers.
6. The Revised Petition notes that the Charter School will operate an extended school day, extended school year, and extended summer break for students who do not meet grade level standards and requirements." (Petition, p. 18.) There are no budgeted expenses for operation of an extended summer break.
7. The school year calendar also shows a 190-day school year and longer school days than those at two District comparison schools. (Petition, 130.). However, the Budget Narrative sets out salary schedules that are identical to the District's certificated,



management, and classified salary schedules. (Petition, p, 185.) Thus, Charter School staff will work additional days with longer hours for the same pay as District personnel working fewer and shorter days.

8. No audit fees are shown in the operational budget.
9. Food service revenue is shown, but the budget does not indicate any food services expenses necessary to provide students with meals that meet the Free and Reduced Lunch requirements.
10. According to the Budget Narrative, Petitioners expect a 20% participation rate in the Free and reduced Lunch Program. This figure was based on a survey done at the time of pre-registration. However, the Charter School must attempt to establish a racial and ethnic balance that reflects that of the District as a whole; thus, more accurate lunch program participation percentages could be obtained by using the District-wide participation figure, or those at comparable District school sites.
11. The budget and multi-year plan do not include the costs of hiring any food service staff.
12. The budget does not show the CDE's anticipated deferral of revenues. The Deferral Schedule Update from School Services of California shows that 28.5% of revenues will be deferred into the next year. Thus, as is currently reported, the Charter School would have \$386, 331 of revenue deferred from its first year.

In addition, the Petition provides only a skeleton description of its annual budget development, implementation and review process, including the process by which the Charter School leadership will monitor and report regarding the continued financial solvency of the Charter School. Because the Principal is the Charter School's sole administrator, it is unrealistic to assume that he or she will be capable of meeting these requirements with the support of a bookkeeping assistant.

As a result of the foregoing financial issues, Petitioners are demonstrably unlikely to successfully implement the proposed program.

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.

1. *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." Petitioners have included copies of draft health and safety policies at Appendix E. (Petition, p. 35-36, 70-78.)

Although it was noted by District Staff in their review of the Original Petition, the Revised Petition continues to allocate primary responsibility for the administration of medication to students during the school day to "the parent/guardian, student and medical

profession.” (Petition, p. 152.) Petitioners still misunderstand their obligations in this regard. In fact, pursuant to both the IDEA and Section 504, if a student requires health or nursing services while at school to access his or her education, the school **must provide** those services. (34 C.F.R. § 300.34(c)(13); 34 C.F.R. § 104.4.) A parent/guardian or a student cannot be required to administer necessary medication. Additionally, the Revised Petition notes that medication will be administered “per physician’s instructions, by the school nurse **or by designated staff.**” (Petition, p. 153.) As Staff has previously indicated, with the exception of emergency doses of glucagon and epinephrine, no provision in California law permits unlicensed school personnel to administer any medication to students at school. (Ed. Code §§ 49423; 5 C.C.R. §§ 601-610.)

Of further concern, Petitioners have indicated that they intend to adopt a sexual harassment policy (Petition, p.87), but as was the case with the Original Petition, no draft policy is included in the Revised Petition. Lastly, the Revised Petition does not include any policy requiring school staff to comply with the provisions in law related to mandated reporting of child abuse and neglect (Cal. Penal Code §§ 11164 *et seq.*).

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

### **Finding 3: 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.

#### **A. Governance Structure: Conflicts of Interest; Compliance with Laws**

As a “local government agency” for the purposes of compliance with the Political Reform Act (“PRA”), charter schools are required to adopt and maintain a conflict-of-interest code or comply with the chartering district’s code. (Gov. Code § 87300; FPPC Advice Letter A-02-223, 2002 WL 31299660 (Sept. 26, 2002).) Since the Charter School will be a public agency operated with public funds, the Revised Petition should state that the Charter School will comply with all conflict of interest laws applicable to public agencies, including Government Code section 1090. While Petitioners have included a conflicts of interest policy in the Revised Petition (Petition, p. 193-198), it does not provide these assurances.

Further, the stated purpose of the Charter School’s conflict of interest policy is inadequate, since it is intended to protect the tax-exempt organization—an organization whose purpose is not well-defined and may include incompatible ventures other than operation of the Charter School. (Petition, p. 193.) The Petition’s definition of “financial interest” should also be broadened to ensure that all board members, officers, and

employees understand the scope and restrictions of impermissible conflicts of interest. (Petition, p. 193.) Additionally, there are a number of other issues related to impermissible conflicts of interest that should be included in the conflicts of interest policy, including, but not limited to: gifts, honoraria, voting limits when a conflict exists, and the use of corporate funds to support political campaigns.

Finally, the conflicts of interest policy grants single signature check-writing authority for the Board Chair, Treasurer, Vice President and designated staff may sign any checks up to \$15,000. This limit is excessive, and should be substantially reduced. (Petition, p. 197.)

Additionally, Staff was not able to locate any provisions in the Revised Petition indicating that the Charter School intends to comply with laws generally applicable to other public agencies, including, but not limited to: the Brown Act (Cal. Gov. Code §§ 54950 *et seq.*), the Public Records Act (Cal. Gov. Code §§ 6250 *et seq.*), and the Child Abuse and Neglect Reporting Act (Cal. Penal Code §§ 11164 *et seq.*).

In addition, the Revised Petition should clearly indicate that the District may hold a board position at the District's discretion. (Petition, pp. 75-79.)

#### B. Racial and Ethnic Balance

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.* (Ed. Code § 47605(b)(5)(G).)

As noted several times in the Revised Petition, Petitioners intend for the Charter School to provide support to “three groups that are under-served with instructional assistants [sic] who are from similar cultural backgrounds are those students from Africa, the Middle East and South Asia: India-Pakistan-Afghanistan-Bangladesh and surrounding areas.” (Petition, p. 6.) Petitioners stress the need for a school such as Shining Crescent in order to “provide cultural and language support to all students with a focus on underserved populations of students who speak languages which are of a minority percentage, e.g. Wolof, Hausa, Twi, Ga, Fante, African American Language/Ebonics, Farsi, Punjabi, Hindi, Bangladeshi, and Arabic.” (Petition, pp. 10-11.)

Petitioners appear to take issue with the state and federally-mandated descriptors used to describe the racial and ethnic demographics of public school districts. (Petition, pp. 11-12.) However valid those objections may be, Petitioners must still have an outreach plan that is likely to result in a student population that is reflective of the general population residing within the territorial jurisdiction of the school district. Although we do not have demographic information for the general population residing within the territorial jurisdiction of the school district, those percentages are likely to be similar to the percentages represented in the District's student population. The District's student population for 2009-2010 reflected the following percentages of student population

groups: 48% Hispanic /Latino of any Race; <1% American Indian/Alaska Native; 18% Asian, Pacific Islander, and Filipino; 23% African American; 12% White; and <1 Multiple Races/No Response. Thus, Petitioners should anticipate presenting a plan for achieving a racial/ethnic balance that reflects a student body that is almost half Hispanic/Latino students and almost half African-American.

The Charter School's outreach plans now indicate that fliers, brochures, and other recruitment materials will be in English, Spanish, Urdu, and other languages. (Petition, pp. 88-89.) It appears that few, if any, of the proposed strategies for attracting racial and ethnic groups as reflected in the District as a whole, have been undertaken or implemented in the time since the District denied the Original Petition. The fact that Petitioners do not appear to have undertaken or implemented many of these outreach efforts, speaks volumes about intent to recruit for diversity. Confidence that Petitioners intend to comply with the law in this regard could have been raised had they presented a revised outreach plan that expressly indicated their intent to identify facilities, businesses, and other meeting places in the District used by high percentages of Hispanic and/or African American families, for the purpose of distributing literature and giving presentations about the Charter School and opportunities for enrollment to those interested families. Instead, Petitioners' description of its recruitment plan continues to suggest that they expect to forego any genuine efforts to achieve a racial/ethnic balance that reflects the general population residing within the territorial jurisdiction of the school district.

In their Response, Petitioners note that they are not the only charter school in the state that is targeting a particular community. (Response, p. 7.) While that is true, as was noted in the previous Staff Report, targeting recruitment only to students of a particular race, ethnicity or nationality can potentially be challenged as discriminatory. The Charter School may not overtly or directly make students eligible for enrollment solely on the basis of race, ethnicity or nationality, or discriminate against other groups of students solely on the basis of not being "children from Africa, the Middle East and South Asia: India-Pakistan-Afghanistan-Bangladesh and surrounding areas." (Cal. Const., Art. I, §31(a); Ed. Code § 220; American Civil Rights Foundation v. Berkeley Unified School District (2009) 172 Cal.App.4th 207.) Petitioners' outreach plan should ensure that all children in the District are made aware of the Charter School. The more the Charter School appears to single out one group of students, the more likely it is that the Charter School will be susceptible to a successful legal challenge.

### C. Suspension and Expulsion Procedures

Charter Schools are not required to follow the Education Code when disciplining students, but they are required to comply with the due process rights of students assured under the federal and state constitutions. (Goss v. Lopez (1975) 419 U.S. 565; Wood v. Strickland (1975) 421 U.S. 921.) This includes providing students with prior notice of any disciplinary procedures that will be followed. Close examination of the Charter's School policy and procedures indicate that Petitioners lack a clear understanding of the due process rights that must be afforded to students facing disciplinary proceedings. Of

particular concern, the proposed suspension and expulsion policy notes that the list of offenses supporting suspension and expulsion “is not exhaustive and depending on the offense, a pupil may be suspended or expelled for misconduct not specified above.” (Petition, p. 139.) That is not the case. Due process requires that students be notified of the specific offenses that may result in discipline. This and other deficiencies initially identified in the Original Petition remain unresolved in the Revised Petition.

### **Recommendation of Denial of Revised Petition**

Based on the foregoing, staff makes the following recommendations:

1. That the Petition be denied for reasons including, but not limited to, the failure of the Petitioners to present a sound educational program.
2. That the Petition be denied for reasons because it is demonstrably unlikely that the Petitioners will successfully implement the program set forth in the Petition.
3. That the Petition be denied because it 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” grounds for denying the Revised Petition. Staff recommends that the Board adopt the proposed findings of fact, set forth below, as its own findings. Staff further recommends that the Board deny the Revised Petition.

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

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

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**To:** Board of Education **Meeting Date:** June 28, 2011

**From:** Wendell Greer **Agenda Item:** F.5  
Associate Superintendent, K – Adult Education

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

**Background Information:**

A community day school may serve pupils in any kindergarten and grades 1 to 12, inclusive, or the same or lesser included range of grades as may be founding any individual middle or junior high school operated by the District. If a school district is organized as a district that serves kindergarten and grades 1 to 8 inclusive the school district may establish a community day for grades 1 to 8.

The general waiver request application is due on July 1, 2011, for consideration at the July 13 -14, 2011 SBE meeting. West Contra Costa has complied with the requirements necessary to apply for the waiver and will submit the application upon Board approval.

Notice of the hearing tonight has been posted for ten days as required.

**Recommendation:**

That the Board of Education hold a public hearing on June 28, 2011 to allow the public to comment on the approval of the submission by West Contra Costa Unified School District of a General Waiver of Education Code 48660 and 48916.1 on behalf of Harbor Way Community Day School. The General Waiver will be in the board agenda for the School Board meeting of July 13 -14, 2011.

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

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

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

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver:   X  Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

## CD CODE

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Local educational agency:  West Contra Costa Unified School District		Contact name and Title: Wendell Greer, Associate Superintendent		Contact person's e-mail address: Wgreer@wccusd.net
Address: (City) (State) (ZIP) 1108 Bissell Avenue Richmond CA 94805		Phone (and extension, if necessary): 510.231.1160  Fax Number: 510.236.0662		
Period of request: (month/day/year) From: August 23, 2011 To: June 8, 2012	Local board approval date: (Required) June 28, 2011	Date of public hearing: (Required) June 28, 2011		

**LEGAL CRITERIA**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Topic of the waiver: Community Day School Grade Spann EC 48660 and EC 48916.1 (D)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: \_\_\_\_\_ and date of SBE Approval \_\_\_\_\_  
 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? ☐ No ☐ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): June 22, 2011

Name of bargaining unit and representative(s) consulted:

The position(s) of the bargaining unit(s): X Neutral ☐ Support ☐ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper ☐ Notice posted at each school ☐ Other: (*Please specify*)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request:

Were there any objection(s)? No ☐ Yes ☐ (*If there were objections please specify*)

# GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

48660. ...If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, ~~but no higher grades~~, the governing board of the school district may establish a community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. ...

48916.1(d) ~~If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages

A community day school may serve pupils in any of kindergarten and grades 1 to 6, inclusive, ~~or any of grades 7 to 12, inclusive~~, or the same or lesser included range of grades as may be found in any individual middle or junior high school operated by the district. If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a community day school for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board. It is the intent of the Legislature, that to the extent possible, the governing board of a school district operating a community day school for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that community day school.

8. Demographic Information:  
(District/school/program)\_\_\_ has a student population of \_\_\_\_\_ and is located in a \_\_\_(urban, rural, or small city etc.)\_\_\_ in \_\_\_\_\_ County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☐ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title:	Date:
<b>FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY</b>		
Staff Name (type or print):	Staff Signature:	Date:
Unit Manager (type or print):	Unit Manager Signature:	Date:
Division Director (type or print):	Division Director Signature:	Date:
Deputy (type or print):	Deputy Signature:	Date:



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

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

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**To:** Board of Education

**Meeting Date:** June 28, 2011

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

**Agenda Item:** G.1

**Subject:** Manzanita Charter School MOU - Demand for Review

**Background Information:**

On May 12, 2010, the Governing Board met to consider renewal of Manzanita's petition for a second five-year term. The Governing Board agreed to renew Manzanita's charter petition under certain conditions and provided that the Charter School provided the following written assurances to the District:

- The Charter School shall make all requested modifications or clarifications to the Petition identified in the attached Findings.
- The Charter School shall agree to enter in to a Special Education Memorandum of Understanding that is mutually acceptable to the Charter School and the District and which adequately addresses each of the issues identified in the Findings.
- The Charter School shall confirm that the Board of Directors will adopt amendments to their Articles [of] Incorporation and Bylaws to assure compliance with all applicable State conflict of interest laws, including Government Code section 1090.
- The Charter School shall revise the Student Handbook for consistency with the Petition.
- The Charter School shall agree to enter into an Operational Memorandum of understanding that is mutually acceptable to the Charter School and District.

Under the conditions of approval set by the District's Governing Board in May 2010, Manzanita is obligated to enter into an operational MOU with the District, as well as an MOU to allocate responsibility between the parties for the funding, delivery, and implementation of special education and related services under the IDEA and related State special education law. In the intervening eight months, the District has engaged in prolonged negotiations with Manzanita in an effort to reach agreement on appropriate MOU terms. While efforts to resolve and finalize the terms of the Operational MOU are ongoing and are in the final stages of resolution, the Charter School has refused to finalize the terms of a Special Education

MOU on the grounds that the District is obligated to provide Section 504 services to eligible Manzanita students. This assertion is untrue. During the course of these negotiations, the District has made clear that pursuant to law, and in the absence of an agreement to the contrary, the responsibility for Section 504 services rests solely with the Charter School. District staff will not be responsible for developing Section 504 plans or providing Section 504 services to Manzanita students.

Therefore, the District directs Manzanita to enter into Operational and Special Education MOUs with the District no later than July 5<sup>th</sup> 2011. Moreover, the Special Education MOU shall include language indicating that Manzanita has assumed sole responsibility for the provision of Section 504 services to eligible students.

**Recommendation:**

It is recommended that the above concerns must be remedied and the requested information provided. If Manzanita fails to remedy these concerns and provide the requested information by July 5, 2011 to the Superintendent, the District will notify the CDE of the possible non-renewal of Manzanita's charter and take appropriate steps to initiate the charter school closure process. The District may also initiate remedies under Education Code section 47607 in order to have the Charter School cure its lack of compliance with the law.

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

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

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

Approved \_\_\_\_\_

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

Tabled \_\_\_\_\_