

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
APRIL 25, 2012**

BOARD AGENDA PACKETS AND INFORMATION:

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

Complete Board agendas and packets are available online at: www.wccusd.net.

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

VIEWING THE BOARD MEETINGS:

Television:

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

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

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

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

ATTENDING BOARD MEETINGS:

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

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

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

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

B. OPENING PROCEDURES

B.1 Pledge of Allegiance

B.2 Welcome and Meeting Procedures

B.3 Roll Call

B.4 Presentation of Student Board Representative from North Campus High School

B.5 Report/Ratification of Closed Session

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

* **B.7 Minutes: April 3, 2012; April 4, 2012**

C. BUSINESS ITEMS

CONSENT ITEMS (Routine Matters)

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

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

Comment:

Formal action is requested from the Board of Education to accept the grants/awards/agreements as detailed, dated April 25, 2012.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

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

Comment:

The District has received donations as summarized, dated April 25, 2012. The estimated values for any non-cash donations are provided by the donor. Staff recommends acceptance of these donations.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per donations summary

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

Comment:

The planned fund-raising events for the 2012-12 school year are summarized, dated April 25, 2012.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

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

Comment:
The summaries of Payroll and Vendor Warrants issued during the month of March 2012 are provided.

Total of payroll warrants (March 2012):	\$ 10,161,441
Total of vendor warrants (March 2012):	\$ 25,506,919

Recommendation:
Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:
As noted above

***CI C.5 Contracted Services**

Comment:
Permission is requested of the Board of Education to approve the following contracts for services as detailed, dated April 25, 2012.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per contracts summary

***CI C.6 Resolution No. 102-1112: California “Day of the Teacher”**

Comment:
We wish to recognize all of the teachers who give their energy, their intellect, their commitment, and their love to the students of West Contra Costa Unified School District with a resolution proclaiming May 9, 2012 as the “Day of the Teacher.”

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.7 Resolution No. 101-1112: National “Day of the School Nurse”**

Comment:

We wish to recognize all the school nurses who give their energy, their intellect, their commitment, and their love to the students of West Contra Costa Unified School District with a resolution proclaiming May 9, 2012 as the “Day of the School Nurse.”

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.8 Approval of Sabbatical Leave Requests for 2012-2013**

Comment:

The District and UTR have a negotiated agreement for the District to provide ten Sabbatical Leaves each year. The leaves can be taken for purposes of formal study, travel, or independent study. Teachers on leave will receive 50% of their annual salary and health and welfare coverage pursuant to contract. Each request for leave is provided.

Recommendation:

Recommend Approval

Fiscal Impact:

\$241,393.80 - including salary and health benefits

***CI C.9 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: \$ 525,022.23. Funding sources as noted.

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

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Ford Elementary School New School, Kennedy High School ADA Upgrades and Elevator, Nystrom Elementary School Multi-Purpose Room, Dover Elementary School Increment 2 and King Elementary

School New School. Change orders are fully executed by the District upon signature by the Superintendent's designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

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

Recommendation:

Ratify negotiated change orders as noted

Fiscal Impact:

Total ratification and approval by this action: \$555,905.96

***CI C.11 Coronado Elementary School Interim Campus at Kennedy High School Award of Contract**

Comment:

As part of the preparation for the Modernization of Coronado Elementary School, the District is preparing an interim campus to house the school during construction. Because of the limited size of the existing school site, the school will be relocated to an existing softball field at the Kennedy High School campus for the duration of the project. Scope of the project includes site work improvements, utility work, and coordination related to the installation of thirty-three District leased emergency portable classrooms at Kennedy High School. WLC has prepared plans and specifications for the project.

The District engaged in a public bid process for the project. Bids were opened on April 12, 2012. Six contractors submitted bids. They are as follows: BHM Construction, Inc., \$1,618,900; Vila Construction Co., \$1,890,000; Interstate Graving & Paving, Inc., \$1,915,000; Trinet Construction, Inc., \$1,940,000; Schembri Construction, \$1,955,101; JUV, Inc., \$2,117,000. The apparent lowest responsive bidder is BHM Construction.

Recommendation:

Award contract to the lowest responsive, responsible bidder after the expiration of the protest period.

Fiscal Impact:

Funded from the Measure D-2010 Bond

***CI C.12 Kennedy High School Replacement Softball Field Award of Contract**

Comment:

Coronado Elementary School Interim Housing will be relocated to the existing softball field at Kennedy High School. A reconstruction of an existing softball field will be needed to accommodate the campus's needs.

The District engaged in a public bid process for the project. Bids were opened on April 11, 2012. Three contractors submitted bids. They are as follows: Lemings Irrigation, Inc., \$107,900; ERA Construction, Inc., \$118,000; Suarez & Munoz Construction, Inc., \$142,928. The apparent lowest responsive bidder is Lemings Irrigation, Inc.

Recommendation:

Award contract to Lemings Irrigation, Inc.

Fiscal Impact:

\$107,900. Funded by the Measure J Bond.

***CI C.13 Nystrom Elementary School Temporary Campus Site Work Project Award of Contract**

Comment:

As part of the preparation for the Modernization of Nystrom Elementary School's main classroom building, the District is preparing a temporary campus adjacent to the school, on City of Richmond property. The scope of the project will include grading and paving of the site, installation of requisite utility infrastructures, receiving and connecting of portable classroom, administration, support buildings, and the removal of potentially contaminated soil. Interactive Resources has prepared plans and specifications for the project.

The District conducted a public bid process for the project. Bids were opened on April 10, 2012. Four contractors submitted bids. They are as follows: Trinet Construction, \$1,792,400; Alten Construction, \$1,834,007; BHM Construction, \$1,953,200; John Plane, \$1,966,371. The apparent lowest responsive bidder is Trinet Construction.

Recommendation:

Award contract to the lowest responsive, responsible bidder after the expiration of the protest period.

Fiscal Impact:

Funded by the Measure J Bond, under the Nystrom Elementary School Modernization Project budget.

***CI C.14 Portola Middle School Demolition Award of Contract**

Comment:

The Board has approved the relocation of Portola Middle School to the new school site at Castro Elementary School. The next step is the demolition of the original Portola Middle School campus. HY Architects has prepared plans and specification for this project.

The scope of work is comprised of demolition of the existing middle school campus, paving of the sidewalk and curb, landscaping and grading of the site, hazardous material abatement, and removal of the underground storage tank.

The District engaged in a public bid process for the project. Bids were opened on April 12, 2012. Nine contractors submitted bids. They are as follows: Evans Brothers, Inc., \$2,148,000; Alten Construction, Inc., \$2,191,176; Urban Metro Environmental, Inc., \$2,330,606.50; Silverado Contractors, \$2,376,738; Schembri Construction, \$2,496,961; JM Environmental, Inc., \$2,584,496; Cleveland Wrecking Company, \$2,719,066; Arthulia, Inc., \$2,730,570; and Cal Pacific Construction, Inc., \$3,492,000. The apparent lowest responsive bidder is Evans Brothers, Inc.

Recommendation:

Award contract to the lowest responsive, responsible bidder after the expiration of the protest period.

Fiscal Impact:

Funded from the Measure D-2010 Bond

***CI C.15 Resolution No. 98-1112: To Support the Schools and Local Public Safety Protection Act 2012**

Comment:

The Board of Education joins in support of the broad coalition including the Governor, legislators, educators, labor unions, community groups, and businesses in urging the reevaluation of how California funds schools and essential public services. The Board further urges action to restore the tax system of California to make sure all are paying their fair share, and to provide adequate per-pupil funding to ensure all California students have the opportunity for quality education.

Recommendation:

Recommend Approval

Fiscal Impact:

None

***CI C.16 Naming Peres Dental Clinic for Dr. Dan Tanita**

Comment:

For a number of years, Dr. Tanita has led a group of volunteer dentists in providing dental services to low income children at Peres Elementary School. At the April 4, 2012 meeting, the Board accepted the bid to significantly upgrade the clinic including specialized equipment and a renovation of the clinic space. During the discussion of the bids, the Board, by consensus, supported a proposal to name the clinic the “Dr. Dan Tanita Dental Clinic.” Board Policy 7310 governs the naming of facilities and provides that the Board may name a facility in honor of someone who has made an outstanding contribution to WCCUSD.

Recommendation:

That the Board name the Peres dental clinic the “Dr. Dan Tanita Dental Clinic”

Fiscal Impact:

Unknown at this time

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Recognition of Hanna Ranch and Olinda Elementary School as 2012 California Distinguished Schools**

Comment:

The California Distinguished School Award identifies and honors those schools that have demonstrated educational excellence for all students and progress in narrowing the achievement gap.

Olinda Elementary in Richmond and Hanna Ranch in Hercules were invited to apply for the honor. Schools must meet a variety of eligibility criteria including designated federal and state accountability measures based on the Elementary and Secondary Education Act (ESEA) and the Academic Performance Index (API) requirements.

Both Olinda and Hanna Ranch Elementary schools were selected for recognition by the State Superintendent of Public Instruction on March 29, 2012.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.2 Recognition of Highland Elementary School as a recipient of 2011-2012 Academic Achievement Award**

Comment:

Section 1117 (b) of the Elementary and Secondary Education Act (ESEA) of 2001 requires that all states receiving Title 1 funds establish a program that recognizes Title 1 schools that exceed Adequate Yearly Progress for two or more years or significantly close the achievement gap among numerically significant subgroups.

In order to be considered for honor, schools must meet a variety of eligibility criteria including designated federal and state accountability measures based on Adequate Yearly Progress and Academic Performance Index requirements.

Highland Elementary School in Richmond was selected for recognition for the 2012 Title 1 Academic Achievement Award by the State Superintendent of Public Instruction on April 11, 2012.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.3 Teacher of the Year/Ed. Fund Excellence in Education Award Winner Recognition**

Comment:

This year, West Contra Costa Unified School District collaborated with the Ed Fund and combined the Teaching Excellence Awards process with the Teacher of the Year Awards process.

The names of this year's teachers being celebrated are: Joshua Hastings (Richmond High School, Grades 9 to 11 Social Science), Maria Saxton (Washington Elementary School, Grade 2 Dual Immersion), Abigail Sims-Evelyn (Lovonya DeJean Middle School, Grades 7 and 8 Leadership, Grade 8 History), and Tracey Singh-Poole (DeAnza High School, grades 9 to 12 Severely Handicapped Special Education).

These teachers of excellence share a profound passion for instilling a love of learning in our diverse students so that they can attain their goals and realize their dreams. By carefully and thoughtfully weaving creativity, adherence to high standards, profound knowledge of the subjects being taught, and appreciation of individual differences, needs, and strengths, these award winning teachers raise the quality of education to new heights.

Sharing the honors with the Teacher of the Year/Teaching Excellence Award winners is the 2012 Distinguished Citizen Award winner, Todd Groves. Mr. Groves is the coordinator of the El Cerrito High School Writer’s Coach Connection; School Site Council President; Member, El Cerrito High School Instructional Learning Team and Master Plan for Academic Change (MPAC) Program Advisor.

We want to recognize and congratulate our honorees for all the wonderful work they carry out with our students on a daily basis.

The Ed. Fund will also celebrate and honor the excellence of these four teachers and single volunteer at its Annual Ed. Fund Excellence in Education Gala on Friday, May 18th at the Craneway Pavilion in Richmond.

Recommendation:

Celebrate the winners

Fiscal Impact:

None

* **D.4 Standing Reports**

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

- | | |
|-------------------------------------|----------------------------------|
| Academic Subcommittee | Safety Committee |
| Bayside Parent Teacher Association | Select Committee on High Schools |
| Citizens’ Bond Oversight Committee | Youth Commission |
| Community Budget Advisory Committee | Public Employees Local 1 |
| Facilities Subcommittee | School Supervisors Association |
| Ivy League Connection | United Teachers of Richmond |
| Linked Learning – Multiple Pathways | |

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

* **E.1 Superintendent’s Report**

* **E.2 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** If there are more requests to speak than can be heard within this time

limit, “WCCUSD Public Comment” will continue after Item G. Individuals wishing to speak must submit a “WCCUSD Public Comment” form prior to the beginning of this item on the agenda.

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

F. ACTION ITEMS

* **F.1 Resolution No. 103-1112: Authorization to Eliminate and/or Reduce Classified Positions and Layoff Classified Employees**

Comment:

A lack of work and/or funds necessitates the elimination and/or reduction in hours of the noticed classified positions.

Recommendation:

Recommend Approval

Fiscal Impact:

To be determined

F.2 Resolution No. 97-1112 Directing Preparation of Annual Report - MRAD

Comment:

In order to make a determination of improvements and any substantial changes proposed to be made to the existing improvements of the district’s public recreational facilities, a resolution directing preparation of an annual engineering report is required, including a list of schools for which the improvements will be made during the fiscal year 2012-2013.

Staff recommends approval of this resolution for purposes of the Maintenance Recreation and Assessment District in accordance with Sections 22565 et seq., of the Landscaping and Lighting Act of 1972, (Streets and Highways Code Section 22565 et seq.). Once the report has been completed, it will be presented to the Board for preliminary approval.

Recommendation:

Recommend approval of this resolution for MRAD

Fiscal Impact:

Revenue for MRAD Fund

* **F.3 Resolution No. 99-1112 Approving a Form of the Preliminary Official Statement in Connection with the 2012 General Obligation Refunding Bonds (the “Bonds”) (Refunding all or a portion of outstanding (i) 2002 Measure D Bonds and (ii) 2000 Measure M Bonds, the “Refunded Bonds”)**

Comment:

The Board has provided direction that, under certain savings thresholds, staff should seek to refund existing bonds (refinance bond debt) in order to: (i) lower tax rates for taxpayers within the District to save taxpayers money and (ii) produce 4% present value savings on debt service payments made by the District on the Refunded Bonds.

This Resolution approves the form of the Preliminary Official Statement (POS) and the form and execution of the Official Statement (OS) relating to the sale of the Bonds. The purpose of the POS is market the Bonds to potential investors by providing information about the Bonds and the source of repayment of the Bonds and to furnish financial information and operating data relating to the District. Staff will work with legal counsel to complete the final OS which will be published when the final terms of the Bonds are available after the bond sale.

Recommendation:

Adopt the Resolution

Fiscal Impact:

GO Bond Debt – refunding for tax payer and District savings

G. DISCUSSION ITEMS

*** G.1 Leadership Public High Schools Petition Renewal**

Comment:

Leadership Public Schools, a charter high school, submitted a renewal petition to West Contra Costa Unified School District [WCCUSD] on April 6, 2012, with hopes to continue a five year charter in this District. Pursuant to the Charter School Act of 1992 (the "Act"), Education Code section 47600 et seq., the Legislature has charged local school boards with the responsibility of reviewing and acting on petitions for charter schools.

Education Code section 47605(b) requires the Board, within 30 days of submission of the petition, to hold a public hearing to receive public comment on the Petition. That is the purpose of this agenda item.

The Act also requires the Board either to grant or deny the Petition within 60 days of submission.

Staff and legal counsel are reviewing and analyzing information related to the Petition, as well as the operation and potential effects of the proposed charter school. A recommendation, based on staff findings, will be presented to the Board at a subsequent board meeting.

Recommendation:

Public Hearing Only

Fiscal Impact:

None

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

Comment:

The following are provided for review of Facilities Planning and Construction in the District's Bond Program and for information regarding individual projects funded by the Measures D and J:

- Helms Middle School
- King Elementary School

Recommendation:

For Information Only

Fiscal Impact:

None

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

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – May 9, 2012

K. ADJOURNMENT

At 10:00 PM, any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 PM. The meeting may be extended by a majority vote of the Board of Education.

The public may address items which are marked with an asterisk (*).

A. CLOSED SESSION

A.1 CALL TO ORDER

A.2 DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
(Government Code 54957.7)

A.3 RECESS TO CLOSED SESSION AS SCHEDULED

See Exhibit A

(Government Code Section 54954.5)

The **Open Session** will resume at the end of the **Closed Session** in the Multi-Purpose Room at approximately **6:30 PM**.

EXHIBIT A

(Government Code Section 54954.5)

CLOSED SESSION AGENDA

April 25, 2012

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

- a. WCCUSD v. Orrick
- b. Srago v. WCCUSD

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

Four cases

4. LIABILITY CLAIMS (Government Code Section 54956.95)

5. CONFERENCE WITH LABOR NEGOTIATORS

- a. Superintendent/Dr. Bruce Harter
- b. Employee Organizations
 - UTR
 - Local One
 - School Supervisors Association
 - WCCAA

- c. Unrepresented Employees
 - Confidential and Management

6. PUBLIC EMPLOYEE APPOINTMENT

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