West Contra Costa Unified School District
Board of Education
Meeting Agenda
September 19, 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 **6:00 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

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

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

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

B. OPENING PROCEDURES

B.1 Pledge of Allegiance
B.2 Welcome and Meeting Procedures
B.3 Roll Call
B.4 Presentation of Student Board Representative from Middle College High School
B.5 Report/Ratification of Closed Session
* **B.6 Agenda Review and Adoption** (Public Comment)
* **B.7 Minutes:** September 5, 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 September 19, 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 September 19, 2012. 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 2012-13 school year are summarized dated September 19, 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 August 2012 are provided.

Total of payroll warrants (August 2012):	$ 8,996,136
Total of vendor warrants (August 2012):	$ 17,813,843

Recommendation:
Recommend approval of the payroll and vendor warrant reports

Fiscal Impact:
As noted above

***CI C.5 Notice of Completions: Bid 3881366-02 Gompers/Leadership Public Schools Soil Removal and Site Work, Bid 3761356-01 Hercules Middle School Solar / Photovoltaic System, Bid J068218 Nystrom Elementary School Multi-Purpose Room, Bid J068313 Lupine Hills Elementary School Restroom Repairs, Lupine Hills, Bid J068302 Lupine Hills Elementary School Windows, walls and Roof Repairs, and Bid J068312 Verde Elementary School Restroom Surface Repairs**

Comment:
Substantial completion notices have been received for: Bid 3881366-02, Bid 3761356-01, Bid J068218, Bid J068302, Bid J068312 and Bid J068313.

Major construction projects are subject to acceptance by the governing board before a Notice of Completion can be processed, and final payment of the contract made. (BP 7470)

Staff recommends acceptance of the work completed by the following contractors:

Applied Water Resources Corp., Bid 3881366-02 Gompers/Leadership Soil Removal / Site Work
SunPower Corporation, Bid 3761356-01 Hercules Middle School Solar/Photovoltaic System
John Plane Construction, Inc. Bid J068218 Nystrom Elementary School Multi-Purpose Room
AM Woo Construction, Bid J068302 Lupine Hills Elementary School Windows, Walls, Roof Repairs.
Affordable Painting, Bid J068312 Verde Elementary School Restroom Surface Repairs
S&H Construction Inc., Bid J068313 Lupine Hills Restroom Repair Project

Recommendation:
Recommend approval of these notices of completion

Fiscal Impact:
None

***CI C.6 Resolution No. 22-1213: Adoption of Gann Limit, 2012-2013**

Comment:
Education Code Section 42132 specifies that school district governing boards shall adopt a resolution identifying their annual appropriations limit for the preceding fiscal year, known as the Gann Limit. The Gann Limit Calculation is part of the year end closing, unaudited actuals, reports submitted under separate cover. It establishes limits on allowable growth in government spending.

Recommendation:
Staff requests board adoption of the 2012-2013 annual appropriations.

Fiscal Impact:
None

***CI C.7 Mandated Cost Block Grant**

Comment:
As a part of the 2012-13 State Budget the legislature enacted an option for school districts regarding certain mandated activities and the financial claims that districts have traditionally filed for reimbursement. The optional mandated block grant (MBG) enables districts to access funding at the rate of an estimated $28 per pupil for the 2012-13 fiscal year if the district is willing to forgo the traditional claim process. The MBG would provide an estimated $772,000 in funding which would be received this year. In contrast, the District normally claims an average of $1.5 million per year in mandated costs. However, the State has only funded an average of 7% or $105,000 over the course of the past four years. Technically, the State still owes the District for the remaining unpaid claims but there is no meaningful plan to issue funding in the current budget except for the MBG option. Using the MBG option does not free the District from maintaining auditable records for the mandates, in addition there is one major mandate that is outside of the MBG that the District needs to continue to file. Therefore the District still needs to retain the firm that provides audit and claim service.

Opting for the MBG means the District would have the advantage of the funding provided in real time, as opposed to double the funding sometime in the unforeseeable future. The District has the option to opt in or out of the MBG program on an annual basis.

Recommendation:
Opt in for the Mandated Block Grant program for 2012-13

Fiscal Impact:
Estimated increased revenue: $772,000

***CI C.8 Certificated Board Authorization - Education Code 44285.3**

Comment:
Ed Code 44285.3 allows the Governing Board of a school district to authorize the holder of a multiple subject, standard elementary, single subject or standard secondary, credential with his or her consent, to teach departmental classes in grades K-12 provided the teacher has adequate knowledge of subject matter.

Recommendation:
Recommend Approval

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 Approve the following New Job Description: Theater Technician Manager**

Comment:
This is a new job classification to provide support to our visual and performing arts in our district theaters. This position will oversee the utilization of the theater by the public as well provide training, guidance and support to our students who will be learning to use theater facilities, equipment and theater operations.

Recommendation:
Recommend Approval

Fiscal Impact:
$98,585 includes salary and benefits offset by revenue from user fees

***CI C.11 Revised 2012-2013 Designation of California Interscholastic Federation (CIF) Representatives to the League**

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

The District recommends the appointment of Associate Superintendent Wendell Greer or designee to continue in the capacity as the District's designated CIF representative. The names of the individual high school representatives are also provided for approval.

Recommendation:
Recommend Approval

Fiscal Impact:
None

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

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

Recommendation:
Ratify and approve contracts as noted

Fiscal Impact:
Total for this action**: $**167,189. Funding sources as noted.

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

Comment:
Staff is seeking ratification of change orders on the following current District construction projects: New Gompers & LPS Richmond Schools, Peres Elementary School Dental Clinic, Dover Elementary School, and Ohlone Elementary School Phase I Campus Replacement. 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 accordance with Public Contract Code 20118.4, the Board, by 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: $341,754.62

***CI C.14 Approval of Pinole Valley High School Replacement Campus Revised Design Fees**

Comment
Pinole Valley High School Campus Replacement is one of the listed projects in Measure D-2010 Bond. The project was initiated with a typical scope of site and environmental conditions for a high school campus replacement. However, extensive and comprehensive traffic, site access, seismic, and geotechnical issues have required substantial coordination and design modifications by WLC and its consultants. The $2,858,589 fee that addresses the additional scope will be achieved by reducing and eliminating construction administration services during the construction of the new campus, sports fields, parking, and courts restoration, phases III and V.

Recommendation:
Approve proposed Pinole Valley High School Replacement Campus Revised Contract Scope. The architect will submit an additional service proposal for the deleted scope at the time of construction.

Fiscal Impact:
No financial impact at this time.

***CI C.15 Citizens' Bond Oversight Committee (CBOC) Appointment: Tom Waller appointed by Richmond Chamber Commerce Board**

Comment:
The Richmond Chamber Commerce Board has recommended that Tom Waller be appointed to the Citizens' Bond Oversight Committee for the two (2) year term. The business organization appointment is currently vacant.

Recommendation:
Approve appointment as noted.

Fiscal Impact:
None

***CI C.16 Approval of Board Member to Attend Conference**

Comment:
Board Bylaw 9250 stipulates members of the board shall be reimbursed for allowable expenses incurred in attending any meetings or in making any trips on official business of the school district when so authorized in advance by the Board of Education. (Education Code 35044). Board member Antonio Medrano has expressed interest in attending the following conference:

- California Latino School Boards Association Unity 2012 Conference, October 5-6, 2012, San Diego, CA

Expenses including registration, travel, food and lodging are budgeted and there is sufficient funding within that budget.

Recommendation:
Recommend approval

Fiscal Impact:
General Fund

***CI C.17 Resolution No. 20-1213: Resolution to Support Contra Costa County Fire Protection District Measure Q on the November 2012 Election Ballot**

Comment:
The West Contra Costa Unified School Districts supports the Contra Costa County Fire Protection District Measure Q as placed on the November 2012 ballot.

Recommendation:
Recommend Approval

Fiscal Impact:
None

D. AWARDS, RECOGNITIONS, AND REPORTS

* D.1 Resolution No. 21-1213: Hispanic Heritage Month, September 15, 2012 – October 15, 2012

Comment:
The West Contra Costa Unified School District applauds the many contributions made by the Hispanic population and recognizes September 15 - October 15, 2012 as Hispanic Heritage Month.

Recommendation:
Recommend Approval

Fiscal Impact:
None

* D.2 Report on the College Board initiatives in West Contra Costa Unified School District

Comment:
A report will be given on the status of College Board initiatives including the Readistep, PSAT, AP Programs and update the Human Geography AP course.

Recommendation:
Report Only

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
Public Employees Local 1
Safety Committee
School Supervisors Association
Select Committee on High Schools
United Teachers of Richmond
Youth Commission

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 Approval of the 2011-2012 Unaudited Actuals Financial Report**

Comment:
By September 15 of each year, the District must file the Unaudited Actuals Financial Report for the prior year with the Contra Costa County Office of Education and the California Department of Education. This report reflects the financial activities of the District by major object of revenue and expense for each fund operated in the district.

Staff will present an overview of the financial activity and its impact on the ending balance.

Included in the Unaudited Actuals is a Summary of the General Fund and all Funds. The complete Unaudited Actuals Financial Report will be delivered under separate cover.

Recommendation:
Staff requests approval to file this report with the County Superintendent

Fiscal Impact:
Year end closing

G. DISCUSSION ITEMS

*** G.1 Full Service Community Schools Resolution**

Comment:
The West Contra Costa Unified School District envisions a future in which all district students are healthy, highly educated and confident as they successfully pursue their postsecondary education and/or career. The Safety Committee has worked in collaboration with the City of San Pablo to improve the Health/Wellness, access and outcomes for WCCUSD students and San Pablo residents. Over the past two years, the Healthy Richmond collaborative has been meeting to think through how to best provide health

and wellness services in Richmond. As with other initiatives within the community, WCCUSD schools are seen as places where the needs of young people and opportunities to provide services in the community can come together. The Safety Committee has reviewed and discussed the direction of the full service community schools initiatives and is bringing a recommendation to the Board for adopting such a resolution. The resolution emphasizes creating schools to develop sets of general principles to guide their work and the work of WCCUSD in implementing Full Service Schools.

Recommendation:
For Discussion

Fiscal Impact:
None

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

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING
Lovonya DeJean Middle School – October 10, 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 (*).

Agenda Item: A

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

September 19, 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