

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
NOVEMBER 28, 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 Kennedy High School

B.5 Report/Ratification of Closed Session

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

* **B.7 Minutes:** November 14, 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 November 28, 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 November 28, 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 November 28, 2012.

Recommendation:
Recommend Approval

Fiscal Impact:
Additional revenue for schools

***CI C.4 Notification of Claims Rejected**

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

Recommendation:
Ratify the rejection of claims

Fiscal Impact:
None

***CI C.5 Notification of Claim Rejected**

Comment:
The District has received a claim requesting compensation for property damage. The District's risk management firm has investigated the claim and is requesting the School Board to ratify the authorized claim rejection.

Recommendation:
Ratify the rejection of claim

Fiscal Impact:
None

***CI C.6 Routine Personnel Changes – Classified**

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

Recommendation:
For Information Only

Fiscal Impact:
None

***CI C.7 Ratification of Manzanita Charter Middle School Memorandums of Understanding**

Comment:

The District approved the charter in the year 2000 for a term of 5 years, and subsequent renewals are current. This is to ratify the Memorandums of Understanding between West Contra Cost Unified School District and Manzanita Middle School, which defines our terms of operation.

Recommendation:

Board approves the Operational and Special Education memorandum.

Fiscal Impact:

Cost recovery for charter operation

***CI C.8 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: \$482,710. Funding sources as noted.

***CI C.9 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Helms Video Surveillance System, Portola Middle School Demolition of Existing, Dover Elementary School Increment 2, De Anza High School Replacement Campus, Gompers High School Demo and Site Work, Murphy Elementary School Restroom Repairs, Mira Vista Elementary School Restroom Repairs, Sheldon Restroom Repairs, Nutrition Center Boiler 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 addition to normal ratification, approval of the noted change orders for the Gompers High School Demo and Site Work project is required by the Board, with special findings as noted below, because this project 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: \$256,752.19

***CI C.10 Ratification of Staff Awarded Contract: CCS at Downer School Project**

Comment:

HY Architects has prepared plans and specifications for the project. Scope of work includes installation of a new electrical main panel, stand-alone fire alarm system, water and sewer piping, modification to existing fence and new gate, and work to meet ADA compliance.

The District received four bids for the project: Arthulia, Inc., \$83,600; NEMA Construction, \$89,000; ERA Construction, \$92,000; and Hung Construction, \$103,000.

In consideration of the need to complete the work expeditiously, the Superintendent's designee authorized award of a contract for the project to the lowest responsive, responsible bidder: Arthulia, Inc. for \$83,600.

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

Recommendation:

Ratify staff awarded contract as noted

Fiscal Impact:

\$83,600. Project will be funded from the Measure J.

***CI C.11 Ratification of Staff Awarded Contract: Vista High School Portables Tech Lab 1&2 Project**

Comment:

Hamilton & Aitken Architects has prepared plans and specifications for the project. Scope of work includes providing power, fire alarm, security and data to two existing portables and site work for circulation and parking.

The District received four bids for the project: ERA Construction, \$89,000; AM Woo Construction, \$106,700; NEMA Construction, \$120,000; and Streamline Builders, \$130,000.

In consideration of the need to complete the work expeditiously, the Superintendent's designee authorized award of a contract for the project to the lowest responsive, responsible bidder: ERA Construction for \$89,000.

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

Recommendation:

Ratify staff awarded contract as noted

Fiscal Impact:

\$89,000. Project will be funded from the Measure D - 2010.

* **C.12 Resolution No. 51-1213: Human Rights Day**

Comment:

The Universal Declaration of Human Rights was drafted in 1948. It aimed to form a basis for human rights all over the world and represented a significant change of direction from events during World War II and the continuing colonialism that was rife in the world at the time. The Universal Declaration of Human Rights is considered as the most translated document in modern history. It is available in more than 360 languages and new translations are still being added.

The UN General Assembly adopted and proclaimed the Universal Declaration of Human Rights at the Palais de Chaillot in Paris, France, on the December 10, 1948. All states and interested organizations were invited to mark December 10 as Human Rights Day at a UN meeting on December 4, 1950. It was first observed on December 10 that year and has been observed each year on the same date. Each year Human Rights Day has a theme. Some of these themes have focused on people knowing their human rights or the importance of human rights education.

Human Rights Day is a global observance and not a public holiday.

Recommendation:

That the Board approve the Human Rights Day Resolution and declare December 10th to Human Rights Day in the West Contra Costa Unified School District.

Fiscal Impact:

None

D. AWARDS, RECOGNITIONS, AND REPORTS

* **D.1 Resolution No. 52-1213: Honoring Tony Thurmond for Four Years of Service on the Board of Education**

Comment:

A resolution of commendation will be presented to Tony Thurmond for four years of service on the Board of Education and to the Students, Staff, and Community of the West Contra Costa Unified School District.

Tony Thurmond has provided leadership in initiating the Youth Commission which enhanced the participation of students in the decisions that impact them the most. He also started the District Safety Committee which has resulted in improvements to school facilities, training for safety staff as well as improvements to policies and procedures that have resulted in having better places to learn. During his tenure on the Board, the District emerged from state receivership in June 2012.

Recommendation:

Recognition and Resolution Honoring Board Member Tony Thurmond

Fiscal Impact:

None

* **D.2 Resolution No. 53-1213: Honoring Antonio Medrano for Four Years of Service on the Board of Education**

Comment:

A resolution of commendation will be presented to Antonio Medrano for four years of service on the Board of Education and to the Students, Staff, and Community of the West Contra Costa Unified School District.

Antonio Medrano has provided leadership for improving student learning, building new schools and renovating other schools to enhance the daily lives of students and staff, providing critical links to the community, and supporting the district through a very difficult period for school finance. With Mr. Medrano's leadership and commitment the District emerged from state receivership in June 2012.

Recommendation:

Recognition and Resolution Honoring Board Member Antonio Medrano

Fiscal Impact:

None

* **D.3 Recognition & Celebration of the Volunteers for Measures E and G**

Comment:

At the heart of the success of any campaign are the volunteers who donate their time, effort and energy to make the campaign a success. The key reason that both Measures E and G were overwhelmingly approved at the November 6, 2012 election is the commitment of the volunteers who supported both campaigns.

Recommendation:

That the Board recognize and appreciate the scores of volunteers who participated in the campaigns for Measures E & G.

Fiscal Impact:

None

* **D.4 Global Youth Service Day**

Comment:

WCCUSD graduate Bertha Romo will make a presentation to the Board about Global Youth Service Day. This August, the City of Richmond was selected as a Lead Agency grant recipient to participate in Global Youth Service Day (GYSD) 2013. Global Youth Service Day is an international day of service in which youth around the world dedicate three days to making a meaningful impact on their community. For the first time ever, Richmond youth will participate in GYSD this upcoming year on April 26-28th. In the next four months, youth leaders throughout our city will research and identify needs in the city and plan and implement small projects to address the needs. We are seeking support in the areas of publicity and partnership from the school district in our effort to engage our students and teachers.

Recommendation:
For Information Only

Fiscal Impact:
None

* **D.5 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	Public Employees Local 1
Bayside Parent Teacher Association	Safety Committee
Citizens’ Bond Oversight Committee	School Supervisors Association
Community Budget Advisory Committee	United Teachers of Richmond
Facilities Subcommittee	Youth Commission
Ivy League Connection	
College and Career Readiness Academies	

E. PUBLIC AND COMMITTEE COMMUNICATIONS
(Education Code 35145.5; Government Code 54950 et seq.)

* **E.1 Superintendent’s Report**

* **E.2 Request to Address the Board on School Gardens**

Comment:
Molly Wahl of the organization Growing West County School Gardens Collaborative would like to report on their recent school garden survey results and the benefits of school gardens.

Recommendation:
For Information Only

Fiscal Impact:
None

* **E.3 WCCUSD Public Comment**

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

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers

as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

F. ACTION ITEMS

*** F.1 Reducing Suspensions for 2012-13**

Comment:

The Board's Safety Committee reviewed the data for 2011-12 for student out-of-school suspensions at middle and high schools at the September meeting. The committee noted that the number of suspensions varied widely among the schools even after equating the numbers to student enrollment. More than half of all suspensions were for offences categorized under "defiance and/or disruption."

At the October meeting, each school brought a report of how suspensions could be reduced and a goal for reduction of suspensions from the 2011-12 level. The Safety Committee determined that these individual goals should be compiled so that the Safety Committee could recommend an overall goal of suspension reductions for the District in 2012-13.

Recommendation:

That the Board adopt a goal of reducing out-of-school suspensions in middle and high schools by 25%.

Fiscal Impact:

Positive in that students generate ADA only when in school

*** F.2 Presentation and Public Hearing of Initial Bargaining Proposal – Public Employees Union, Local One**

Comment:

Pursuant to the Educational Employment Relations Act, the initial proposal for negotiations by school district and labor unions must be submitted at a public meeting of the governing board. The initial proposal of the West Contra Costa Unified School District will be presented, at which time the public is allowed to comment on this proposal. A copy of the proposal is provided in the Board meeting packet which is available at the District's Administration Building, six high schools and online at the District's webpage.

Recommendation:

That the Board of Education hold a public hearing on the District's initial bargaining proposal to the Public Employees Local One for the 2012-2015 successor agreement.

Board Adoption of Initial Bargaining Proposal

Comment:

Following the public hearing on its initial bargaining proposal, the Board of Education will be asked to adopt the District's proposal to the Public Employees Local One for the 2012-2015 successor agreement.

Recommendation:

That the Board of Education adopt the initial bargaining proposal for labor negotiations with the Public Employees Local One.

Fiscal Impact:
To be determined

* **F.3 Presentation and Public Hearing of Initial Bargaining Proposal – School Supervisors Association**

Comment:

Pursuant to the Educational Employment Relations Act, the initial proposal for negotiations by school district and labor unions must be submitted at a public meeting of the governing board. The initial proposal of the West Contra Costa Unified School District will be presented, at which time the public is allowed to comment on this proposal. A copy of the proposal is provided in the Board meeting packet which is available at the District's Administration Building, six high schools and online at the District's webpage.

Recommendation:

That the Board of Education hold a public hearing on the District's initial bargaining proposal to the School Supervisors Association (SSA) for the 2012-2015 successor agreement.

Board Adoption of Initial Bargaining Proposal

Comment:

Following the public hearing on its initial bargaining proposal, the Board of Education will be asked to adopt the District's proposal to the School Supervisors Association for the 2012-2015 successor agreement.

Recommendation:

That the Board of Education adopt the initial bargaining proposal for labor negotiations with the School Supervisors Association.

Fiscal Impact:
To Be Determined

* **F.4 Presentation and Public Hearing of Initial Bargaining Proposal – United Teachers of Richmond**

Comment:

Pursuant to the Educational Employment Relations Act, the initial proposal for negotiations by school district and labor unions must be submitted at a public meeting of the governing board. The initial proposal of the West Contra Costa Unified School District will be presented, at which time the public is allowed to comment on this proposal. A copy of the proposal is provided in the Board meeting packet which is available at the District's Administration Building, six high schools and online at the District's webpage.

Recommendation:

That the Board of Education hold a public hearing on the District's initial bargaining proposal to the United Teachers of Richmond for the 2012-2015 successor agreement.

Board Adoption of Initial Bargaining Proposal

Comment:

Following the public hearing on its initial bargaining proposal, the Board of Education will be asked to adopt the District's proposal to the United Teachers of Richmond for the 2012-2015 successor agreement.

Recommendation:

That the Board of Education adopt the initial bargaining proposal for labor negotiations with the United Teachers of Richmond.

Fiscal Impact:

To Be Determined

G. DISCUSSION ITEMS

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

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – December 12, 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

November 28, 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)

a. Superintendent Evaluation

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