

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
OCTOBER 2, 2013**

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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 recordings 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 **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.

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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 Presentation of Student Board Representative from El Cerrito High School**
- B.5 Report/Ratification of Closed Session**
- \* **B.6 Agenda Review and Adoption (Public Comment)**
- \* **B.7 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.

**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 October 2, 2013.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

\*CI **C.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2013-2014 school year are summarized, dated October 2, 2013.

Recommendation:

Recommend Approval

Fiscal Impact:  
 Additional revenue for schools

**\*CI C.3 Contracted Services**

Comment:  
 Permission is requested of the Board of Education to approve contracts for services as detailed, dated October 2, 2013.

Recommendation:  
 Recommend Approval

Fiscal Impact:  
 As noted per contracts summary

**\*CI C.4 Community Budget Advisory Committee Amended Member Ratification**

Comment:  
 The Community Budget Advisory Committee (CBAC) met on September 19, 2013. This is an amendment to reflect new additions (voting members). The committee roster is subject to ratification by the School Board at a regular Board of Education meeting. Pending ratification, below is a complete list of the committee members and term dates.

COMMUNITY BUDGET ADVISORY COMMITTEE – MEMBERS			
MEMBER NAME	MEMBER TYPE	VOTING STATUS	TERM ENDING
Juan Martinez	Business Leader	Voting	June 30, 2015
Sonia Bustamonte	Parent	Voting	June 30, 2015
Ken Ryan	Community Member	Voting	June 30, 2014
Mary Flanagan	Teacher	Voting	June 30, 2014
Charles Johnson	Classified	Voting	December 31, 2014
Paul Shatswell	Principal	Voting	December 31, 2014
Eduardo Martinez, Chair	Community Member	Voting	December 31, 2014
Antonio Medrano	Community Member Alternate	Voting	December 31, 2014
Fatima Alleyne	Parent Alternate	Voting	June 30, 2015
Mariam Alam	Community Member/Parent Alternate	Voting	June 30, 2014
Todd Groves	Board	Non-Voting	
Sheri Gamba	Business Services	Non-Voting	
Germaine Quiter	Business Services	Non-Voting	

Recommendation:  
 Recommend Approval

Fiscal Impact:

None

**\*CI C.5 Certificated Board Authorization - Education Code 44258.3**

Comment:

Ed Code 44258.3 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.6 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

Fiscal Impact:

Total for this action: \$221,325. Funding sources Measure J Bond, Measure D-2010 Bond, and Measure E-2012.

**\*CI C.7 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Grant ES Restroom Repairs; Lake ES Restroom Repairs; Grant ES Fire/Intrusion System; De Anza HS Campus Replacement; Downer ES Restroom Repairs. 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 De Anza HS Campus Replacement 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 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: \$609,908.38

**\*CI C.8 Ratification of Staff Awarded Contract: Hercules Middle High School Additional Exterior Lighting**

Comment:

WHM Incorporated has prepared plans and specifications for the project. Scope of work includes new wall type exterior lighting and pole mounted type fixtures complete with new time switch lighting control. Installation includes new trenching, backfilling and restoring of existing pavement/landscaping including providing new underground conduit complete with wiring.

The District conducted a public bid process for the project. Bids were received on September 10, 2013. Three (3) contractors submitted bids. They are as follows: California Constructores, \$79,000; Streamline Builders, \$79,900; and Ray's Electric, \$82,500. The apparent low responsible, responsive bidder is California Constructores.

Recommendation:

Ratify the award to California Constructores.

Fiscal Impact:

\$79,000

**\*CI C.9 Red Ribbon Week Board Resolution No. 36-1314**

Comment:

Our District has been involved in Red Ribbon Week for the past twenty one years. Congress officially proclaimed the first National Red Ribbon Week October 23 – 31, 1988. The Red Ribbon has now become a symbol for drug-free environments.

This resolution represents the West Contra Costa Unified School District's support of the Red Ribbon Campaign October 23 – 25, 2013. Red Ribbon Week may be celebrated one week during the year, but its effects last throughout the year.

This year, some of the school activities will include prevention curriculum lessons, poster/essay/decoration contests, wear-red days, letter writing, school assemblies, etc. The focus of this week is not only on drug-free youth but also on safe and healthy communities.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.10 Resolution No. 37-1314: Close the Commercial Property Loophole**

Comment:

In the 35 years since Proposition 13 passed, control over school funding and policy has been centralized in Sacramento. California's chronic budget crises have been passed down to school districts, which have been forced to layoff teachers and increase class sizes. Furthermore, the state's primary revenue sources – personal income, capital gains, and sales taxes – remain volatile. According to the Legislative Analyst's Office, California's revenue is 3.5 times more volatile than the state's economy.

While voter approval of Proposition 30 last year provides some relief, California still ranks 49<sup>th</sup> in the nation in per-pupil funding. The organization Evolve believes California could permanently reinvest in our schools and ensure greater revenue stability by reforming Proposition 13 to require regular reassessment of commercial property. According to an analysis of data provided by the Board of Equalization, such reform would generate at least \$6 billion per year for local governments in California.

Local government leaders will play a key role in the debate over Proposition 13. Already the cities of Santa Monica, Richmond, and the Berkeley School Board have passed resolutions calling on Sacramento to reform Proposition 13.

Recommendation:

Recommend approval of Resolution No. 37-1314: Close the Commercial Property Loophole.

Fiscal Impact:

None

**\*CI C.11 Approval of Board Members Travel**

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 Todd Groves has expressed interest in attending the following:

- SXSW Edu Conference, Austin, TX, March 3-6, 2014

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

Recommendation:

Recommend Approval

Fiscal Impact:

General Fund

**\*CI C.12 Board Policy Updates: BP 3515 Campus Security**

Comment:

This Board Policy is submitted in order to be in compliance with the current Procedures and Codes. The policy was approved by the Safety Subcommittee on September 5, 2013 and reviewed by the Board at the September 25, 2013 meeting.

Recommendation:

Recommend Approval

Fiscal Impact:

None

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

**\* D.1 Celebrating Hispanic Heritage Month, September 15, 2013 – October 15, 2015 through WCCUSD student performances**

Comment:

The West Contra Costa Unified School District applauds the many contributions made by the Hispanic population and recognizes September 15 – October 15, 2013 as Hispanic Heritage Month.

A few of our schools will share presentations that showcase and celebrate Hispanic Heritage Month.

Recommendation:

For Information Only

Fiscal Impact:

None

**E. COMMITTEE COMMUNICATIONS**

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

**\* E.1 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  
College and Career Readiness Academies  
Community Budget Advisory Committee  
Facilities Subcommittee  
Ivy League Connection

Public Employees Local 1  
Safety Committee  
School Supervisors Association  
Technology Committee  
United Teachers of Richmond  
Youth Commission

\* **E.2 Superintendent's Report**

**F. ACTION ITEMS**

\* **F.1 Public Hearing: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2013-2014**

Comment:

California Education Code Section 60119 guidelines require the governing board of each California school district to hold a public hearing after which the Board will determine, through a resolution, as to whether each pupil in each school in the District has sufficient textbooks and instructional materials that are aligned with the academic content standards and are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education in these subjects:

English/Language Arts, including English Language Development  
Mathematics  
Science  
History/Social Science  
Foreign Language (if the student is enrolled in a Foreign Language course)  
Health (if the student is enrolled in a Health course)

The governing board shall also determine the availability of science laboratory equipment as applicable to science laboratory courses in Grades 9 through 12.

Immediately after this hearing, as a separate action item, the Board is requested to approve Resolution No. 35-1314: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2013-2014.

Recommendation:

The Board conduct the hearing in compliance with the Education Code of the State of California and approve Resolution No. 35-1314

Fiscal Impact:

None

\* **F.2 Public Hearing and Adoption of the Initial Bargaining Proposal from the United Teachers of Richmond (UTR) to West Contra Costa Unified School District**

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 United Teachers of Richmond (UTR) 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 United Teachers of Richmond initial bargaining proposal to the West Contra Costa Unified School District for the 2013-2014 successor agreement.

Board Adoption of Initial Bargaining Proposal

Following the public hearing on its initial bargaining proposal, the Board of Education will be asked to adopt the United Teachers of Richmond proposal to the District's for the 2013-2014 successor agreement.

Fiscal Impact:

To Be Determined

\* **F.3 Public Hearing and Adoption of the Initial Bargaining Proposal from West Contra Costa Unified School District to United Teachers of Richmond (UTR)**

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 2013-2014 successor agreement.

Board Adoption of Initial Bargaining Proposal

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 2013-2014 successor agreement.

Fiscal Impact:

To Be Determined

\* **F.4 Public Hearing and Adoption of the Joint Initial Bargaining Proposal from West Contra Costa Unified School District and West Contra Costa Administrators Association**

Comment:

Pursuant to the Educational Employment Relations Act, the initial proposal for negotiations by school districts and labor unions must be submitted at a public meeting of the governing board. The joint initial proposal of the West Contra Costa Unified School District and West Contra Costa Administrators 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 of the joint initial bargaining proposal with West Contra Costa Administrators Association (WCCAA) for the 2013-2014 successor agreement.

Board Adoption of the Joint Initial Bargaining Proposal

Following the public hearing on its joint initial bargaining proposal, the Board of Education will be asked to adopt the joint proposal of the West Contra Costa Administrators Association and the District for the 2013-2014 successor agreement.

Fiscal Impact:

To Be Determined

**G. DISCUSSION ITEMS**

**\* G.1 Public Hearing on Proposal Strategic Plan**

Comment:

With the generous grant from Chevron Richmond, the District has been on a path to update the strategic plan since January 2013. A 20 member Steering Committee was selected to lead the process that has been facilitated by two consulting firms, Th3rd Plateau and Capitol Impact. Community outreach continued throughout the spring and early summer and included 45 one-on-one interviews, 509 focus group participants, 719 town hall participants, 263 teacher & administrator survey responses as well as 568 community survey responses. On August 5, the Board was presented with the first draft of the Strategic Plan for 2013-18. Two additional community town hall meetings and a follow up to the teacher/administrator group provided opportunities for the public and our professional staff to shape the priorities from among the plan's 58 objectives. Based on that feedback as well as that from the Steering Committee, the consultants have produced a second draft with 34 objectives.

Recommendation:

That the Board hold a public hearing on the second draft of the strategic plan and provide direction regarding what to include in the final plan that is scheduled to come before the Board on October 16.

Fiscal Impact:

To Be Determined

**\* G.2 Richmond Charter Elementary School**

Comment:

Amethod Public Schools (AMPS), a nonprofit public benefit corporation, submitted a petition to West Contra Costa Unified School District (WCCUSD) on September 13, 2013, to establish an independent charter school known as Richmond Charter Elementary School (RCE). 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 receiving a petition, to hold a public hearing to consider the level of support for the petition.

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

Staff and legal counsel are receiving and analyzing information related to the Petition, as well as the operation and potential effects of the proposed charter school, and will make a recommendation regarding the Petition at a subsequent board meeting.

Recommendation:

Public Information Only

Fiscal Impact:

None

\* **G.3 Project Status Report**

Comment:

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

- Engineering Officer's Report
- Construction Status Reports

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 – October 16, 2013

**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**

**October 2, 2013**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

- a. WCCUSD v. Orrick
- b. Palmer and Pollack v. WCCUSD
- c. American Standards Properties 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**