

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
OCTOBER 1, 2014**

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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 **5:45 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 Gompers Alternative School**
- B.5 Report/Ratification of Closed Session**
- \* **B.6 Agenda Review and Adoption** (Public Comment)
- \* **B.7 Minutes:** September 17, 2014
- \* **B.8 Request to Address the Board – Andrés Soto, Hazardous Product Railway Transportation**
- \* **B.9 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 acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed, dated October 1, 2014.

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 October 1, 2014.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per grants summary

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

Comment:  
The planned fund-raising events for the 2014-15 school year are summarized, dated October 1, 2014.

Recommendation:  
Recommend Approval

Fiscal Impact:  
Additional revenue for schools

**\*CI C.4 Contracts**

Comment:  
Permission is requested of the Board of Education to approve contracts as detailed, dated October 1, 2014.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.5 Notice of Completion: Bid 1451612-04 Olinda Elementary and 1541223-11 Shannon Elementary Fire Alarm Replacement**

Comment:  
Substantial completion notice has been received for: Bids 451612-04 and 1541223-11

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 contractor:

BJJ Electric, Bids 1451612-04 Olinda Elementary and 1541223-11 Shannon Elementary Fire Alarm Replacement.

Recommendation:  
Recommend approval of this notice of completion

Fiscal Impact:  
None

- \*CI C.6 CalPERS Retiree Benefit Resolutions**  
**Resolution No. 17-1415 – Unrepresented Classified Confidential**  
**Resolution No. 18-1415 – Public Employees Union (Local One)**  
**Resolution No. 19-1415 – School Supervisors Association (SSA)**  
**Resolution No. 20-1415 – Unrepresented Classified & Certificated Management**  
**Resolution No. 21-1415 – West Contra Costa Administrators’ Association (WCCAA)**

Comment:

Each year, since adopting CalPERS as the District’s health benefits provider, the Board has been required to adopt resolutions acknowledging rates and contributions. The following resolutions set the employer’s contribution for retiree medical benefits for those who retired after December 31, 2006 and before July 1, 2010. Once approved, they will be sent to CalPERS for implementation effective January 1, 2015.

United Teachers of Richmond (UTR) retirees do not require a new resolution because the District’s contribution is set at Kaiser Bay Area rates each year, which are fully covered.

Recommendation:

Recommend Approval

Fiscal Impact:

None – Retiree benefit costs are already budgeted.

- \*CI C.7 CalPERS Retiree Health Care Resolutions – for those retiring prior to January 2007**  
**Resolution No. 22-1415 – Unrepresented Classified Confidential**  
**Resolution No. 23-1415 – Public Employees Union (Local One)**  
**Resolution No. 24-1415 – School Supervisors Association (SSA)**  
**Resolution No. 25-1415 – Unrepresented Classified & Certificated Management**  
**Resolution No. 26-1415 – United Teachers of Richmond (UTR)**  
**Resolution No. 27-1415 – West Contra Costa Administrators’ Association (WCCAA)**

Comment:

Each year, since adopting CalPERS as the District’s health benefits provider, the Board has been required to adopt resolutions acknowledging rates and contributions. Employees who retire prior to January 1, 2007 were offered “a fully paid HMO plan” which is based on the higher of the Blueshield Bay Area or Kaiser Bay Area premium rates.

As of January 2015, the Blueshield Bay Area premium exceeds the Kaiser premium for ALL plans, therefore the District’s 2015 cap for retirees who retired prior to January 1, 2007 will be based on the Blueshield Bay Area premium rates by the plan.

The following resolutions, once approved, will be sent to CalPERS for implementation effective January 1, 2015.

Recommendation:  
Recommend Approval

Fiscal Impact:  
None – Retiree benefits are already budgeted.

**\*CI C.8 Certificated Board Authorization - Education Code 44258.3 – Waivers and Consent**

Comment:  
Ed Code 44258.3 allows the Governing Board of a school district to authorize the holder of credentials in the following areas: multiple subject, standard elementary, single subject, and standard secondary, 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 - Certificated**

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

Recommendation:  
Ratify and Approve Certificated Personnel Changes

Fiscal Impact:  
None

**\*CI C.10 Routine Personnel Changes – Classified**

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

Recommendation:  
Ratify and Approve Classified Personnel Changes

Fiscal Impact:  
None

**\*CI C.11 Approve the following Reclassifications and New Job Descriptions effective July 1, 2014:**  
**Staff Secretary**  
**Operations Technician**  
**Attendance Enrollment Technician**  
**Special Education Technician**

Comment:

The Reclassification Process involves the impartial and in-depth review of requests for a ‘desk audit’ of classified positions as outlined in Article 25 of the agreement with Local One. The desk audit results and job descriptions are part of a negotiated process. Recommendations regarding reclassification are based on a thorough investigation that may result in an upgrade of a position to a higher classification as a result of a gradual and complex increase of tasks, duties and responsibilities being performed by the incumbent in such a position. A brief summary of each job reclassification and a rationale for the reclassification is provided.

The recommendations include a reclassification for a Staff Secretary position, and reclassifications as well as new job descriptions for the Operations Technician, Attendance Enrollment Technician and Special Education Technician. A brief summary of each job reclassification and rationale for each is provided.

The District has met all Education Code and contractual requirements in negotiating all of the job classifications, job descriptions and commensurate salaries with the unions. The results of this process have concluded all outstanding desk audit requests and union negotiations for school year 2013-14.

Recommendation:

Recommend Approval

Fiscal Impact:

General Fund: \$20,595

Categorical: \$14,924

**\*CI C.12 Approve the following Revised Job Description: Internal Auditor**

Comment:

The Internal Auditor job description is updated to meet the current operational and business needs of the organization. The job description includes a review of industry standards, and a review of job descriptions from other school districts. The Business Services Department has reviewed and approved the job description.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.13 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: \$128,200. Funding sources are Bond Fund and Fund 40.

**\*CI C.14 Approval of Negotiated Change Orders**

Comment:

Staff is seeking approval of Change Orders on the following current District construction projects: Kennedy HS Science Wing Renovation, El Cerrito HS Stadium, Montalvin Manor ES Classroom Building, Collins ES Floor, Door & Hardware, Shannon ES Misc. Repairs. Change Orders are fully executed by the District upon signature by the Superintendent's designee. Board approval 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 approving 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:

Approve negotiated Change Orders as noted

Fiscal Impact:

Total approval by this action: \$27,869.17

**\*CI C.15 Ohlone Elementary School Multi-Purpose Building**

Comment:

The original design program was to preserve and modernize the existing multi-purpose building for Ohlone ES. As the project evolved, the District through the Facilities Subcommittee determined that overall program goals would be better met if the existing multi-purpose building were demolished and a new one designed in its place. HMC Architects, through Powell and Partners Architects, will proceed with this scope of work.

Recommendation:

Recommend Approval

Fiscal Impact:

\$5,000,000. Funding Source is Bond Fund

**\*CI C.16 California Clean Energy Jobs Act Contract**

Comment:

The California Clean Energy Jobs Act (Proposition 39) was created with the approval of Proposition 39 in the November 6, 2012, statewide general election. Proposition 39 will make approximately \$2.5 billion available to K-12 schools and community colleges for energy projects for five fiscal years, beginning with fiscal year 2013-14. Schools can use this money for:

- Energy efficiency retrofits
- Staff Training
- Energy Management

In July 2014, staff requested proposals (RFQ/RFP 1415-01) for Proposition 39 Energy Consultant Services. Fourteen proposals were received and five of those firms were interviewed.

Contracts have been initiated for the Proposition 39 Energy Consultant Services project. Consultants will plan and assess sites, develop an energy expenditure plan, and provide quarterly reporting to the California Energy Commission. Public contracting laws have been followed in initially qualifying and selecting these professionals.

Recommendation:

Ratify and approve contracts for Cumming Construction Management, Inc.

Fiscal Impact:

Total for this action: \$79,687.00. Funding source is Proposition 39 Planning Funds with \$1.1 million per year for five years.

**\*CI C.17 Red Ribbon Week Board Resolution No. 29-1415**

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 – 31, 2014. 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.18 Naming Building 10 at DeAnza High School**

Comment:

Board Policy 7310 establishes the criteria and processes for “renaming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members.” With construction about to begin on Building 10 at DeAnza High School, Mr. Charles Ramsey has requested that Building 10 be named in honor of his father, the late Henry Ramsey, Jr. A portion of Building 10 will be used to house the Law Academy at DAHS which is currently named the Henry Ramsey, Jr. Law Academy. The policy stipulates that upon request that the Board will appoint a Board subcommittee to “review the nomination and make recommendations for the Board’s final consideration.”

Recommendation:

That the Board appoint two Board members, Todd Groves and Randy Enos, to act as a subcommittee to consider the request and report back to the Board of Education.

Fiscal Impact:

Minimal in providing lettering for the building

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

**D.1 Celebrating Hispanic Heritage Month, September 15, 2014 – 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, 2014 as Hispanic Heritage Month.

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

Recommendation:

For Information Only

Fiscal Impact:

None

**\* D.2 Public Hearing for Amethod Charter Management Organization: John Henry High School (9-12)**

Comment:

On Wednesday, September 3, 2014, the Amethod Charter Management Organization submitted a petition to open a Charter High School in West Contra Costa Unified School District in the fall of 2015. John Henry High School would begin with an enrollment of 190 students in 2015-16, expanding to 400 students by the 2018-2019 academic year.

California Department of Education Code Section 47605(b) states:

No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.

The Charter School Act (1992) also requires the Board to either grant or deny the Petition within 60 days of submission. Staff and legal counsel have received information related to the Petition. They will analyze the document, and will make a recommendation regarding the Petition at a subsequent board meeting.

Recommendation:

For Information Only

Fiscal Impact:

None at this time, yet will, if approved represent ongoing loss of student average daily attendance as a result of WCCUSD students attending the charter school.

- **D.3 Public Hearing for Two Schools: Aspire Richmond Technology Academy and Aspire Richmond California College Preparatory Academy**

Comment:

On Friday, September 5, 2014, representatives from Aspire Public Schools submitted petitions to open two charter schools in fall of 2015 in the West Contra Costa Unified School District.

Petition 1: Aspire Richmond Technology Academy is a Kindergarten through 5<sup>th</sup> grade school with an enrollment of 312 students.

Petition 2: Aspire Richmond California College Preparatory Academy is a 6<sup>th</sup> through 12<sup>th</sup> grade school with an enrollment of 420 students.

California Department of 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 Charter School Act (1992) also requires the Board to either grant or deny the Petition within 60 days of submission. Staff and legal counsel are reviewing and analyzing the Petition, and will make a recommendation at a subsequent board meeting.

Recommendation:

For Information Only

Fiscal Impact:

If approved, may result in ongoing loss of student average daily attendance from WCCUSD students attending the charter school.

\* **D.4 Response to Fiscal Audit of Adult Education Program**

Comment:

The District retained the Fiscal Crisis Management Advisory Team to conduct an internal control review of the West Contra Costa Unified School District’s Adult Education Program’s business office to evaluate the current workflow and distribution and internal control of functions in the business office, and to provide recommendations for improved efficiency.

Staff will give a response to the Audit report and review a new organizational plan to address the audit findings for the current school year.

Recommendation:

For Information Only

Fiscal Impact:

None

\* **D.5 Local Control Accountability Plan (LCAP) Goals & Progress Indicators Report #1**

Comment:

The Local Control Accountability Plan represents the District’s comprehensive plan of goals, actions, services, and expenditures that support schools to ensure students become college and career ready, able to make life choices with productive outcomes.

Staff will provide information to the Board four times throughout the year, detailing information on the LCAP progress indicators. This will be the first report.

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  
Citizens’ Bond Oversight Committee  
College and Career Readiness Academies  
Community Budget Advisory Committee  
Facilities Subcommittee  
Ivy League Connection

Public Employees Local 1  
Safety and School Climate Committee  
Technology Subcommittee  
United Teachers of Richmond  
West Contra Costa Administrators Association  
Youth Commission

\* **E.2 Superintendent’s Report**

\* **E.3 In Memory of Members of the School Community**

Comment:

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

Marci McKillican started working for the District in 1966 and held various positions including steno clerk, staff secretary, and personnel technician credentialist. Ms. McKillican led a full life after her retirement in 1989.

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

Recommendation:

For Information Only

Fiscal Impact:

None

**F. ACTION ITEMS**

\* **F.1 Public Hearing and Resolution 31-1415: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2014-2015**

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. 31-1415 Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2014-2015.

Recommendation:

Recommend the Board conduct the hearing in compliance with the Education Code of the State of California followed by approval of the Resolution No. 31-1415: Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2014-2015

Fiscal Impact:

None

**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 – October 15, 2014

**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 1, 2014**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
[Government Code Section 54956.9(d)(1)]

- a. Palmer and Pollack v. WCCUSD
- b. California Charter School Association v. WCCUSD

**3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION**  
[Government Code Section 54956.9(d)(2) or (d)(3)]

Six cases

**4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/INITIATION OF LITIGATION**  
[Government Code Section 54956.9(d)(4)]

**5. LIABILITY CLAIMS** (Government Code Section 54956.95)

**6. 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

**7. PUBLIC EMPLOYEE APPOINTMENT**

Assistant Principal

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

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

Expulsions

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

**11. REPORT OF CLOSED SESSION ACTIONS**