

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
JANUARY 7, 2015**

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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 **5:30 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.

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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 Pinole Valley High School**
- B.5 Report/Ratification of Closed Session**
- \* **B.6 Agenda Review and Adoption** (Public Comment)
- \* **B.7 Minutes:** December 3, 2014; December 10, 2014, December 17, 2014; December 19, 2014
- \* **B.8 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 Acceptance of Donations**

Comment:

The District has received donations as summarized, dated January 7, 2015.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per donations summary

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

Comment:

The planned fund-raising events for the 2014-15 school year are summarized, dated January 7, 2015.

Recommendation:

Recommend Approval

Fiscal Impact:  
Additional revenue for schools

**\*CI C.3 Contracts**

Comment:  
Permission is requested of the Board of Education to approve the contracts as detailed, dated January 7, 2015.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.4 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 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.5 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.6 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.7 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: \$422,965. Funding sources are Bond Fund.

**\*CI C.8 Approval of Negotiated Change Orders**

Comment:

Staff is seeking approval of Change Orders on the following current District construction projects: Pinole MS Soccer & Football Fields; Coronado ES New School; Montalvin Manor New Classroom Building; Ohlone ES Pt1/Ph2 Portable Campus; Ohlone ES Phase 1 New Classroom; Pinole Valley HS Ph2A Interim Campus; Kennedy HS Science Wing Renovation; De Anza HS Replacement Campus; De Anza HS Linked Learning Building; El Cerrito HS Stadium. 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: \$854,082.05

**\*CI C.9 Approval of Negotiated Change Orders – M&O**

Comment:

Staff is seeking approval of Change Orders on the following current District construction projects: Kennedy HS County Health Clinic and the ITC Roof and HVAC Renovation. Change Orders are fully

executed by the District upon signature by the Superintendent's designee. The 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 to have this work completed by the contractor on the project.

Recommendation:

Approve negotiated Change Orders as noted

Fiscal Impact:

Total approval by this action: \$30,991.09

**\*CI C.10 Pinole Valley High School Existing Campus Demolition & Abatement Award of Contract**

Comment:

WLC Architects has prepared plans and specifications for the project. Scope of work includes: demolishing and disposing of all existing buildings, including select portable buildings, building components, shade structures and covered walkways. The construction schedule for this project has an anticipated start date in January 2015 and completion date in July 2015.

The District conducted a public bid process for the project. Bids were opened on December 18, 2014. Five contractors submitted a bid, Evans Brothers, Inc. \$1,890,800; Silverado Contractors \$2,086,012.50; Ferma Corporation \$2,088,116; Water Rock Construction \$2,359,700; W. C. Maloney, Inc. & Professional Asbestos & Lead Services, Inc. a Joint Venture \$2,721,700 (non-responsive). Total bid is the sum of base bid, alternate and unit pricing. The apparent lowest responsive, responsible bidder is Evans Brothers, Inc.

Determining the award is based on three components; the demolition base bid, alternate and unit cost multiplied by quantities to be determined in the field. This benefits the District by locking in unit pricing to be used in negotiating future change orders. The contract award is only associated with the demolition base bid and alternate.

Recommendation:

Award the contract to the lowest responsive, responsible bidder Evans Brothers, Inc.

Fiscal Impact:

\$1,823,500. Funded from Bond Fund.

**\*CI C.11 Williams Lawsuit Complaints Quarterly Report**

Comment:

The Williams Lawsuit requires that a quarterly report be brought before the Board of Education reflecting the number of complaints filed with any school in the district during a particular quarter. This report reflects the time period from October 1, 2014 through December 31, 2014.

Recommendation:

Recommend Approval

Fiscal Impact:

None

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

**\* D.1 Recognition of Lieutenant Michael Booker**

Comment:

The District would like to recognize Lieutenant Michael Booker for his support, dedication and commitment to students and staff of West Contra Costa Unified School District.

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	Safety and School Climate Committee
Citizens’ Bond Oversight Committee	School Supervisors Association Local 21
College and Career Readiness Academies	Technology Subcommittee
Community Budget Advisory Committee	United Teachers of Richmond
Facilities Subcommittee	West Contra Costa Administrators Association
Ivy League Connection	Youth Commission
Public Employees Local 1	

**\* 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.

Pearlice Durham began working for the District in September 1964. She retired in June 1991 having worked at Coronado, Fairmede and El Portal Elementary Schools. After retirement, she continued as a substitute teacher and an active member of the Cal Retired Teachers Association.

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 Adoption of the Initial Bargaining Proposal from School Supervisors Association (SSA), IFPTE Local 21 to the West Contra Costa Unified School District**

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 initial proposal of School Supervisors Association (SSA), IFPTE Local 21, 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 School Supervisors Association (SSA), IFPTE Local 21, initial bargaining proposal to the District for the 2014-15 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 School Supervisors Association (SSA), IFPTE Local 21 to the District for the 2014-15 successor agreement.

Recommendation:

That the Board of Education adopt the initial bargaining proposal for labor negotiations with the School Supervisors Association (SSA), IFPTE Local 21.

Fiscal Impact:

To Be Determined

**\* F.2 Public Hearing and Adoption of the Initial Bargaining Proposal from West Contra Costa Unified District to School Supervisors Association (SSA), IFPTE Local 21**

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 to School Supervisors Association (SSA), IFPTE Local 21 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 School Supervisors Association (SSA), IFPTE Local 21 for the 2014-2015 successor agreement.

Board Adoption of Initial Bargaining Proposal

Background Information:

Following the public hearing on its initial bargaining proposal, the Board of Education will be asked to adopt the District's proposal to School Supervisors Association (SSA), IFPTE Local 21 for the 2014-2015 successor agreement.

Recommendation:

That the Board of Education adopt the initial bargaining proposal for labor negotiations with School Supervisors Association (SSA), IFPTE Local 21.

Fiscal Impact:

To Be Determined

\* **F.3 Public Hearing and Resolution No. 49-1415: Level II Developer Fees**

Comment:

Education Code Section 1760 authorizes school districts to levy a fee against any development project for the purpose of construction or reconstruction of school facilities. Government Code Section 65995 regarding school facilities fees requires that a School Facilities Needs Analysis be conducted yearly to justify and determine the amount to be charged for Level II developer fees on new residential construction. The School Facilities Needs Analysis finds that the District meets the statutory requirements to increase Level II fees from \$4.58 per square foot to \$4.78 per square foot. If approved by the Board, the new fee will go into effect January 8, 2015. This analysis was conducted according to state guidelines.

A public hearing must be conducted prior to the adoption of West Contra Costa Unified School District Resolution No. 49-1415, at which time individuals who wish to address the Board on matters pertaining to the Level II Developer Fees are allowed to speak. A copy of the School Facilities Analysis is available for review by the public in the Facilities Operations Center and at the WCCUSD front desk located at 1108 Bissell Avenue, Richmond, CA.

Recommendation:

To receive public comment, duly consider any and all comments made at this meeting, and recommend approval of Resolution No. 49-1415: Approving a School Facilities Needs Analysis Adopting Alternative School Facilities Fees in Compliance with Government Code Sections 65995.5, 65995.6 and 65995.7 and Making the Related Findings and Determinations.

Fiscal Impact:

Increase in Level II Developer Fees of \$.20 cents per square foot.



\* **F.4 Presentation of the 2013 – 2014 Audit Report by Crowe Horwath LLP**

Comment:

The District's auditing firm, Crowe Horwath LLP, will present their independent audit report of the West Contra Costa Unified School District's financial position, internal control, and federal and state compliance for the year ended June 30, 2014.

The 2013-2014 Audit report is posted on the WCCUSD web site and a copy is at the reception desk at 1108 Bissell Avenue, Richmond, CA

Recommendation:

Staff recommends acceptance of the audit report

Fiscal Impact:

None

**G. DISCUSSION ITEMS**

\* **G.1 Initial Bargaining Proposal from Public Employees Union (PEU), Local One to the West Contra Costa Unified School District**

Comment:

Pursuant to the Educational Employment Relations Act, the bargaining proposal for negotiations by school districts and labor unions must be submitted at a public meeting of the governing board. The initial bargaining proposal of Public Employees Union (PEU), Local One to the West Contra Costa Unified School District is presented as an information item. At the next regularly scheduled Board meeting this item will come back for public hearing and adoption by the Board of Education.

Negotiations proposal

The current duration of the bargaining unit agreement between the two parties concludes on December 31, 2016. The District shall meet and bargain on the following articles, pursuant to the General Agreements on page 49, as contained in the January 1, 2013 – December 31, 2016 Contractual Agreement between WCCUSD and the Public Employees Union, Local 1:

Article 1 – Agreement, Section 3.

Article 12 – Transfer, Section 4. Administrative Transfer; prior to March 1, 2015

Article 15 – Benefits

Article 16 – Compensation

Local 1 and WCCUSD will identify and study 3 Local 1 sub-units (Paraprofessionals, Office & Technical and General Services, and Maintenance and Operations (GSM&O), prior to March 1, 2015; the studies shall cover total compensation and working conditions.

Recommendation:

The Board of Education receive the initial bargaining proposal with Public Employees Union, Local One.

Fiscal Impact:

To Be Determined

\* **G.2 Initial Bargaining Proposal from West Contra Costa Unified School District to Public Employees Union (PEU), Local One**

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 initial proposal of the West Contra Costa Unified School District to Public Employees Union (PEU), Local One is presented as an information item. At the next regularly scheduled Board meeting this item will come back for public hearing and adoption by the Board of Education.

Negotiations proposal

The District wishes to negotiate the following Articles:

Article 11 – Leaves of Absence

Article 15 – Benefits

Article 16 – Compensation

Article 25 – Reclassification

Recommendation:

The Board of Education receive the initial bargaining proposal with Public Employees, Local One

Fiscal Impact:

To Be Determined

\* **G.3 Uniform Complaint Procedures - Board Policy 1312.3 – Community Relations**

Comment:

The Human Resources Department has worked to revise Board Policy 1312.3 – Community Relations; specifically to meet the federal and state requirements on how the District processes the UCP complaints.

Included in the updated language is the requirement to allow for uniform complaints as they pertain to the procedural implementation of the Local Control Accountability Plan (LCAP).

It is presented as an information item and will be brought back at the next Board meeting for final action.

Recommendation:

That the Board review the modifications to Board Policy 1312.3 – Community Relations

Fiscal Impact:

None

\* **G.4 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 – January 21, 2015

**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**

**January 7, 2015**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

a. 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)]

Three 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**

Instructional Specialist

**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**