

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
APRIL 1, 2015**

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 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.

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 **5:00 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

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

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

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

B. OPENING PROCEDURES

- B.1 Pledge of Allegiance**
- B.2 Welcome and Meeting Procedures**
- B.3 Roll Call**
- B.4 Presentation of Student Board Representative from El Cerrito High School**
- B.5 Report/Ratification of Closed Session**
- * **B.6 Agenda Review and Adoption** (Public Comment)
- * **B.7 Minutes:** March 4, 2015; March 18, 2015
- * **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 April 1, 2015.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per donations summary

*CI **C.2 Approve Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2014-15 school year are summarized, dated April 1, 2015.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

***CI C.3 Notice of Completion: Bid 1401347-00 Montalvin Elementary School New Classroom Building**

Comment:

Substantial completion notice has been received for: Bid 1401347-00.

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:

W.A. Thomas Company, Inc. Bid 1401347-00 Montalvin Elementary School Classroom Building

Recommendation:

Recommend approval of this notice of completion

Fiscal Impact:

None

***CI C.4 Acceptance of Contra Costa County Office of Education 2nd quarterly Report for Williams Settlement Legislation**

Comment:

The Contra Costa County Office of Education provides an annual report which in accordance with Education Code 1240(s)(2)(G) pursuant to the Williams Settlement must be presented to the Board of Education.

The District had no findings in the following areas:

- Instructional Materials
- School Facilities
- Uniform Complaints

Included in the report is an item in regards to teacher vacancies and misassignments. The District by the report's findings has no uncorrected misassignments. On the first day of school the District reported 21 vacancies. The breakdown of the first day vacancies are as follows:

- Eleven positions were "teachers on demand". These positions are assigned to schools in anticipation of student enrollment. All positions were eliminated with students enrolled in proper classes.
- Five positions were filled awaiting clearance of paperwork
- Five positions were actual openings

Recommendation:

Receive the County Office of Education report

Fiscal Impact:

None

***CI C.5 Delete Board Policy 0420.1**

Comment:

This Board Policy concerns the School Based Program Coordination. The policy is recommended for deletion as the need for this policy was eliminated by the Local Control Funding Formula. The items covered under the consolidated application listed in the following two paragraphs, have all been eliminated and the dollars tied to these programs are incorporated into the Local Control Funding Formula.

“The California Education Code requires the School Site Council (SSC) to develop a Single Plan for Student Achievement (SPSA) for Consolidated Application programs operated at the school or in which the school participates. In addition, Pupil Retention and School and Library Improvement Block Grant programs operated at the school must be included in the SPSA. The SSC must approve the plan, recommend it to the local governing board for approval, monitor implementation of the SPSA, and evaluate the results.

At least annually, the SSC must revise the SPSA, including proposed expenditures of funds allocated to the school through the Consolidated Application, and recommend it to the local governing board for approval. Also, the SSC annually considers whether or not the school will participate in the School-Based Coordinated Program (SBCP) and indicates its decision in the SPSA.”

The School Site Council will continue to focus and play a valuable role in the development of Single Plans for Student Achievement and reviewing funds designated for the school in the Local Control Accountability Plan.

Recommendation:

Approve deletion of the Board Policy

Fiscal Impact:

None

***CI C.6 Technology Equipment & Services for Coronado Elementary - RFP Dated February 6, 2015**

Comment:

The District prepared plans and specifications for technology equipment and services for Coronado Elementary School, 2001 Virginia Ave, Richmond, 94804. The scope of work included providing and configuring switches, VoIP phones, mounting wireless access points and “rack and stack” services.

The District solicited competitive bids for the project. The RFP was advertised on February 6, 2015 and closed February 27, 2015. Four companies submitted bid responses. Their bid responses are as follows:

PTI Solutions, \$471,086.59; CBX Technologies, \$446,576.50; AEKO Consulting, \$423,430.18; Development Group Inc., \$409,971.93.

The lowest responsive, responsible bidder is Development Group Inc.

Recommendation:

Ratify the award to the lowest responsive, responsible bidder: Development Group Inc.

Fiscal Impact:

\$409,971.93 Bond proceeds

***CI C.7 Close Up Visitation of Washington D.C., April 4 – April 10, 2015**

Comment:

Richmond High School Students will attend the Close Up Washington High School Special Program: Equal Justice Under the Law in Washington D.C. This trip is a one-of-a-kind opportunity for students to experience their government in action. Students will visit Washington's famous monuments, memorials, and institutions. They will meet with their Congressional delegation on Capitol Hill and get a first-hand look at the American political system.

Recommendation:

Recommend Approval

Fiscal Impact:

Title I Funds for charter transportation and the rest of the cost was covered by private donations and fundraisers.

***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

Fiscal Impact:

Total for this action: \$46,970. Funding sources are Bond Fund.

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

Comment:

Staff is seeking approval of Change Orders where the total is under 10% of the contract on the following current District construction projects: Kennedy HS Richmond Swim Center; Coronado ES New School; Sylvester Greenwood Academy & LPS; Harding ES Exterior Repairs & Select Roofing Replacement;

De Anza HS Linked Learning Building; Montalvin Manor ES Classroom Building; Pinole MS New Playfield; Nystrom ES Ph3B Renovate Classroom. 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: \$407,391.90

***CI C.10 Approval of Negotiated Change Orders – M&O**

Comment:

Staff is seeking approval of Change Orders on the following current District construction project: Kennedy HS County Health Clinic. 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: \$10,415.29

***CI C.11 Ratification of Staff Awarded Contracts (CUPCCAA): July 1, 2014 – December 31st, 2014**

Comment:

Staff solicited bids per the California Uniform Public Construction Cost Accounting Act (CUPCCAA) Resolution #90-0809, approved by the Board on May 20, 2009. The resolution allows public projects under a State defined value to be performed by negotiated contract. The resolution further allows the Governing Board to delegate authority to award informal contracts to specific staff members (e.g. Superintendent, Superintendent's designee).

Peres ES	Modernization Slurry Paving	Mark Raine Paving	\$6,280
Kennedy HS	Science Building Renovation Paver Installation	McKim & Company	\$10,860
Montalvin ES	Security Intrusion Alarm Installation	Communication Service Company	\$19,860

Recommendation:

Ratify staff awarded contracts

Fiscal Impact:

Total for this action: \$37,000. Funding sources are Bond Fund.

***CI C.12 Approval of Board Member 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 Liz Block has expressed interest in attending the following:

Building Learning Communities, Boston, Massachusetts, July 15-17, 2015

Cost estimates of \$2,162.00 for this travel include airfare, hotel and ground transportation. This will leave a remaining balance of \$8,150.00 in the Out of-State Travel budget.

The beginning budget for Out of State Travel was \$28,000 with the current balance of \$8,150.00.

Recommendation:

Recommend Approval

Fiscal Impact:

\$2,162.00 from the General Fund

D. AWARDS, RECOGNITIONS, AND REPORTS

*** D.1 Recognition of El Cerrito High School Basketball Team**

Comment:

We would like to recognize and congratulate the El Cerrito High School basketball team for their championship in the 2014-15 North Coast Section Division 2 Basketball Championship.

We would like to recognize and congratulate the team on their achievements.

We would also like to recognize and commend the coaches in their dedication, commitment and for making a difference in the lives and futures of the students they coach.

Recommendation:

For Information Only

Fiscal Impact:

None

* **D.2 Local Control Accountability Plan (LCAP) Goals & Progress Indicators Report #3**

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 third 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	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.

Mario Ferrari began substituting teaching in the District in 1983. He was put on contract in 1986 with Richmond High teaching art and ROP classes. He was an active, involved member of the faculty.

Cathy Gambucci started with the District in 1972. She held various classified positions including attendance clerk, office manager at Pinole Valley High School and confidential administrative secretary to for Cabinet level administrators, retiring in December 2007.

Jim Storer began teaching in the District in 1959. He advanced from teacher to dean, counselor, vice principal and served six assignments as principal. He retired in 1993, continuing to work as a home school teacher and substitute administrator until 2009.

Charlotte Neyhouse started in the District in 1989 as a typist clerk for the music department. She served in that office for many years, retiring in 2000.

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 Long Range Facilities Master Plan**

Comment:

On March 17, 2015, staff presented to the Facilities Subcommittee an overview on the District's existing planning documents, typical elements of a Long Range Facilities Master Plan and best practices to develop a project prioritization process. In addition, staff recommended to the Facilities Subcommittee that the District undertake a formal Request for Qualifications process, together with a Request for Proposals, to provide the District with the ability to select a qualified firm to assist in this effort.

Recommendation:

Recommend that the Board authorize District staff to proceed with a Request for Qualifications and Request for Proposals related to the preparation of a Long Range Facilities Master Plan.

Fiscal Impact:
None at this time

*** F.2 Ohlone Elementary School Playground & Parking Lot Completion Project Change Order Approval**

Comment:

Pursuant to the new change order procedure, all change orders which cause a project's contract costs to exceed ten percent (10%), or are of an individual value of \$250,000 or more, will be considered for action separately from change orders not meeting these criteria.

The Ohlone Elementary School Playground & Parking project consisted of demolition and construction necessary for the parking and hardscape play area (northern portion). This work was performed by

BHM Construction and consisted of site preparation for new asphalt and concrete paving, underground utilities, new site lighting, landscaping and play structure. In order for this work to get underway in the summer, grading and soils work under a different phase was added to the BHM contract mitigating disruption to the students at the campus. The grading work was removed (by deductive change order) from the Phase 1 & 2 contract, and was added by change order to BHM’s contract. The change order represents credit for eliminating four light poles (CO #3), grading and off-hauling of environmentally classified Class II soils, necessary for BHM to proceed with their contracted work (CO #4), and a 45 day time extension to the base contract (CO #5).

Original Contract	Previously Approved COs	COs Pending Approval	Change Percent	Total COs	Total CO Percent of Original Contract	Adjusted New Contract	Change Order Number
\$878,300.00	\$54,265.07	(\$3,339.00)	-0.38%	\$232,002.23	26.41%	\$1,110,302.23	3
		\$141,806.16	16.15%				4
		\$39,270.00	4.47%				5

Recommendation:

Approve negotiated Change Orders as noted.

Fiscal Impact:

Total approval by this action: \$177,737.16

* **F.3 Program Management and Construction Management Services provided under contract with SGI Construction Management (SGI)**

Comment:

On March 18, 2015, the Board of Education did not approve the SGI fee proposals which were associated with a contract between SGI and the District previously approved by the Board on September 11, 2013 and fully executed on October 1, 2013. The Board requested the opportunity to obtain more information relating to SGI’s services. The contract provides the District with program management services, design services, and construction management services. These three areas are more fully described on the document provided. SGI’s contract is structured on a time and materials basis and their staff is billed at an hourly rate as stipulated within the contract. In addition, the Board considers construction management services on a project-by-project basis. Since approval of the contract, it has been the practice for fee proposals to be considered and approved by the Board for program services on a semi-annual basis and design services on quarterly basis. SGI submits monthly time and material invoices which are reviewed and approved by District staff prior to payment.

The proposed fee for Program Management Services fee is \$1,436,862, which reflects the elimination of 3 FTE for the period through June 2015. The proposed fee for Design Management services is \$546,293 through June 2015. The level of design services proposed has decreased 1.5 FTE. Construction Management services fee for De Anza HS Building 10 & Field Project proposed fee is \$194,822 for one Construction Manager and one Project Engineer from February 2015 through July 2015 and Pinole Middle School Soccer & Multi-Use Field Project proposed fee is \$139,354 for one Construction Manager from January 2015 through June 2015.

Recommendation:

Ratify and approve contracts

Fiscal Impact:

Total for this action: \$2,317,331. Funding sources are Bond Fund and Fund 40.

G. DISCUSSION ITEMS

*** G.1 Governance and Meetings**

Comment:

At the March 18, 2015 meeting, Board member Liz Block requested that the Board consider developing and implementing a Governance Handbook. Many districts throughout the state have developed handbooks that go beyond the bylaws that have adopted by the Board to guide the Board in processes in carrying out the work of the Board. The handbook could include governance roles and responsibilities, agreements to facilitate governance, guidelines for meetings, protocols for working together and other topics that compliment and expand upon the Board Bylaws section of the WCCUSD Board Policy manual.

Board member Val Cuevas has suggested that the Board consider forming a Governance Subcommittee that would work on maintaining a unity of purpose, governing within agreed upon roles, sustaining a positive governance culture and creating a supportive structure for effective governance. The Subcommittee, if approved by the Board, would include two members appointed by the Board President.

Although the Board procedures published in every Board agenda state that meetings will end no later than 10:30 PM, three meetings of the Board of Education over the last three months have extended past midnight. Board Bylaw, *The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.* Board member Randy Enos has suggested that the Board consider whether to continue current practice, start meetings earlier, schedule additional meetings or reduce the items on the agenda.

Recommendation:

That the Board discuss developing a governance handbook, initiating a governance subcommittee and ways to moderate the ending times for meetings.

Fiscal Impact:

None

*** G.2 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 – April 22, 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

April 1, 2015

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Negotiator: Superintendent / Dr. Bruce Harter

Property: 1400 Marina Way South, Richmond, CA

Property: Adams Middle School, 5000 Patterson Circle, Richmond, CA

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Government Code Section 54956.9(d)(1)]

- a. California Charter School Association v. WCCUSD
- b. Contra Costa County Superior Court Case No. C13-01676
- c. Contra Costa County Superior Court Case No. C14-00044

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION

[Government Code Section 54956.9(d)(2) or (d)(3)]

Five cases

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/INITIATION OF LITIGATION

[Government Code Section 54956.9(d)(4)]

One case

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

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)**

Classified Employee Dismissal

11. REPORT OF CLOSED SESSION ACTIONS