

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

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.

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.**

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 Agenda Review and Adoption (Public Comment)**

C. AWARDS, RECOGNITIONS, REPORTS

*** C.1 School Climate**

Comment:

With a tiered collaborative approach of programs, providers and services working with schools and the support of the Safety & Climate Committee, WCCUSD has actively pursued the vision that all district students are healthy, highly educated and confident as they successfully pursue their postsecondary education or career. A report will be given on the various collaborative efforts to target a positive climate in schools and in the community for all children.

Four Board Policies govern student conduct for establishing and maintaining a positive school climate. Policy 5131 “Conduct” provides the overall framework for classrooms and schools that are free from disruption and behaviors that infringe on the rights of others. Policy 5137 “Positive School Climate” reflects the Board’s desire to enhance student learning by providing “an orderly, caring, nurturing, and nondiscriminatory educational and social environment in which all students can feel safe and take pride in their school and their achievements.” Policy 5145.7 “Sexual Harassment” states the Board’s commitment to maintaining an educational environment that is free from harassment. Policy 5145.9 “Hate-Motivated Behavior” affirms the right of every student to be protected from hate-motivated behavior.

Recommendation:

That the Board accept the report on the current programs, activities and services that support school climate and review the related policies.

Fiscal Impact:

None

D. ACTION ITEMS

*** D.1 Approve the following new job description: Title IX Educational Equity Director**

Comment:

This new job description is being created to meet Office of Civil Rights (OCR) guidelines outlined in a resolution agreement dated September 30, 2013.

This classification is a management level position which will be responsible for creating, monitoring and reporting for a comprehensive, district-wide program to address sexual harassment, gender-based harassment and bullying.

This position will also support the Districts Strategic Plan in support of Objectives 23.1 creating an Anti-Bullying Plan.

Recommendation:

Approve new job description

Fiscal Impact:

\$154,457.55 General Fund

* **D.2 Ratification of Staff Awarded Contract: El Cerrito High School Stadium Project**

Comment:

WLC has prepared plans and specifications for the project. Scope of work includes abatement and demolition of existing buildings, removal of all existing wooden and aluminum bleacher seats, and hazardous material abatement. New construction includes, but is not limited to, site cut and fill, import and export of soil, rough and finish grading, installation of artificial turf and an all-weather track, concrete paving, reinforced concrete retaining walls, drinking fountains, overhead canopy, ticket booths, prefabricated metal bleachers with Press box and ADA lift, new radio antennae, new drainage system throughout site as well as miscellaneous landscaping and field accessories.

The District conducted a public bid process for the project. Bids were opened on November 5, 2013. Ten Contractors submitted bids. They are as follows: Wright Contracting, Inc. \$13,438,000; Zolman Construction & Development, Inc. \$13,600,000; ARNTZ Builders \$13,678,171; Midstate Construction Corporation \$13,942,884; Jeff Luchetti Construction \$14,088,000; Gonsalves & Stronck Company \$14,229,000; Roebbelen Contracting \$14,298,000; Alten Construction \$14,473,000; OC Jones & Sons, Inc. \$15,140,000; Granite Rock Company dba Pavex Construction Division \$15,458,718. The bid price includes the contract value and unit pricing, used for negotiating change orders only. The lowest responsive, responsible bidder is Wright Contracting, Inc.

Recommendation:

Ratify the award to the lowest responsive, responsible bidder: Wright Contracting, Inc.

Fiscal Impact:

\$13,438,000 Funded from the Measure D-2010 Bond

* **D.3 Approve the following Reclassification: Staff Secretary**

Comment:

Through the Local One bargaining unit agreement, there is a process in place to consider job reclassifications. The Typist Clerk III's working with the Executive Directors followed the process in requesting a job reclassification.

Beginning in the early fall, a job reclassification study was commissioned by the Human Resources Department to address the job reclassification request. The reclassification study yielded the following results:

- The employees in these positions have more complex tasks, duties and responsibilities than those required of a Typist Clerk III.

- The employees have been providing more independent technical and analytical support than that of a Typist Clerk III.
- The employees provide support to multiple programs and schools in support of the Executive Directors.

The distinguishing characteristics of a staff secretary are as follows: greater variety, greater amount of public contact, higher degree of responsibility, complexity of assignments and providing support to multiple programs.

Recommendation:

The Typist Clerk III's working assigned to the Executive Directors be upgraded to Staff Secretaries. It is recommended this reclassification go into effect July 1, 2014.

Fiscal Impact:

\$20,424.30 General Fund

- * **D.4 Job Reclassifications:**
Senior Administrative Secretary (Confidential)
Senior Personnel Assistant (Confidential)
Executive Secretary to Superintendent (Confidential)

Comment:

In August of 2013 a meeting was held with confidential employees. There was a request of a reclassification study for this group and that study took place in September and October.

The results of the reclassification study demonstrated personnel in the confidential job classification were performing duties at or above counterparts working in positions represented by bargaining units.

Recommendation:

Move Senior Administrative Secretary and Senior Personnel Assistant to the equivalent of Range 76 of the SSA Salary Schedule. Move the Executive Secretary to the equivalent of Range 81 of the SSA Salary Schedule.

This recommendation is consistent with current Board Policy 4361 where confidential leave and vacation time are already tied to the SSA bargaining unit agreement.

At a later date we would return with a recommendation to add this to Board Policy 4361 to provide consistency in future years for confidential employees and if approved shall take effect July 1, 2014.

Fiscal Impact:

For the 2014-15 General Fund budget \$67,812

E. DISCUSSION ITEMS

E. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

F. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – December 11, 2013

G. 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 (*).

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, California 94801
Office of the Superintendent

ITEM REQUIRING ATTENTION---BOARD OF EDUCATION

To: Board of Education

Meeting Date: December 2, 2013

From: Wendell Greer
Associate Superintendent, K – Adult Operations

Agenda Item: C.1

Subject: School Climate

Background Information:

With a tiered collaborative approach of programs, providers and services working with schools and the support of the Safety & Climate Committee, WCCUSD has actively pursued the vision that all district students are healthy, highly educated and confident as they successfully pursue their postsecondary education or career. A report will be given on the various collaborative efforts to target a positive climate in schools and in the community for all children.

Four Board Policies govern student conduct for establishing and maintaining a positive school climate. Policy 5131 "Conduct" provides the overall framework for classrooms and schools that are free from disruption and behaviors that infringe on the rights of others. Policy 5137 "Positive School Climate" reflects the Board's desire to enhance student learning by providing "an orderly, caring, nurturing, and nondiscriminatory educational and social environment in which all students can feel safe and take pride in their school and their achievements." Policy 5145.7 "Sexual Harassment" states the Board's commitment to maintaining an educational environment that is free from harassment. Policy 5145.9 "Hate-Motivated Behavior" affirms the right of every student to be protected from hate-motivated behavior.

Recommendation:

That the Board accept the report on the current programs, activities and services that support school climate and review the related policies.

Fiscal Impact: None

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____

Not Approved _____

Tabled _____

West Contra Costa USD

Board Policy

Conduct

BP 5131

Students

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others
2. Conduct that disrupts the orderly classroom or school environment
3. Harassment of students or staff, including bullying, intimidation, so-called "cyberbullying," hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering

Cyberbullying includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the Internet, social networking sites, or other digital technologies, as well as breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

4. Damage to or theft of property belonging to students, staff, or the district
5. Possession or use of laser pointers on school premises, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language
7. Plagiarism or dishonesty in school work or on tests
8. Inappropriate attire
9. Tardiness or unexcused absence from school
10. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs in accordance with Board policy and administrative regulation, and contact with local law enforcement as appropriate.

Students also may be subject to discipline in accordance with law, Board policy, and administrative regulation for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property or disrupts the orderly delivery of the educational program.

Possession of Cellular Phones and Other Mobile Communications Devices

The Governing Board believes that the unauthorized use of electronic signaling devices adversely affects students' ability to achieve academic success, is disruptive to effective classroom discipline and management and can lead to an invasion of staff and students safety and privacy rights. The Board desires to keep district schools free of any classroom and/or school interference by unauthorized use of such signaling devices. However, the Board believes some of these devices can be used effectively in the instructional program. Staff shall take measures in order to properly regulate and restrict such use.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health. The use of which is limited to health-related purposes. (Education Code 48901.5)

During an emergency declared by the school, students may use their cell phones at the discretion of staff to contact parents/guardians.

The Superintendent or designee shall develop a comprehensive plan to regulate and restrict the use of electronic signaling devices that includes involvement of parents/guardians, with the coordination between staff and parents/guardians. A progressive consequence procedure will be established.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of electronic signaling devices on school campuses during school hours. This policy shall be disseminated through the Student Handbook, Parent Rights Handbook, district's website, and every school's main office.

The Board expects staff to conduct themselves in accordance with the district's policy related to use of electronic signaling devices. Staff should help students see themselves as responsible partners in efforts to maintain a safe and positive learning environment.

Bullying/Cyberbullying

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.

The Protecting Children in the 21st Century Act requires the district to provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the

material removed.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>
Center for Safe and Responsible Internet Use: <http://cyberbully.org>
National School Boards Association: <http://www.nsba.org>
National School Safety Center: <http://www.schoolsafety.us>
U.S. Department of Education: <http://www.ed.gov>

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: August 20, 2008 Richmond, California

revised: July 8, 2009

revised: May 23, 2012

West Contra Costa USD

Board Policy

Positive School Climate

BP 5137

Students

The Governing Board desires to enhance student learning by providing an orderly, caring, nurturing, and nondiscriminatory educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds. The district shall provide instruction and counseling designed to promote positive racial and ethnic identity, help students understand diverse cultures, teach them to think critically about racial bias and show them how to deal with discriminatory behavior in appropriate ways. All staff members are encouraged to incorporate culturally responsive practices into daily actions with students and other stakeholders.

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger

management, bias reduction, and mediation skills. Staff shall receive training that implements and supports conflict resolution techniques and training in conflict resolution techniques shall be available to parents/guardians and volunteers.

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

Legal Reference:

EDUCATION CODE

233-233.8 Hate violence prevention

32280-32289 School safety plans

32295.5 Teen court programs

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

Creating Safe and Drug-Free Schools: An Action Guide, 1996

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/offices/OESE/SDFS>

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: August 20, 2008 Richmond, California

West Contra Costa USD

Board Policy

Sexual Harassment

BP 5145.7

Students

The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and Administrative Regulation 5145.7. A definition of sexual harassment, examples of conduct that may constitute sexual harassment and the procedure the District will follow to investigate and resolve reported or suspected incidents of sexual harassment are included in Administrative Regulation 5145.7, a copy of which is available in the District's administrative offices or on the District's website.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender.
2. A clear message that students do not have to endure sexual harassment.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the person(s) to whom a report of sexual harassment should be made.

Complaint Process

Any student who feels that he or she is being or has been subjected to sexual harassment shall immediately contact his or her teacher or any other employee. Students may, but are not required to use the Incident Report Form attached to this policy to make complaints of sexual harassment.

A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee. Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the Nondiscrimination Coordinator, who the District has designated to coordinate its compliance with Title IX on matters other than athletics, or the Superintendent or designee.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with Administrative Regulation 5145.7. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school sponsored or school-related activity is in violation of this policy and may be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing discipline the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5CCR4964)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination
UNITED STATES CODE, TITLE 42
1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
106.1-106.71 Nondiscrimination on the basis of sex in education programs
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
adopted: November 3, 2010 Richmond, California

West Contra Costa USD

Board Policy

Hate-Motivated Behavior

BP 5145.9

Students

The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Hate Motivated Behavior means any intentional statements that harass, intimidate, or bully by way of any intentional written, verbal or electronic communication or physical act, including, but not limited to, one shown to be motivated by a student's cultural or perceived race, color, religion, national origin, ancestry or ethnicity, sex, sexual orientation, physical, mental, emotional, or learning disability, gender identity, pregnancy, material or parental status, or distinguishing personal characteristic, when the intentional written, verbal or physical act:

1. Physically harms a student or damages the student's property; or
2. Has the effect of substantially interfering with a student's education; or
3. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
4. Has the effect of substantially disrupting the orderly operation of the school. (Education Code 200, 201)

Any student who feels that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures. (Education Code 220)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation. (Education Code 261)

In addition, the district shall provide counseling and appropriate anti bias training and diversity education for students about the impact of exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior. (Education Code 233.8)

The Superintendent or designee shall ensure that all staff receives appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

(Education Code 35294.13)

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights. (Education Code 233.8)

At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior. (Education Code 234.3)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.55-422.86 Hate Crimes

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

UNITED STATES CODE, TITLE 18

245 Federally protected activities

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators, Law Enforcement and Communities, 1997

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

WEB SITES

CDE: <http://www.cde.ca.gov>

California Association of Human Relations Organizations: <http://www.cahro.org>

United States Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR/index.html>

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT


adopted: July 29, 2009 Richmond, California

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, California 94801
Office of the Superintendent

ITEM REQUIRING ATTENTION---BOARD OF EDUCATION

To: Board of Education

Meeting Date: December 2, 2013

From: Kenneth L. Whittemore, 
Assistant Superintendent Human Resources

Agenda Item: D.1

Subject: Approve the following new job description:

Title IX Educational Equity Director

Background Information: This new job description is being created to meet Office of Civil Rights (OCR) guidelines outlined in a resolution agreement dated September 30, 2013.

This classification is a management level position which will be responsible for creating, monitoring and reporting for a comprehensive, district-wide program to address sexual harassment, gender-based harassment and bullying.

This position will also support the Districts Strategic Plan in support of Objectives 23.1 creating an Anti-Bullying Plan.

Recommendation: Approve new job description

Fiscal Impact: \$154,457.55 General Fund

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____

Not Approved _____

Tabled _____

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

TITLE IX EDUCATIONAL EQUITY DIRECTOR

PRIMARY FUNCTIONS:

Plans, organizes, directs and oversees the planning, development, coordination, implementation, and management of the district's Title IX compliance program; assists in budget development for the department based on programmatic needs; collect and utilize data to make informed, strategic and responsible decisions regarding Title IX compliance, reporting and administration; and performs other related duties as assigned.

MAJOR DUTIES AND RESPONSIBILITIES:

- Develop a working knowledge of the federal Title IX (of the Education Amendments of 1972) law and its implementation regulations, which includes always having a copy of Title IX readily available and keeping informed of current research and legal and judicial decisions related to Title IX and gender equity.
- Designs, implements and monitors compliance activities (i.e., analyze Title IX compliance data, delineate compliance goals and objectives, establish compliance timelines, assign staff, develop and implement monitoring and reporting procedures, etc.)
- Monitors and researches state laws, regulations and policies on all equity issues, which include bullying, harassment and child abuse.
- Monitors and researches federal and state laws (ADA, EEOC, DFEH, Section 504, IDEA, etc.) prohibiting discrimination against all protected classes (i.e. race, religion, sexual orientation, etc.) and provide support and guidance whenever possible.
- Ensures female and male students participating in work-based learning programs are guaranteed equal treatment by their employers.
- Provides ongoing training, consultation, technical assistance and information services regarding Title IX requirements, grievance issues, and compliance programs.
- Receives and responds to inquiries related to gender discrimination.
- Coordinates with staff and documents an internal self-evaluation of practices and policies with respect to treatment of female and male students, which ensures remedies are in place for eliminating segregation and discrimination.
- Investigates complaints based on gender discrimination, sexual harassment and related complaints according to the adopted Title IX complaint procedure.
- Takes specific and continuing steps to notify all students, parents, and employees of the name, title, office address, function and telephone number of the Title IX Educational Equity Director.
- Assists in providing all students an equal opportunity to participate in and benefit from, all academic and extra-curricular activities, programs, and services regardless of gender.
- Oversees the district's compliance effort for Title IX requirements and compliance, which includes evaluating the district's gender equity policies, sexual harassment policies, practices and their effect on students and staff.

- Advises the board of education, superintendent, administration and staff of necessary action(s) to eliminate gender discrimination and sexual harassment in educational programs, curricular and extra-curricular activities and employment practices under federal and state regulation.
- Monitors changes and developments in the provisions of federal and state regulations and related legislation by attending professional meetings and reading appropriate publications.
- Writes Requests for Proposals (RFP's) for various projects that shall be compliant with federal, state, district and other applicable regulations for IT projects, which also includes negotiations, administration and evaluation of contracts for equipment and services.
- Ensures equal access to all students for schools operated by the district, course offerings, counseling and related materials, participation in extracurricular activities, athletics and physical education.
- Monitors employment in education programs and activities, which includes employment criteria, recruitment, compensation, job classification, fringe benefits and pre-employment activities.
- Develop, coordinate and lead a committee to assist in Title IX obligations, activities and leadership.
- Identifies, trains and develops a Title IX Education Equity Coordinator at each school site to assist in monitoring Title IX compliance at the site and allow for the Title IX Educational Equity Director to coordinate at the district level.
- Participates in the development and implementation of the district's sexual harassment policy, which includes monitoring legal updates and ensuring a strict 'no tolerance' sexual harassment policy for students, staff and other parties employed by the district (contractors, volunteers, student workers, etc.)
- Supports and assists faculty, counselors, administrators and managers in complying with Title IX requirements, which includes planning for remedial action and discipline.
- Defines and establishes effective relationships with staff and community stakeholders by disseminating civil rights information (print, internet, presentations, etc.) at parent-teacher groups or meetings, district wide events, social or professional meetings and other designated community functions.
- Collects, analyzes and presents complex technical data, orally and in writing, for the purposes of identifying problems, challenges, evaluating alternative solutions, preparing recommendations and increasing efficiency and effectiveness of the district's Title IX compliance.
- Serves as a resource and a subject matter expert to the board of education, superintendent, and school sites on Title IX issues, resources and review of annual reports and data.
- Establish effective relationships with the state education agency Educational Equity Director and the federal regional equity assistance center.
- Attends state and national conferences for Title IX coordinators and/or gender equity issues to impart knowledge and guidance to administrators, staff and students.
- Trains, directs, guides, coaches, evaluates, supports and disciplines assigned staff.
- Attends training workshops and professional development as directed.

QUALIFICATIONS:

Knowledge of:

- Title IX law and implementation regulations.
- Federal and state non-discrimination, sexual harassment and harassment laws and regulations.
- Gender equity issues in curriculum, extra-curricular activities, athletics and physical education.
- Microsoft suite (Excel, Word, PowerPoint, Outlook, etc.) and other software and applications.
- Techniques of supervision, training, coaching, conflict resolution and motivation of employees.
- Effective oral and written communication skills.
- School and district policies, rules and regulations.

Ability to:

- Establish a positive climate for Title IX compliance efforts.
- Diagnose, clarify and mediate differences in opinion.
- Complete multiple priorities with specific deadlines.
- Remain nonjudgmental and nonthreatening while carrying out the duties of this classification.
- Investigate matters completely, recommend reasonable resolutions and resolve grievances in a timely manner.
- Conduct and participate in meetings, conferences, professional development and other trainings.
- Compile data to prepare complex reports.
- Develop, plan, and implement short and long term goals and objectives by analyzing and interpreting data and legal developments to ensure Title IX compliance.
- Develop RFP's, evaluate proposals, negotiate contracts and monitor/enforce contract compliance.
- Set priorities based on district needs for Title IX, sexual harassment, bullying and gender equity and successfully complete tasks in a timely manner.
- Work effectively and efficiently without close supervision.
- Supervise and direct the work of others.
- Understand and carry out verbal and written directions.
- Read, write and speak English with sufficient comprehension to perform duties accurately and competently.
- Train, work effectively and work cooperatively with individuals from diverse backgrounds.
- Communicate positively and effectively, orally and in writing, with district staff, students and various community partners.

EDUCATION AND EXPERIENCE:

Education:

- Bachelor's Degree, Masters preferred, from an accredited college or university in Sociology, Psychology, Ethnic Studies, Gender Studies, Public Administration, or a closely related field.

Experience:

- Five years of working in a public organization working with community based programs to manage a large scale program, grant or department.
- Two years of demonstrated experience in conflict management or resolution.
- Working in a large school district environment.
- Demonstrated project management skills and abilities.
- Demonstrated high level of successful customer service with public.
- Supervising large or district-wide programs with oversight and responsibility.

Licenses or Certificates Needed:

- Possession of a valid California Driver's License. Candidates must provide (and maintain) official motor vehicle driving record, and proof of compliance with district safe driving standards.

PHYSICAL EFFORT / WORK ENVIRONMENT:

Environment:

- Primarily indoor office, with frequent visits to school sites, meetings and conferences.
- Office setting with phones, computer work, customer contact, drop-ins and other communications.

Physical Abilities:

Employees in this position must have/be able to:

- Observe safe lifting and carrying practices.
- Walk, climb, stand, stoop, lift and carry sufficient to perform tasks.
- Hear and understand speech at normal levels and on the telephone with/without assistive devices.
- See, hear and speak with/without assistive devices sufficient to communicate effectively with others to conduct inspections and prepare documents and presentations.
- Bend at the waist.
- Reach overhead, above the shoulders and horizontally; grasp.
- Sit for extended periods of time with intermittent walking.
- Dexterity of hands and fingers to use keyboard and office equipment.
- Drive and travel to various work and school sites.

- Occasionally lift and carry up to twenty (20) pounds for short distances.

SALARY:

Schedule: Management
Salary Range: Index 1.13

Approved by the Human Resources Department
Approved by the Board of Education

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, California 94801
Office of the Superintendent

ITEM REQUIRING ATTENTION---BOARD OF EDUCATION

To: Board of Education **Meeting Date:** December 2, 2013
From: Bill Fay **Agenda Item:** D.2
Associate Superintendent for Operations
Subject: Ratification of Staff Awarded Contract: El Cerrito High School Stadium Project

Background Information:

WLC has prepared plans and specifications for the project. Scope of work includes abatement and demolition of existing buildings, removal of all existing wooden and aluminum bleacher seats, and hazardous material abatement. New construction includes, but is not limited to, site cut and fill, import and export of soil, rough and finish grading, installation of artificial turf and an all-weather track, concrete paving, reinforced concrete retaining walls, drinking fountains, overhead canopy, ticket booths, prefabricated metal bleachers with Press box and ADA lift, new radio antennae, new drainage system throughout site as well as miscellaneous landscaping and field accessories.

The District conducted a public bid process for the project. Bids were opened on November 5, 2013. Ten Contractors submitted bids. They are as follows: Wright Contracting, Inc. \$13,438,000; Zolman Construction & Development, Inc. \$13,600,000; ARNTZ Builders \$13,678,171; Midstate Construction Corporation \$13,942,884; Jeff Luchetti Construction \$14,088,000; Gonsalves & Stronck Company \$14,229,000; Roebbelen Contracting \$14,298,000; Alten Construction \$14,473,000; OC Jones & Sons, Inc. \$15,140,000; Granite Rock Company dba Pavex Construction Division \$15,458,718. The bid price includes the contract value and unit pricing, used for negotiating change orders only. The lowest responsive, responsible bidder is Wright Contracting, Inc.

Recommendation:

Ratify the award to the lowest responsive, responsible bidder: Wright Contracting, Inc.

Fiscal Impact: \$13,438,000 Funded from the Measure D-2010 Bond

DISPOSITION BY BOARD OF EDUCATION


Motion by: _____ Seconded by: _____
Approved _____ Not Approved _____ Tabled _____

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, California 94801
Office of the Superintendent

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

To: Board of Education

Meeting Date: December 2, 2013

From: Kenneth L. Whittmore, 
Assistant Superintendent Human Resources

Agenda Item: D.3

Subject: Approve the following Reclassification:

Staff Secretary

Background Information: Through the Local One bargaining unit agreement, there is a process in place to consider job reclassifications. The Typist Clerk III's working with the Executive Directors followed the process in requesting a job reclassification.

Beginning in the early fall, a job reclassification study was commissioned by the Human Resources Department to address the job reclassification request. The reclassification study yielded the following results:

- The employees in these positions have more complex tasks, duties and responsibilities than those required of a Typist Clerk III.
- The employees have been providing more independent technical and analytical support than that of a Typist Clerk III.
- The employees provide support to multiple programs and schools in support of the Executive Directors.

The distinguishing characteristics of a staff secretary are as follows: greater variety, greater amount of public contact, higher degree of responsibility, complexity of assignments and providing support to multiple programs.

Recommendation: The Typist Clerk III's working assigned to the Executive Directors be upgraded to Staff Secretaries. It is recommended this reclassification go into effect July 1, 2014.

Fiscal Impact: \$20,424.30, General Fund

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____

Not Approved _____


Tabled _____

West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, California 94801
Office of the Superintendent

ITEM REQUIRING ATTENTION---BOARD OF EDUCATION

To: Board of Education

Meeting Date: December 2, 2013

From: Kenneth L. Whittemore 
Assistant Superintendent Human Resources

Agenda Item: D.4

Subject: Job Reclassifications

Senior Administrative Secretary (Confidential)
Senior Personnel Assistant (Confidential)
Executive Secretary to Superintendent (Confidential)

Background Information:

In August of 2013 a meeting was held with confidential employees. There was a request of a reclassification study for this group and that study took place in September and October.

The results of the reclassification study demonstrated personnel in the confidential job classification were performing duties at or above counterparts working in positions represented by bargaining units.

Recommendation:

Move Senior Administrative Secretary and Senior Personnel Assistant to the equivalent of Range 76 of the SSA Salary Schedule. Move the Executive Secretary to the equivalent of Range 81 of the SSA Salary Schedule.

This recommendation is consistent with current Board Policy 4361 where confidential leave and vacation time are already tied to the SSA bargaining unit agreement.

At a later date we would return with a recommendation to add this to Board Policy 4361 to provide consistency in future years for confidential employees and if approved shall take effect July 1, 2014.

Fiscal Impact: For the 2014-15 general fund budget \$67,812

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____

Seconded by: _____

Approved _____

Not Approved _____

Tabled _____