

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**2134 Martin Luther King Jr. Way**  
**Berkeley, CA 94704-1180**  
**Phone: (510) 644-6147 Fax: 510) 540-5358**

**REGULAR MEETING OF THE BOARD OF EDUCATION – AGENDA**

**Wednesday, April 23, 2003**

Call to Order                    The Presiding Officer will Call the Meeting to Order at 6:00 p.m. The Board will recess to Closed Session at 6:00 p.m. and reconvene in Public Session at 7:30 p.m.

Roll Call                        President Joaquin J. Rivera                    Director Shirley Issel  
   Vice President John T. Selawsky            Director Nancy Riddle  
   Director Terry S. Doran                        Student Director Andy Turner\*

Administration                Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and 54957) and Education Code section 49818(c)—Board Conference Room

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsions
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment Appointments:
  - a) Associate Superintendent, Business and Operations
- f) Liability claims
- g) Property Acquisition

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\*The Student Director does not attend Closed Session.

Report Closed  
Session Action

Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

Approve Agenda

Approve the Regular Meeting Agenda of April 23, 2003  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

**PUBLIC TESTIMONY**

Persons wishing to address the Board should fill out a card located on the table by the door and submit the completed card to the Board Recorder. Speakers will be selected by lottery. The Public Testimony is limited to 30-minutes—3 minutes per speaker. Speakers with the same concerns are encouraged to select a spokesperson to address the Board.

**3:00 p.m.  
COMMITTEE REPORT**

Berkeley Arts in Education Steering Committee (BAESC)

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**REPORTS**

Union Representatives' Reports  
Advisory Councils' Report  
Superintendent's Report  
Board Members' Reports

**CONSENT ITEMS**

These items are considered routine and may be enacted by a single motion. Any items needing discussion may be moved to the appropriate section of the agenda upon the request of any Member of the Board.

General Services

1.1-C  
Resolution designating  
April 30, 2003 as *El  
Dia de los Niños* in the  
Berkeley Unified School  
District

Board Member Recommendation:  
Approve the resolution designating April 30, 2003  
as *El Dia de los Niños* in the Berkeley Unified  
School District  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

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Human Resources

2.1-C  
Acceptance of  
Personnel Report

Staff Recommendation:  
Accept Personnel Report 03-18 as submitted.  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

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<u>Educational Services</u>		Page
3.1-C Overnight Field Trip Requests	<u>Staff Recommendation:</u> Ratify and approve the overnight field trips for for students consistent with the District Policies and instructional programs Motion_____ Second_____ Vote_____	15
3.2-C Berkeley Adult School Community- Based English Tutoring (CBET) Program Intent to Participate	<u>Staff Recommendation:</u> Approve the Notification of Intent to Participate, Fiscal year 2003-2004, in the Community-Based English Tutoring (CBET) Program Motion_____ Second_____ Vote_____	16
3.3-C Receive for Adoption <i>Science Spectrum - Physical Science</i>	<u>Staff Recommendation:</u> Adopt <i>Science Spectrum - Physical Science</i> Motion_____ Second_____ Vote_____	17
 <u>Business and Operations</u>		
4.1-C Approve Listing of Warrants issued in March 2003	<u>Staff Recommendation:</u> Approve the monthly bill warrant list for March 2003 Motion_____ Second_____ Vote_____	18
4.2-C Receive and Approve information on the issuance of Payroll Warrants for Employee Services for March 2003	<u>Staff Recommendation:</u> Approve payroll payments made in March 2003 Motion_____ Second_____ Vote_____	2
4.3-C Budget Development Timelines for FY 2003- 2004	<u>Staff Recommendation:</u> Approve Budget Development Timeline Motion_____ Second_____ Vote_____	2

<p>1.4-C Resolution 02-78: Approval to Award the Repairs of Leaks at Rosa Parks Environmental Science Magnet School</p>	<p><u>Staff Recommendation:</u> Approve Resolution 02-78: Approve the award of the contract to DeJani Construction for \$31,360 for repair of leaks at Rosa Parks Environmental Science Magnet School Motion_____ Second_____ Vote_____</p>	<p>Page 30</p>
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**ACTION ITEMS**

These items are presented for action at this time. Some may have been reviewed at a previous meeting.

Educational Services

<p>3.1-A 2003-2004 K-12 Library Media Program and Resolution 02-79 for Reduction or Elimination of Specified Classified Positions</p>	<p><u>Staff Recommendation:</u> Approve Resolution 02-79 to reduce Elementary Library Media Technicians services and approve the 2003-2004 K-12 Library Media Program Motion_____ Second_____ Vote_____</p>	<p>33</p>
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<p>3.2-A Recommendations for the expenditure of the Berkeley Schools Excellence Project Books and Educational Materials Fund for FY 2004</p>	<p><u>Staff Recommendation:</u> Approve the recommendations for expenditure of the FY 2004 BSEP Books and Educational Materials Fund Motion_____ Second_____ Vote_____</p>	<p>37</p>
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<p>3.3-A 3USD's Music Program Funding for FY 2004</p>	<p><u>Staff Recommendation:</u> Approve the recommendations for expenditure of the BSEP Music Fund monies for the Grades 4-8 Music Program as described Motion_____ Second_____ Vote_____</p>	<p>51</p>
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Business and Operations

Page

**3:30 p.m.**

1.1-A  
Resolution 02-08  
for Issuance of General  
Obligation Bonds

Staff Recommendation:  
Approve Resolution 02-80 for the issuance of  
\$50,000,000 in General Obligation Bonds and  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

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**CONFERENCE**

These items are submitted for advance planning and to assist the Board in establishing future agenda items. The Board may, however, take action on the following:

General Services

1.1-CF  
First Reading of  
Mandated Board of  
Education Policies

Staff Recommendation:  
Accept, for First Reading, the Mandated  
Board of Education Policies  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

Delivered at  
April 2, 2003  
Board of  
Education  
Meeting

1.2-CF  
Use of Enhancement  
Period and Class Size  
Impact

Staff Recommendation  
Receive for information.

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Human Resources

2.1-CF  
Third Phase of Recovery  
Plan Proposal for  
Reduction or Elimination  
of Specified Classified  
Positions

Staff Recommendation:  
Consider the additional classified employee  
reductions; and should the Board concur,  
approve Resolution 02-81  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

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**EXTENDED PUBLIC TESTIMONY**

Persons wishing to address the Board at this time should fill out a card located on the table by the door and submit the completed card to the Board Recorder. (Public testimony is limited to a maximum of 30 minutes—3 minutes per speaker).

**ANNOUNCEMENT**

**Schedule of Board of Education Meetings for 2003:**

April 23, 2003

**April 30, 2003, 7:30 p.m., Public Hearing regarding the State budget**

May 7, 2003

**Tuesday, May 13, 2003, 7:30 p.m., Special Board Meeting**

May 21, 2003

June 4, 2003

June 18, 2003

July 2, 2003

August 20, 2003

September 3, 2003

September 17, 2003

October 1, 2003

October 15, 2003

November 5, 2003

November 19, 2003

December 3, 2003

December 17, 2003

**ADJOURNMENT**

Time \_\_\_\_\_

**Board of Education Meetings are broadcasted live on KPFB/FM 89.3  
Cable Television Channels 25 and Berkeley's Government Access Channel 78**

**GUIDELINES FOR SPEAKERS**

You are invited to participate in Meetings of the Board of Education and make your views known at these meetings.

**WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR ANON-AGENDA ITEM:**

Please fill in a **REQUEST TO ADDRESS THE BOARD OF EDUCATION CARD** (located on the side of the Speaker's Stand) and give it to the Board Recorder. Speakers will be selected by lottery. Your card must be submitted before the Presiding Officer calls for the item—**PUBLIC TESTIMONY**.

You will be called on to speak by the Presiding Officer.

A speaker has three minutes in which to make his/her remarks. (The Presiding Officer will extend the time allocation for those with special speech needs.)

Any subject related to the District or its educational programs may be discussed at Board of Education Meetings **except matters pertaining to individual employees of the Berkeley Unified School District**. There is an established procedure for making such complaints. You may obtain information about this procedure from a school or from the Superintendent's Office.





# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Joaquín J. Rivera, President, Board of Education  
**DATE:** April 23, 2003  
**SUBJECT:** Resolution designating April 30, 2003 as *El Día de los Niños* in the Berkeley Unified School District

## **BACKGROUND INFORMATION:**

*El Día de los Niños Celebrating Young Americans* is and uplifts all children in the United States.

Although special days such as Child Abuse Prevention Day, Stand for Children Day and Literacy Day have been observed in the United States to emphasize particular policy issues, no national day honors children in the way we honor parents during Mother's Day and Father's Day. *El Día de los Niños* is unique in its purpose: to uplift children.

Children's days are celebrated in other nations, including Japan and Korea on May 5, Canada on Nov. 20, Turkey on April 23 and Mexico on April 30. Since Mexico shares a border with the United States and so many U.S. citizens already observe this day, *El Día de los Niños* is celebrated April 30.

## **How did the idea get started?**

Children have always asked: Why is there a Father's Day and a Mother's Day and even Secretary's Day and Boss's Day and no Children's Day? If children are so important to our future, why don't we celebrate them like we do mothers and fathers? What about us kids, when do we get a special day?

In September 1996, 54 young Latinos at La Promesa de un Futuro Brillante, the first National Summit on Young Latinos, formally requested that the community give them their day.

Over 900 adults and youth representing 22 states attended the summit, held in San Antonio, Texas. Participants spent three days pondering the most urgent challenges facing young Latinos. When asked about things adults could do to help them overcome barriers and challenges, the youth responded with a series of promises they wanted adults to make.

1.1-C

With their right hands held high, parents in the audience promised

- to be involved with my family

- to believe in my children
- to teach my children about their culture, heritage, history, language and moral values
- to openly communicate with my children
- to spend time having fun with my children
- to inspire my children and tell them my goals and dreams so they will have dreams and goals too

The community made these promises:

- to become a mentor
- to share our knowledge about opportunities with young Latinos
- to connect with children and youth in our community and ask for their ideas about the development and implementation of programs
- to set up community and national forums for youth to discuss issues that affect them
- to teach children and youth about the Latino culture, history and language
- to provide a safe place in the community for youth to hang out in the evenings, to and employ youth in programs and consider them in all decisions

The promises made to the young Latinos serve as the foundation for *El Día de los Niños* activities. There will be many activities throughout the country celebrating *El Día de los Niños*. We will celebrate the day by stressing to our children the importance of literacy and education.

**BOARD MEMBER RECOMMENDATION:**

That the Board of Education approve the resolution designating April 30, 2003 as *El Día de los Niños* in the Berkeley Unified School District.

1.1-C

# **BERKELEY UNIFIED SCHOOL DISTRICT**

El Día de los Niños  
April 30, 2003

**WHEREAS**, Latino children are the center of the Latino family; and

**WHEREAS**, the strengths of the Latino culture can be preserved and passed down to future generations through the children; and

**WHEREAS**, Latino families, communities and the generations that follow are committed to providing a safe and nurturing environment for Latino children to know love, grow, learn, excel, be happy, and have the chance for bright and hopeful futures; and

**WHEREAS**, Latinos in the United States, the youngest and fastest growing ethnic community in the nation, continue the tradition of honoring their children on April 30, El Día de los Niños, and wish to share this custom with the rest of the Nation; and

**WHEREAS**, the National Latino Children's Institute, serving as a voice for Latino children, has designated April 30, El Día de los Niños, as a day to bring together Latinos and other communities nationwide to celebrate and uplift Latino children and ensure they have a bright future in the new millennium; and

**WHEREAS**, many of the nations throughout the world, and especially within the Western hemisphere, celebrate 'Día de los Niños' on the 30th of April, in recognition and celebration of their country's future--their children.

**THEREFORE, BE IT RESOLVED**, that the Board of Education of the Berkeley Unified School District does hereby join with children, parents, families, organizations, communities, cities, counties and states across the nation in celebrating El Día de los Niños on April 30, 2003, and urge the Berkeley community to cherish their own and all children everywhere and to stress to our children the importance of literacy and education.

**PASSED AND ADOPTED** this 23<sup>th</sup> of April 2003.

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Joaquín J. Rivera, President

1.1-C

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Christine Lim, Associate Superintendent, Educational Services  
**DATE:** April 23, 2003  
**SUBJECT:** Overnight Field Trip Requests

### **BACKGROUND INFORMATION:**

The following overnight field trip requests are being made:

1. Ratify participation of the Varsity Berkeley High School Track and Field team (5 athletes) in the Arcadia Invitational Track and Field Meet in Arcadia, California April 12-13, 2003. Team members were transported by private vehicle and housed at a local hotel in gender specific rooms. The total \$400.00 cost of the trip is being funded by the coaches. Requested by Thelette Bennett, Executive Vice-principal, Berkeley High School.
2. Approve participation 28 fourth and fifth grade students and one (1) teacher at the Mosaic Project Outdoor school in Napa, California, May 5-9, 2003 and another group on May 27-31, 2003. Students will join together with other students from the San Francisco Bay Area to participate in a weeklong program that focuses on self-esteem, community building, and environmental education. Students will be housed in gender specific cabins. District buses will provide transportation. The \$1,000 total cost of the trip will be funded by BSEP. Requested by Jason Lustig, Principal, Cragmont.

### **POLICY/CODE:**

Education Code, Section 35330 - Excursions and Field Trips  
Board policy 6153 - School Sponsored Trips

### **FISCAL IMPACT:**

As indicated above.

### **STAFF RECOMMENDATION:**

Ratify and approve the overnight field trips for students consistent with the District Policies and instructional programs.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Chris Lim, Associate Superintendent, Educational Services  
**DATE:** April 23, 2003  
**SUBJECT:** Berkeley Adult School - Community Based English Tutoring (CBET) Program Intent to Participate

### **BACKGROUND INFORMATION**

As a result of Proposition 227, funds have been made available to school districts to provide adult English language instruction for parents and other community members who pledge to provide personal English language tutoring to children and school-aged youth from limited-English proficiency (LEP) backgrounds. Money is allocated to districts by a formula based on the number of English learners students reported in the Language Census, R-30. Last year's per pupil allocation of \$35 resulted in BUSD receiving a grant of \$41,207.49. Berkeley Adult School is working with Rosa Parks and Washington Elementary Schools to offer classes to parents of elementary students. Plans for next year include expanding services to additional Berkeley schools.

These funds are presently supporting a CBET Coordinator, providing books and instructional materials for classes at Rosa Parks and Washington Elementary Schools, and outreach to expand the program into additional sites. Research demonstrates that literacy skills of children are strengthened when their parents are literate, and this program aims at raising the literacy of both the children and the parents.

### **POLICY/CODE**

*California Code of Regulations, Title 5, Education (5 CCR), Section 11305*

### **FISCAL IMPACT**

Restricted income of approximately \$41,000

### **STAFF RECOMMENDATION**

Approve the Notification of Intent to Participate, Fiscal year 2003-2004, in the Community-Based English Tutoring (CBET) Program.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Jerry J. Kurr  
Associate Superintendent of Business and Operations  
**DATE:** April 23, 2003  
**SUBJECT:** Approve Listing of Warrants issued in March 2003

### **BACKGROUND INFORMATION**

Each month the District writes many checks to vendors for services provided and goods received. The checks are written on both the general fund and restricted funds. The attached represents a summary of warrants for the months of March 2003.

### **POLICY/CODE**

Educational Code Section 41010 ET seq.

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approve the monthly bill warrant list for March 2003.

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**District Bill Warrant - - Accounting Department**  
**BUSD BILL WARRANT FOR MARCH 2003**

<b>FUNDS</b>	<b>AMOUNT</b>
<b>GENERAL FUND</b>	\$1,631,419.22
<b>MEASURE BB FUND</b>	\$251,630.21
<b>ADULT FUND</b>	\$36,838.42
<b>CAFETERIA FUND</b>	\$65,742.21
<b>CHILD DEVELOPMENT FUND</b>	\$30,102.92
<b>MEASURE A+AA (BOND Fund)</b>	\$1,857,323.93
<b>SCHOOL ENRICHMENT FUNDS</b>	\$79,948.54
<b>SELF INSURANCE FUND</b>	\$87,965.16
<b>DEFERRED MAINTENANCE FUND</b>	\$5,552.00
<b>PAYROLL/BENEFITS CLEARING</b>	\$364,341.98
<b>TRANS FUND</b>	
<b>TOTAL DISTRICT BILL WARRANT</b>	<u><u>\$4,410,864.59</u></u>

Approved by: \_\_\_\_\_





## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Jerry J. Kurr, Associate Superintendent of Business and Operations  
**DATE:** April 23, 2003  
**SUBJECT:** Receive and Approve Information on the Issuance of Payroll Warrants for Employee Services for March 2003.

### **BACKGROUND INFORMATION**

On a regular basis the Board receives information on the total amount paid employees during a month. The attached represents a summary of pay warrants from various funds for the month of March 2003.

### **POLICY/CODE**

Educational Code 41010 ET Seq.

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approve payroll payments made in March 2003.

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**District Payroll -- Accounting Department**  
**BUSD PAYROLL ISSUES FOR MARCH 2003**

**COMPUTER GENERATED**

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**GENERAL FUND**

**MEASURE BB FUND**

**ADULT FUND**

**CAFETERIA FUND**

**CHILD DEVELOPMENT FUND**

**MEASURE A +AA ( BOND FUND)**

**SCHOOL ENRICHMENT FUNDS -  
(SITE ENRICHMENT & EDU. MAT'L)**

**TOTAL DISTRICT PAYROLL**

**Approved by :**

**AMOUNT**

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\$ 4,460,892.35

\$ 143,333.58

\$ 313,907.77

\$ 90,359.96

\$ 263,097.49

\$ 11,846.70

\$ 148,337.17

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**\$ 5,431,775.02**



# BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

Item	Area	Responsibility	Timelines	
			Target Date	Status
1.	<b>Budget Meetings: BSEP/Unions/Others</b>	Board/Supt. /Budget Office	<b>On-going</b>	<b>On-going</b>
2.	<b>Board Mtgs./Community Workshops on Goals &amp; Required Funding</b>	Board/Supt./Budget Office	<b>On-going</b>	<b>On-going</b>
3.	<b>1<sup>st</sup> Interim FY 2002-2003</b>	Budget Office	<b>Dec. 18, 2002</b>	<b>Completed</b>
4.	<b>1<sup>st</sup> Interim FY 01 Multi-Year Projections</b>	Budget Office	<b>Dec. 18, 2002</b>	<b>Completed</b>
5.	<b>Budget Spending Freeze—Overtime, Extra Duty, Conferences, Food and etc.</b>	Superintendent	<b>Jan. 3, 2003</b>	<b>Completed</b>
6.	<b>Attend Governor’s Budget Workshop</b>	Assoc. Superintendent of Business, Operations / Directors and /FCMAT	<b>Jan. 14, 2003</b>	<b>Completed</b>
7.	<b>Oral Report on Governor’s Budget to Board</b>	Assoc. Superintendent of Business and Operations	<b>Jan. 22, 2003</b>	<b>Completed</b>
8.	<b>Declaration of Fiscal Emergency</b>	Superintendent	<b>Feb. 12, 2003</b>	<b>Completed</b>
9.	<b>Resolution to Reduce Specified Classified positions and Mid Year Budget Cuts effective Mar. 15, 2003</b>	Administration	<b>Feb. 12, 2003</b>	<b>Completed</b>
10.	<b>Adoption of Phase II of Financial Recovery Plan—Budget Reductions FY 2003/2004</b>	Board	<b>Feb. 19, 2003</b>	<b>Completed</b>
11.	<b>Resolution to Reduce Certain Types of Services</b>	Administration	<b>March 5, 2003</b>	<b>Completed</b>
12.	<b>Enrollment Projections</b>	Admissions and	<b>March 13, 2003</b>	<b>Completed</b>

# BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

		Attendance Office		
13.	<b>Certificated Lay-offs Notices</b>	Human Resources Office	<b>March 15, 2003</b>	<b>Completed</b>
14.	<b>Classified Mid-Year Lay-offs effective As specified in Resolution Approved on Feb. 12, 2003</b>	Human Resources Office	<b>March 15, 2003</b>	<b>Completed</b>
15.	<b>Present Proposed Budget Development Calendar to Board of Education</b>	Budget Office	<b>March 19, 2003</b>	<b>Completed</b>
16.	<b>2<sup>nd</sup> Interim Report FY 2003 and Multi-Year Projections to Board of Education</b>	Budget Office	<b>March 19, 2003</b>	<b>Completed</b>
17.	<b>Year-End Closing Meetings with School Secretaries</b>	Budget Office	<b>March 20, 2003</b>	<b>Completed</b>
18.	<b>Submit Budget Forms, Worksheets and Templates to Program Managers/Site Principals, State &amp; Federal and BSEP</b>	Budget Office	<b>March 31, 2003</b>	<b>Completed</b>
19.	<b>General Cutoff for Fiscal Year 2002-2003 (current year) Purchase Order</b>	Purchasing and Business Office	<b>April 1, 2003</b>	<b>Completed</b>
20.	<b>Per Pupil Allocation to Schools for Instructional Supplies</b>	Budget Office	<b>April 1, 2003</b>	<b>Completed</b>
21.	<b>Budget Development Process Meetings with Principals</b>	Budget Office	<b>April 1, 2003</b>	<b>Completed</b>
22.	<b>FTE's allocation to Schools</b>	Human Resources	<b>April 17,2003</b>	<b>Completed</b>
23.	<b>Return Completed Budget forms to Budget Office</b>	Program Mgrs./Site Principals	<b>April 18, 2003</b>	<b>Completed</b>
24.	<b>Revise 2003-2004 Budget</b>	Budget Office	<b>April 23, 2003</b>	<b>Completed</b>

# BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

	<b>Calendar</b>			
25.	<b>Reconciliation and Posting of 2001-2002 Accruals</b>	Business Office	<b>April 30, 2003</b>	
26.	<b>Resolution for End of the Year Lay-offs of Classified positions (Phase II &amp; III) to the Board</b>	Human Resources	<b>May 7, 2003</b>	
27.	<b>Submit 2003-2004 Budget Assumptions to the Board</b>	Budget Office	<b>May 7, 2003</b>	
28.	<b>Lay-Off notices sent to Classified Employees relating to End of the Year Lay-offs</b>	Human Resources	<b>May 12, 2003</b>	
29.	<b>Requisitions for Summer School to be processed</b>	Purchasing	<b>Starting May 16, 2003</b>	
20.	<b>Requisition for Purchase Orders for Fiscal Year 2003-2004</b>	Purchasing	<b>Starting May 19, 2003</b>	
31.	<b>Submit 3<sup>rd</sup> Interim Report FY 2002-2003 to the Board for Certification</b>	Budget Office	<b>May 21, 2003</b>	
32.	<b>Submit 1<sup>st</sup> draft of FY 2003-2004 Budget to the Board</b>	Budget Office	<b>May 21, 2003</b>	
33.	<b>Rolling of FY 2003-2004 Budget</b>	Budget Office	<b>On or Before May 21, 2003</b>	
34.	<b>Notice of Public Hearing: FY 2003-2004 to Newspapers</b>	Budget Office	<b>May 29, 2003</b>	
35.	<b>Publication, Public Hearing and Discussion on FY 2003-2004 Proposed J200 Budget</b>	Budget Office	<b>June 4, 2003</b>	
36.	<b>Classified Employees</b>	Human Resources	<b>June 13, 2003 on/or</b>	



# BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

	<b>terminated As specified in Resolution Approved on May 7, 2003</b>		<b>before June 30, 2003</b>	
37.	<b>Governor's May Revised Budget</b>	Governor's Office	<b>To Be Determined</b>	
38.	<b>Acceptance and Adoption of FY 2003-2004 Recommended Budget, Goals &amp; Related Actions</b>	Board of Education	<b>June 18, 2003</b>	
39.	<b>Submit FY 2003-2004 Budget to ACOE</b>	Budget Office	<b>June 30, 2003</b>	
40.	<b>Submit 2002-2003 Un-audited Actuals to the Board</b>	Budget Office	<b>Sept. 17, 2003</b>	
41.	<b>Revise 2003-2004 Working Budget with current Staffing and State Budget</b>	Budget Office	<b>Oct. 22, 2003</b>	
42.	<b>Submit 2003-2004 First Interim Report</b>	Budget Office	<b>Dec. 17, 2003</b>	

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Lew Jones, Director of Facilities  
**DATE:** April 23, 2003  
**SUBJECT:** Approval to Award the Repair of Leaks at Rosa Parks

### **BACKGROUND INFORMATION**

The Board approved advertisement to receive bids to repair leaks at Rosa Parks. Three contractors participated in a job walk and two submitted bids. The low bidder is DeJani Construction.

The base bid is to repair the walls in the conference room and in a restroom. The three alternates are the replacement of three scuppers, replacing one door threshold, and an allowance for additional wall repair.

### **POLICY/CODE**

California Public Contract Code 20110- 20118.

### **FISCAL IMPACT**

The Bond fund for a total of \$31,630. The project is within budget.

### **STAFF RECOMMENDATION**

Approve the award of the contract to DeJani Construction for \$31,360.

# BERKELEY UNIFIED SCHOOL DISTRICT

## RESOLUTION NO. 02-78

### RECOMMENDATION

It is recommended that the Board accept the base bid in the amount of **\$24,000** plus **Alternates #1 for \$530, #2 for \$700 and #3 for \$6,400 for a total amount of \$31,630** to DE JANI Construction, for the Repair Leak Damage at Rosa Parks School.

### SUMMARY AND DISCUSSION

The Board authorized advertisement for the purpose of bidding the Repair Leak Damage at Rosa Parks School February 19, 2003 and bid opening date to be April 8, 2003. Four bids were picked up and two bids were received.

The Board as heretofore on February 19, 2003 adopted Resolution No. 02-56 for the Repair Leak Damage at Rosa Parks School, as more fully described in the specification of Bid Schedule No. 2278.

The following bids were received on April 8, 2003.

Contractor	Base Bid	Alt. #1	Alt. #2	Alt. #3
<b>DE Jani Construction</b>	<b>\$24,000</b>	<b>\$530</b>	<b>\$700</b>	<b>\$6,400</b>
Younger-Wunar, Inc.,	\$41,750	\$15,600	\$1,400	\$9,800

### FINANCIAL IMPLICATIONS

The project will be funded from the Bond Interest .

### RESOLUTION

NOW, THEREFORE BE IT RESOLVED, that the bid of **DE JANI Construction**, in the amount of **\$31,630.00** be and the same hereby accepted; and the Associate Superintendent, Business and Operations and/or Purchasing Manager of the Board be and they are hereby authorized to enter into a contract with said bidder for said amount in accordance with law.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 23rd day of April, 2003.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Michele Lawrence, Superintendent  
Secretary of the Board of Education  
Of the City of Berkeley and of Berkeley  
Unified School District of Alameda  
County, State of California

Public Contract Code: 20111  
Education Code: 39657  
Board Policy: DJED

# BERKELEY UNIFIED SCHOOL DISTRICT

**TO:** Michele Lawrence, Superintendent  
**FROM:** Chris Lim, Associate Superintendent, Educational Services  
**DATE:** April 23, 2003  
**SUBJECT:** 2003-2004 K-12 Library Media Program and Resolution No. 02-79 for Reduction or Elimination of Specified Classified Positions

## BACKGROUND INFORMATION

Libraries are a mainstay of the instructional program at each school. Since the adoption of the Recovery Plan on February 19, 2003, staff has analyzed the current K-12 library media program delivery model with the primary focus of the maintaining the integrity of the program and strengthening the standards based component, in the context of serious financial restraints. To that end, staff recommends the following:

### **K-5 Library Media Services**

- Library Media Clerks will provide 15 hours a week of library media service (3 days a week) at each of the 11 elementary schools. This is a reduction from 20 hours (4 days a week).
- On the fourth or fifth day, the 4th and 5th grade teachers at each of the schools will be providing instruction to their students in the library on how to research and access information. This makes the library available all week.
- The proposed funding for the library media clerks will come from BSEP Fund 6 Educational Materials and is on tonight's board agenda for action as part of the BSEP Fund 6 Educational Materials Budget. As indicated in Recovery Plan approved at the Board February 19, 2003, this is an approximate cost savings of \$292,000 to the General Fund.

### **Middle School/High School Library Media Services**

Staff will be funding the current 3.4 FTE certificated library staff from the BSEP Enhancement allocation next year, thus maintaining middle and high school library media services at the current level. The savings to the general fund as noted in the February 19 Recovery Plan is approximately \$268,000.

<u>SCHOOL</u>	<u>FTE</u>	<u>PROJECTED ENROLLMENT</u>
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King:	1.0 FTE	(788 students)
Willard:	.8 FTE	(542 students)
Longfellow	.6 FTE	(440 students)
Berkeley High School:	1.0 FTE	(2803 students)

Should the Board approve the 2003-2004 K-12 Library Media Program, it will be necessary to give a reduction of service for the Elementary Library Media Technicians.

**POLICY/CODE**

Education Code Section 45117 states that classified employees may be laid off due to lack of funds or lack of work.

**FISCAL IMPACT**

Reduction to deficit in the General Fund of approximately \$ 560,000.00

**STAFF RECOMMENDATION**

Approve resolution No. 02-79 to reduce Elementary Library Media Technicians services and approve the 2003-2004 K-12 Library Media Program.

**BEFORE THE GOVERNING BOARD OR THE  
BERKELEY UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 02-79**

**Elimination of Specified Classified Positions for 2003-2004**

**WHEREAS**, due to lack of funds and/or lack of work, the Board of Education of the Berkeley Unified School District hereby finds it necessary to eliminate or reduce in hours the positions set forth herein below to the following extent:

2.69 FTE Library Media Technician (Elementary)

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. That the classified positions specified herein above be eliminated or reduced in hours by layoff pursuant to District rules and regulations and applicable provisions of the California Education Code and the current collective bargaining agreement.
2. That said reduction by layoff becomes effective on or before July 1, 2003.
3. That the Superintendent or designee has been directed to give a notice of layoff to the affected classified employee and any employee subject to displacement, pursuant to California Education Code Section 45117 and applicable provisions concerning layoff and reemployment in the current collective bargaining agreement.
4. That the affected classified employee laid off pursuant to this resolution shall be eligible for reemployment pursuant to California Education Code Section 45298 and applicable provisions concerning layoff and reemployment in the collective bargaining agreement.

The foregoing Resolution was adopted by the Board of Education of the Berkeley Unified School District on the 23rd day of April, 2003 as the same appears of record in my office.

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Michele Lawrence, Secretary to the Board of Education of the Berkeley Unified School District, County of Alameda, State of California, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Education of the aforesaid school district as the Board meeting held on the 2nd day of April, 2003, as the same appears of record in my office.

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Michele Lawrence Secretary to the Board of Education  
of the Berkeley Unified School District



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Chris Lim, Associate Superintendent for Educational Services  
and the BSEP Planning and Oversight Committee  
**DATE:** April 23, 2003  
**SUBJECT:** BUSD's Music Program funding for FY 2004

### **BACKGROUND INFORMATION**

The *Berkeley Public Schools Educational Excellence Act of 1994* allocates four percent of the revenues from the Measure to providing a "district-wide elementary instrumental music program." Since the 1995-96 school year, the district's 4-5 Music Program has been a "Release Time" Program and the Middle School Music Program has been part of the electives, with the music teachers jointly funded from the General Fund Release Time allocation and this BSEP fund. For the past two years, a certificated Program Coordinator has been supervising this program, with funding for this position from the BSEP Music Fund and from four State "Artworks" grants. Additional BSEP monies have been allocated from the BSEP Educational Materials Fund for new instruments and repairs and instructional materials and for a part time position to provide administrative support in managing the instruments and materials.

In the 2003-2004 school year, the music program and the funding sources for it will be changed. The primary considerations in reviewing the model for delivery of music instruction were to design a program that could be continued in light of the significant reduction in funding while continuing to strengthen and sustain a standards-based curriculum. Many discussions about the program model were held with elementary school principals, the Music Curriculum Committee, and the music teachers to develop a model which we believe would serve both purposes.

### **Music Program Description:**

The Visual and Performing Arts standards-based curriculum, which includes the music instructional standards, adopted by the Board July 1, 1998, is designed to deepen the students music comprehension and literacy by providing teachers with a solid framework within which to structure unit plans and strengthen classroom management strategies. It was decided to focus on the Orff-based curriculum which emphasizes ensemble music making with rhythm, singing, notation, and recorders. The Orff instructional methodology is a preK-8 instructional curriculum.

In third grade, music instruction will continue to be provided, as it has been this school year, once per week during the release period. This is funded from the General Fund Release Time allocation.

## **BUSD MUSIC PROGRAM, FY 2004**

In fourth grade, music will be taught twice per week during the teachers' release period BSEP, with one music teacher replacing one classroom teacher (instead of three teachers replacing two classroom teachers as has been the model for the past seven years). The Orff-based curriculum will be continued with advanced recorders, part singing and improvisation on the Orff pitched percussion instruments (an "instrumentarium" in Orff language). This redesign is in response to instructional concerns expressed that the existing curriculum was not engaging enough for a number of our students.

In fifth grade students will have the option to choose an individual instrument and decide between Band, Orchestra and Choir. Three release time music teachers will serve the school at the same time and the fifth grade students will be divided among the three classes based on their choice. Emphasis will be on learning the skills for particular instruments or choral techniques. The 4<sup>th</sup>-5<sup>th</sup> grade release time music teachers will be paid solely from the BSEP Music Fund.

At the Middle Schools, Band and Orchestra will be offered three days a week before school (rather than five days a week). Two days a week will be funded by the BSEP Music Fund and one day from the BSEP Class-size Reduction Fund monies "Enhancement" allocation. (The Middle Schools thus will not have to use part of their regular classroom staffing allocation for music.) In addition to the change from five days a week to three, sixth graders will be welcomed into the 7-8 Bands and Orchestras rather than playing in a separate sixth grade Band or Orchestra.

Following is a brief summary of the Music Program Funding for FY 2004. (This is based on the number of classes as known to date.)

- Music Teachers 3rd Grade: 1.08 FTE, General Fund Release Time.
- Music Teachers 4-5th Grades: 4.40 FTE, BSEP Music Fund.
- Middle Schools: .48 FTE, BSEP Music Fund; .24 FTE, BSEP Class-Size Reduction Fund "Enhancement" allocation.

### Visual and Performing Arts Coordinator (.50 FTE)

The Visual and Performing Arts Program (VAPA) Coordinator position, first created in FY 2002, has been multiple-funded from a combination of BSEP monies, arts grants from the State of California and the Berkeley Public Education Foundation. This is a certificated administrator position responsible for evaluation of the music teachers, curriculum and program development, providing staff development in the visual and performing arts, and budget administration of the program. It is universally agreed that this position is essential to the effective supervision of the Music Program. It is therefore recommended that the BSEP Music Fund budget

## **BUSD MUSIC PROGRAM, FY 2004**

assume 50% of the cost of this position. The status of the State Artswork grants is unknown at the time of this writing.

It should be acknowledged that there are substantial efforts underway to mitigate the impact of these anticipated budget reductions, including district-wide and school site fundraising and use of volunteers. The districtwide Music Committee has already established goals and has some events planned. Generally stated, the goals of the Music Committee are first to provide sectional leaders for middle school musicians on the two mornings a week that classes are not held, but ultimately to reinstate music instruction every day at the middle schools, followed by establishment of a chorus at each middle school and a 6<sup>th</sup> grade band, and additional music teachers to support instruction in 4<sup>th</sup> and 5<sup>th</sup> grade. There is also the an effort to secure “backup” funding for the Program Coordinator in the event that the State “Artswork” grants do not come through. Coordination of the BSEP-funded Music Program with these additional resources is expected to require some administrative support from the VAPA Coordinator in FY 2004.

While the Music Committee is continuing to meet to consider its fundraising priorities and work on fundraising activities, the Committee wanted the Board to be aware of its intent and activities so that as funds become available, the Board will be prepared to reinstate some components of the music program.

### **POLICY/CODE:**

Berkeley Public Schools Educational Excellence Act of 1994 (BSEP), Para. Bii.

### **FISCAL IMPACT:**

Expenditure of \$455,106 of BSEP Music Fund monies (Fund 5) for the district wide 4-8 Music Program. Savings to the General Fund will be \$188,000.

### **STAFF RECOMMENDATION:**

Approve the recommendations for expenditure of the BSEP Music Fund monies for the Grades 4-8 music program as described.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Christine Lim, Associate Superintendent for Educational Services  
and the BSEP Planning and Oversight Committee  
**DATE:** April 23, 2003  
**RE:** Recommendations for the expenditure of the Berkeley Schools  
Excellence Project Books and Educational Materials Fund for FY  
2004

### **BACKGROUND INFORMATION:**

The Berkeley Public Schools Educational Excellence Act of 1994 (BSEP) directs that 12% of the total available revenues from the Measure be dedicated annually to the "Purpose of increasing student access to quality educational materials, providing sufficient materials for the classrooms, improving school libraries, furnishing special equipment in areas such as science, technology, physical education, and the arts, and providing for the staff support to effectively adopt and utilize the enriched curriculum materials." Up to forty percent (40%) of the revenues of the Fund may be used for "personnel to support improved access to the instructional materials."

An amount of \$1,200,000 has been projected for this Fund for FY 2004.

The annual plan for expenditure of this Fund was developed by a BSEP subcommittee of 33 persons, including principals, classroom teachers, teachers on special assignment, classified staff, classified managers, and parents, under the co-chairmanship of parent Dan Lindheim and myself. Three meetings of the subcommittee were held to develop the recommendations (February 24, March 24 & 31), and then the BSEP Planning and Oversight Committee approved the Annual Plan recommendations on April 15, 2003.

The subcommittee focused on two major areas in developing the Plan. First was to solicit feedback from users of FY 03 BSEP Educational Materials funds. In a period of less than three weeks, 70 "user feedback" forms were returned from all over the District. Both signed and anonymous comments came from students, teachers, parents, principals, classified staff, and others (even one newspaper columnist). Reporting on 22 separate projects (in addition to the ever-popular Site Block Grants), the vast majority were very favorable. This represents the first district-wide effort to determine the value and effectiveness of the projects provided by this Fund.

The subcommittee's second task was to determine the most pressing needs for this Fund in 2004. Requests for funding were solicited throughout the District. Proposals were submitted for materials and personnel that fit the Fund's criteria. When tallied, they revealed the obvious priority: "personnel to access

## **BSEP Educational Materials Fund for FY 2004**

materials.” Initial requests for personnel totaled \$772,000, nearly double the \$480,000 allowed in this Fund. Requests for materials were far more modest.

To address this pressing need, the administrative recommendation (and planning assumption), affirmed by the committees, was to increase the effective cap on personnel in this Fund to 40%, the full amount allowed by the BSEP Measure. The committees also agreed to retroactively raise the FY 2003 personnel cap to 40% (from 30%), thereby making available carryover monies (currently “unallocated reserve”) to fully fund the personnel positions recommended for FY 2004.

It is important to provide the Board with some historical background which establishes the rationale for the administrative recommendation. It was our goal, established three years ago, to bring the library and instructional technology services to work more hand in hand, thus providing a seamless system for students to have greater access to information through both the libraries and effective use of the resources provided by technology. The foundation for this goal is the belief that only the integration of these services can address the “digital divide” that results when there are barriers to the students’ access to either of these information resources. Thus, the Instructional Technology/Library Media (IT/LM) allocation and planning committees were created.

Moving forward with the same philosophy, and using the same model for our recommendations this year, we proposed an equitable distribution of resources between the library media services and the instructional technology services, including some monies for the coordination of both programs to ensure seamless delivery.

Finally, the Music Library Technician position was funded to provide critical support for the Music Program--one of the primary goals of the BSEP Measure.

The personnel positions recommended for funding from the FY 2004 allocation are:

- 11 Elementary School Library Media Technicians @ .40 FTE each
- 1 Central Media Library Technician @ .47 FTE
- 4 Zone Microcomputer Technicians @ 1.0 FTE
- 1 TSA for Technology & Library support @ .25 FTE
- 1 Music Library Technician @ .53 FTE

The inclusion of the carryover monies was necessary to fully fund the recommended positions for FY 2004 as follows:

- K-5 Library Media Technicians - \$18,000 - \$20,000 additional
- Central Media & Music Library Technicians - \$20,000 additional

## **BSEP Educational Materials Fund for FY 2004**

Additional carryover monies were allocated to:

- Contract with Alameda County Office of Education for technology repair service (prepay FY '04) - \$25,000
- BHS IT/LM carryover monies for TSA Technology Coordinator position being cut from the State Digital High School grant - .25 FTE (approx.)

This recommended Annual Plan also differs from the current year plan in the following ways:

- Modifies the Schools' Classroom Materials Block Grant by allocating the funds in a tiered rate: elementary schools @ \$22/student; middle schools @ \$30/pupil; secondary schools @ \$40/pupil. This tiered structure is an attempt to recognize the increased cost of materials at the secondary level, particularly for fine arts and lab sciences.
- Returns to its long-standing support for library books and materials, made necessary by the near-demise of the California School Library Act of 1998, by increasing the allocation for library books and materials by \$10/student (total of \$15/student), and increases the allocation for IT/LM (Instructional Technology/Library Media) by \$5/student (total of \$15/student).
- Expands the widely praised Zone Microcomputer Technician program to serve four zones (instead of three) to include all schools pre-K through the High School (including Berkeley Alternative High School and Independent Study).
- Continues BSEP's support of the BUSD music program with the purchase of a number of Orff "intrumentariums".
- Required project managers who did not complete their projects in FY 03, to submit a rationale for "carrying over" unspent funds in order to do so in FY '04. Five responded and will be allowed to do so.

Attached is the itemized table of recommended expenditures.

Facing tremendous pressure to rescue important programs being cut from the General Fund, and holding many programs especially dear to their hearts, the Subcommittee and P&O Committee members were able to compromise and reach consensus with this recommendation. They are to be commended for their balanced and equitable approach in very tough times.

### **POLICY/CODE:**

*Berkeley Public Schools Educational Excellence Act of 1994* (BSEP), Para. 3Cii

**BSEP Educational Materials Fund for FY 2004**

**FISCAL IMPACT:**

Expenditure of \$1,200,000 from BSEP Books and Educational Materials Fund.

**STAFF RECOMMENDATION:**

Approve the recommendations for expenditure of the FY 2004 BSEP Books and Educational Materials Fund.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Jerry J. Kurr, Interim Associate Superintendent of Business and Operations  
**DATE:** April 23, 2003  
**SUBJECT:** Resolution Number 02-80 for Issuance of General Obligation Bonds

## **BACKGROUND INFORMATION**

Berkeley Unified School District is in the midst of site remodeling projects. A major source of revenue for these projects is from our General Obligation Bond "Measure AA". To continue the projects requires the District to periodically sell bonds on the Municipal Bond Market. However, last year the District sold "Bond Anticipation Notes" in the amount of \$25,000,000 as short term financing. Those Notes are required to be paid back within a twelve month period. In addition the District is proceeding on with the planned remodeling projects as discussed in recent Board meetings. This sale of General Obligation Bonds would pay off the \$25,000,000 Notes and provide another \$25,000,000 for the continuation of projects through the 2003-04 fiscal year. Proceeds of \$25,000,000 will go to the Building Fund. This would be a total Bond Sale of \$50,000,000. Although generally market rates are down it is possible that the Districts' rating may go down also because of the current financial condition of the District. Cost of issuance will be covered by the proceeds. Bond Counsel will be Orrick, Harrington & Sutcliff, LLP at a fee not to exceed \$23,000 and Financial Advisors Kelling, Northcross & Nobriga at a fee not to exceed \$50,000 each plus out of pocket expenses. Retirement of Debt will be covered by property taxes as prescribed in Measure "AA". There is no impact on the General Fund of the District as a result of this resolution.

## **POLICY/CODE**

Education Code 15150

## **FISCAL IMPACT**

Cost of issuance \$73,000 to be paid from the Building Fund

## **STAFF RECOMMENDATION**

Approve Resolution No. 02-80 for the issuance of \$50,000,000 in General Obligation Bonds and cost of issuance.





**BOARD OF EDUCATION  
OF THE  
BERKELEY UNIFIED SCHOOL DISTRICT  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

**RESOLUTION NO. 02-80**

RESOLUTION PRESCRIBING THE TERMS OF SALE OF BONDS OF BERKELEY UNIFIED SCHOOL DISTRICT, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO ISSUE AND SELL NOT TO EXCEED \$50,000,000 OF SAID BONDS, APPROVING THE FORM OF AND AUTHORIZING DISTRIBUTION AND PUBLICATION OF AN OFFICIAL NOTICE OF SALE, A NOTICE OF INTENTION TO SELL BONDS, AND AN OFFICIAL STATEMENT, REQUESTING SAID BOARD OF SUPERVISORS TO DELEGATE TO THE COUNTY TREASURER-TAX COLLECTOR OR HIS DESIGNEE AUTHORIZATION TO AWARD BID FOR SAID BONDS, AND AUTHORIZING EXECUTION OF NECESSARY CERTIFICATES RELATING TO SAID BONDS.

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**WHEREAS**, an election was duly called and regularly held in the Berkeley Unified School District, County of Alameda, California (herein called the "District"), on November 7, 2000, pursuant to Section 15100 and following of the Education Code of the State of California, at which the following proposition was submitted to the electors of the District:

"To repair, upgrade and add new classrooms to address overcrowding and facilitate reduced class sizes at Berkeley High School, King Middle School and other Berkeley schools, shall Berkeley Unified School District issue \$116,500,000 in bonds, at interest rates within legal limits, to finance acquisition or improvement of property for school safety and improved environment including building new classrooms; increasing seismic safety; replacing deteriorating floors, windows, restrooms, and roofs; upgrading school kitchens; modernizing science labs; and improving fire safety?"

and

**WHEREAS**, at least two-thirds of the votes cast on said proposition were in favor of issuing said bonds; and

**WHEREAS**, \$17,000,000 aggregate principal amount of said bonds, designated “Berkeley Unified School District General Obligation Bonds, Election of 2000, Series 2001” have heretofore been issued and sold; and

**WHEREAS**, \$25,000,000 aggregate principal amount of bond anticipation notes, designated “Berkeley Unified School District 2002 General Obligation Bond Anticipation Notes” have heretofore been issued and sold in anticipation of the issuance of bonds of the District, and all of said notes are currently outstanding; and

**WHEREAS**, the Board of Supervisors of the County has adopted the procedures authorized by Section 15140(b) of the Education Code of the State of California, and has directed that any school district in the County that has not received a qualified or negative certification in its most recent interim report shall issue and sell its own bonds; and

**WHEREAS**, the District has received a negative certification in its most current interim report, the second interim report for Fiscal Year 2002-03; and

**WHEREAS**, this Board of Education of the District deems it necessary and desirable that the Board of Supervisors of the County of Alameda (the “County”) shall authorize and consummate the sale and issuance of a portion of said bonds in a single series designated the “Berkeley Unified School District General Obligation Bonds, Election of 2000, Series 2003” in an aggregate principal amount not exceeding \$50,000,000, according to the terms and in the manner hereinafter set forth; and

**WHEREAS**, the District is required to apply the first proceeds of the bonds, in the amount of \$25,000,000, to pay and redeem said bond anticipation notes on the dates said notes come due; and

**WHEREAS**, this Board of Education further deems it necessary and desirable to authorize the sale of said bonds by a competitive sale to the responsible bidder who makes the lowest interest cost bid; and

**WHEREAS**, there have been submitted and are on file with the Clerk of this Board of Education proposed forms of an Official Notice of Sale of Bonds, a Notice of Intention to Sell Bonds, and an Official Statement, all with respect to not to exceed \$50,000,000 aggregate principal amount of Berkeley Unified School District General Obligation Bonds, Election of 2000, Series 2003, proposed to be sold;

**NOW, THEREFORE, THE BOARD OF EDUCATION OF BERKELEY UNIFIED SCHOOL DISTRICT DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:**

Section 1. Recitals: All of the above recitals are true and correct.

Section 2. Request for Sale of Bonds; County Resolution; Certificate of Award: The Board of Supervisors of the County (the "Board of Supervisors") is hereby requested, pursuant to Section 15140 and following of the Education Code of the State of California, to sell not later than May 19, 2003, by competitive sale to the responsible bidder who makes the lowest interest cost bid, not to exceed \$50,000,000 aggregate principal amount of bonds of the Berkeley Unified School District, and to designate said bonds as the "Berkeley Unified School District General Obligation Bonds, Election of 2000, Series 2003" (herein called the "Series 2003 Bonds" or the "Bonds"). The Series 2003 Bonds shall be issued as current interest Bonds, as provided in Section 3 hereof.

The Board of Supervisors is hereby requested to provide by resolution (the "County Resolution") for the terms of the sale and issuance of the bonds in accordance with the particular terms and manner set forth herein and, with respect to such necessary or desirable terms as are not specified herein, as the Board of Supervisors shall otherwise see fit to determine. With respect to such necessary or desirable terms as are not finally determined by the County Resolution, the Board of Supervisors is hereby requested to provide for an Official Notice of Sale (as defined in Section 5 hereof) describing such terms to be completed and circulated prior to the sale of the Series 2003 Bonds, and a Certificate of Award (the "Certificate of Award") to be completed upon the sale of the Series 2003 Bonds, in which any such terms of the Series 2003 Bonds shall be finally determined. The Board of Supervisors, or such officer or officers of the County as shall be authorized by the County Resolution to consummate the transactions contemplated herein, including by completing and executing the Official Notice of Sale and the Certificate of Award, is hereby requested to establish said terms of the Series 2003 Bonds upon consultation with the Superintendent of the District, the Associate Superintendent-Business and Operations of the District, or such other officer of the District designated for the purpose (each an "Authorized District Representative").

Section 3. Terms of Bonds: (a) Date of Bonds. The Series 2003 Bonds shall be dated as of the date of their delivery, or such other date as shall be specified in the Certificate of Award.

(b) Denominations. The Series 2003 Bonds shall be issued in denominations of \$5,000 principal amount or any integral multiple thereof.

(c) Maturity. The Series 2003 Bonds shall mature on the date, in each of the years, in the principal amounts and in the aggregate principal amount, as shall be specified in the Certificate of Award. No Series 2003 Bond shall mature prior to August 1, 2004, and no Series 2003 Bond shall mature later than the date which is 25 years from the date of the Series 2003 Bonds, to be determined as provided in subsection (a) of this Section. No Series 2003 Bond shall have principal maturing on more than one principal maturity date.

(d) Interest Payment. The Series 2003 Bonds shall bear interest at an interest rate not to exceed 12.00% per annum, computed on the basis of a 360-day year of twelve 30-day months, first payable on February 1, 2004, and thereafter on February 1 and August 1 in each year (or on such other initial and semiannual interest payment dates as shall be specified in the Certificate of Award).

(e) Obligation. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of property taxes in each year sufficient to pay all principal and interest coming due on the Series 2003 Bonds in such year, and to pay from such taxes all amounts due on the Series 2003 Bonds. The District hereby requests the Board of Supervisors to annually levy a tax upon all taxable property in the District sufficient to redeem the Series 2003 Bonds, and to pay the principal, redemption premium, if any, and interest thereon as and when the same become due.

Section 4. Redemption Provisions: The Series 2003 Bonds shall be subject to redemption prior to their respective stated maturity dates at the option of the District as shall be specified in the Certificate of Award. The Series 2003 Bonds shall also be subject to mandatory sinking fund redemption, as shall be specified in the Certificate of Award. The Board of Supervisors may provide that the Series 2003 Bonds shall not be subject to optional or mandatory redemption.

Section 5. Official Notice of Sale: The Official Notice of Sale inviting bids for the Bonds, in substantially the form on file with the Clerk of this Board of Education, is hereby approved, and the Board of Supervisors is hereby requested to adopt and use said form as the Official Notice of Sale inviting bids for the Bonds, subject to such corrections, revisions or additions as deemed necessary by the Authorized District Representative and as may be acceptable to the County. The Authorized District Representative is hereby authorized and directed to sign said Official Notice of Sale in its final form on behalf of the District. Kelling, Northcross & Nobriga, Oakland, California (herein called the "Financial Advisor"), is hereby authorized and directed to cause to be mailed to prospective bidders for the Bonds (including by posting to an appropriate Internet website which shall be accessible to interested bidders)

copies of said Official Notice of Sale in the form finally approved by the Authorized District Representative and by the County.

Section 6. Sale of Bonds: (a) Advertisement for Bids. The form of proposed Notice of Intention to Sell Bonds, in substantially the form on file with the Clerk of this Board of Education, is hereby approved, and the Board of Supervisors is hereby requested to adopt said form of proposed Notice of Intention to Sell Bonds, subject to such corrections, revisions or additions as deemed necessary by the Authorized District Representative and as may be acceptable to the County, and to cause said Notice of Intention to Sell Bonds to be published once at least 15 days before the date of sale in a financial publication generally circulated throughout the State of California or which the Financial Advisor advises is expected to be disseminated among prospective bidders for the Bonds, and to be published beginning on a date no later than the date 14 days prior to the date of sale, once a week, on the same day of each week, for at least two weeks in a newspaper of general circulation published in the County.

(b) Award of Bonds. The Board of Supervisors is hereby requested to authorize and direct the Treasurer-Tax Collector of the County (the "County Treasurer"), on behalf of the District and the County, to accept the lowest true interest cost bid for the Series 2003 Bonds, provided that (i) such true interest cost shall be no greater than 8.00%, calculated as specified in the Official Notice of Sale, (ii) the maximum interest rate on the Series 2003 Bonds shall not be in excess of 12.00% per annum; and (iii) the price to be paid for the Series 2003 Bonds shall not be less than the par value thereof, plus accrued interest, if any, to the date of delivery. If such true interest cost and price are acceptable to the County Treasurer, the County Treasurer or his designee, acting at the direction of the Board of Supervisors, is hereby authorized to award the sale of the Series 2003 Bonds to the maker of the best responsive bid; if no bid is acceptable, the County Treasurer is requested to reject all bids and to re-bid the Series 2003 Bonds or, if necessary, to sell the Series 2003 Bonds by negotiated sale as permitted by law, upon terms and conditions otherwise in conformity with the limitations contained in this Resolution.

(c) Consent to Financial Advisor to Bid for Bonds. This Board of Education hereby authorizes Zions First National Bank (parent company of Kelling, Northcross & Nobriga, the Financial Advisor to the District with respect to the Series 2003 Bonds) to bid for the Series 2003 Bonds, and to acquire such Series 2003 Bonds as principal either alone or as a participant in a syndicate or other similar account formed for the purpose of purchasing the Series 2003 Bonds, directly or indirectly from the County.

**Section 7. Official Statement:** The Official Statement relating to the Series 2003 Bonds, in substantially the form on file with the Clerk of this Board of Education, is hereby approved with such changes, additions and corrections as the Authorized District Representative may hereafter approve, and the Financial Advisor is hereby authorized to prepare and distribute copies of such Official Statement in preliminary form to persons who may be interested in purchasing the Series 2003 Bonds. The Authorized District Representative is hereby authorized to certify to the initial purchaser of the Series 2003 Bonds, on behalf of the District, that the preliminary form of the Official Statement was deemed final as of its date, within the meaning of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 (except for the omission of certain final pricing, rating and related information as permitted by said Rule). The Authorized District Representative is hereby authorized and directed to sign said Official Statement in its final form, including the final pricing information, and the initial purchaser is hereby authorized and directed to deliver copies of such Official Statement in final form to subsequent purchasers of the Series 2003 Bonds.

**Section 8. Investment of Proceeds.** (a) Proceeds of the Series 2003 Bonds, exclusive of any premium and accrued interest received, shall be deposited in the County Treasury to the credit of the building fund of the District. Any premium and accrued interest shall be deposited upon receipt in the interest and sinking fund of the District within the County Treasury.

(b) All proceeds from the sale of the Bonds deposited in the County Treasury are invested in the Treasurer Investment Pool and shall be invested at the County Treasurer's discretion pursuant to law and the investment policy of the County, unless otherwise directed in writing by the District.

- (i) At the written direction of the District, all or any portion of the building fund of the District may be invested separately by the County Treasurer for the District pursuant to California Government Code Section 53601.
- (ii) At the written direction of the District, all or any portion of the building fund of the District may be invested by the District in the Local Agency Investment Fund in the treasury of the State of California.

Investment earnings on the money in the building fund shall be deposited in the building fund. Investment earnings on the money in the interest and sinking fund shall be deposited in the interest and sinking fund.

Section 9. Costs of Issuance. The District hereby authorizes the County Treasurer, pursuant to Education Code Section 15146(c), to deposit proceeds of sale of the Series 2003 Bonds, in an amount to be determined at the time of delivery of the Series 2003 Bonds and specified in a written order of the District executed by the Authorized District Representative (provided that such amount shall not exceed 2% of the principal amount of the Series 2003 Bonds), in a Costs of Issuance Account in the treasury of the District (which the County Treasurer is hereby authorized and directed to create), to be held separate and apart from the building fund of the District and all other funds and accounts held by the County Treasurer. Monies deposited in the Costs of Issuance Account shall be paid on the order of the Authorized District Representative only for the authorized costs of issuing the Series 2003 Bonds as provided in Education Code Section 15145. The Authorized District Representative shall by written order direct such amounts to be paid, or any balance remaining in the Costs of Issuance Account to be transferred to the Building Fund of the District, no later than 180 days following the date of issuance of the Series 2003 Bonds, and the County Treasurer is hereby authorized and directed to act forthwith upon each such written order.

Section 10. Tax Covenants: (a) General. The District shall not take any action, or fail to take any action, if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Series 2003 Bonds under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the District hereby covenants that it will comply with the requirements of the Tax Certificate of the District with respect to the Series 2003 Bonds (the "Tax Certificate"), to be entered into by the District on the date of issuance of the Series 2003 Bonds. The provisions of this subsection (a) shall survive payment in full or defeasance of the Series 2003 Bonds.

(b) Yield Restriction. In the event that at any time the District is of the opinion that for purposes of this Section it is necessary or helpful to restrict or limit the yield on the investment of any monies held by the County Treasurer on behalf of the District, in accordance with this Resolution or pursuant to law, the District shall so request of the County Treasurer in writing, and the District shall make its best efforts to ensure that the County Treasurer shall take such action as may be necessary in accordance with such instructions.

(c) Reliance on Opinion of Bond Counsel. Notwithstanding any provision of this Section, if the District shall provide to the County Treasurer an opinion of counsel of nationally recognized standing in the field of law relating to municipal bonds (an "Opinion of Bond Counsel") that any specified action required under this Section is no longer required or that some further or different action is required to maintain the exclusion from federal income tax of interest on the Series 2003 Bonds, the County Treasurer may conclusively rely



on such Opinion of Bond Counsel in complying with the requirements of this Section and of the Tax Certificate, and the covenants hereunder shall be deemed to be modified to that extent.

Section 11. Continuing Disclosure: The Authorized District Representative, or the designee thereof, is hereby authorized on behalf of the District to execute a Continuing Disclosure Certificate in substantially the form attached hereto as Exhibit A, with such changes thereto as deemed necessary in order to permit the purchaser of the Bonds to comply with the requirements of Securities and Exchange Commission Rule 15c2-12. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of such Continuing Disclosure Certificate as finally executed and delivered.

Section 12. Approval of Actions: The President of this Board of Education, the Clerk of this Board of Education, the Superintendent of the District, the Associate Superintendent-Business and Operations of the District, and any other officer of the District to whom authority is delegated by one of the named officers for the purposes of the Series 2003 Bonds, are hereby authorized and directed to execute and deliver any and all certificates and representations, including signature certificates, no-litigation certificates, certificates concerning the contents of the Official Statement, representation letters to The Depository Trust Company, the Tax Certificate and any other certificates proposed to be distributed in connection with the sale of the Series 2003 Bonds, and to enter into any agreements, including depository agreements, commitment letters and agreements with bond insurers, and any other agreements, letters, representations, which any of them deem necessary or desirable to accomplish the transactions authorized herein.

Section 13. Notice to California Debt and Investment Advisory Commission: The Authorized District Representative is hereby authorized and directed to cause notices of the proposed sale and final sale of the Series 2003 Bonds to be filed in a timely manner with the California Debt and Investment Advisory Commission pursuant to California Government Code Section 8855(g).

Section 14. Filing with Board of Supervisors: The Clerk of this Board of Education is hereby authorized and directed to file a certified copy of this Resolution upon the adoption hereof with the Clerk of the Board of Supervisors.

Section 15. Effective Date: This resolution shall take effect from and after its adoption.

**PASSED AND ADOPTED** this day, April 23, 2003, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

APPROVED:

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President of the Board of Education  
of the Berkeley Unified School District

Attest:

---

Clerk of the Board of Education of  
the Berkeley Unified School District

## **EXHIBIT A**

### **FORM OF CONTINUING DISCLOSURE CERTIFICATE**

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the Berkeley Unified School District (the "District") in connection with the issuance of \$\_\_\_\_\_ aggregate principal amount of Berkeley Unified School District General Obligation Bonds, Election of 2000, Series 2003 (the "Bonds"). The Bonds are being issued pursuant to a resolution (the "Resolution") adopted by the Board of Supervisors of the County of Alameda (the "County") on May 6, 2003, at the request of the Board of Education of the District by its resolution adopted on April 23, 2003. The District covenants and agrees as follows:

**SECTION 1. Purpose of the Disclosure Certificate.** This Disclosure Certificate is being executed and delivered by the District for the benefit of the Holders and Beneficial Owners of the Bonds and in order to assist the Participating Underwriters in complying with Securities and Exchange Commission ("S.E.C.") Rule 15c2-12(b)(5).

**SECTION 2. Definitions.** In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the District pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Beneficial Owner" shall mean any person which has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries).

"Dissemination Agent" shall mean the District, or any successor Dissemination Agent designated in writing by the District and which has filed with the District a written acceptance of such designation.

"Holder" shall mean the person in whose name any Bond shall be registered.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

"National Repository" shall mean any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. The National Repositories currently approved by the Securities and Exchange Commission are set forth at <http://www.sec.gov/info/municipal/nrmsir.htm>.

"Participating Underwriter" shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

"Repository" shall mean each National Repository and the State Repository.

“Rule” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“State Repository” shall mean any public or private repository or entity designated by the State of California as the state repository for the purpose of the Rule and recognized as such by the Securities and Exchange Commission, as listed at <http://www.sec.gov/info/municipal/nrmsir.htm>.

### SECTION 3. Provision of Annual Reports.

(a) The District shall, or shall cause the Dissemination Agent to, not later than nine days after the end of the District’s fiscal year (currently ending June 30), commencing with the report for the 2002-2003 Fiscal Year (which is due not later than April 1, 2004, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided, that the audited financial statements of the District may be submitted separately from the balance of the Annual Report and later than the date required above for the filing of the Annual Report if they are not available by that date. If the District’s fiscal year changes, it shall give notice of such change in the same manner as for a Listed Event under Section 5(c).

(b) Not later than 15 Business Days prior to said date, the District shall provide the Annual Report to the Dissemination Agent (if other than the District). If the District is unable to provide to the Repositories an Annual Report by the date required in subsection (a), the District shall send a notice to the Municipal Securities Rulemaking Board and the State Repository, if any, in substantially the form attached as Exhibit A.

(c) The Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Report the name and address of each National Repository and the State Repository, if any; and

(ii) (if the Dissemination Agent is other than the District), file a report with the District certifying that the Annual Report has been provided pursuant to this Disclosure Certificate, stating the date it was provided and listing all the Repositories to which it was provided.

SECTION 4. Content of Annual Reports. The District’s Annual Report shall contain or include by reference the following:

- \* Audited financial statements of the District for the preceding fiscal year, prepared in accordance with the laws of the State of California and including all statements and information prescribed for inclusion therein by the Controller of the State of California. If the District’s audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section

3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.

To the extent not included in the audited financial statement of the District, the Annual Report shall also include the following:

- \* Adopted budget of the District for the current fiscal year, or a summary thereof.
- \* District average daily attendance.
- \* District outstanding debt.
- \* Information regarding total assessed valuation of taxable properties within the District, if and to the extent provided to the District by the County.
- \* Information regarding total secured tax charges and delinquencies on taxable properties within the District, if and to the extent provided to the District by the County.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the District or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The District shall clearly identify each such other document so included by reference.

**SECTION 5. Reporting of Significant Events.**

(a) Pursuant to the provisions of this Section 5, the District shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Bonds, if material:

1. principal and interest payment delinquencies.
2. non-payment related defaults.
3. modifications to rights of Holders.
4. optional, contingent or unscheduled bond calls.
5. defeasances.
6. rating changes.
7. adverse tax opinions or events affecting the tax-exempt status of the Bonds.

8. unscheduled draws on the debt service reserves reflecting financial difficulties.
9. unscheduled draws on the credit enhancements reflecting financial difficulties.
10. substitution of the credit or liquidity providers or their failure to perform.
11. release, substitution or sale of property securing repayment of the Bonds.

(b) Whenever the District obtains knowledge of the occurrence of a Listed Event, the District shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If the District determines that knowledge of the occurrence of a Listed Event would be material under applicable federal securities laws, the District shall promptly file a notice of such occurrence with each National Repository or with the Municipal Securities Rulemaking Board, and with the State Repository. Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(4) and (5) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to Holders of affected Bonds pursuant to the Resolution.

**SECTION 6. Termination of Reporting Obligation.** The District's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If such termination occurs prior to the final maturity of the Bonds, the District shall give notice of such termination in the same manner as for a Listed Event under Section 5(c).

**SECTION 7. Dissemination Agent.** The District may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the District pursuant to this Disclosure Certificate. The initial Dissemination Agent shall be the District.

**SECTION 8. Amendment; Waiver.** Notwithstanding any other provision of this Disclosure Certificate, the District may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4, or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Bonds, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds,

after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(c) The amendment or waiver either (i) is approved by the Holders of the Bonds in the same manner as provided in the Resolution for amendments to the Resolution with the consent of Holders, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the Holders or Beneficial Owners of the Bonds.

In the event of any amendment or waiver of a provision of this Disclosure Certificate, the District shall describe such amendment in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the District. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for a Listed Event under Section 5(c), and (ii) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

**SECTION 9. Additional Information.** Nothing in this Disclosure Certificate shall be deemed to prevent the District from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the District chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the District shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

**SECTION 10. Default.** In the event of a failure of the District to comply with any provision of this Disclosure Certificate any Holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Disclosure Certificate; provided, that any such action may be instituted only in Superior Court of the State of California in and for the County of Alameda or in U.S. District Court in or nearest to the County. A default under this Disclosure Certificate shall not be deemed an Event of Default under the Resolution, and the sole remedy under this Disclosure Certificate in the event of any failure of the District to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the District, the Dissemination Agent, the Participating Underwriters and Holders and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Date: \_\_\_\_\_.

**BERKELEY UNIFIED SCHOOL DISTRICT**



**CONTINUING DISCLOSURE EXHIBIT A**

FORM OF NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of District: BERKELEY UNIFIED SCHOOL DISTRICT

Name of Bond Issue: BERKELEY UNIFIED SCHOOL DISTRICT GENERAL OBLIGATION BONDS, ELECTION OF 2000, SERIES 2003

Date of Issuance: \_\_\_\_\_

NOTICE IS HEREBY GIVEN that the District has not provided an Annual Report with respect to the above-named Bonds as required by Section 4 of the Continuing Disclosure Certificate of the District, dated the Date of Issuance. [The District anticipates that the Annual Report will be filed no later than \_\_\_\_\_.]

Dated: \_\_\_\_\_

**BERKELEY UNIFIED SCHOOL DISTRICT**

\_\_\_\_\_ [to be signed only if filed]

**SECRETARY'S CERTIFICATE**

I, Michele B. Lawrence, Secretary of the Board of Education of the Berkeley Unified School District, County of Alameda, California, do hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of said District duly and regularly held at the regular meeting place thereof on April 23, 2003, and entered in the minutes thereof, of which meeting all of the members of said Board of Education had due notice and at which a quorum thereof was present; and at said meeting said resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

An agenda of said meeting was posted at least 72 hours before said meeting at 2134 Martin Luther King, Jr. Way, Berkeley, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda. A copy of said agenda is attached hereto.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office. Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Pursuant to Section 13 of said resolution, I have caused a certified copy thereof to be filed with the Clerk of the Board of Supervisors of the County.

**WITNESS** my hand this \_\_\_\_\_ day of April, 2003.

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Secretary of the Board of Education of  
Berkeley Unified School District

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Directors  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** April 23, 2003  
**SUBJECT:** Use of Enhancement Period and Class Size Impact

### **BACKGROUND INFORMATION**

During the budget reduction process in February and Board approval of the second phased of the Financial Recovery Plan, interest was expressed in knowing how the enhancement periods paid from BSEP funds would be used.

The following reflects those tentative intentions pending confirmation through student registration.

Jazz Ensemble  
Chamber Orchestra  
Computer Art  
Good Food Café  
Photo  
Ceramics  
Yearbook  
Jacket  
Self-Defense/Conditioning  
Production Acting/Stagecraft (play and musical involvement)  
Work Experience  
Basic ESL tutorial  
Science labs  
Advanced Biology backup  
Chemistry backup  
Algebra II back up

= 6.0 FTE TOTAL ENHANCEMENT FOR BHS

### **ADDITIONAL STAFFING INFORMATION**

0.5 of the Athletic Director will be taken out of the regular allocation; 9<sup>th</sup> grade CORE English set at 28 to 1, IES at 32.4 to 1 (which includes students making up the course), Algebra at 28 to 1, and an average class size of 33.3 in most classes.

### **STAFF RECOMMENDATION**

Receive for information.



**BEFORE THE GOVERNING BOARD OR THE  
BERKELEY UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 02-81**

**Elimination of Specified Classified Positions for 2003-2004**

**WHEREAS**, due to lack of funds and/or lack of work, the Board of Education of the Berkeley Unified School District hereby finds it necessary to eliminate or reduce in hours the positions set forth herein below to the following extent:

2.00 FTE Locker Room Attendant  
1.00 FTE Facilities and Maintenance Supervisor  
.77 FTE Student Employment Specialist

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. That the classified positions specified herein above be eliminated or reduced in hours by layoff pursuant to District rules and regulations and applicable provisions of the California Education Code and the current collective bargaining agreement.
2. That said reduction by layoff becomes effective on or before July 1, 2003.
3. That the Superintendent or designee has been directed to give a notice of layoff to the affected classified employee and any employee subject to displacement, pursuant to California Education Code Section 45117 and applicable provisions concerning layoff and reemployment in the current collective bargaining agreement.

4. That the affected classified employee laid off pursuant to this resolution shall be eligible for reemployment pursuant to California Education Code Section 45298 and applicable provisions concerning layoff and reemployment in the collective bargaining agreement.

The foregoing Resolution was adopted by the Board of Education of the Berkeley Unified School District on the 23rd day of April, 2003 as the same appears of record in my office.

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Michele Lawrence, Secretary to the Board of Education of the Berkeley Unified School District, County of Alameda, State of California, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Education of the aforesaid school district as the Board meeting held on the 23rd day of April, 2003, as the same appears of record in my office.

---

Michele Lawrence Secretary to the Board of Education  
of the Berkeley Unified School District



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** April 23, 2003  
**SUBJECT:** Third Phase of Recovery Plan Proposal for Reduction or Elimination of Specified Classified Positions

### **BACKGROUND INFORMATION:**

The Berkeley Unified School District is confronted with budgetary problems that need to be addressed so that the final phase of the recovery plan can move forward for Fiscal Year 2003-2004. As a consequence, the Board must consider the reduction or discontinuance of additional particular kinds of services and positions many of which were outlined in February and will be presented in formal form on May 7. The positions noted below are additions to those positions that have already been discussed. They come to the Board now for consideration because the District sees the need for further reductions.

Below is a discussion of the specific positions the Board is being asked to consider eliminating or reducing. The reduction or elimination of the positions noted below will result in estimated savings for the fiscal year 2003-2004 of \$ 223,130.

#### Adult Education

The Workability II contract will be reduced by \$48,291 beginning with the 2003-2004 contract year. This savings will come from the reduction of the overall contract amount, from a total of \$209,840 to \$161,549, with the cash match from the Adult School being reduced from \$56,496 to \$46,210. This reduction will come from the elimination of a .67 staff member, a .53 staff member reduced to a .43 and reductions in office material/supplies, travel/mileage and staff development. For that reason, the following additional reductions are recommended:

.77 FTE Student Employment Specialist

Savings: \$ 47,391

#### The Facilities and Maintenance

The Facilities and Maintenance Supervisor position is vacant and there is no plan to fill this position. As a part of the yearly Maintenance Plan, there may be a recommendation to augment the existing office staff with another position. If such a position is recommended, it will not be a supervisory position.

1.0 FTE Facilities and Maintenance Supervisor

Savings \$ 81,752



### Berkeley High School

The High School employs two full-time Locker Room Attendants one for the girls' locker room and one for the boys'. The High School plans to continuing having the respective Physical Education teachers in the locker rooms during dressing prior to class and will lock the locker rooms during the class periods. Berkeley High School administration believes this is a viable alternative considering our severe budget problems.

2.0 FTE Locker Room Attendants

Savings: \$ 93,987

Although the present budget crisis creates hardships and frustrations for our employees and the community, it is clear that we must continue to make financial reductions at this time to continue our financial recovery.

#### **FISCAL IMPACT:**

Estimated Savings for Fiscal Year 2003-2004 in the amount of \$223,130 from both general and restricted funds.

#### **STAFF RECOMMENDATION:**

Consider the above additional classified employee reductions; and should the Board concur, approve the attached Resolution 02-81.