

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**2134 Martin Luther King Jr. Way**  
**Berkeley, CA 94704-1180**  
**Phone: (510) 644-8764 Fax: (510) 540-5358**

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

**Wednesday, August 20, 2003**

Call to Order           The Presiding Officer will Call the Meeting to Order at **5:00 p.m.** The Board recess to Closed Session at **5:00 p.m.** and reconvene in Public Session at 6 p.m.

Roll Call                President Joaquin J. Rivera  
                              Vice President John T. Selawsky  
                              Director Terry S. Doran  
                              Director Shirley Issel  
                              Director Nancy Riddle

Administration        Superintendent Michele Lawrence, Secretary

Prior to Closes Session, as necessary, staff/employee comments are taken per Government Code Section 459567

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) 54957 a Education Code Section 49819(c)

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsion
- c) Collective Bargaining
- d) Public Employee discipline/Dismissal/Release
  - 1) Benefits Specialist
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

Approve Agenda Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

5:00 p.m.-6:00 p.m. Closed Session

6:00 p.m.-7:00 p.m. PUBLIC INPUT REGARDING FRANKLIN AND ADULT SCHOOL

7:00 p.m. SWEARING IN OF STUDENT BOARD DIRECTOR  
Bradley Johnson

7:10 p.m. Recess to Closed Session

7:30 p.m. Reconvene in Public Session

Report Closed Session Action Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Approve Minutes Approve Board of Education Minutes of: 1  
Special Meeting of April 30, 2003  
Special Meeting of May 13, 2003  
Special Meeting of May 19, 2003  
Special Meeting of June 10, 2003  
Regular Meeting of June 18, 2003  
Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

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**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.

**REPORTS**

Union Representatives' Report  
Superintendent's Report  
Board Members' Report

## CONSENT ITEMS

### Human Resources

2.1-C Staff Recommendation: 19  
Acceptance of Accept Personnel Report 03-24 as submitted.  
Personnel Report Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

2.2-C Staff Recommendation: 35  
Delegation of Delegate the Authority to accept resignations  
Authority to Accept from employees  
Resignations Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

2.3-C Staff Recommendation: 36  
Berkeley High Approve the modification of the allotment of  
School Custodian custodians at Berkeley High School  
Allotment Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

2.4-C Staff Recommendation: 37  
2003-2004 Accept the 2003-2004 K-12 Student Calendar  
Calendars and School Term Calendar (Classified) as  
Submitted  
Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

### Educational Services

3.1-C Staff Recommendation: 40  
2003-04 Revised Approve the Revised Single Plan for Student  
Single Plan for Achievement for Berkeley Alternative High  
Student School and Rosa Parks Elementary School  
Achievement for Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_  
Berkeley Alternative  
High School and  
Rosa Parks Elementary  
School

3.2-C Staff Recommendation: 48  
English Language Approve the English Language Acquisition  
Acquisition Program application  
Program Application Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

3.3-C After School Learning Program (ASLP) Fee Increase for 2003-2004	<u>Staff Recommendation:</u> Approve the proposed sliding scale fee increase for the elementary school After School Learning Programs Motion_____ Second_____ Vote_____	40
3.4-C Initial Non-public School Placements For Special Education Students	<u>Staff Recommendation:</u> Approve the Non-public School placement of these students Motion_____ Second_____ Vote_____	51
3.5-C Upgrade Administrative Secretary to Program Coordinator in the Office of Student Services	<u>Staff Recommendation:</u> Approve the upgrade of the Administrative Secretary to Program Coordinator in the Office of Student Services Motion_____ Second_____ Vote_____	53
3.6-C Adult School Vice Principal	<u>Staff Recommendation:</u> Approve the elimination of the position of Adult School Program Supervisor and name June Johnson as Adult School Vice Principal Motion_____ Second_____ Vote_____	54
3.7-C Three-Step Salary Schedule for Adult School	<u>Staff Recommendation:</u> Approve placement of effected non-represented teachers to the appropriate salary step parallel to those represented Motion_____ Second_____ Vote_____	55
3.8-C Adult School Course Approval for 2003-2004	<u>Staff Recommendation:</u> Approve the courses submitted by Berkeley Adult School Motion_____ Second_____ Vote_____	58

Business and Operations

4.1-C Approval of Contracts/ Purchase Orders for Services and Contracts	<u>Staff Recommendation:</u> Authorize the Deputy Superintendent or Purchasing Agent to execute Purchase Orders Motion _____ Second _____ Vote _____	63
4.2-C Approve Listing of Warrants issued in May, June and July 2003	<u>Staff Recommendation:</u> Approve the monthly bill warrant list for May, June and July 2003 Motion _____ Second _____ Vote _____	80
4.3-C Approve Payroll Warrants issued in June and July 2003	<u>Staff Recommendation:</u> Approve payroll payments made in June and July 2003 Motion _____ Second _____ Vote _____	87
4.4-C Resolution 03-07 Ratification of Change Orders for Additional Work for the Cragmont Playfield Renovation.	<u>Staff Recommendation:</u> Ratification of Change Order #1 in the amount of \$17,128.00 and Change Order #2 in the amount of \$400.00 received from Cleary Bros. Landscape, Inc., for Cragmont Playfield The financial adjustment for ratification of Change Order #1 and #2 revises the project total to \$42,624.00 Motion _____ Second _____ Vote _____	91
4.5-C Amendment of Agreement to Bid Schedule No. 1330 For Bread Products	<u>Staff Recommendation:</u> Approval to the Amendment of Agreement to Bid Schedule No. 1330 for Bread Products Motion _____ Second _____ Vote _____	94
4.6-C Amendment of Agreement to Bid Schedule No. 1326 for Custodial Supplies	<u>Staff Recommendation:</u> Approval of the Amendment of Agreement to Bid Schedule No. 1326 for Custodial Supplies Motion _____ Second _____ Vote _____	95

<p>4.7-C Amendment of Agreement to Bid Schedule No. 1328 for Milk and Milk Products</p>	<p><u>Staff Recommendation:</u> Approval of the Amendment of Agreement to Bid Schedule No. 1328 for Milk and Milk Products Motion_____ Second_____ Vote_____</p>	<p>96</p>
<p>4.8-C Amendment of Agreement to Bid Schedule No. 1329 For Produce and Products</p>	<p><u>Staff Recommendation:</u> Approval of the Amendment of Agreement to Bid Schedule No. 1329 for Produce Products Motion_____ Second_____ Vote_____</p>	<p>97</p>
<p>4.9-C Approval to Accept the replacement of the Water Line At Berkeley High School Community Theater</p>	<p><u>Staff Recommendation:</u> Accept the Project and Authorize staff to file the Notice of Completion Motion_____ Second_____ Vote_____</p>	<p>98</p>
<p>4.10-C Resolution 03-04: Accept the project and authorize staff to file the Notice of Completion</p>	<p><u>Staff Recommendation:</u> Approval to Accept the Project to Repair Leaks at Rosa Parks School Motion_____ Second_____ Vote_____</p>	<p>100</p>
<p>4.11-C Resolution 03-05: Approve a Change Order for the New Campus Green Project at Berkeley High School</p>	<p><u>Staff Recommendation:</u> Approve Resolution 03-05: A Change Order for the New Campus Green Project at Berkeley High School Motion_____ Second_____ Vote_____</p>	<p>102</p>
<p>4.12-C Resolution 03-06: Closure of State School Building Lease Purchase Program Fund (Fund #30) at the Alameda County Treasurer's Office</p>	<p><u>Staff Recommendation:</u> Approve Resolution 03-06: The Closure of Lease Purchase Funds at the Alameda County Treasurer's Office</p>	<p>105</p>

<p>4.13-C Resolution 03-08 Approval of Change the Project Order for the Project To Replace the Fire Motion Sprinkler Line at Berkeley High School Community Theater</p>	<p><u>Staff Recommendation:</u> Approval of Resolution 03-08: Change Order for Berkeley High School Community Theater Second_____ Vote_____</p>	<p>108</p>
<p>4.14-C Authorization to Release Ponderosa Removal and Tree Pruning Services at Various Sites Tree Services of Bid Award, Resolution 02-91 and Re-Award Dead and Diseased Motion Tree Removal and Tree Pruning Services at Various Sites to Cleary Bros. Landscape, Inc., New Resolution 03-09</p>	<p><u>Staff Recommendation</u> Approval of a contract for Dead and Diseased Tree be re-awarded to the next lowest responsive, responsible bidder, Cleary Bros. Landscape, Inc. for the amount of \$23,455.00 Second_____ Vote_____</p>	<p>111</p>
<p>4.15-C Liability Claims Submitted to the District</p>	<p><u>Staff Recommendation:</u> To denies all claims and submits to appropriate authority Motion_____ Second_____ Vote_____</p>	<p>114</p>
<p>4.16-C Resolution 03-11 to correct the 2003-2004 tax rate for the “Berkeley Public Schools Educational Excellence Act of 1994” (Measure B, 1994—Schools Special Tax)</p>	<p><u>Staff Recommendation:</u> Approve for the record Resolution with the corrected Residential tax rate for the BSEP tax of FY 2003-2004 Motion_____ Second_____ Vote_____</p>	<p>115</p>

## **ACTION ITEMS**

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

### Business Services

- |  |  |     |
|--|--|-----|
| 4.1-A<br>Approval of the Mitigated Negative Declaration for the Franklin Adult School Project                                | <u>Staff Recommendation:</u><br>Approve Resolution 03-02, which will adopt the final Mitigated Negative Declaration for the proposed project<br>Motion_____ Second_____ Vote_____  | 117 |
| 4.2-A<br>Resolution 03-01:<br>Approval of Franklin and Adult School Project<br>And approval to Solicit Bids for that Project | <u>Staff Recommendation:</u><br>Approve the Franklin Adult School Project and approve the bidding of that Project<br>Motion_____ Second_____ Vote_____   | 148 |
| 4.3-A<br>Certification of 2003-2004 Multi-Year Projections   | <u>Staff Recommendation:</u><br>Acceptance of the Multi-Year Projection of the 2003-2004 Adoption, certifying that the District will be unable to meet its financial Obligations for the current and two Subsequent years without significant Expenditure reductions and revenue Enhancements<br>Motion_____ Second_____ Vote_____ | 158 |

## **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:

### Business Services

- |  |   |     |
|--|---|-----|
| 4.1-CF<br>First Reading:<br>Board Policy 3320 ,<br>Claims and Actions Against the District | <u>Staff Recommendation:</u><br>Accept, for First Reading, Board Policy 3320 regarding Claims and Actions against the District<br>Motion_____ Second_____ Vote_____ | 197 |
|--|---|-----|



## INFORMATION

These items are intended to keep the Board informed on various District business matters, which do not require formal action, by the Board.

### Educational Services

3.1-I Administrative Regulations regarding Parent notification of Student Directory Information	<u>Staff Recommendation:</u> Receive for information.	206
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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:**

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/FM89.3  
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 A NON-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: Michele Lawrence, Superintendent  
FROM: Tina Brier, Director Classified Personnel  
DATE: August 20, 2003  
SUBJ: Delegation of Authority to Accept Resignations

## **BACKGROUND INFORMATION:**

Currently all Berkeley Unified School District employee resignations must be acted upon by the Board of Education before they become effective. This practice can cause, among other things, delays in employees obtaining final payouts, delays in timely opening vacant positions, and delays in retirement benefit processing. For these reasons, and in pursuit of a more efficient and effective process, the District Administration is requesting that the Board delegate the authority to accept resignations to the following administrators:

Superintendent, Deputy Superintendent, Director of Certificated Personnel, Director of Classified Personnel, and Principal, Berkeley High School.

Resignations and retirements will continue to be brought to the Board for information purposes on Human Resources Personnel Reports.

## **POLICY/CODE:**

Education Code 35161

## **FISCAL IMPACT:**

None

## **STAFF RECOMMENDATION:**

It is recommended that the Board delegate its authority to accept resignations from Berkeley Unified School District Employees to the above administrators.





## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Patricia Calvert, Director  
Certificated Personnel  
**DATE:** August 20, 2003  
**SUBJECT:** 2003-2004 Calendars: K-12 2003-2004 and 2003-2004  
Year Calendar (School Term Employees)—Classified

### **BACKGROUND INFORMATION**

Each year the District develops master calendars, which are negotiated with our employee unions that specify the holidays for both students and employees.

Dates meet statutory requirements and are in compliance with the Education Code. Additional format of calendars are provided for convenience.

### **POLICY/CODE**

Board Policy 4162

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approval of the calendars.



# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Neil Smith, Director of Curriculum and Instruction  
**DATE:** August 20, 2003  
**SUBJECT:** 2003-4 Revised Single Plan for Student Achievement for  
Berkeley Alternative High School and Rosa Parks Elementary

## **BACKGROUND INFORMATION:**

The California Department of Education requires all schools participating in school based coordinated categorical programs to have a board approved three year Single Plan for Student Achievement that is revised annually. The Board has approved all three year site plans. This board packet contains the updated goals, taken directly from the Single Plan for each site, as well as the 2003-4 budget pages from the plan. The complete revised Single Plan for Student Achievement is available in the board conference room for public viewing.

There are basic legal assurances for all of the categorical programs. Compliance with these assurances is required indicating that the school district and the site will comply with all the requirements for the program funds included in the school plan. The revised Single Plans for Berkeley Alternative High School and Rosa Parks Elementary School have been reviewed for compliance by the Office of State and Federal Programs and are recommended for approval by the Board of Education.

## **POLICY/CODE**

Education Code Section 52850-52863

## **FISCAL IMPACT**

There is no impact on the General Fund

## **STAFF RECOMMENDATION**

Approve the revised Single Plan for Student Achievement for Berkeley Alternative High and Rosa Parks Elementary School.



TO: Michele Lawrence Superintendent  
 FROM: Tina Brier, Director, Classified Personnel  
 Patricia Calvert, Director, Certificated Personnel  
 DATE: August 20, 2003  
 SUBJECT: ACCEPTANCE OF HUMAN RESOURCES REPORT 03-24

Following is Human Resources Report 03-24 which reports details of personnel assignments, employment, and terminations.

<b>CERTIFICATED EMPLOYEES</b>						
<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
<b><u>RETIREMENTS</u></b>						
Jim E. Dale	Teacher	Berkeley High	General Fund	1.0 FTE	7/31/03	
Yvette McCullough	Teacher	Berkeley High	General Fund	1.0 FTE	9/2/03	
Cynthia Weber	Teacher	Adult School	General Fund	1.0 FTE	7/1/03	
<b><u>RESIGNATION</u></b>						
Carrie Bartlett	Teacher	Special Ed.	General Fund	1.0 FTE	6/25/03	
Michael Curry	Teacher	Cragmont	General Fund	1.0 FTE	6/27/03	
Thomas Ekno	Teacher	Special Ed.	General Fund	1.0 FTE	6/30/03	
Ken Garcia-Gonzales	Teacher	Berkeley High	General Fund	1.0 FTE	8/14/03	
Debra Hill	Teacher	Willard	General Fund	1.0 FTE	6/13/03	
Reva Kidd	Teacher	Cragmont	General Fund	1.0 FTE	6/13/03	
Marguerite Matan	Dean of Students	Berkeley High	General Fund	1.0 FTE	8/13/03	
Darren Pagtakhan	Teacher	King	General Fund	1.0 FTE	7/25/03	
Jeff Rapson	Teacher	Berkeley High	General Fund	1.0 FTE	8/27/03	
Bhupinder Virk	Teacher	Willard	General Fund	1.0 FTE	7/28/03	
Laura Winter	Teacher	Emerson	General Fund	1.0 FTE	6/1/03	

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
<b><u>MATERNITY LEAVE OF ABSENCE WITH PAY</u></b>						
Gloria Amador-Edelin	Teacher	Rosa Parks	General Fund	1.0 FTE	8/25/03	11/14/03
Carolyn Gery	Teacher	Berkeley High	General Fund	1.0 FTE	9/22/03	1/27/04
Christy Smith	Teacher	John Muir	General Fund	1.0 FTE	10/10/03	3/4/04
<b><u>MEDICAL LEAVE OF ABSENCE</u></b>						
Rose Ann Santa Cruz	Teacher	Thousand Oaks	General Fund	1.00 FTE	8/25/03	10/31/03
<b><u>LEAVE OF ABSENCE WITHOUT PAY</u></b>						
Lucy Ames	Teacher	Arts Magnet	General Fund	.57 FTE	8/25/03	6/11/04
Dora Casetta	Teacher	Thousand Oaks	General Fund	.40 FTE (revision)	8/25/03	6/11/04
Julie Chan	Teacher	Oxford	General Fund	.40 FTE	1/15/04	6/11/04
Laura Cornel	Teacher	Rosa Parks	General Fund	.60 FTE	8/25/03	6/11/04
Nancy Isaksen	Teacher	Berkeley High	General Fund	1.0 FTE	11/1/03	12/19/03
Genevieve Leslie	Teacher	King	General Fund	1.0 FTE	8/03	6/04
Elizabeth Scarboro	Teacher	King	General Fund	1.0 FTE	8/25/03	6/11/04
Susan Tanisawa	Teacher	Arts Magnet	General Fund	1.0 FTE	8/25/03	6/11/04
<b><u>ADMINISTRATIVE APPOINTMENT</u></b>						
Rory Bled	Vice Principal	Berkeley High	General Fund	1.0 FTE Step 2	8/1/03	
Denise Brown	Dean of Students	Berkeley High	General Fund	1.0 FTE Step 1	8/1/03	
Matt Huxley	Vice Principal	Berkeley High	General Fund	1.0 FTE Step 1	8/1/03	
Lauren O'Leary	Program Supervisor	Special Ed.	General Fund	1.0 FTE Step 5	8/1/03	
<b><u>ADMINISTRATIVE APPOINTMENT (REVISION OF TITLE)</u></b>						
Patricia Calvert	Director	Human Resources	General Fund	1.0 FTE Step 4	7/1/03	
Gerald Herrick	Director	Student Support Services	General Fund	1.0 FTE Step 4	7/1/03	

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
Ken Jacopetti	Director	Special Education	General Fund	1.0 FTE Step 4	7/1/03	
<b><u>ADULT SCHOOL TEACHER</u></b>						
George Coates	Teacher	Adult School	Site Fund	\$30.39/HRLY	6/23/03	6/30/04
Judy Stein	Teacher	Adult School	Site Fund	\$30.39/HRLY	6/25/03	6/30/04
<b><u>SUMMER SCHOOL TEACHER</u></b>						
Jack Bogdanoff	Teacher	Berkeley High	Summer	\$184.75/day	6/23/03	8/1/03
Brian Brady	Teacher	Berkeley High	Summer	\$184.75/day	6/23/03	8/1/03
Carole Brandmeyer	Teacher	Longfellow	Summer	\$184.75/day	6/23/03	7/18/03
Linda Clark	Teacher	BAHS	Summer	\$184.75/day	6/23/03	7/18/03
Robert Collier	Teacher	King	Summer	\$184.75/day	6/23/03	7/18/03
Pauline Delgado	Teacher	Rosa Parks	Summer	\$150.25/day	6/23/03	7/18/03
Janey Dewitt	Teacher	Berkeley High	Summer	\$184.75/day	6/23/03	8/1/03
Denise Diaz	Teacher	King	Summer	\$184.75/day	6/23/03	7/18/03
Jose Garcia	Teacher	Cragmont	Summer	\$150.25/day	6/23/03	7/18/03
Lisa Ingram	Teacher	King	Summer	\$184.75/day	6/23/03	7/18/03
Heidi Langus	Teacher	King	Summer	\$184.75/day	6/23/03	7/18/03
Lara Lawrence	Teacher	Washington	Summer	\$150.25/day	6/23/03	7/18/03
Mary Lee	Teacher	Rosa Parks	Summer	\$150.25/day	6/23/03	7/18/03
Sean Lenihan	Teacher	Berkeley High	Summer	\$184.75/day	6/23/03	8/1/03
Nathaniel Lewis	Teacher	King	Summer	\$184.75/day	6/23/03	7/18/03
Julie Little	Teacher	Hopkins ECE	Summer	\$133.56/day	6/23/03	8/1/03
Mary Machens	Teacher	Malcolm X	Summer	\$150.25/day	6/23/03	7/18/03
Hanan Masri	Teacher	Emerson	Summer	\$150.25/day	6/23/03	7/18/03
Danielle Merkel	Teacher	Rosa Parks ECE	Summer	\$133.56/day	6/23/03	8/1/03
Elizabeth Montgomery	Teacher	Malcolm X	Summer	\$150.25/day	6/23/03	7/18/03
Pam Ormsby	Teacher	Washington	Summer	\$150.25/day	6/23/03	7/18/03
Ruth Paik	Teacher	Willard	Summer	\$184.75/day	6/23/03	7/18/03
Alexis Pusina	Teacher	Willard	Summer	\$184.75/day	6/23/03	7/18/03

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
Randi Rucker	Teacher	Rosa Parks	Summer	\$150.25/day	6/23/03	7/18/03
Flora Russ	Teacher	Berkeley High	Summer	\$184.75/day	6/23/03	8/1/03
Jessica Shussett	Teacher	Rosa Parks	Summer	\$150.25/day	6/23/03	7/18/03
Kay Sims	Teacher	Hopkins ECE	Summer	\$133.56/day	6/23/03	8/1/03
Gloria Thorton	Teacher	Willard	Summer	\$184.75/day	6/23/03	7/18/03
Debbie Vasquez	Teacher	Special Ed	Summer	\$184.75/day	6/23/03	8/1/03
Tara Wagner	Teacher	Berkeley High	Summer	\$184.75/day	6/23/03	8/1/03
Elizabeth Wihr	Teacher	BAHS	Summer	\$184.75/day	6/23/03	7/18/03
Michelle Witherspoon	Teacher	Arts Magnet	Summer	\$150.25/day	6/23/03	7/18/03
<b><u>STIPENDS</u></b>						
Denise Brown	Summer School Head Teacher	Arts Magnet	Summer	\$250.00	6/23/03	7/18/03
Andrea Dunn	Summer School Head Teacher	Le Conte	Summer	\$125.00	6/23/03	7/3/03
Tom Fairchild	Summer School Head Teacher	Washington	Summer	\$250.00	6/23/03	7/18/03
Scott Harris	Summer School Head Teacher	Jefferson	Summer	\$250.00	6/23/03	7/18/03
Kristin Lono	Summer School Head Teacher	Emerson	Summer	\$125.00	6/23/03	7/3/03
Stefani Maida	Summer School Head Teacher	Emerson	Summer	\$125.00	7/7/03	7/18/03
Virginia Muller	Summer School Head Teacher	Oxford	Summer	\$250.00	6/23/03	7/18/03
Kathleen Richardson	Summer School Head Teacher	Malcolm X	Summer	\$250.00	6/23/03	7/18/03
Letitia Riles	Summer School Head Teacher	Rosa Parks	Summer	\$250.00	6/23/03	7/18/03
Leah Rossman	Summer School Head Teacher	LeConte	Summer	\$125.00	7/7/03	7/18/03

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
<b><u>RETIREMENT</u></b>							
Molly Martin	Instructional Assistant ECE	ECE				9/12/03	
Mitchell McClain	Custodian II	Cragmont				8/12/03	
<b><u>RESIGNATION</u></b>							
Eunice Dunham	Ext. Day Program Coordinator	Thousand Oaks				6/13/03	
Adam Gaines	Instructional Tech.	Thousand Oaks				6/13/03	
Juvenal Llerenas	Grounds Gardener	Maintenance				8/1/03	
<b><u>LEAVE OF ABSENCE WITHOUT PAY</u></b>							
Lynne Rice	Construction Contract Coordinator	Maintenance				7/28/03	10/24/03
<b><u>DEMOTION IN LIEU OF LAYOFF</u></b>							
Diane Okiwelu	Clerical Assistant III	King	Site Fund	36/5	1.0 FTE \$17.61 hr	8/12/03	
<b><u>TRANSFER IN LIEU OF LAYOFF</u></b>							
Melba Lazenby	Clerical Specialist	Transportation	Site Fund	42/5	1.0 FTE \$20.45 hr	7/28/03	
<b><u>PERMANENT</u></b>							
Jennifer Gurvey	Interpreter for the Deaf	King	Special Ed.	45/1	.90 FTE \$18.06 hr	8/25/03	
Amanda Ibarra	Instructional Tech.	Vera Casey	Site Fund	34/3	.80 FTE \$15.18 hr	7/1/03	
Jennifer Maier	Instructional Specialist II (Drama)	Thousand Oaks	Site Fund	58/2	.80 FTE \$26.17 hr	8/25/03	
Saundria McMullen	Instructional Tech. (After School Program)	Malcolm X	Site Fund	34/2	.67 FTE \$14.45 hr	8/25/03	
Michael Spencer	Instructional Tech. (After School Program)	Malcolm X	Site Fund	34/2	.53 FTE \$14.44 hr	8/25/03	
Sherene Randle	Instructional Tech. (After School Program)	Malcolm X	Site Fund	34/2	.53 FTE \$14.45 hr	8/25/03	

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
<b><u>PROBATIONARY</u></b>							
Anthony Brown	Custodian II	John Muir	Site Fund	37/1	1.0 FTE \$14.82 hr	8/1/03	2/1/04
Amanda Freeman	Ext. Day Program Coordinator	Willard	Site Fund	52/1	1.0 FTE \$21.48 hr	8/12/03	2/12/04
Holly Gillette	Interpreter for the Deaf	Berkeley High	Special Ed.	45/5	.80 FTE \$22.02 hr	8/25/03	2/25/04
Lisa Jackson	Ext. Day Program Coordinator	John Muir	Site Fund	52/1	1.0 FTE \$21.48 hr	8/12/03	2/12/04
Kelly Kouyate	Elementary School Secretary	Rosa Parks	Site Fund	44/1	1.0 FTE \$17.61 hr	8/12/03	2/12/04
Dana Malone	Sr. Personnel Assistant	Human Resources	General Fund	42/5	1.0 FTE \$20.45 hr	8/4/03	2/4/04
Jeremiah Vierra	Interpreter for the Deaf	John Muir & Bret Harte (Oakland)	Special Ed.	45/1	.80 FTE \$18.06 hr	8/25/03	2/25/04
<b><u>PROVISIONAL</u></b>							
Leah Abraham	Instructional Assistant	Vera Casey	Site Fund	29/1	.53 FTE \$12.17 hr	7/1/03	10/1/03
Jesenia Corral	Instructional Tech.	Vera Casey	Site Fund	34/1	.80 FTE \$13.76 hr	7/1/03	10/1/03
Valerie Eelkema	Instructional Assistant	Vera Casey	Site Fund	29/1	.80 FTE \$12.17 hr	7/1/03	10/1/03
Eugene Fortune	Instructional Assistant	Vera Casey	Site Fund	29/1	.80 FTE \$12.17	7/1/03	10/1/03
Sui Lau	Program Coordinator	State & Federal	General Fund	52/1	1.0 FTE \$21.48 hr	7/3/03	10/1/03
Zina Lindsey	Technology Supervisor (Limited Term)	Technology	General Fund	65/1	1.0 FTE \$26.48 hr	7/2/03	10/1/03
Victoria Maldonado	Instructional Assistant	Vera Casey	Site Fund	29/1	.80 FTE \$12.17 hr	7/1/03	10/1/03
Julie Waters	Instructional Tech. (After School Program)	Willard	Site Fund	34/1	.47 FTE \$13.76 hr	8/25/03	11/25/03
Elizabeth Windchy	Instructional Specialist (Garden)	ECE-Pre-Schools	Site Fund	N/A	.30 FTE \$20.96 hr	7/1/03	9/30/03

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
<b><u>TEMPORARY/HOURLY</u></b>							
Victor Brown	Instructional Tech. (After School Program)	Malcolm X	Site Fund	34/2	20 hrs/wk \$13.76 hr	8/27/03	6/11/04
Victor Brown	Noon Director	Malcolm X	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Theresa Butler	Noon Director	Washington	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Denise Diggs-Ray	Clerical Specialist	Maintenance	Site Fund	42/1	37.5 hrs/wk \$16.77 hr	7/28/03	10/24/03
Denise Diggs-Ray	Noon Director	Washington	Site Fund	N/A	10 hrs/wk \$11.45 hr	10/27/03	6/11/04
Rose Dunbar	Noon Director	Malcolm X	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Ligaya Gritz	Home School Liaison	John Muir	Site Fund	37/1	10 hrs/wk \$14.82 hr	8/26/03	6/11/04
Judith Hernandez	Noon Director	Malcolm X	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Aminah Ilyas	Clerical Specialist	Transportation	Site Fund	42/1	37.5 hrs/wk \$16.77 hr	7/1/03	8/15/03
Aminah Ilyas	Clerical Specialist	Transportation	Site Fund	42/1	37.5 hrs/wk \$16.77 hr	8/18/03	11/18/03
Reather Jones	Noon Director	Washington	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Simon Kaplan	Instructional Specialist II	Malcolm X	Site Fund	58/1	Not to exceed 300 hrs \$24.94 hr	8/27/03	6/11/04
Patsy Neal	Noon Director	Malcolm X	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Grace Perry	Noon Director	Washington	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
Miles Valentino	Noon Director	LeConte	Site Fund	N/A	10 hrs/wk \$11.45 hr	8/27/03	6/11/04
<b><u>SUBSTITUTES</u></b>							
Kenneth Cobb	Sub-Custodian	All District	Site Fund	32/1	\$13.10 hr	6/20/03	
Yao Fow Lee	Sub-Custodian	All District	Site Fund	32/1	\$13.10 hr	7/10/03	

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
Chan Saelee	Sub-Custodian	All District	Site Fund	32/1	\$13.10 hr	7/10/03	
Lai Saehan	Sub-Custodian	All District	Site Fund	32/1	\$13.10 hr	6/30/03	
Sulaiman Shaareef	Sub-Custodian	All District	Site Fund	32/1	\$13.10 hr	6/30/03	
<b><u>SUMMER EMPLOYMENT (HOURLY)</u></b>							
Lori Adams	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$14.82 hr	6/18/03	7/18/03
Karen Albala	Instructional Assistant Special Education	Berkeley Arts Magnet	Summer School Fund	N/A	22.5 hrs/wk \$14.05 hr	6/23/03	
Renona Alexis	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$14.45 hr	6/18/03	8/26/03
Marcia Anthenien	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	20 hrs/wk \$17.12 hr	6/23/03	7/18/03
Bennie Avery	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	20 hrs/wk \$17.12	6/23-03	8/1/03
Joseph Baca	School Bus Driver	Transportation	Summer School Fund	N/A	20 hrs/wk \$20.45	6/16/03	8/22/03
Julie Batsel	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	20 hrs/wk \$24.22 hr	6/23/03	7/18/03
Andrea Berry	Food Service Satellite Operator	Washington	Summer School Fund	N/A	1.5 hrs/day \$12.77 hr	6/23/03	7/18/03
Johnny Billups	School Bus Driver	Transportation	Summer School Fund	N/A	20 hrs/wk \$20.45 hr	6/16/03	8/22/03
Ron Boykin	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	20 hrs/wk \$17.12 hr	6/23/03	7/18/03
Edith Brozoski	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	20 hrs/wk \$14.82 hr	6/23/03	7/18/03
Gloria Bryant	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	20 hrs/wk \$16.30 hr	6/23/03	7/18/03
Michael Bush	Instructional Specialist (CNN)	John Muir	Summer School Fund	N/A	15 hrs/wk \$23.13 hr	6/16/03	8/22/03
Virgue Callen	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	15 hrs/wk \$15.56 hr	6/23/03	8/1/03
Joyce Carter	Instructional Assistant	ECE	Summer School Fund	N/A	20hrs/wk \$14.82 hr	7/21/03	8/26/03
Tonette Carter	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	20 hrs/wk \$16.12 hr	6/23/03	7/18/03



**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
Wiley Carter	School Bus Driver	Transportation	Summer School Fund	N/A	20 hrs/wk \$20.45 hr	6/16/03	8/22/03
Macardle Chacona-Johnson	Instructional Assistant Special Education	King	Summer School Fund	N/A	225 hrs/wk \$14.84 hr	6/23/03	7/18/03
Lorane Chege	Instructional Assistant	ECE	Summer School Fund	N/A	10 hrs/wk \$12.17 hr	6/18/03	8/26/03
Lorane Chege	Instructional Assistant Special Education	Longfellow	Summer School Fund	N/A	10 hrs/wk \$13.41 hr	6/23/03	7/18/03
Tia Claassen	Instructional Assistant Special Education	Longfellow	Summer School Fund	N/A	20 hrs/wk \$17.12 hr	6/23/03	7/18/03
Ethleen Coaxum	Instructional Assistant	ECE	Summer School Fund	N/A	10 hrs/wk \$15.56 hr	7/21/03	8/26/03
Ethleen Coaxum	Instructional Assistant Special Education	King	Summer School Fund	N/A	10 hrs/wk \$14.82 hr	6/23/03	7/18/03
Sharon Cooke	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	20 hrs/wk \$16.30 hr	6/23/03	8/1/03
Jeffie Cooksey	Instructional Assistant	ECE	Summer School Fund	N/A	3 hrs/wk \$12.17 hr	6/16/03	8/24/03
Charles Copeland	School Bus Driver	Transportation	Summer School Fund	N/A	2 hrs/wk \$20.45 hr	6/16/03	8/22/03
Maribel Coss-Perez	Instructional Assistant	TO	Summer School Fund	N/A	17.5 hrs/wk \$12.17 hr	6/23/03	7/18/03
Maribel Coss-Perez	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$12.17 hr	7/21/03	8/26/03
Tara Creehan	Instructional Specialist (CNN)	Washington	Summer School Fund	N/A	10 hrs/wk \$22.02 hr	6/16/03	8/22/03
Janaina Da Silva	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$14.82 hr	6/23/03	8/1/03
Narlynn Davis	Instructional Assistant	ECE	Summer School Fund	N/A	22.5 hrs/wk \$14.82 hr	7/21/03	8/26/03
Gurmail Deol	Instructional Assistant	ECE	Summer School Fund	N/A	30hrs/wk \$12.17 hr	6/18/03	8/26/03
Susan Deutsch	Occupational Therapist	All District	Summer School Fund	N/A	37.5/wk \$40.83/hr	6/23/03	8/1/03
Peter Dolan	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$14.04 hr	6/23/03	8/1/03

**CLASSIFIED EMPLOYEES**

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Dalles Donnelly	School Bus Driver	Transportation	Summer School Fund	N/A	15 hrs/wk \$20.45 hr	6/16/03	8/22/03
Tim Donnelly	Instructional Assistant Special Education	Hopkins	Summer School Fund	N/A	15 hrs/wk \$15.53 hr	6/23/03	7/18/03
Helen Dotson	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$14.82 hr	6/18/03	7/18/03
Sarah Druss	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$17.12 hr	6/23/03	8/1/03
Cheryl Ester	Instructional Assistant	ECE	Summer School Fund	N/A	15 hrs/wk \$14.82 hr	6/18/03	8/26/03
Cheryl Ester	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$15.56 hr	6/23/03	8/1/03
Eugene Evans	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$16.34 hr	6/23/03	8/1/03
Alicia Featherston	Instructional Assistant	ECE	Summer School Fund	N/A	22.5 hrs/wk \$12.77 hr	7/21/03	8/26/03
Michelle Ferrell	Instructional Assistant Special Education	Berkeley Arts Magnet	Summer School Fund	N/A	17.5 hrs/wk 14.85 hr	6/23/03	7/18/03
David Fisher	Instructional Assistant	ECE	Summer School Fund	N/A	5 hrs/wk \$15.56 hr	6/18/03	7/18/03
David Fisher	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$17.12 hr	6/23/03	8/1/03
Arlene Foster	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	20 hrs/wk \$16.34 hr	6/23/03	8/1/03
Michael Freeman	Student Worker	Transportation	Summer School Fund	N/A	10 hrs/wk \$6.75 hr	7/1/03	8/22/03
Rachel Freeburg	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	15 hrs/wk \$14.76 hr	6/23/03	7/18/03
Lupe Fuentes-Reyna	Instructional Assistant	Thousand Oaks	Summer School Fund	N/A	27.5 hrs/wk \$12.17 hr	6/23/03	7/18/03
Nicholas Furuzawa	Instructional Assistant	ECE	Summer School Fund	N/A	27.5 hrs/wk \$14.82 hr	7/21/03	8/26/03
Nicholas Furuzawa	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	17.5 hrs/wk \$14.88 hr	6/23/03	7/18/03
Wanda Gentry	Instructional Assistant Special Education	Berkeley Arts Magnet	Summer School Fund	N/A	3.5 hrs/wk \$15.56 hr	6/23/03	7/18/03

**CLASSIFIED EMPLOYEES**

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Maria Gil	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	27.5 hrs/wk \$12.77 hr	6/23/03	7/18/03
Ben Goff	Instructional Specialist	LeConte	Summer School Fund	N/A	15 hrs/wk \$22.02 hr	6/16/03	8/22/03
Jon Golden	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$14.05 hr	6/23/03	7/18/03
Venita Graggs	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	17.5 hrs/wk \$17.12 hr	6/23/03	7/18/03
Patricia Greene	School Bus Driver	Transportation	Summer School Fund	N/A	2 hrs/wk \$16.77 hr	6/16/03	8/22/03
Emily Gutierrez	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	20 hrs/wk \$16.34 hr	6/23/03	7/18/03
Leticia Gutierrez	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$13.41 hr	6/23/03	7/18/03
Heather Harris	Instructional Assistant Special Education	King	Summer School Fund	N/A	22.5 hrs/wk \$13.48 hr	6/23/03	7/18/03
Karon Harris-Younger	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$14.12 hr	6/18/03	7/18/03
Faye Hines	School Bus Driver	Transportation	Summer School Fund	N/A	10 hrs/wk \$20.45 hr	6/16/03	8/22/03
Cecilia Hudson	School Bus Driver	Transportation	Summer School Fund	N/A	6.5 hrs/wk \$20.45 hr	6/16/03	8/22/03
Nhung Huynh	Instructional Assistant	ECE	Summer School Fund	N/A	10 hrs/wk \$11.88 hr	6/18/03	8/26/03
Paula Israel	Interpreter for the Deaf	Washington	Summer School Fund	N/A	4 hrs/wk \$24.22 hr	6/23/03	7/18/03
Mary Jackson	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	3 hrs/wk \$16.30 hr	6/23/03	7/18/03
Annette Johnson	School Bus Driver	Transportation	Summer School Fund	N/A	6.5 hrs/wk \$20.45 hr	6/16/03	8/22/03
Maya Johnson	School Bus Driver	Transportation	Summer School Fund	N/A	6 hrs/wk \$20.45 hr	6/16/03	8/22/03
Allan Jones	School Bus Driver	Transportation	Summer School Fund	N/A	1.5 hrs/wk \$16.77 hr	6/16/03	8/22/03
Kelsey Jones	School Bus Driver	Transportation	Summer School Fund	N/A	6 hrs/wk \$20.45 hr	6/16/03	8/22/03

**CLASSIFIED EMPLOYEES**

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Jeanne Kane	Instructional Assistant Special Education	Hopkins	Summer School Fund	N/A	3 hrs/wk \$14.76 hr	6/23/03	
Andre Kellum	School Bus Driver	Transportation	Summer School Fund	N/A	5 hrs/wk \$17.61 hr	6/16/03	8/22/03
Joyce Knezevich	Instructional Specialist II	Washington	Summer School Fund	N/A	7.5 hrs/wk \$27.51 hr	6/23/03	7/18/03
Kathy Kramer	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$14.83 hr	6/23/03	7/18/03
Derrell Laird	School Bus Driver	Transportation	Summer School Fund	N/A	5.5 hrs/wk \$20.45 hr	6/16/03	8/22/03
Theresa Leader	Instructional Assistant	ECE	Summer School Fund	N/A	27.5 hrs/wk \$14.82 hr	6/18/03	7/18/03
Betty Lemon	Instructional Assistant Special Education	Longfellow	Summer School Fund	N/A	22.5 hrs/wk \$17.12 hr	6/23/03	7/18/03
Hedy Lim	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	7.5 hrs/wk \$16.30 hr	6-23-03	8/1/03
Lin H. Ling	Food Service Assistant	ECE	Summer School Fund	N/A	12.5 hrs/wk \$11.29 hr	6/18/03	7/18/03
William Linskil	Instructional Assistant	ECE	Summer School Fund	N/A	12.5 hrs/wk \$14.82 hr	6/18/03	7/18/03
William Linskil	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	20 hrs/wk \$17.12 hr	6/23/03	7/18/03
Jean Love	School Bus Driver	Transportation	Summer School Fund	N/A	7.5 hrs/wk \$20.45 hr	6/16/03	8/22/03
Rivka Mason	Instructional Specialist	Malcolm X	Summer School Fund	N/A	15 hrs/wk \$22.02 hr	6/16/03	8/22/03
Tonie McCoy	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$15.96/hr	6/23/03	8/1/03
Walter Mitchell	Instructional Assistant Special Education	Washington	Summer School Fund	N/A	20hrs/wk \$17.12 hr	6/23/03	7/18/03
Anietra Montgomery	Instructional Assistant Special Education	Hopkins	Summer School Fund	N/A	15 hrs/wk \$16.30 hr	6/23/03	7/18/03
Charles Moore	School Bus Driver	Transportation	Summer School Fund	N/A	15 hrs/wk \$20.45 hr	6/16/03	8/22/03
Randolph Moore	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$16.34 hr	6/23/03	7/18/03

**CLASSIFIED EMPLOYEES**

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Arlan Murillo	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$15.56 hr	6/23/03	7/18/03
Jewel Murphy	COTA	All District	Summer School Fund	N/A	25 hrs/wk \$19.93 hr	6/23/03	8/1/03
Rasheedah Mwongozi	Instructional Assistant	ECE	Summer School Fund	N/A	15 hrs/wk \$14.12 hr	7/21/03	8/26/03
Christopher Nakao	Instructional Specialist (Garden)	Thousand Oaks	Summer School Fund	N/A	10 hrs/wk \$22.02 hr	6/16/03	8/22/03
Christopher Nakao	Instructional Specialist (Garden)	Oxford	Summer School Fund	N/A	10 hrs/wk \$22.02 hr	7/1/03	8/29/03
Juan Ochoa	Custodian I	BHS	Summer School Fund	N/A	37.5 hrs/wk \$15.96 hr	7/1/03	7/25/03
Jennifer Owens	Instructional Assistant	Oxford	Summer School Fund	N/A	15 hrs/wk \$12.77 hr	6/23/03	7/18/03
Sunita Pathak	Instructional Assistant	ECE	Summer School Fund	N/A	10 hrs/wk \$12.77 hr	6/20/03	8/24/03
Odell Patton	Instructional Assistant	ECE	Summer School Fund	N/A	4 hrs/wk \$15.56 hr	6/18/03	7/18/03
Odell Patton	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	20 hrs/wk \$14.82 hr	6/23/03	8/1/03
Catheryn Perry	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$16.34 hr	6/23/03	7/18/03
Rita Pettit	Instructional Assistant	ECE	Summer School Fund	N/A	7.5 hr/wk \$14.82 hr	6/18/03	8/26/03
Rita Pettit	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	17.5 hrs/wk \$17.12 hr	6/23/03	7/18/03
Tina Piggee	Instructional Assistant	King	Summer School Fund	N/A	22.5 hrs/wk \$14.09 hr	6/23/03	7/18/03
Charlene Reis	Instructional Specialist (CNN)	Washington	Summer School Fund	N/A	15 hrs/wk \$22.02 hr	6/16/03	8/22/03
Mary Ann Reynolds	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$14.82	6/18/03	8/26/03
Vivian Robinson	Food Service Satellite Operator	Malcolm X	Summer School Fund	N/A	7.5 hrs/wk \$15.56	6/23/03	7/18/03
Jesus Rodriguez	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	3.5 hrs/wk \$14.05 hr	6/23/03	7/18/03

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
Lorna Rohlfing	Instructional Assistant	ECE	Summer School Fund	N/A	27.5 hrs/wk \$14.82 hr	6/18/03	8/26/03
Karen Saffarian	Instructional Assistant	ECE	Summer School Fund	N/A	32.5 hrs/wk \$14.82 hr	6/18/03	8/26/03
Margie Samberg	Interpreter for the Deaf	Washington	Summer School Fund	N/A	18.75 hrs/wk \$24.22 hr	6/23/03	7/18/03
Erendira Sanchez	School Bus Driver	Transportation	Summer School Fund	N/A	10 hrs/wk \$20.45 hr	6/16/03	8/22/03
Gloria Sanchez	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$12.17 hr	6/18/03	8/26/03
Paulette Schafir	Occupational Therapist	All District	Summer School Fund	N/A	30 hrs/wk \$38.83 hr	6/23/03	8/1/03
Opal Session	Instructional Assistant	ECE	Summer School Fund	N/A	4.5 hrs/wk \$14.82 hr	6/18/03	8/26/03
Opal Session	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$16.34 hr	6/23/03	7/18/03
Sushil Sharma	Instructional Assistant	ECE	Summer School Fund	N/A	30 hrs/wk \$12.77 hr	6/18/03	7/18/03
Barbara Singleton	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	12 hrs/wk \$15.56 hr	6/23/03	7/18/03
Tiffany Singleton	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	17.5 hrs/wk \$15.56 hr	6/23/03	7/18/03
Joyce Slim	Instructional Assistant	ECE	Summer School Fund	N/A	15 hrs/wk \$14.82 hr	7/21/03	8/26/03
Maria Soria	Instructional Assistant	ECE	Summer School Fund	N/A	25 hrs/wk \$13.76 hr	6/18/03	7/18/03
Adrian Stannish	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$14.04	6/23/03	7/18/03
Corinne Sterling-Thompson	Instructional Assistant	ECE	Summer School Fund	N/A	4.5 hrs/wk \$12.17 hr	6/18/03	7/18/03
Johnnie Stovall	Instructional Assistant Special Education	Longfellow	Summer School Fund	N/A	22.5 hrs/wk \$15.56 hr	6/23/03	7/18/03
L. Sutherland	Instructional Assistant Special Education	Malcolm X	Summer School Fund	N/A	17.5 hrs/wk \$14.05 hr	6/23/03	7/18/03
Matthew Tsang	Instructional Specialist (Garden)	Willard	Summer School Fund	N/A	15 hrs/wk \$22.02 hr	6/16/03	6/22/03

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
Jeremiah Vierra	Interpreter for the Deaf	Washington	Summer School Fund	N/A	22.5 hrs/wk \$18.96 hr	6/23/03	7/18/03
Tonya Warren	Instructional Assistant Special Education	BHS	Summer School Fund	N/A	22.5 hrs/wk \$14.76 hr	6/23/03	8/1/03
Claudia Waters	Instructional Assistant	ECE	Summer School Fund	N/A	15 hrs/wk \$14.12 hr	6/18/03	8/26/03
Claudia Waters	Instructional Assistant Special Education	King	Summer School Fund	N/A	22.5 hrs/wk \$15.53 hr	6/23/03	7/18/03
Brenda Watson	School Bus Driver	ECE	Summer School Fund	N/A	30 hrs/wk \$20.45 hr	6/16/03	8/22/03
Lodee Williams	Instructional Assistant	ECE	Summer School Fund	N/A	30 hrs/wk \$14.82 hr	7/21/03	8/26/03
Nicole Williams	Instructional Assistant Special Education	Hopkins	Summer School Fund	N/A	3 hrs/wk \$15.53 hr	6/23/03	7/18/03
Elizabeth Windchy	Instructional Specialist (Garden)	Rosa Parks	Summer School Fund	N/A	15 hrs/wk \$20.96 hr	6/16/03	8/22/03
Dean Woods	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	17.5 hrs/wk \$15.56 hr	6/23/03	7/18/03
Gloria Woodson	Instructional Assistant	ECE	Summer School Fund	N/A	20 hrs/wk \$12.17 hr	7/21/03	8/26/03
Kimberley Wurcher	COTA	All District	Summer School Fund	N/A	37.5 hrs/wk \$22.02 hr	6/23/03	8/1/03
Lan Xu	Food Service Assistant	Adult School Child Care	Summer School Fund	N/A	10 hrs/wk \$11.29 hr	7/2/03	7/16/03
Lan Xu	Food Service Assistant	Adult School	Summer School Fund	N/A	10 hrs/wk	7/21/03	8/26/03
Ahlam Younis	Instructional Specialist	LeConte	Summer School Fund	N/A	15 hrs/wk \$20.90 hr	6/23/03	7/19/03
Ninger Yuan	Food Service Satellite Operator	Rosa Parks	Summer School Fund	N/A	7.5 hrs/wk \$12.17 hr	6/23/03	7/18/03
Amielle Zemach	Instructional Assistant Special Education	Rosa Parks	Summer School Fund	N/A	22.5 hrs/wk \$14.12 hr	6/23/03	7/18/03
<b><u>STIPENDS</u></b>							
Maggie Newcomb	80% Assistant Coach (Girls Crew)	Berkeley High	Site Fund	N/A	\$1279.20	2/10/03	6/8/03

**CLASSIFIED EMPLOYEES**

<b>NAME</b>	<b>POSITION</b>	<b>LOCATION</b>	<b>BUDGET</b>	<b>CLASS RANGE STEP</b>	<b>FTE &amp; SALARY</b>	<b>FROM</b>	<b>TO</b>
<b>WORKING EVENING SHIFT, OUT OF CLASS, ATTENDANT DUTIES, OR AS CONFIDENTIAL EMPLOYEE</b>							
Holly Gillette	Interpreter for the Deaf	Berkeley High	Site Fund	45/5	.80 FTE 5% differential \$.88	8/25/03	2/25/04
Zina Lindsey	Technology Supervisor	Technology	General Fund	65/1	1.0 FTE 5% differential \$1.33	7/2/03	10/1/03
Jeremiah Vierra	Interpreter for the Deaf	John Muir & Bret Harte (Oakland)	Site Fund	45/1	.80 FTE 5% differential \$.72	8/25/03	2/25/04



# **BERKELEY UNIFIED SCHOOL DISTRICT**

TO: Michele Lawrence, Superintendent  
FROM: Tina Brier, Director Classified Personnel  
DATE: August 20, 2003  
SUBJ: Delegation of Authority to Accept Resignations

## **BACKGROUND INFORMATION:**

Currently all Berkeley Unified School District employee resignations must be acted upon by the Board of Education before they become effective. This practice can cause, among other things, delays in employees obtaining final payouts, delays in timely opening vacant positions, and delays in retirement benefit processing. For these reasons, and in pursuit of a more efficient and effective process, the District Administration is requesting that the Board delegate the authority to accept resignations to the following administrators:

Superintendent, Deputy Superintendent, Director of Certificated Personnel, Director of Classified Personnel, and Principal, Berkeley High School.

Resignations and retirements will continue to be brought to the Board for information purposes on Human Resources Personnel Reports.

## **POLICY/CODE:**

Education Code 35161

## **FISCAL IMPACT:**

None

## **STAFF RECOMMENDATION:**

It is recommended that the Board delegate its authority to accept resignations from Berkeley Unified School District Employees to the above administrators.





## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Patricia Calvert, Director  
Certificated Personnel  
**DATE:** August 20, 2003  
**SUBJECT:** 2003-2004 Calendars: K-12 2003-2004 and 2003-2004  
Year Calendar (School Term Employees)—Classified

### **BACKGROUND INFORMATION**

Each year the District develops master calendars, which are negotiated with our employee unions that specify the holidays for both students and employees.

Dates meet statutory requirements and are in compliance with the Education Code. Additional format of calendars are provided for convenience.

### **POLICY/CODE**

Board Policy 4162

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approval of the calendars.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Neil Smith, Director of Curriculum and Instruction  
**DATE:** August 20, 2003  
**SUBJECT:** 2003-4 Revised Single Plan for Student Achievement for  
Berkeley Alternative High School and Rosa Parks Elementary

## **BACKGROUND INFORMATION:**

The California Department of Education requires all schools participating in school based coordinated categorical programs to have a board approved three year Single Plan for Student Achievement that is revised annually. The Board has approved all three year site plans. This board packet contains the updated goals, taken directly from the Single Plan for each site, as well as the 2003-4 budget pages from the plan. The complete revised Single Plan for Student Achievement is available in the board conference room for public viewing.

There are basic legal assurances for all of the categorical programs. Compliance with these assurances is required indicating that the school district and the site will comply with all the requirements for the program funds included in the school plan. The revised Single Plans for Berkeley Alternative High School and Rosa Parks Elementary School have been reviewed for compliance by the Office of State and Federal Programs and are recommended for approval by the Board of Education.

## **POLICY/CODE**

Education Code Section 52850-52863

## **FISCAL IMPACT**

There is no impact on the General Fund

## **STAFF RECOMMENDATION**

Approve the revised Single Plan for Student Achievement for Berkeley Alternative High and Rosa Parks Elementary School.

**BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Neil Smith, Director of Curriculum and Instruction  
**DATE:** August 20, 2003  
**SUBJECT:** English Language Acquisition Program application

**BACKGROUND INFORMATION:**

This supplemental funding helps to provide a program of English language development to assist pupils in grades 4-8 in successfully achieving the English language development standards.

The district must certify that it will conduct academic assessments of English learners to ensure appropriate placement of the students. These assessments include initial assessment of English language learners to determine their English proficiency level as well as ongoing assessment conducted at least annually to communicate progress and to provide formative assessment information to refine the program. Assessment measures include the State Testing and Reporting program (STAR) and the California English Language Development test, (CELDT). Berkeley Unified School District has met this requirement.

This funding will provide supplemental instructional support, such as before and after school opportunities to provide English learners with continuing English language development.

There are 437 English learners in grades four through eight who will benefit from this funding.

**POLICY/CODE:**

Education Code section 404

**FISCAL IMPACT:**

Approximately \$35,000 in ELAP funding

**STAFF RECOMMENDATION:**

Approve the application for ELAP funding

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Ken Jacopetti, Director of Special Education  
**DATE:** August 20, 2003  
**SUBJECT:** Initial Non-public School Placements for Special Education Students

### **BACKGROUND INFORMATION:**

When the District does not have the program services for students with severe disabilities, non-public school placement may be necessary. The District will enter into contracts for non-public school placement for the following:

**A. Keystone School – Student – DOB 6/13/90**

The student qualified for special education services on October 31, 2002, under the category: emotional disability. Last year the student was on home instruction while an appropriate placement was found. It is now recommended that Keystone School, which has a more structured and directed program, be the student's placement.

Duration:	August 1, 2003-June 30, 2004	
Daily rate:	180 days at \$104.16 per day	
Total:		\$18,750.00

**B. Center for Education of Infant Deaf – Student – DOB 2/8/02**

The IFSP team decided to place this student at the Center for the Education of Infant Deaf due to deafness and the availability of infant enriched services at this site.

Duration:	June 13, 2003-June 30, 2004	
Daily rate/home visits:	41 days at \$133.00 per day =	\$5,453.00
Daily rate/Friday class:	41 days 121.00 per day =	\$4,961.00
Total:		\$10,414.00

- C. Spectrum Center – Student – DOB 10/9/90  
 Intensive needs dictated multi-faceted treatment milieu with signing peers. Intensive, high-level designated instructional services (DIS) to include: speech, occupational therapy, physical therapy, adaptive physical education, aquatic program, therapy for the visually impaired, and signing interpreter. The student also has seizure disorders requiring medical protocols and specially trained staff. Additionally, as no conventional transportation arrangements were possible through our usual carriers, special accommodations were made. The lack of placement options and restrictions required the need for a special program to be created to accommodate the student’s needs.

Duration:	July 7, 2003-June 30, 2003
Daily rate:	210 days at \$174.00 per day = \$36,540.00
Related services	\$57,581.00
Total	\$94,121.00

Total Non-public School	\$123,285.00
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**POLICY/CODE**

Board Policy: DJB  
 Education Code: 56365(a)  
 Education Code: 56361(e)  
 Education Code: 56366

**FISCAL IMPACT**

\$123,285.00 in expenses, \$10,414.00 reimbursed from Federal Funds; \$112,871.00  
 Net expenses to the General Fund

**STAFF RECOMMENDATION**

Approve the Non-Public School placement of these students.



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Gerald Herrick, Director, Student Services  
**DATE:** August 20, 2003  
**SUBJECT:** Upgrade Administrative Secretary to Program Coordinator in the Student Services Office

### **BACKGROUND INFORMATION**

The Office of Student Services, a division of Educational Services, has been given additional duties and responsibilities as a result of the District's reorganization and restructuring. Because of the additional duties and responsibilities, the Office of Student Services has the need for a more broad-based position of Program Coordinator to ensure successful and effective management of the office. This position will provide direct support to the Director of Student Services and the office in general.

### **POLICY/CODE**

Education Code 45109

### **FISCAL IMPACT**

Approximately \$3,000.00 in General Fund money.

### **STAFF RECOMMENDATION**

Approve the upgrade of Administrative Secretary position to Program Coordinator in the Office of Student Services.



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Margaret Kirkpatrick, Principal, Berkeley Adult School  
**DATE:** August 20, 2003  
**SUBJECT:** Adult School Vice Principal

### **BACKGROUND INFORMATION**

A recent evaluation of the organizational chart and administrator assignments for Berkeley Adult School revealed that June Johnson, the Adult School Program Supervisor has in fact been performing the duties of a vice principal for three years. Changes in administration at the Adult School and those at Central Office inadvertently delayed the correction of this inequity. Her duties include supervision and evaluation of both classified and certificated staff, the development of programs, interacting with the community and students, and applying for an administering several grants. Although Berkeley Adult School is out of compliance with Education Code 525502, being administratively understaffed, the change of title creates parity. Therefore, it is recommended that June Johnson be moved into the title of the position of vice principal, and that the Adult School Program Supervisor position be eliminated.

### **POLICY/CODE**

Education Code 52502, RCCR 10560(b)(c)

### **FISCAL IMPACT**

There is no impact on the General Fund. The impact on the Adult School Fund is approximately \$2,800.00.

### **RECOMMENDATION**

Approve the elimination of the position of Adult School Program Supervisor and name June Johnson as Adult School Vice Principal.



# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Margaret Kirkpatrick, Principal, Berkeley Adult School  
**DATE:** August 20, 2003  
**SUBJECT:** Three-Step Salary Schedule for Adult School Teachers

## **BACKGROUND INFORMATION**

Adult School teachers who are not in the bargaining unit, who are, teachers who teach fewer than nine hours per week, are at present not placed on the three-step salary schedule negotiated in 2000 for all other Adult School teachers. When the salary scale was negotiated, these teachers were not counted as part of the effected staff and, as a result, they have stayed at the first step for a number of years while other teachers have moved even though these are long-term employees. In this category there are approximately 45 teachers, five of who have taught for more than 20 years. Consequently, we are seeking to rectify this inequity and are recommending their appropriate placement on the salary schedule:

Step 1	0-3 years	\$30.39
Step 2	4-9 years	\$31.81
Step 3	10+ years	\$33.30

Since these individuals are not part of a collective bargaining agreement, separate Board approval is necessary. There is no impact on the District's General Fund, and the Adult School Fund can support this additional cost. Placement on the three-step schedule does not make these employees eligible for any increases or retroactive correction. Any COLA increases will still require Board action in the future.

## **POLICY/CODE**

Education Code 45022

## **FISCAL IMPACT**

Approximately \$6,500 per year from the Adult School.

## **STAFF RECOMMENDATION**

Approve placement of effected teachers to the appropriate salary step in parallel to represented teachers.



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Margaret Kirkpatrick, Principal, Berkeley Adult School  
**DATE:** August 20, 2003  
**SUBJECT:** Adult School Course Approval for 2003-2004

### **BACKGROUND INFORMATION**

Each year each Adult Education Program must submit its course titles to the Adult Education Office of the California Department of Education for approval. CDE consultants review the course titles. Once approved, the District may collect average daily attendance (ADA) for students attending the classes during the approval year.

CDE also requires that the local Board of Education approve the course titles. Attached is a copy of Course Approval list, which has been submitted to and approved by the Department of Education.

This submitted list contains all classes offered by the Adult School. For your information, fee-based classes are also listed, although these classes are self-supporting and do not generate State ADA Fees for community service classes are set using a formula which sets an income of approximately \$50 per teaching hour, based on the number of students enrolled and any additional class costs.

### **POLICY/CODE**

Education Code 51056

### **FISCAL IMPACT**

California Department of Education is not required to fund the ADA generated by classes not approved by the local Board of Education.

### **STAFF RECOMMENDATION**

Approve the courses submitted by Berkeley Adult School.





**BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith  
Associate Superintendent of Business and Operations (CBO)  
**DATE:** August 20, 2003  
**SUBJECT:** Approval of Contracts/Purchase Orders for Services  
Contracts

**BACKGROUND INFORMATION**

The District contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis.

The following contract services are requested.

1. Ratification of contract to PTL Auto Services to provide fuel for District vehicles for the 03/04 FY. The cost will not exceed \$20,000. The cost to be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
2. Ratification of contract to Albany AM/PM to provide fuel for District vehicles for the 03/04 FY. The cost will not exceed \$30,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
3. Ratification of contract to Golden Gate Petroleum to provide diesel fuel for District vehicles for the 03/04 FY. The cost will not exceed \$4,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
4. Ratification of contract to City of Berkeley to provide fuel for District vehicles for the 03/04 FY. The cost will not exceed \$30,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
5. Ratification of contract to Trillium USA to provide CNG for District school buses for the 03/04 FY. The cost will not exceed \$30,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
6. Water One to furnish chemical treatment to District boilers for the 03/04 FY. The cost will not exceed \$4, 000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.

7. CDWG, to provide 3 HP color printers @ \$2,124 each 38 HP network printers @ \$1,023 each and 2 large HP network printers @\$1,950 each and 2 Infocus printers @\$1,780 each for a total cost of \$58,740.68 per (WSCA) Western State Contracting Alliance contract# 92-00151 for District Administration. To be paid from Bond Interest Budget. Requested by Eric D. Smith.
8. Kinko's to provide copy services for the 03/04 FY. The cost will not exceed \$5,000. To be paid from General Fund Business and Operations Budget. Requested by Eric D. Smith.
9. CNN Contra Costa Newspaper to provide advertising for Budget Notification of Public Inspection for the FY 2004/05 in May 2004 per legal requirements in the Berkeley Voice Newspaper. The cost will not exceed \$50. To be paid from General Fund Business Services and Operations Budget. Required by Eric D. Smith.
10. Bay Microfilm Inc., to provide on- site maintenance and repair, travel and labor visit charge of \$100, labor at first \_ hour \$60 each additional hour \$120/hour. The cost will not exceed \$500. To be paid from General Fund Accounting Budget. Requested by Song Chin-Bendib.
11. JP Gilman St. LP to provide rental space at 1310 9<sup>th</sup> Street, Transportation Department Office at a cost of \$3,150/month for the 03/04 FY. The cost will not exceed \$37,800. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
12. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$3,000. To be paid from State/Federal Programs Title 1 Budget. Requested by Carla Basom.
13. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$1,500. To be paid from State/Federal Program Systemwide Budget. Requested by Carla Basom.
14. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$1,000. To be paid from State/Federal Program Magnet Budget. Requested by Carla Basom.
15. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$1,200. To be paid from State/ Federal Programs EIA/English Language Learners Budget. Requested by Carla Basom.

16. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$500. To be paid from State/Federal Programs Gifted & Talented Budget. Requested by Carla Basom.
17. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$2,000. To be paid from State/Federal Programs School Improvement Budget. Requested by Carla Basom.
18. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$3,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
19. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$6,500. To be paid from Nutrition Services Budget. Requested by Karen Candito.
20. Kinko's to provide printing services for the 03/04 FY. The cost will not exceed \$400. To be paid from General Fund Student Services Budget. Requested by Gerald Herrick.
21. Copy World to provide printing services for the 03/04 FY. The cost will not exceed \$750. To be paid from General Fund Independent Study Budget. Requested by Alex Palau.
22. Copy Central to provide printing services for the 03/04 FY. The cost will not exceed \$600. To be paid from General Fund Berkeley Alternative High School Budget. Requested by Alex Palau.
23. BPS Reprographics to provide reprographics services for the 03/04 FY. The cost will not exceed \$1,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
24. Dave Olnes to provide geotechnical services during the construction at the King Middle School Dining Commons. The cost will not exceed \$5,000. The cost to be paid from Measure AA Budget. Requested by Lew Jones.
25. Ratification of contract to Carmel Unified School District for providing repairs on BUSD Bus #19 in the amount of \$773.35. The cost to be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
26. Ratification of contract to Kelling, Northcross & Nobriga, for reimbursable expenses related to project #508, issuance of \$50,000,000 Berkeley Unified School District General Obligations

Bonds, election of 2000, series 2003. The cost to be paid is \$600.46. To be paid from Measure AA Budget.

27. Mobile Modular Mgt. Corp. to provide rental of portable at Emerson School for the 03/04 FY. The cost will not exceed \$7000. To be paid from General Fund Maintenance Budget. Requested by Song Chin-Bendib.
28. Ratification of contract to Pacific Gas & Electric for providing inspection trench conduit etc. services at Berkeley Alternative High School. The cost to be paid will be \$3,699.96. To be paid from Measure AA Budget. Requested by Lew Jones.
29. Single Cylinder Repair to provide labor and materials for repair of grounds equipment for 03/04 FY. The cost will not exceed \$2,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
30. Bruce Wicinis to provide software data services for the 03/04 FY. The cost will not exceed \$2,500. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
31. Equiserv to provide smog machine services and related equipment needs for the 03/04 FY. The cost will not exceed \$500. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
32. Jocelyn Mitchelmore to provide training in the Guided Language Acquisition Design (G.L.A.D) program for the 03/04 SY. The cost will not exceed \$52,000. To be paid from State/Federal Program Systemwide Improvement, Title I & Title II Budgets. Requested by Carla Basom.
33. Kelli Richardson to provide training in the Guided Language Acquisition Design (G.L.A.D) program for the 03/04 SY. The cost will not exceed \$52,000. To be paid from State/Federal Programs Systemwide Improvement, Title I & Title II Budgets. Requested by Carla Basom.
34. Walter Mork Co. to provide parts and services for the 03/04 FY. The cost will not exceed \$300. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
35. Mandated Cost Systems, Inc. to provide services during the 03/04 SY for student data collection and mandated test claims. The cost will not exceed \$6,000. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.

36. Ratification of contract to Environmental Science Associate to provide consulting services for preparation of CEQA study and preparation or responses to comments to initial study and environmental review checklist. The cost to be paid will be \$6,550. To be paid from Measure AA Budget. Requested by Lew Jones.
37. Dataworks to provide data preparation for CELDT 2004 testing for the 03/04 FY. The cost will not exceed \$1,000. To be paid from State/Federal Programs EIA/ELL Budget. Requested by Carla Basom.
38. 6<sup>th</sup> Street Incubatorspace LLC to provide rental space at 1241 6<sup>th</sup> Street for the BUSD Transportation Bus parking lot at a rate of \$16,500/month. The cost will not exceed \$198,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
39. Time Clock Sales/Services to provide repairs on the time clock for the 03/04 FY. The cost will not exceed \$200. To be paid from General Fund Transportation Department Budget. Requested by Bernadette Cormier.
40. 42IS to provide peripheral services, repairs and technical support for the 03/04 FY. The cost will not exceed \$3,500. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
41. Simplex and Grinnell to provide fire extinguisher material installation or service for the 03/04 FY. The cost will not exceed \$3,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
42. Seven-Eleven Body Shop to provide body work, painting, parts and services for the 03/04 FY. The cost will not exceed \$10,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
43. Gecko Microsolutions to provide technical support for the 03/04 FY. The cost will not exceed \$450. To be paid from General Fund Transportation Department. Requested by Bernadette Cormier.
44. Evergreen Vacuum Services to provide pick up and disposal services of waste oil or hazardous materials for the 03/04 FY. The cost will not exceed \$1,000. To be paid from General Fund

- Transportation Department Budget. Requested by Bernadette Cormier.
45. East Bay Frame & Axle to provide parts and services for the 03/04 FY. The cost will not exceed \$600. To be paid from General Fund Transportation Department Budget. Requested by Bernadette Cormier.
  46. San Leandro Towing to provide towing services for the 03/04 FY. The cost will not exceed \$1,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  47. Ortiz Lift to provide parts, labor service, including travel costs and service calls, for the 03/04 FY. The cost will not exceed \$3,500. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  48. Ajax Portable Services to provide a portable toilet located at Transportation Yard. The cost will not exceed \$8,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  49. U.S. Heathworks to provide physical exams for the 03/04 FY. The cost will not exceed \$1,500. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  50. Stringer to provide service contract for Panasonic Works DP 300E Digital Copier, labor service calls includes all supplies and periodic maintenance includes paper and staples based on 60,000 copiers per year @.0150/copy. The cost will not exceed \$1,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  51. Mobile Modular to provide lease modular office for the Transportation Shop for the 03/04 FY. The cost will not exceed \$6,500. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  52. Cintas Corporation to provide cleaning and sewing of uniforms for the 03/04 FY. The cost will not exceed \$7,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
  53. American Tower Corporation to provide space rental on Volmer Peak for repeater radio communication system for the 03/04 FY.

- The cost will not exceed \$8,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
54. Safety Kleen Systems, Inc. to provide services to pick up photo lab chemicals at Berkeley High School and dispose of them properly for the 03/04 FY. The cost will not exceed \$2,000. To be paid from General Fund Budget. Requested by Rhonda Bacot.
  55. R and S Erection of Richmond to provide rolling steel door to fit warehouse opening the cost includes installation of door. The cost will not exceed \$1,500. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  56. Rex Key Shop to provide emergency key services for the 03/04 FY. The cost will not exceed \$1,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  57. State of California Industrial Relations to provide elevator inspections for the 03/04 FY. The cost will not exceed \$2,000. To be paid from Measure BB. Requested by Rhonda Bacot.
  58. Ratification of contract to City of Berkeley to provide transfer station/dumpster services for the 03/04 FY. The cost will not exceed \$60,000. To be paid from General Fund Budget. Requested by Rhonda Bacot.
  59. City of Berkeley to provide fire inspection services for the 03/04 FY. The cost will not exceed \$11,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  60. City of Berkeley to provide hazardous, toxic materials services per Resolution No. 60.601 N.S. for the 03/04 FY. The cost will not exceed \$6,000. To be paid from General Fund Budget. Requested by Rhonda Bacot.
  61. Coit Service, Inc. to provide professional cleaning services as need for District sites for the 03/04 FY. The cost will not exceed \$1,500. To be paid from General Fund Custodial Budget. Requested by Rhonda Bacot.
  62. Cookson Door Sales Company to furnish materials and labor to repair doors at various school sites as needed for the 03/04 FY. The cost will not exceed \$5,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.

63. AD Club Advertising Service to provide advertising service as needed for the 03/04 FY. The cost will not exceed \$4,000. To be paid from General Fund Human Resources Budget. Requested by Rhonda Bacot.
64. AirGas NCN to provide welding services as needed for the 03/04 FY. The cost will not exceed \$1,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
65. Anderson Carpet & Linoleum to provide flooring services as needed for the 03/04 FY. The cost will not exceed \$10,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
66. Apple Elevator Company to provide service and repair of BUSD elevators as required for the 03/04 FY. The cost will not exceed \$45,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
67. Arthur J. Gallagher & Company, installment 3 & 4 of State Compensation Fund Policy #160071802, two equal installments workers compensation in the amount \$1,975,086 for the period July 1, 2003 through December 31, 2003. To be paid from Self Insurance Fund Budget. Requested by Eric Smith.
68. Ratification of contract to Double Day Movers to provide moving services for the 03/04 FY. The cost will not exceed \$7,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
69. Allegra Print to provide printing services for the 03/04 FY. The cost will not exceed \$14,500. To be paid from General Fund Berkeley High School Budget. Requested Gabriel McCurtis.
70. Simplex-Grinnell to provide service contract for fire alarm equipment for the 03/04 FY. The cost will not exceed \$26,137. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
71. Ratification of contract to National Elevator to provide repair services for Longfellow School elevator for the 03/04 FY. The cost will not exceed \$2,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
72. Ratification of contract to Aramark Uniforms to provide rental uniform shirts for the Maintenance Department staff for the 03/04 FY. The cost will not exceed \$7,500. To be paid from Measure BB Budget. Requested by Rhonda Bacot.



73. Ratification of contract to Bailey Fence Company to furnish labor and materials for fence repairs as required by the Maintenance Department for the 03/04 FY. The cost will not exceed \$15,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
74. Barber Backflow to provide testing and repair of backflow systems throughout the District as needed for the 03/04 FY. The cost will not exceed \$3,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
75. Ratification of contract to R.H. Tinney Inc., to provide service and repairs on District boilers as needed for the 03/04 FY as requested by the Maintenance Department. The cost will not exceed \$40,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
76. SYSERCO, Inc., to furnish materials and labor on district-wide energy management systems heating, HAVC, and lighting for 03/04 FY. The cost will not exceed \$4,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
77. Tennant Company to provide labor and materials to service and repair Tennant sweepers for the 03/04 FY. The cost will not exceed \$6,500. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
78. Ratification of contract to Helling & Associates to provide consultant services for risk management evaluation of services and services contracts of those individuals or firms providing services to BUSD each as brokers of records, insurance carriers, claim auditors, claim administrators, defense councils, financial auditors and other professionals or consultant. Helling & Associates will assist worker's comp claim Administer selection and provide assistance in the selection of a registered, professional Safety Engineer to undertake the mandatory safety, inspection and if BUSD desires will help the current broker or another broker to place the excess insurance which should be purchase and assist with problems or concerns which may arise during the application process. The cost will not exceed \$34,800. To be paid from General Fund Business Services Budget. Requested by Eric D. Smith.
79. Ratification of contract to U C Berkeley/Break the Cycle to provide afterschool turtorial services for Malcom X students performed by Break the Cycle Tutors for the period September 2002 through June 2003. The cost to be paid is \$10,247. To be paid from State/Federal SIP and BSEP Budgets. Requested by Cheryl Chin.

80. Ratification of contract to Thomas E. Dum Real Estate to provide complete appraisals for school facilities located at 1720 Oregon Street and 1581 Le Roy Street. The cost will not exceed \$6,800. To be paid from General Fund Business Services Budget. Requested by Eric D. Smith.
81. Community Resource for Science to provide Teacher Lab Consulting to assist Cragmont in the creation and implementation of standards based thematic science units K-5 for the period Spring 2003 through June 2005. The cost will not exceed \$4,000. To be paid from II/USP Budget. Requested by Jason Lustig.
82. Gordon Office Equipment to furnish maintenance repair on office equipment including printers and typewriters located in State/Federal Programs Office. The cost will not exceed \$1,200. To be paid from State/Federal Programs Budget. Requested by Carla Basom.
83. Inkworks Press to provide business cards and letterhead for the Board of Education and Superintendent of Schools for the 03/04 FY. The cost will not exceed \$3,000. To be paid from General Fund Superintendent Budget. Requested by Queen Graham.
84. Gordon Office Equipment to provide maintenance agreement for the Fax and Typewriter located in the Superintendent Office for the 03/04 FY. The cost will not exceed \$500. To be paid from General Fund Superintendent Budget. Requested by Queen Graham.
85. Copy World to provide copy services for the Board of Education and Superintendent for the 03/04 FY. The cost will not exceed \$8,000. To be paid from General Fund Superintendent Budget. Requested by Queen Graham.
86. UPS to provide pick up services, flat rate of \$8.00 per week plus applicable shipping charges for the 03/04 FY. The cost will not exceed \$1,500. To be paid from General Fund Business Services Budget. Requested by Eric D. Smith.
87. Federal Express to provide pick up service for the 03/04 FY. The cost will not exceed \$200. To be paid from the Nutrition Services Budget. Requested by Karen Candito.

88. A T&T Wireless to provide cellular phone services for the 03/04 FY. The cost will not exceed \$3,000. To be paid from Nutrition Services Budget. Requested by Karen Candito.
89. Miles Refrigeration to provide rental, lease and repair services for the 03/04 FY. The cost will not exceed \$1,000. To be paid from Nutrition Services Budget. Requested by Karen Candito.
90. Ratification of contract to Karen Sarlo to provide consultant services in Office organization and support in the Educational Services Department for the period June 2003 through September 2003. The cost will not exceed \$16,000. To be paid from General Fund Education Services Budget. Requested by Neil Smith.
91. Ratification of contract to Karen Sarlo to provide consultant services for A+ News 2 issues production & related public information responsibilities as assigned by Michele Lawrence and Monica Thyberg. The cost will not exceed \$1,000. To be paid from BSEP Budget. Requested by Monica Thyberg.
92. Ratification of contract to Executone Inter Tel Business to connect installed paging system to Inter-tel Axxess telephone system at Berkeley High School. The cost to be paid will be \$832.32. To be paid from Measure AA. Requested by Lew Jones.
93. Educational Admin. Services Corp. to provide consultant services provided by Jerry J. Kurr as Interim Associate Superintendent of Business and Operations to provide final report of services rendered not to exceed \$2000. To be paid from General Fund Business Services Budget. Requested by Michele Lawrence.
94. FCMAT to provide additional Technology services per contract agreement. The cost will not exceed \$6,000. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
95. Ratification of contract to R. H. Tinney Inc., to remove existing HVAC unit and install new 7.5 ton HVAC unit at Longfellow School. The cost will not exceed \$8,843 this is a one-time expense. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
96. Ratification of contract to Ms Environmental Solution to furnish disposal service which includes pick-up transport and disposal of waste chemicals for the 03/04 FY. The cost will not exceed \$45,000. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.

97. Ratification of contract to Ms Environmental Solution to furnish chemical survey and inventory report preparation for Berkeley High, King Middle and Willard Middle Schools. The cost will not exceed \$4,572. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.
98. Ratification of contract to Jordan Environmental Inc., to provide asbestos and mold remediation and clean up for the 03/04 FY. The cost will not exceed \$10,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
99. Ratification of contract to Hertz Equipment Rental to provide rental equipment for the 03/04 FY. The cost will not exceed \$12,000. To be paid from Measure BB Budget. Request by Rhonda Bacot.
100. Ratification of contract to Ecolab to provide pest management services for the 03/04 FY. The cost will not exceed \$35,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
101. Ratification of contract to Siemens Building to provide service and technical support for the Stafea control system for 03/04 FY. The cost will not exceed \$3,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
102. Ratification of contract to Siemens Cerverus to provide fire safety repairs as need for the 03/04 FY. The cost will not exceed \$4,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
103. Ratification of contract to Sentry Sales and Leasing to provide service repair, monitoring, installation etc. related to District alarm systems fire and motion detection for the 03/04 FY. The cost will not exceed \$100,000. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.
104. Ratification of contract to Roto Rooter Sewer Services to provide plumbing services for the 03/04 FY. The cost will not exceed \$12,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
105. Ratification of contract to Simplex Grinnell LP to provide fire alarm service repairs for the 03/04 FY. The cost will not exceed \$10,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
106. Ratification of contract to RGA Environmental, Inc., to provide laboratory testing analysis and related services for the 03/04 FY.

- The cost to be paid from Measure BB Budget. Requested by Rhonda Bacot.
107. Kinko's to provide copy services for the 03/04 FY. The cost will not exceed \$24,000. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
  108. Nancy A. Johnson to provide consultant services for homeless students: case management, build and maintain data base, connect homeless students with appropriate service in the City of Berkeley, outreach, assure educational needs are met per the McKinney Vento Homeless Grant for the 03/04 FY. The cost will not exceed \$8,334. To be paid from McKinney Homeless Grant. Requested by Carla Basom.
  109. Michael A Camgi to provide construction observation and consulting for the New High School Building. The cost will not exceed \$1,225. To be paid from Measure AA Budget. Request by Lew Jones.
  110. Alameda County Office of Education to provide pony express services for the 03/04 FY. The cost will not exceed \$2,000. To be paid from General Fund Business Services Budget. Requested by Eric D. Smith.
  111. Storefront Door Services, Inc., to provide repairs and services for specialty doors. The cost will not exceed \$1,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  112. Ratification of contract to Semans Communications Inc., to provide and install voice and data cabling consisting of Category 3 and 5 plenum cable in room 302 at Longfellow School. The cost will not exceed \$4,981.06. To be paid from General Fund Business Services Budget. Requested by Eric D. Smith.
  113. Oakland Unified School District to provide NR SELPA inter SELPA placement of 2 students in Oakland SELPA for the 03/04 FY. The cost will not exceed \$45,000. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
  114. Copy Central to provide copy services for the 03/04 FY. The cost will not exceed \$3,000. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
  115. Debbie Fier Piano Tuning to tune and repair pianos located in the Community Theatre Complex for the 03/04 FY. The cost will not

- exceed \$6,000. To be paid from General Fund Property Management Budget. Requested by Eric D. Smith.
116. Parent Child Education Foundation to provide rental of 2246 Martin Luther King Jr. Way at the rate of \$4,500 per year. To be paid from Cal Safe Grant. Requested by John Santoro.
  117. Goldstar Foods to provide food products for the 03/04 SY. The cost will not exceed \$250,000 per Alameda County COOP Bid. To be paid from Nutrition Services Budget. Requested by Karen Candito.
  118. Thermal Mechanical, Inc., to provide repair services at Rosa Parks and Longfellow Schools on Delta controls energy management systems. The cost will not exceed \$3,000. To be paid from Measure BB Fund. Requested by Rhonda Bacot.
  119. Dryco Construction to provide asphalt repairs for the 03/04 FY. The cost will not exceed \$14,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  120. Tru Green Land Care to furnish labor and materials for tree services for the 03/04 FY. The cost will not exceed \$7,500. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  121. Epax Systems, Inc., to provide service for District Epax compactors as needed for the 03/04 FY. The cost will not exceed \$2,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  122. Federal Express to provide delivery services as needed for the 03/04 FY. The cost will not exceed \$250. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  123. R.F. MacDonald to provide service and repairs to boilers as needed for the 03/04 FY. The cost will not exceed \$30,000. To be paid from Measure BB Fund. Requested by Rhonda Bacot.
  124. Simplex-Grinnell LP to provide inspection services at all BUSD sites for alarm systems as needed for the 03/04 FY. The cost will not exceed \$5,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
  125. AT&T Wireless to provide cell phones services for the 03/04 FY. The cost will not exceed \$800. To be paid from Child Development Budget. Requested by John Santoro.

126. Pyramid Breweries, Inc. to provide rental space for Transportation Shop at a rate of \$18,000/month for the 03/04 FY. The cost will not exceed \$216,000. To be paid from General Fund Transportation Budget. Requested by Bernadette Corimer.
127. Schoolhouse Software to provide installation and training on purchase of point of sale software at the BHS food court. The cost will not exceed \$24,000. To be paid from Nutrition Services Budget. Requested by Karen Candito.
128. Golden Gate Fire Equipment to service fire extinguishers throughout the District for the 03/04 FY as requested by the Maintenance Department. The cost will not exceed \$7,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
129. Anderson Carpet to remove existing carpet and prepare concrete floor to install vinyl floor tile and 4" cove base, removal of carpet includes haul off of old carpet at Willard Middle School at a cost of \$3,080 and East Campus room C-3 at a cost of \$4,920. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
130. Golden Gate Fire Equipment to provide annual services on fire extinguishers, and additional equipment as needed for the 03/04 FY this is a one-time cost. The cost will not exceed \$4,000. To be paid by Measure BB Budget. Requested by Rhonda Bacot.
131. Khaled's Bee Removal Services to furnish labor and materials to remove bee, wasps, yellow jackets, as need for the 03/04 FY. The cost will not exceed \$1,000. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.
132. Pacific Gas & Electric Company to provide electric and gas usage for the BUSD for the 03/04 FY. The cost will not exceed \$1,300,000. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.
133. Bay Cities Pyrotector, Inc., to provide fire sprinkler systems test services at various sites for the 03/04 FY. The cost will not exceed \$24,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
134. Berkeley Vacuum Center to provide service for custodial vacuum cleaners as needed for the 03/04 FY. The cost will not exceed \$1,000. To be paid from General Fund Custodial Budget. Requested by Rhonda Bacot.

135. Building Metal Works, Inc. to provide welding of equipment as needed for the 03/04 FY. The cost will not exceed \$1,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
136. U C Berkeley Work Study to provide tutors and administrative assistant in the after school program at Willard Middle School. The cost will not exceed \$3,000. To be paid from After School Learning Budget. Requested by Michele Patterson.
137. UPS to provide shipping services as needed for the 03/04 FY. The cost will not exceed \$1,500. To be paid from General Fund Instructional Services Budget. Requested by Neil Smith.
138. Voice Plus Inc., to provide maintenance and technical support services as needed for the 03/04 FY. The cost will not exceed \$5,000. To be paid from General Fund Technology Budget. Requested by Eric D Smith.
139. eSchool Solutions to provide SEMS maintenance contract on the BSMART system. The cost will not exceed \$2,940. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
140. Allegra Printing Imaging to provide copy and print services for the 03/04 FY. The cost will not exceed \$16,000. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
141. Ratification of contract for Melissa Fitzgerald to provide part time clerical/computer assistant for BHS Athletic Department at a rate of \$10/hour for the 02/03 SY. The cost to be paid will be \$4,000. To be paid from General Fund BHS Athletics Budget. Requested by Gabriel Mc Curtis.
142. General Capital Modular to provide rental of two modular spaces to be used by CEID @ 1810 Hopkins Street at a rate of \$378.88 and \$382.00 per month. The cost will not exceed \$6,100 for the 03/04 FY. To be paid from General Fund Property Management Budget. Requested by Eric D. Smith.
143. State of California Dept. of Education to provide processing of GED transactions for the 03/04 FY. The cost will not exceed \$5,000. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.



144. American Council on Education to provide GED testing for the 03/04 SY. The cost will not exceed \$2,500. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.
145. ETS to provide scoring of GED tests for the 03/04 SY. The cost will not exceed \$4,000. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.
146. Ford Graphics to provide reproduction services for the bidding of Franklin Adult School for the 03/04 FY. The cost will not exceed \$5,000. To be paid from Measure AA Budget. Requested by Lew Jones.
147. Ratification of contract to Sewer Connection to provide video services of the sewer line @ MLK from the vault to the street to determine size and condition of existing san sewer. The cost to be paid will be \$175. To be paid from Measure AA Budget. Requested by Lew Jones.
148. Ratification of contract to Copy Central to provide copy and binding of senior and junior college handbook and sophomore college handout. The cost to be paid will be \$6,230. To be paid from BHS BSEP Budget. Requested by Gabriel Mc Curtis.
149. Agreement between Saint Mary's College of CA and BUSD to place students enrolled in teacher training curricula and/or students enrolled in counselor training curricula in appropriate locations whereby Students may gain practical teaching or counseling experience as an important element of Students' education and training by Saint Mary's School of Education for the period August 2003 through August 2004. Saint Mary's will accept invoices by Institution periodically throughout the term of this Agreement and shall make payments in accordance with the invoice terms, but no later than June 1, 2004. Requested by Pat Calvert.

**FISCAL IMPACT**

As indicated

**POLICY/CODE**

Public Contract Code: 20111

Board Policy: DJED

**STAFF RECOMMENDATION**

Approve the contracts with Consultants or Independent Contractors as submitted.





**BERKELEY UNIFIED SCHOOL DISTRICT**  
**District Bill Warrant - - Accounting Department**  
**BUSD BILL WARRANTS FOR JUNE 2003**

<b>FUNDS</b>	<b>AMOUNT</b>
<b>GENERAL FUND</b>	\$1,781,200.96
<b>MEASURE BB FUND</b>	\$107,807.77
<b>ADULT FUND</b>	\$68,442.80
<b>CAFETERIA FUND</b>	\$76,408.69
<b>CHILD DEVELOPMENT FUND</b>	\$8,254.46
<b>MEASURE A+AA (BOND Fund)</b>	\$25,947,427.57
<b>SCHOOL ENRICHMENT FUNDS</b>	\$228,103.69
<b>SELF INSURANCE FUND</b>	\$88,401.76
<b>DEFERRED MAINTENANCE FUND</b>	\$40.00
<b>PAYROLL/BENEFITS CLEARING</b>	\$212,220.89
<b>TRANS FUND</b>	
<b>TOTAL DISTRICT BILL WARRANT</b>	<u><u>\$28,518,308.59</u></u>

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

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**District Bill Warrant - - Accounting Department**  
**BUSD BILL WARRANTS FOR MAY 2003**

<b>FUNDS</b>	<b>AMOUNT</b>
<b>GENERAL FUND</b>	\$1,155,102.27
<b>MEASURE BB FUND</b>	\$61,160.88
<b>ADULT FUND</b>	\$8,240.98
<b>CAFETERIA FUND</b>	\$52,327.01
<b>CHILD DEVELOPMENT FUND</b>	\$1,657.34
<b>MEASURE A+AA (BOND Fund)</b>	\$3,082,620.16
<b>SCHOOL ENRICHMENT FUNDS</b>	\$193,799.16
<b>SELF INSURANCE FUND</b>	\$186,614.85
<b>DEFERRED MAINTENANCE FUND</b>	\$500.00
<b>PAYROLL/BENEFITS CLEARING</b>	\$33,393.00
<b>TRANS FUND</b>	
<b>TOTAL DISTRICT BILL WARRANT</b>	<u><u>\$4,775,415.65</u></u>

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









**BERKELEY UNIFIED SCHOOL DISTRICT**  
**District Bill Warrant - - Accounting Department**  
**BUSD BILL WARRANTS FOR JULY 2003**

<b>FUNDS</b>	<b>AMOUNT</b>
<b>GENERAL FUND</b>	\$661,212.06
<b>MEASURE BB FUND</b>	\$29,827.80
<b>ADULT FUND</b>	\$9,088.19
<b>CAFETERIA FUND</b>	\$3,924.51
<b>CHILD DEVELOPMENT FUND</b>	\$5,012.40
<b>MEASURE A+AA (BOND Fund)</b>	\$280,900.69
<b>SCHOOL ENRICHMENT FUNDS</b>	\$65,496.55
<b>SELF INSURANCE FUND</b>	\$6,601.03
<b>DEFERRED MAINTENANCE FUND</b>	\$57,712.50
<b>PAYROLL/BENEFITS CLEARING</b>	\$109,114.74
<b>TRANS FUND</b>	
<b>TOTAL DISTRICT BILL WARRANT</b>	<u><u>\$1,228,890.47</u></u>

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

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith  
Associate Superintendent of Business and Operations (CBO)  
**DATE:** August 20, 2003  
**SUBJECT:** Receive and Approve Information on the Issuance of Payroll  
Warrants for Employee Services for June and July 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 June and July 2003.

### **POLICY/CODE**

Educational Code 41010 ET Seq.

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approve payroll payments made in June and July 2003.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** The Board of Education  
**FROM:** Rhonda Bacot, Director of Maintenance  
**DATE:** August 20, 2003  
**SUBJECT:** Ratification of Change Orders for additional work for the Cragmont Playfield Renovation

### **BACKGROUND INFORMATION**

On May 21, 2003 the Board approved Resolution 02-92, Grounds Renovation Work at Cragmont Elementary School and awarded a contract to Cleary Bros. Landscape Inc. for the amount of \$24,500. Estimates for the area of work in the plan specifications included errors and omissions. Proposals received for the project were based on the plan specifications. During the project work it was determined that a control valve in the area of work required replacement. District staff considers Change Order# 1 and #2 to be as should be bid. In order to meet the expected timelines of the project and to assure minimal impact on education the District staff resolution for the work was to grant Change Order# 1 for the amount of \$17,124.00 and Change Order #2 in the amount of \$400.00 to the contractor awarded the original work project for a new contract amount of \$42,624.00.

### **POLICY/CODE**

California Public Contract Code 20110 - 20118.

### **FISCAL IMPACT**

The project is funded by Bond Measure BB

### **STAFF RECOMMENDATION**

Staff recommends ratification of Change Order# 1 in the amount of \$17,128.00 and Change Order # 2 in the amount of \$400.00 received from Cleary Bros. Landscape Inc. The original contract for Grounds Renovation Work at Cragmont Elementary School totaled \$24,500.00. The financial adjustment for ratification of Change Order# 1 and #2 revises the project total to \$42,624.00.

**BERKELEY UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 03-07**

**AUTHORIZATION TO CHANGE RESOLUTION NO. 02-92**

**CHANGE ORDER ON GROUNDS RENOVATION PROJECT at  
CRAGMONT ELEMENTARY SCHOOL**

**WHEREAS**, this Board has heretofore on May 21, 2003, adopted Resolution No. 02-92 for Grounds Renovation Project at Cragmont Elementary School and

**WHEREAS**, this Board finds certain changes desirable; and

**WHEREAS**, said contractor **Cleary Bros. Landscape Inc.** has proposed and agreed to certain changes to said contract as Change Order No. 1 and 2 as follows:

ORIGINAL CONTRACT	<b>\$24,500</b>
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**Add**

<b>Change Order No. 1</b>	<b>17,724</b>
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Additional area of work not included in original plans and specification including labor and installation of soil, sod and fertilizer.

**Add**

<b>Change Order No. 2</b>	<b>400</b>
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Repair of an inoperable control valve in the area of work.

<b>Subtotal</b>	<b>\$18,124</b>
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<b>REVISED CONTRACT</b>	<b>\$42,624</b>
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**NOW, THEREFORE, BE IT RESOLVED**, that this Board consents and agrees to said Change Orders No. 1 and 2.

**BE IT FURTHER RESOLVED** that the Associate Superintendent, Business & Operations (CBO) and/or Purchasing Agent be authorized to approve and sign Change Orders No. 1 and 2 on the behalf of the District.

**Resolution No. 03-07**  
**Continue**

**PASSED AND ADOPTED** by the Board of Education of the Berkeley Unified School District this 20<sup>th</sup> day of August 2003.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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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

# **BERKELEY UNIFIED SCHOOL DISTRICT**

## **B I D S**

**DATE:** August 20, 2003  
**TO:** Board Of Education  
**FROM:** Michele Lawrence, Superintendent  
**SUBJECT:** Amendment of Agreement to Bid Schedule No. 1330 for Bread Products

### **BACKGROUND**

On June 5, 2002 the Board of Education approved Bid Schedule No. 1326 for Bread Products for the 2002/2003 Fiscal Year.

### **POLICY/CODE**

Public Contract Code: 20111  
Education Code: 17596  
Board Policy: DJED

### **FINANCIAL IMPLICATIONS**

The budget for 2003/2004 is \$25,000.

### **STAFF RECOMMENDATION**

It is recommended that the agreement between Berkeley Unified School District and **Interstate Brands West Corp** Bid Schedule No. 1330 awarded June 5, 2002 be amended to extend the time of contract to include the period July 1, 2003 through June 30, 2004. Education Code 17596 authorizes the Board of Education to extend these bids up to three years.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

## **B I D S**

**DATE:** August 20, 2003  
**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**SUBJECT:** Amendment of Agreement to Bid Schedule No. 1326 for  
Custodial Supplies

### **BACKGROUND**

On July 5, 2001 the Board of Education approved Bid Schedule No. 1326 for Custodial Supplies for the 2001/02 Fiscal Year.

### **POLICY/CODE**

Public Contract Code: 20111  
Education Code: 17596  
Board Policy: DJED

### **FINANCIAL IMPLICATIONS**

The budget for 2003/2004 is \$200,000

### **STAFF RECOMMENDATION**

It is recommended that the agreement between Berkeley Unified School District and **California Janitorial Supply, Universal Building Supply, West-Lite Supply, Tamaras Supply, Champion and DNF Industries**, Bid Schedule No. 1326 awarded July 5, 2001 be amended to extend the time of contract to include the period July 1, 2003 through June 30, 2004. Education Code 17596 authorizes the Board of Education to extend these bids up to three years.

# **BERKELY UNIFIED SCHOOL DISTRICT**

## **B I D S**

**DATE:** August 20, 2003  
**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**SUBJECT:** Amendment of Agreement to Bid Schedule No. 1328 for Milk and Milk Products

### **BACKGROUND**

On June 5, 2002 the Board of Education approved Bid Schedule No. 1328 for Milk and Milk Products for the 2002/2003 Fiscal Year.

### **POLICY/CODE**

Public Contract Code: 20111  
Education Code: 17596  
Board Policy: DJED

### **FINANCIAL IMPLICATIONS**

The Budget for 2003/04 is \$50,000.

### **STAFF RECOMMENDATION**

It is recommended that the agreement between Berkeley Unified School District and Crystal Cream & Butter Products Bid Schedule No. 1328 awarded on June 5, 2002 be amended to extend the time of contract to include the period July 1, 2003 through June 30, 2003. Education Code 17596 authorizes the Board of Education to extend these bids up to three years.



# **BERKELEY UNIFIED SCHOOL DISTRICT**

## **B I D S**

**DATE:** August 20, 2003  
**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**SUBJECT:** Amendment of Agreement to Bid Schedule No. 1329 for Produce Products

### **BACKGROUND**

On June 5, 2002 the Board of Education approved Bid Schedule No. 1329 for Produce Products.

### **POLICY/CODE**

Public Contract Code: 20111  
Education Code: 17596  
Board Policy: DJED

### **FINANCIAL IMPLICATIONS**

The budget for 2003/2004 is \$50,000.

### **STAFF RECOMMENDATION**

It is recommended that the agreement between Berkeley Unified School District and Piranha Produce, Inc. Bid Schedule No. 1329 awarded June 5, 2002 be amended to extend the time of contract to include the period July 1, 2002 through June 30, 2004. Education Code 17596 authorizes the Board of Education to extend these bids up to three years.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

## **RESOLUTION NO. 03-04**

### **AUTHORIZATION TO ACCEPT COMPLETION of the ROSA PARKS LEAK REPAIR PROJECT**

**WHEREAS, JANI CONSTRUCTION**, a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 1310 Fulton Street #205, San Francisco, California, entered in to a contact dated **9<sup>th</sup> day of May, 2003**, with Berkeley Unified School District of Alameda County, State of California to secure all labor, materials mechanical workmanship, transportation, equipment and services necessary for the Jefferson School Modernization Project and

**WHEREAS**, Project Construction manager employed by this Board to prepare plans and specifications and to supervise the work has certified in writing to the Board that said contractor has complete the work of said contract in workerlike and satisfactory manner as of **August 20, 2003**.

**NOW, THEREFORE, BE IT RESOLVED** that said written certification of said Supervisor's recommending the acceptance of the work listed above of said contract be and the same is hereby approved and adopted and said work of said contract be same is hereby accepted.

**PASSED AND ADOPTED** by the Board of Education of the Berkeley Unified School District this **20<sup>th</sup> day of August 2003**.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**BERKELEY UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 03-05**

**AUTHORIZATION TO CHANGE RESOLUTION NO. 02-94**

**CHANGE ORDER ON BHS NEW CAMPUS GREEN PROJECT**

**WHEREAS**, this Board has heretofore on June 4, 2003, adopted Resolution No. 02-94 for BHS New Campus Green Project and

**WHEREAS**, this Board finds certain changes desirable; and

**WHEREAS**, said contractor **Pagni Construction** has proposed and agreed to certain changes to said contract as Change Orders No. 1 as follows:

ORIGINAL CONTRACT	<b>\$718,007</b>
<b>Add</b>	
<b>Change Order No. 1</b>	
Unforeseen hidden conditions,	11,222
Replace previously damaged storm pipe	8,108
Furnish and install tree guards and grates	18,758
Add electrical conduit vault-vault	2,225
Misc. Changes	977
Portable removal and parking lot renovation	62,137
<b>Subtotal</b>	<b>103,427</b>
<b>REVISED CONTRACT</b>	<b>\$821,434</b>

**NOW, THEREFORE, BE IT RESOLVED**, that this Board consents and agrees to said Change Orders No. 1

**Resolution No. 03-05**  
**continue**

**BE IT FURTHER RESOLVED** that the Associate Superintendent,  
Business & Operation and/or Purchasing Agent approve and sign  
Change

Orders No. 1 on the behalf of the District.

**PASSED AND ADOPTED** by the Board of Education of the Berkeley  
Unified School District this 20th day of August 2003.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith  
Associate Superintendent of Business and Operations (CBO)  
**DATE:** August 20, 2003  
**SUBJECT:** Resolution Number 03-06  
Closure of Lease Purchase Fund at the Alameda County  
Treasurer's Office

## **BACKGROUND INFORMATION**

The District has several major funds that account for the District's revenues. The Lease Purchase Program Fund was established to account for State revenues for capital facilities projects pursuant to the State Lease Purchase Program. In November of 1998, the State School Facilities Program was created and the District was required to establish a County School Facilities Fund.

Because there are no proceeds in the Lease Purchase Fund, the fund is accruing negative interest at the County Treasurer's Office and the District is losing revenue.

## **POLICY/CODE**

Education Code 17000 et. Seq.

## **FISCAL IMPACT**

None

## **STAFF RECOMMENDATION**

Approve Resolution Number 03-06

# **BERKELEY UNIFIED SCHOOL DISTRICT**

## **RESOLUTION NUMBER 03-06**

### **Closure of State School Building Lease Purchase Program Fund (Fund #30)**

**WHEREAS**, the State School Building Lease Purchase Fund was created to comply with the requirements of Education Code Sections 17000 through 17066; and

**WHEREAS**, the State School Building Lease Purchase Program ceased operation due to the passage of Senate Bill 50 and the subsequent enactment of the State School Facilities Program in November of 1998;

**WHEREAS**, THEREFORE, BE IT RESOLVED that the State School Building Lease Purchase Program Fund be closed; and any future proceeds be transferred to the Bond Interest and Redemption Fund.

**PASSED AND ADOPTED** by the Board of Education of the Berkeley Unified School District this 20th day of August 2003.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Michele Lawrence, Superintendent  
Secretary of the Board of Education

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Joaquin Rivera  
President, Board of Education



# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence  
**FROM:** Lew Jones  
**DATE:** August 20, 2003  
**SUBJECT:** Approval of the Mitigated Negative Declaration for the Franklin Adult School Project

## **BACKGROUND INFORMATION**

The Board commissioned a study to evaluate the environmental effects of remodeling the Franklin School and relocating the Adult School to the Franklin site. That document, titled a Notice of Intent to Adopt a Mitigated Negative Declaration, was issued on July 3, 2003 in order to elicit public comment prior to consideration by the Board. We received 13 letters. The Board has received copies of those letters under a separate cover. This document incorporates several items. Included are:

1. The Mitigated Negative Declaration previously sent to the Board and available under separate cover;
2. Resolution 03-02;
3. The Response to Comments prepared by ESA (the District's consultant on environmental matters);
4. An Addendum to the previously issued Mitigated Negative Declaration prepared by ESA and focusing on the proposed addition of a driveway on San Pablo Avenue; and
5. A summary of mitigation measures for the project.

## **POLICY/CODE**

California Public Resources Code 21000, et seq.

## **FISCAL IMPACT**

The fiscal impact is negligible. The fiscal impact of the proposed project is included in another item on the Agenda

## **STAFF RECOMMENDATION**

Approve Resolution 03-02, which will adopt the final Mitigated Negative Declaration for the proposed project.



# RESOLUTION NUMBER 03-02

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

Mitigated Negative Declaration

PROJECT TITLE

Berkeley Unified School District Franklin Adult Project

**WHEREAS**, the Berkeley Unified School District (the "District") has prepared an Initial Study and proposed Mitigated Negative Declaration in compliance with the requirements of the California Environmental Quality Act ("CEQA") for rehabilitating the Franklin site and the relocation of the Adult School to the Franklin site; and

**WHEREAS**, notice that the District proposed to adopt a Mitigated Negative Declaration was provided to the public within a reasonable period of time prior to the date on which a Mitigated Negative Declaration was scheduled for adoption; and

**WHEREAS**, all comments received from the public in response to the proposed Mitigated Negative Declaration have been submitted to the Board of Education for review; and

**WHEREAS**, the Initial Study identified potentially significant effects from the Project, but the District agreed to revisions in the Project plans before the proposed Mitigated Negative Declaration was released for public review, all of which will avoid or mitigate the effects to a point where clearly no significant impacts would occur; and

**WHEREAS**, there is no substantial evidence before the Board of Education that the Project as revised may have a significant effect on the environment; and

**WHEREAS**, the District has prepared a Mitigation Monitoring and Reporting Program, a Summary of which is set forth in Appendix A, for the project;

**NOW, THEREFORE, THE BOARD OF EDUCATION DOES HEREBY  
RESOLVE AS FOLLOWS:**

**Section 1.** The Board of Education hereby finds that the Initial Study and Mitigated Negative Declaration prepared for the project reflect the independent judgment of the District as Lead Agency for the Project.

**Section 2.** The Board of Education hereby finds that the Initial Study and Mitigated Negative Declaration have been completed for the Project in compliance with CEQA; and that the Board of Education has reviewed and considered the Initial Study and Mitigated Negative Declaration, together with all comments received during the public review process, prior to the Board of Education adopting the Mitigated Negative Declaration and approving the Project.

**Section 3.** The Board of Education hereby finds, on the basis of the Initial Study and the comments received, that there is no substantial evidence that the Project will have a significant effect on the environment.

**Section 4.** The Board of Education hereby confirms that the mitigation measures listed in Appendix A have been incorporated into the Project, and, further, that it adopts the Mitigation Monitoring and Reporting Program, described in Appendix A. Based upon these considerations, the Board of Education hereby approves a Mitigated Negative Declaration for the Project.

**Section 5.** The Board of Education hereby finds that the project would have only a de minimis effect on fish and wildlife.

**Section 6.** The Board of Education authorizes the Superintendent or his designee to file a Notice of Determination for the Project.

Prepared By:

\_\_\_\_\_  
Lew Jones, Director of Facilities

Recommend Approval:

\_\_\_\_\_  
Michele Lawrence, Superintendent

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 20th day of August, 2003.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

REPONSE TO COMMENTS  
BOARD MEETING OF AUGUST 20,  
2003



# M E M O R A N D U M

*TO* • Lew Jones, Director of Facilities  
Berkeley Unified School District

*FROM* • Deborah H. Kirtman, Project Manager  
Environmental Science Associates

*DATE* • August 15, 2003

*SUBJECT* • Comments on the Notice of Intent to Adopt a Mitigated Negative  
Declaration

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## INTRODUCTION

This memorandum summarizes and responds generally to the 13 comment letters received by Berkeley Unified School District (BUSD) in response to its Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the proposed Franklin Adult School project. As required under the California Environmental Quality Act (CEQA), the Notice of Intent was circulated for public review and comment on July 3, 2003 for a period of thirty days; the comment period closed at the end of the day, August 2, 2003.

BUSD received 2 letters from the City of Berkeley, and 11 letters<sup>1</sup> from residents either living near the project site or in other Berkeley neighborhoods. The comment letters generally speak to at least one of the following issues:

- Adding a potential driveway along San Pablo Avenue to the project<sup>2</sup>;
- Potential links between this project and other reasonably foreseeable projects;
- Traffic, circulation, and parking;
- Conformity to the Berkeley General Plan and Zoning Ordinance;
- Enforcement of mitigation measures;
- Crime;
- Noise;
- Open space;
- Miscellaneous comments; and
- Miscellaneous suggested changes to the project description.

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<sup>1</sup> Two letters are from the same persons.

<sup>2</sup> Several letters note that the MND is inadequate because it does not consider a potential driveway to the project site from San Pablo Avenue.

Some of the comments do not address CEQA-related issues, but instead address long-term management of the school, the long-term relationship of BUSD and the neighborhood, and/or provide suggestions on how the project could be improved. These comments are included as part of the administrative record for this project, but do not address the adequacy of the proposed MND, and therefore no response is included in this summary. A list of those commenting on the Notice of Intent is attached to this memorandum as Exhibit A.

None of the comments raise issues that would result in a substantially adverse new impact or that would require new mitigation measures, or that would otherwise require recirculation under the California Environmental Quality Act (CEQA).

#### **CEQA GUIDELINES FOR RESPONSES TO COMMENTS ON A PROPOSED MND**

Section 15074(b) of the CEQA *Guidelines* states that the lead agency must consider any comments received in response to a proposed MND:

Prior to approving a project, the decisionmaking body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

The *Guidelines* do not specify how the decisionmakers should respond to comments in response to an MND. As required, the comment letters have been forwarded to members of the BUSD Board of Education and are available for public review as part of the public record.

#### **RESPONSES TO COMMENTS**

As stated above, this memorandum responds to general categories of comments received during the comment period for the Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed Franklin Adult School. These categories are listed above in the *Introduction*. Responses are listed below, by category.

##### *San Pablo Avenue Driveway*

Several comment letters<sup>3</sup> noted that the MND is inadequate because it does not include a proposed driveway from San Pablo Avenue (San Pablo Avenue Driveway) as part of the proposed project. BUSD has prepared an Addendum to the MND that adds the San Pablo Avenue Driveway to the proposed project. The Addendum analyzes the environmental effects of including the San Pablo Avenue Driveway as part of the project and includes a

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<sup>3</sup> Letters from Howard Jee and Joyce Barison (2003, 2 letters); Jennifer Lawrence (2003); Phyllis Orrick (2003); Erin Riley and John Crowley (2003).

discussion of why, in this case, an Addendum is an acceptable method of expanding the project description. The Addendum is part of the environmental documentation prepared for this project.

The new driveway is anticipated to have no additional significant environmental effects and would reduce the number of trips through local intersections.

#### *Potential Links Between the Franklin Adult School and Other Foreseeable Projects*

Several comment letters,<sup>4</sup> including one from the Berkeley City Manager, refer to adopted policy documents as well as recent comments made by the Berkeley Superintendent of Schools that link the proposed project to a possible move of administrative staff to the West Campus on University Avenue. The comment letters cite a *Facilities Study*, dated December 18, 2002, which includes an *Opportunities and Constraints Analysis for District Facilities*; a memorandum from Lew Jones to the Superintendent, dated January 15, 2003; the *Facilities Construction Plan*, dated March 2003; and public comments made at community meetings. As noted by these comment letters, CEQA requires environmental documents to address the environmental effects of “the whole of the action” and a project cannot be segmented into smaller segments to avoid preparing an Environmental Impact Report (see CEQA *Guidelines*, Section 15378).

BUSD has no approved or even working conceptual plans for the existing West Campus site. While policy documents and public comments may link the West Campus site and the Franklin school site, no specific plans have been agreed to for the future use of the West Campus site. The exact physical condition of the West Campus site is still unknown; and no legally-binding documents have been executed for any future use, re-use, renovation, demolition, or rehabilitation of the West Campus site.

At the current time, the whole of the action includes moving staff and students a few blocks to the project site. The West Campus site, as described in the MND, would remain unoccupied for the foreseeable future. Any future decisions about the West Campus site will require a separate environmental action.

#### *Traffic Circulation and Parking*

Comment letters<sup>5</sup> noted the confusion in the MND in references to Parking Lot A and Parking Lot B. As shown in Figure 1, attached, Parking Lot A is the lot proposed along San Pablo Avenue with approximately 166 parking spaces (including three parking spaces for motorcycles) for students; Parking Lot B, with 37 parking spaces for staff, would be located along Curtis Street. Parking Lot A would have lighting standards, while Parking Lot B would not. This would not change the analysis or discussion in the MND and has no effect on the adequacy of the MND.

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<sup>4</sup> Letters from Tim Arai and Carrie Adams (2003); John English (2003); Jennifer Lawrence (2003); Phyllis Orrick (2003); Weldon Rucker (2003).

<sup>5</sup> Letters from John English (2003) and Joan Garbarino (2003).

Because signage is part of the project, BUSD would provide appropriate signage on the school premises, as well as instruction to incoming students on the use of the parking lots. Bicyclists from the project site would be encouraged to also exit onto Francisco Street.

The comment letter from the City of Berkeley's Supervising Traffic Engineer and other comment letters<sup>6</sup> raise questions concerning assumptions used in the traffic study, delays at unsignalized intersections, the parking study, and circulation on smaller neighborhood streets such as Kains Avenue, Stannage Avenue, and Cornell Avenue.

The intersections selected for this study were selected by the City of Berkeley and the City of Berkeley specifically requested inclusion of the Delaware Street project. The traffic study was performed by a firm with experience completing traffic studies in the City of Berkeley, and was based on significance criteria used in both traffic studies recently completed in Berkeley, and in traffic studies conducted historically in the City of Berkeley. For all study intersections, including unsignalized intersections, the *average* delay experienced by all vehicles traveling through the intersection is reported. Use of an average is the industry standard. It is true that at two-way unsignalized intersections, the delay on the minor street stop controlled approaches is typically higher than on the major street uncontrolled approaches. Peak hour – and the study uses the peak hour used as an industry

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<sup>6</sup> Letters from Tim Arai and Carrie Adams (2003); Heba El-Guendy (2003); John English (2003); Joan Garbarino (2003); Howard Jee and Joyce Barison (2003, 2 letters); Stephanie Koester (2003); Jennifer Lawrence (2003); Phyllis Orrick (2003); Erin Riley and John Crowley (2003); Nedra Rosenthal (2003); George Roth (2003).





## **SITE PLAN WITH PARKING LOTS LABELLED**

standard to assess whether the trips generated by the project would add substantially to peak traffic hours on the main streets nearby, which are typically commute times – traffic signal warrants were checked for each scenario at the unsignalized intersections of San Pablo/Virginia and San Pablo/Francisco. Although the minor street movements would function at a poor level of service, the volume would not rise to a sufficient level to warrant installation of a traffic signal. Because San Pablo Avenue is a signalized arterial, four-way stops were not considered an appropriate mitigation.

The analysis of the San Pablo/University Avenue intersection was closely evaluated. The lane geometry and signal timing were confirmed in the field. A slight adjustment in the signal phasing was made to better reflect existing conditions (protected left turn phasing on all approaches). This adjustment did not change any of the conclusions of the traffic study. The San Pablo/University Avenue intersection was found to function at LOS C in each scenario.

The traffic study uses an industry standard for junior/community college because there is no industry standard for “adult high school.” The project would not generate 612 peak hour trips because classes take place throughout the day. In order to get a better understanding of how much parking would be needed for the project, Korve Engineering conducted a parking study on Tuesday, April 1; Wednesday, April 2; and Thursday, April 3 (see Appendix A of the MND, p. 16). This is also acceptable industry practice. The average on-site parking occupancy was 128 vehicles on these three days. In addition, on-street counts were collected at the following locations:

- University Avenue, south side – Curtis to Bonar;
- Curtis Street, east side – University to Allston;
- Bonar Street, both sides – University to Allston;
- Browning Street, both sides – Addison to Allston; and
- Addison Street, both sides – West to Browning.

An on-street parking demand of 60 to 80 vehicles was identified in this area, and is believed to encompass the area in which students use on-street parking, based on observation. Ample on-site parking is available to them and is not fully utilized, so it is unlikely they would drive, park, and walk from outside of this area. It is likely that the counts overstate project parking demand, because a percentage of the vehicles parked in the study area were not associated with the school (residents, customers and employees of local businesses). It is also likely that the on-site parking was not fully utilized because, unlike the proposed project, the on-site parking at West Campus is not immediately

adjacent to the classroom buildings. However, although parking will be provided on-site, some off-site, on-street parking will occur, as occurred with the past elementary school for its entire existence, which provided no on-site parking.

It is reasonable to assume that some students will use public transit, car pool, and/or will be absent on a daily basis. A limited number of school crossing signs and markings currently exist on Virginia, Francisco and San Pablo. With the proposed project, we recommend that these be removed. We would recommend that the existing flashing beacons on San Pablo remain in place, inactive, as they currently operate.

While some students will likely use Kains Avenue and other adjacent smaller streets for access to and from the Franklin School, as staff and parents have in the past when the school was used as an elementary school, most will use the primary streets because of the larger street capacity, allowable speed limits, and accessibility to arterials and freeways from these streets. Residential street permits, however, are an option for residents to pursue on their own and in the future, if needed.

The parking lot entrance along Virginia is not located at the foot of Kains Street, but is approximately 50 feet from Kains. The new pedestrian entrance is located at the foot of Kains Street.

The traffic study does include the proposed Delaware Court project in the cumulative analysis.

### *Conformity to the General Plan and the Zoning Ordinance*

One comment letter<sup>7</sup> refers to conformance to the Berkeley General Plan and Zoning Ordinance, and points out minor errors in the MND that refer to the West Berkeley Plan and to the applicable zoning districts. As correctly pointed out in the MND, the General Plan Land Use Map designates this site as an existing institutional use, and as an institutional use anticipated by the General Plan in the future. The project site is located adjacent to the West Berkeley Plan area, which extends to the *east* side of San Pablo Avenue, but does not include the project site, although some maps in the West Berkeley Plan include the project site or portions of the project site. The Zoning Ordinance specifically refers to the zoning district as a West Berkeley land use, but does not link the land use to the West Berkeley Plan. The West Berkeley Plan is correctly mentioned in the MND because it is applicable to an area immediately adjacent to the project site; however, the site is *not* within the West Berkeley Plan area. The correct zoning districts applicable to the project site are noted throughout the MND, beginning on p. 1. Please also see the complete analysis in the *Land Use and Planning* portion of the MND, pp. 36-37. The project would require approval by the BUSD Board of Education, as stated on p. 1.

In California, public school districts and the California Department of Education have the power to override local general plans and zoning ordinances. While BUSD uses the

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<sup>7</sup> Letter from John English (2003).

General Plan as a guide, the policies presented in the General Plan, including the Land Use, Transportation, and Open Space Elements are not binding upon the school district. The comment letter incorrectly refers to, for example, Policy OS-4, *Working with Other Agencies*, taken from the General Plan Open Space Element, which states the following:

Work with the Berkeley Unified School District, the University of California, the East Bay Municipal Utility District, and the East Bay Regional Park District to improve, preserve, maintain, and renovate their open space and recreation facilities.

This policy encourages the City to work with Berkeley Unified, but is not mandatory for BUSD itself.

### Mitigation Measures

A few comment letters<sup>8</sup> state that it is unclear who will enforce the mitigation measures included in the MND or have questions related to mitigation measures proposed as part of the MND. Enforcement of these mitigation measures is solely the responsibility of BUSD. BUSD has not indicated that implementation of Mitigation Measure VIII.2 (submission of a drainage plan because of the additional impervious surface area) is an infeasible mitigation measure.

Please note that boxes on p. 24 and p. 56 note that some impacts are potentially significant unless mitigation is incorporated. In the case of Geology and Soils (p. 24), current regulations mitigate the potential impact of soil erosion to a less than significant level. In the case of Mandatory Findings of Significance (p. 56), the text notes that implementation of Mitigation Measures V.1 and V.2 would reduce a potentially significant cumulative impact to cultural resources to a less than significant level.

### Crime

Comment letters<sup>9</sup> point to the potential for additional crime as a result of the project, primarily because the project could serve adults, the need for additional security at the site, and the reduction in security staff at BUSD. As stated in the MND, the project site will have one security staff person on the site for an eight-hour period during the day, the buildings and parking lots will be secured by janitorial staff at the end of the day, the buildings will include alarms, and the Berkeley Police Department has stated that it will not require additional facilities or personnel for the proposed adult school. The significance criteria under CEQA relates to a potential need for expanded facilities for public services as a result of the project, and whether or not these new facilities would have an adverse effect on the environment. The proposed project would not require additional or expanded facilities in order to provide adequate police protection services at the project site.

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<sup>8</sup> Letters from Tim Arai and Carrie Adams (2003); John English (2003).

<sup>9</sup> Letters from Erin Riley and John Crowley (2003); Phyllis Orrick (2003).

## Noise

The MND analyzed the effects of the project on noise levels (see pp. 39-44). Ambient noise levels in the area are primarily related to existing traffic on San Pablo Avenue, and locations closer to San Pablo Avenue experience higher ambient noise levels. Several comment letters referred to the potential effects of noise in the parking lot on sensitive receptors. Existing housing development located on Francisco Street, on land owned by BUSD, is surrounded by Franklin School on two sides in the eastern part of the block, and on three sides in the western part of the block (see Figure 2 of the MND). Parking Lots A and B are located adjacent to these rear property lines. However, traffic from both lots is accounted for in the traffic volumes, and the noise analysis in MND is based on anticipated traffic volumes, which would be at a less than significant level. Landscaping and the distance of existing buildings from the rear property lines would attenuate the noise of car doors and voices.

As noted in the MND, Parking Lot B, on the east side of the school site, would likely be secured in the evenings and would have no night lights, which would decrease the likelihood of being used for evening and night classes. Because Parking Lot B is a smaller parking lot, with fewer parking spaces than Parking Lot A, and would therefore result in less traffic, and generate less noise than Parking Lot A.

In addition, a parking lot driveway to Parking Lot A on Virginia could affect nearby residences, primarily those located between the driveway and San Pablo Avenue. As stated above, however, traffic in the parking lots is accounted for in the overall noise analysis, and the noise from this anticipated traffic is considered to be at a less than significant level. In addition, this driveway serves as an entrance only, and therefore would not be used following night classes.

The MND adequately addresses the effects of noise on sensitive receptors.

## Loss of Open Space

As two comment letters pointed out,<sup>10</sup> the proposed project would result in the loss of open space at the project site. While the loss of open space is always regrettable, in this case retaining the existing open space could result in large-scale parking throughout the surrounding neighborhood throughout the day and evening hours. In addition, the loss of open space or recreational space is not, by itself, an environmental effect, and BUSD is not required to provide open space for public use.

The school site is currently fenced and gated, and not officially available to the public for its use. Although in the past, the site may have been accessible to the public for recreational purposes, the only space officially open to the public was the tot lot at the corner of Curtis and Virginia. For the past year, the tot lot has been inaccessible, but as part of the project, BUSD intends to make this play area open to the public by moving the fencing behind the park and to add landscaping in consultation with the neighbors.

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<sup>10</sup> Letters from John English (2003); Joan Garbarino (2003).

BUSD would not provide recreational activities as part of the adult school curriculum at the Franklin site.

CEQA asks if the project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur. This would not be the case for the Franklin school site. CEQA also asks if the project would result in the construction or expansion of recreational facilities which might have an adverse effect on the environment. Again, this would not be the case for the Franklin school facility.

The loss of open space would result, as one comment letter points out, in more impervious surface, as noted on pp. 34-35 of the MND. Because of the increase in impervious surface area, BUSD would be required to implement Mitigation Measure VII.2, which requires preparation of a drainage plan, and implementation of additional measures if the project exceeds City storm drain capacity. (See *Mitigation Measures*, above.)

### Miscellaneous Comments

The proposed project would result in an overall loss of classroom space within BUSD, but would make use of currently unused classroom space. This is not, however, a physical effect required for evaluation under CEQA. Under Appendix G of the CEQA *Guidelines*, a project could have a significant effect on schools if it would result in the need for new facilities that could in turn have a significant effect on the environment. However, under current State legislation, state law provides the CEQA mitigation measure for impacts to existing schools by new development.

### Project Description

Several comment letters<sup>11</sup> requested changes to the project description, including reduced or no evening hours, renovating the existing adult school instead of moving, retention of Franklin School as a potential elementary school site for the future, additional bus service to the site, additional police officers assigned to patrol the site, the loss of day care at the new site, keeping neighbors informed of developments at the site, and holding an open house for the neighborhood before the adult school opens. These comments do not address the adequacy of the MND and no comment is required.

One comment letter<sup>12</sup> points out that some of the distances, for example between the site and the Berkeley Marina, are inaccurate. These are described in the MND as estimates and are provided to alert the reader to the relationship of these common reference points to the site. These comments should be noted, but do not address the adequacy of the MND.

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<sup>11</sup> Letters from Tim Arai and Carrie Adams; Joan Garbarino (2003); Stephanie Koester (2003); Erin Riley and John Crowley (2003).

<sup>12</sup> Letter from John English (2003).

## **CONCLUSION**

The proposed project would not result in significant new effects, nor would it require new mitigation measures.

## APPENDIX A

### LIST OF COMMENT LETTERS

#### Notice of Intent to Adopt a Mitigated Negative Declaration for Franklin Adult School

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<u>Date of Letter</u>	<u>Name(s)</u>	<u>Title</u>	<u>Address</u>
July 17, 2003	Stephanie Koester	(Resident)	1140 Cedar Street Berkeley, CA 94702
July 23, 2003	Joan Garbarino	(Resident)	1709 Curtis Street Berkeley, CA
July 24, 2003	John English	(Resident)	2500 Hillegass Avenue, #3 Berkeley, CA 94704-2937
July 29, 2003	Heba El-Guendy	Supervising Traffic Engineer City of Berkeley	1900 Addison Street, 3 <sup>rd</sup> Fl. Berkeley, CA 94704
July 29, 2003	Howard Jee and Joyce Barison	(Residents)	1608 Kains Street, #1 Berkeley, CA 94704
July 29, 2003	Weldon Rucker	City Manager City of Berkeley	2180 Milvia Street Berkeley, CA 94704
July 31, 2003	Howard Jee and Joyce Barison	(Residents)	1608 Kains Street, #1 Berkeley, CA 94704
July 31, 2003	Phyllis Orrick	(Resident)	1625 Kains Avenue Berkeley, CA 94702
July 31, 2003	Erin Riley and John Crowley	(Residents)	1607 Belvedere Ave. Berkeley, CA 94702
July 31, 2003	George W. Goth	(Resident)	1601 Kains Avenue Berkeley, CA 94702
August 1, 2003 (date received)	Tim Arai and Carrie Adams	(Residents)	1129 Francisco Street Berkeley, CA 94702
August 1, 2003	Jennifer Lawrence	(Resident)	1611 Stannage Avenue Berkeley, CA 94702
August 1, 2003	Nedra Rosenthal	(Resident)	1609 Kains Avenue Berkeley, CA 94702

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ADDENDUM TO MITIGATED  
NEGATIVE DECLARATION  
BOARD MEETING OF AUGUST 20,  
2003



# M E M O R A N D U M

*TO* • Lewis Jones  
Director of Facilities  
Berkeley Unified School District

*FROM* • Deborah H. Kirtman

*DATE* • August 15, 2003

*SUBJECT* • **Addendum to the Franklin Adult School Mitigated Negative Declaration**  
**(ESA No. 203117)**

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## **SUMMARY AND STATEMENT OF CONCLUSIONS**

Berkeley Unified School District (BUSD) proposes to modify the proposed Franklin Adult School project in order to add an additional driveway to the site along San Pablo Avenue (San Pablo Avenue Driveway). BUSD therefore proposes to amend the proposed Mitigated Negative Declaration (MND) prepared for this project, and circulated as part of its Notice of Intent to Adopt a Mitigated Negative, to include the additional driveway. This memorandum describes both the proposed driveway, and the potential environmental effects of including the driveway as part of the proposed project. As described below, the driveway would result in no new significant environmental effects, and all potentially significant effects are reduced to a less than significant level by mitigation measures proposed as part of the MND. This memorandum can, at BUSD's discretion, serve as an Addendum to the proposed Franklin Adult School MND.

## **CEQA GUIDELINES FOR AN ADDENDUM TO A NEGATIVE DECLARATION**

CEQA *Guidelines* Section 15164(b) states:

An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

As described in Section 15162, a subsequent mitigated negative declaration shall be prepared when:

- (1) substantial changes are proposed to the project “which will require major revisions of the previous EIR or negative declaration due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and/or
- (2) new significant effects or a substantial increase in the severity of previously identified effects; and/or
- (3) new information of substantial importance would result in one or more significant effects that would substantially reduce a significant effect; and/or
- (4) mitigation measures or alternatives considerably different from those analyzed in the environmental document would substantially reduce a significant impact “but the project proponents decline to adopt the mitigation measure or alternative.”

The proposed San Pablo Avenue Driveway would not result in substantial new environmental effects, would not increase the severity of effects identified in the MND, and would not provide a mitigation measure that differs from any proposed in the MND and/or that the project sponsor has declined to adopt.

CEQA *Guidelines* do not prescribe a format for the addendum. An Addendum is not circulated for public review but is considered part of the Mitigated Negative Declaration and should be attached to the adopted negative declaration (CEQA *Guidelines*, Section 15164).

## **BACKGROUND**

On July 3, 2003, Berkeley Unified School District (BUSD) circulated a Notice of Intent to Adopt a Mitigated Negative Declaration for the Franklin Adult School, proposed for an existing school site located at 1150 Virginia Street, Berkeley, CA. The Notice was sent to the State Clearinghouse in Sacramento ([see http://www.ceqanet.ca.gov/](http://www.ceqanet.ca.gov/)), and was noticed in the local *Daily Planet*. In addition, the Notice was posted at the project site and with the Alameda County Clerk’s Office, and was mailed to all parties expressing an interest in the project.<sup>13</sup>

The proposed project consists of relocating the Berkeley Adult School from BUSD’s West Campus, located at 1222 University Avenue, to the former Franklin Elementary

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<sup>13</sup> The California Environmental Quality Act (CEQA) requires the lead agency, which in this case is BUSD, to provide a notice of intent to the public, responsible agencies, trustee agencies, and the relevant county clerk(s), and to all organizations and individuals who have requested such notice in writing. In addition, the lead agency must publish the notice at least one time in a newspaper of general circulation in the area affected by the project, or post the notice on and off site in the vicinity of the project, or directly mail the notice to owners and occupants contiguous to the project site.

School, which has been unoccupied since it closed in June, 2002. The project would add two elevator towers to the site, remove hazardous materials from the site as required, convert the play yards (excluding the existing tot lot) to parking lots for both staff and students, and add landscaping, a small plaza with picnic tables, fire lanes, emergency exits and a new pedestrian entrance to the site. The project would also add a new driveway to the site from Virginia Street, and make minor upgrades to the site so that facilities would adequately serve adults. The project site would provide an estimated total of 200 parking spaces in two parking lots. Parking Lot A, located at the west end of the project site, would provide approximately 166 parking spaces, including three spaces for motorcycles, and bicycle parking for students. Parking Lot B, located at the east end of the project site, would provide approximately 37 parking spaces for staff. The project site, as described in the Notice of Intent, included two driveways: an existing driveway along Francisco Street that would be used solely for exiting the site; and a new proposed driveway along Virginia Street that would be used solely for entering the site.

The existing setting for the proposed project remains unchanged since circulation of the Notice of Intent to Adopt a Mitigated Declaration.

## **PROPOSED ADDITION TO THE PROJECT**

BUSD now proposes to add a 22-foot, two-lane driveway at the Franklin School site along San Pablo Avenue, mid-block between Virginia Street and Francisco Street (see Figure 1, attached). This is an improvement that was not part of the project described in the Notice of Intent. This additional driveway has been requested by residents living in the vicinity in order to reduce the number of vehicles entering the site from Virginia Street and exiting onto Francisco Street. Because of the existing median strip on San Pablo Avenue, the driveway would only be accessible from northbound San Pablo Avenue, or as an exit onto northbound San Pablo Avenue. Because it would encroach onto San Pablo Avenue, which is also part of the State highway system, this new driveway would require approval from the California Department of Transportation (Caltrans). (This section of San Pablo Avenue is also known as State Route (SR) 123.) BUSD has met with Caltrans and has begun the process of preparing the documents required by Caltrans for this proposed encroachment.

The additional driveway would require removal of existing street trees located in the path of the driveway, and therefore BUSD would be required to submit an application to the City of Berkeley to remove the trees. Applications are considered on a case-by-case basis and the cost of removing the trees, if approved, would be incurred by BUSD.

## **POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED SAN PABLO AVENUE DRIVEWAY AS PART OF THE PROJECT PROPOSED IN THE MND**

### *I. Aesthetics*

The proposed San Pablo Avenue Driveway would create an opening from the site onto San Pablo Avenue during the day, and would be gated at night. The additional driveway would require removal of existing street trees located in its path along San Pablo Avenue. However, the project would add trees to portions of the site, particularly at the corner of San Pablo Avenue and Virginia Street, and at the corner of San Pablo Avenue and Francisco Street. All other portions of the project would remain as described in the proposed MND. The City of Berkeley only has a tree ordinance that relates to street trees, and there is no requirement to replace street trees removed for development. The other existing street trees, located along San Pablo Avenue between Virginia Street and Francisco Street would remain in place and unharmed. San Pablo Avenue is not considered a scenic highway under California's Scenic Highway Program, and therefore the proposed driveway would not affect a scenic state highway.

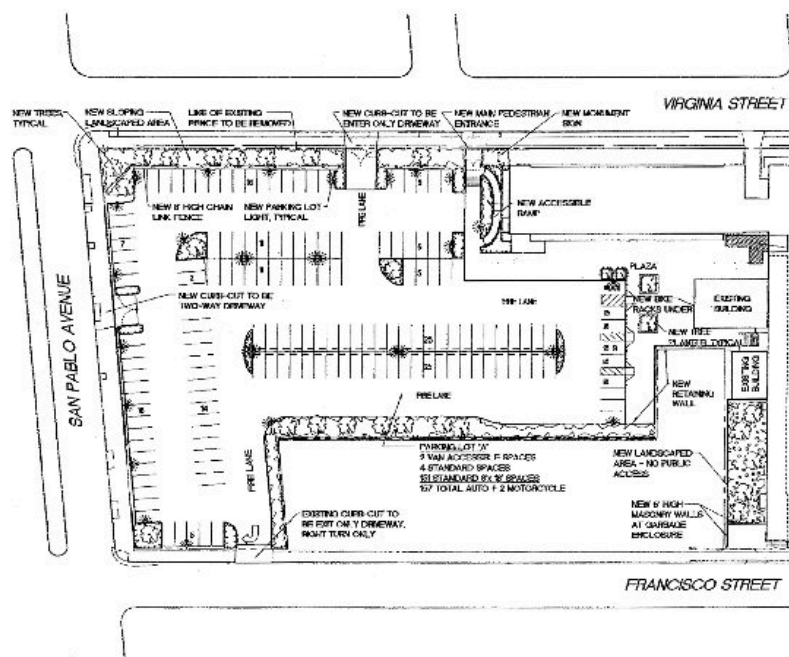
The proposed San Pablo Avenue Driveway would not, as part of the proposed project, have a significant effect on the visual character of the site, nor would it substantially degrade the existing visual character or quality of the site and its surroundings. The proposed MND (p. 13) describes proposed new lighting at the project site, which would remain unchanged by the addition of the San Pablo Avenue Driveway.

### *II. Agriculture Resources*

As described in the MND, the project site is located in an area described by the California Department of Conservation as Urban and Built-up Land (MND, p. 14). The site is not an agricultural resource, and the proposed San Pablo Avenue Driveway, as part of the proposed project, would therefore have no impact on an agricultural resource.

### III. Air Quality

The proposed San Pablo Avenue Driveway would result in construction that would require limited excavation and construction. This construction could result in fugitive dust that could be considered a significant effect, particularly because of the proximity of sensitive land uses. As a part of the project, construction of the additional driveway would require implementation of Mitigation Measure III.1, as described on p. 17 of the MND and as described below:



**Mitigation Measure III.1: During construction, the project sponsor shall require the construction contractor to implement BAAQMD's basic dust control procedures to maintain project construction-related impacts at acceptable levels.**

Elements of the "basic" dust control program for project components that disturb less than four acres shall include, but not necessarily be limited to the following:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.

With implementation of these measures, project construction would not be expected to violate any air quality standard or contribute to an existing or projected air quality violation in the project vicinity.

All trips generated by the proposed project have been accounted for in the discussion of air quality in the MND (pp. 16 and 18). The San Pablo Avenue Driveway would not, as part of the proposed project, result in additional vehicle trips to the project site, and would therefore not result in additional carbon monoxide concentrations at intersections analyzed as part of the MND (pp. 17-19).

#### IV. Biological Resources

The proposed San Pablo Avenue Driveway would require removal of a portion of the sidewalk and two to three street trees. As noted in the MND (pp. 20-23), the project would have a less than significant effect or no effect on candidate, sensitive, or special status species; riparian habitat; and federally protected wetlands, and would not interfere substantially with the movement of any native or migratory fish or wildlife; and would not conflict with the provisions of an adopted Habitat Conservation Plan.

The project would require an application to and approval by the City of Berkeley to remove the street trees located in the path of the proposed San Pablo Avenue Driveway. Because of the approvals required by the City of Berkeley, the proposed addition of the San Pablo Avenue Driveway to the proposed project would have a less than significant effect on Berkeley's street trees.

## V. Cultural Resources

The proposed San Pablo Avenue Driveway would require limited excavation in an area already developed with existing sidewalks and street trees. As noted in the MND (pp. 23-24), the Northwest Information Center, which is part of the California Historic Resources Inventory Survey, indicates that the project site is located on an historical bayshore plain and is within    mile of an intermittent creek that once flowed across the plain into the Bay. Because Native American archaeological sites in this portion of Alameda County tend to be situated along the bayshore plain near the historic reaches of marsh and estuary areas, a moderate to high possibility of identifying Native American archaeological resources exists at the site. As a result, there is some potential for uncovering archaeological, paleontological, and/or human remains at the project. Excavation related to the proposed San Pablo Avenue driveway would be required, as part of the project, to comply with Mitigation Measures V.1 and V.2 (see pp. 23 and 24 of the MND), as noted below:

**Mitigation Measure V.1: The project sponsor shall hire a qualified cultural resource consultant to oversee all grading and excavation activities on-site throughout the duration of such activities. If archaeological or paleontological resources are accidentally discovered during project grading or excavation, the project sponsor shall ensure that grading or excavation work is halted and the qualified cultural resource consultant has evaluated the situation, assessed the significance of the find, and provided mitigation recommendations, if warranted. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal.**

**Mitigation Measure V.2: In the event that human skeletal remains are encountered during project grading or excavation activities, the project sponsor shall immediately notify the County Coroner. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. Construction activities shall cease within 10 feet of the resources.**

## VI. Geology and Soils

The proposed San Pablo Avenue Driveway would be located at the project site and, as a result, the geotechnical analysis performed for the project site would apply to the driveway area. As noted in the MND (pp. 26 and 27), BUSD would be required to prepare a geotechnical report for the project that includes generally accepted and appropriate engineering techniques for determining the susceptibility of the project site to various geologic and seismic hazards. The geotechnical report would include an analysis of ground shaking effects, liquefaction potential, and provide recommendations to reduce these hazards. Geotechnical and seismic design criteria are required to conform to engineering recommendations in accordance with the seismic requirements of Zone 4 of the 1994 or 1997 Uniform Building Code (UBC) and the California Building Code (Title 24) additions. The geotechnical report would, at a minimum, be reviewed by the California Division of the State Architect. Because of the required reports, conformance



to the UBC and Title 24, the proposed San Pablo Avenue Driveway, as part of the proposed project, would not significantly expose persons or structures to potentially adverse effects, and would it result in substantial soil erosion or exposure of persons or structure to risks associated with expansive soil.

## VII. *Hazards and Hazardous Materials*

Neither the project site nor the San Pablo Avenue Driveway is on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a part of the project, potential exposure to hazardous materials would be regulated by State law, including compliance with federal and California Occupational Safety and Health Administration (OSHA), and would be subject to the following applicable mitigation measures already required by the proposed MND, as follows:

**Mitigation Measure VII.1: Berkeley Unified School District shall require that an environmental site health and safety plan be created by a certified industrial hygienist to address worker safety hazards that may arise during construction activities.**

**Mitigation Measure VII.4: Berkeley Unified School District shall require the use of construction best management practices typically implemented as part of construction to minimize the potential negative effects to groundwater and soils from construction activities. These shall include the following:**

- **Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;**
- **Avoid overtopping construction equipment fuel gas tanks;**
- **During routine maintenance of construction equipment, properly contain and remove grease and oils; and**
- **Properly dispose of discarded containers of fuels and other chemicals.**

The proposed San Pablo Avenue Driveway, as part of the proposed project, would reduce the potential to expose persons or property to hazardous materials to a less than significant level.

## VIII. *Hydrology and Water Quality:*

Construction of the proposed San Pablo Avenue Driveway would require limited excavation to remove portions of the existing sidewalk. As noted in the MND (p. 33), because shallow groundwater seeps have been encountered at the project site, excavated soil and concrete could intersect subsurface water-bearing sediments. If water containing sediment or contaminants is discharged directly to the storm or sanitary sewer, it could contribute to the degradation of surface waters (such as San Francisco Bay) or generate sediment and contaminant levels in excess of those permitted by sewage treatment plants. Excavation associated with the San Pablo Avenue Driveway would, however, be required to implement the following mitigation measure, which would reduce the potential to reduce the effects of erosion on water quality to a less than significant effect:

**Mitigation Measure VIII.1: Berkeley Unified School District shall require implementation of a Drainage and Erosion Control Plan to minimize any impacts from erosion and sedimentation during grading. The grading plan shall include, but is not limited to, the following procedures:**

- (1) restricting grading to the dry season, if necessary and practical;
- (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding (see also, Mitigation Measure III.1);
- (3) protecting downstream storm drainage inlets from sedimentation;
- (4) using silt fencing and hay bales to retain sediment on the project site;
- (5) use of temporary water conveyance and water diversion structure to eliminate surface runoff; and
- (6) any other suitable measures outlined in the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual.

After construction is complete, all drainage culverts shall be inspected for accumulated sediment. If sediment accumulation has occurred, these drainage structures shall be cleared of debris and sediment.

With the removal of two to three street trees, the San Pablo Avenue Driveway would also result in more impervious surface area at the project site, which could increase surface water run-off. As a part of the proposed project, implementation of Mitigation Measure VIII.2 would reduce any potential to exceed Berkeley's storm drain capacity to a less than significant effect:

**Mitigation Measure VIII.2: Berkeley Unified School District shall prepare a drainage plan for the project site that would evaluate the percentage of increased impervious surface area, and consequential increase in surface water run-off volume and rate. If the increase in impervious surface area from the developed project results in surface water runoff volume or rates that exceed City storm drain capacity, BUSD shall implement the following mitigation measures:**

- provide increased drainage capacity; and
- provide retention to accommodate the increase in runoff generated by the decrease in pervious area.

The proposed San Pablo Avenue Driveway, as part of the proposed project, would have a less than significant effect on any potential to exceed Berkeley's storm water capacity, as well as on the potential deterioration of water quality during construction.

#### IX. Land Use and Planning:

The proposed San Pablo Avenue Driveway would be part of an existing school site that is designated for *Institutional* use by the Berkeley General Plan, and is located within a C-W, *West Berkeley Commercial District* zoning district. As a continuation of an existing use, the proposed project, as noted in the MND (pp. 36 and 37), would not physically divide an established community, and would not conflict with either the General Plan or the Berkeley Zoning Ordinance. The driveway, located on a portion of the project site, and along an adjacent right-of-way, would not divide an existing community, but would link the site to the commercial uses along San Pablo Avenue where traffic and vehicle trips are anticipated and already exist. The proposed driveway is designed, to the extent possible, to reduce the amount of traffic generated by the project on Virginia and Francisco Streets, as well as smaller neighborhood streets, such as Kains Street. As also

noted in the MND (p. 37), the project site – including the proposed San Pablo Avenue Driveway – is not part of either a habitat conservation plan or a natural community conservation plan.

#### X. *Mineral Resources:*

As stated in the proposed Franklin Adult School MND (p. 38), no mineral resources are identified within the City of Berkeley’s West Berkeley area by the Alameda County General Plan or the Berkeley General Plan. The proposed San Pablo Avenue Driveway would therefore not result in the loss of or availability of a known mineral resource that is of any value on a local, regional, or statewide basis.

#### XI. *Noise:*

The proposed Franklin Adult School MND (pp. 38 through 45) discussed the potential effects of construction noise and vehicle-related noise generated as a part of the project. The proposed San Pablo Avenue Driveway would result in additional construction-related noise. However, as part of the project, construction on the driveway would be subject to the following mitigation measures, which would reduce the effects of construction noise related to the Driveway to a less than significant effect:

**Mitigation Measure XI.1a: The Berkeley Unified School District shall require all construction contractors to follow appropriate time restrictions consistent with the Berkeley Noise Ordinance. Specifically, it is recommended that contractors be required to limit noisy construction activities, including related on-road truck use in the immediate project vicinity, to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays.**

**Mitigation Measure XI.1b: To reduce daytime noise impacts due to construction, to the maximum feasible extent, Berkeley Unified School District shall develop a site-specific noise reduction program that includes the following measures:**

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

As discussed in the Franklin Adult School MND (p. 44), the project would result in an increase in noise along local roadways near the project site. These increases are less than significant. The proposed San Pablo Avenue Driveway would be used by vehicles

already attributed to the project and would likely reduce the amount of vehicular noise near residential areas on Virginia Street and on Francisco Street by diverting some vehicles to the San Pablo Avenue Driveway.

As part of the proposed project, the proposed San Pablo Avenue Driveway would not be likely to increase noise related to vehicular traffic on sensitive receptors living near the project site, and with the incorporation of the mitigation measures listed above, would have a less than significant effect on sensitive receptors during construction.

#### *XII. Population and Housing:*

As described in the proposed Franklin Adult School MND (pp. 45 and 46), the proposed project would not result in displacement of existing housing or displacement of people. As an existing school site in a built-out urban area, the project would not likely induce substantial population growth, directly or indirectly, in the vicinity of the project site. The addition of the San Pablo Avenue Driveway, currently occupied by street trees and sidewalk, to the project would also not result in displacement of existing housing or displacement of people, nor would it be likely to induce substantial population growth either directly or indirectly.

#### *XIII. Public Services:*

As described in the Franklin Adult School MND (pp. 46 and 47), the project site is located in a developed urban area already well-served by public services. Because the proposed San Pablo Avenue Driveway is adjacent to and connected to the project site, the Driveway is also already well-served by public services. As noted in the MND (p. 47), the nearest fire station is within one-half mile of the project site and the proposed Driveway, and the Berkeley Police Department anticipates that the demand for police services would remain comparable to the existing demand for the area. In addition to the Police Department's regular patrol officer for the area, BUSD would provide one security person on an 8-hour basis on weekdays, and limited security on weekends. The project is designed for adult education and would not offer recreational activities at the project site. Neither the project as described in the MND, nor the addition of the San Pablo Avenue Driveway to the project would require new or physically altered governmental facilities, the construction of which could result in significant environmental effects.

#### *XIV. Recreation:*

As noted above, the proposed project would provide education on a city-wide basis to adults and would not offer recreation at the site. Only adults living in the vicinity of the project site would be likely to use recreational facilities in the vicinity of the project site. The proposed San Pablo Avenue Driveway would not either increase nor decrease the potential for attendees to use existing neighborhood and regional parks or other recreational facilities such as would result in the physical deterioration of these facilities or such that would accelerate their deterioration, and would therefore have no effect on park facilities.

### *XV. Transportation/Traffic:*

The proposed San Pablo Avenue Driveway would reduce traffic on neighborhood streets and the driveway itself would operate at LOS B/C during peak hours (Korve Engineering, 2003). The proposed Driveway would be subject to Caltrans approval in terms of design and encroachment along San Pablo Avenue. Caltrans could require restriction of on-street parking up- and downstream of the project site to provide adequate acceleration/deceleration space and sight distance. Depending on its final design, the Driveway could result in the loss of four to five parking spaces in Parking Lot A. However, overall, with at the least 199 total parking spaces, parking would be sufficient to meet demand.

### *XVI. Utilities and Service Systems:*

As discussed in the Franklin Adult School MND (pp. 54 and 55), the proposed project would result in no additional effect on wastewater treatment or water supplies. With the implementation of Mitigation Measure VIII.2, the project would have no effect on storm water drainage facilities or effect on wastewater treatment facilities. As a part of the project, the proposed San Pablo Avenue Driveway would have no additional effect on landfill capacity. However, as part of the project, construction of the proposed San Pablo Avenue Driveway would be required to implement Mitigation Measure XVI.1 to maximize diversion of the byproducts of construction, as follows:

**Mitigation Measure XVI.1: During construction, the Berkeley Unified School District shall be required to maximize diversion of the byproducts of construction. The project sponsor shall develop a plan for maximizing diversion of construction materials associated with the construction of the proposed project.**

### *XVII. Mandatory Findings of Significance:*

As noted in the Franklin Adult School MND (p. 56), the proposed project would not degrade the quality of the environment with respect to plant or animal habitats as the proposed project site is located in an urban area where no known significant species or habitats currently exist. Because there is a moderate possibility of identifying historic-period archaeological resources and a moderate to high possibility of identifying Native American archaeological resources in the area, implementation of Mitigation Measures V.1 and V.2, identified in Section V., *Cultural Resources*, above, would reduce this potential impact to a less than significant level. The addition of the proposed San Pablo Avenue Driveway to the project would also require implementation of Mitigation Measures V.1 and V.2. The addition of the proposed Driveway to the project would not result in additional impacts related to the habitat of species, wildlife populations, the range of endangered plants or animals, or the elimination of important examples of major periods of California history or prehistory.

## **CONCLUSION**

The proposed addition of the San Pablo Avenue Driveway to the project described in the Notice of Intent to Adopt a Mitigated Negative Declaration for the Franklin Adult School would not result in additional effects on to the environment not already described and mitigated to a less than significant level in the proposed MND.

SUMMARY OF MITIGATION  
MEASURES  
BOARD MEETING OF AUGUST 20,  
2003

## APPENDIX A

# SUMMARY OF MITIGATION MEASURES FOR FRANKLIN ADULT SCHOOL PROJECT FRANKLIN ADULT SCHOOL INITIAL STUDY CHECKLIST

As the project sponsor and lead agency, Berkeley Unified School District would be required to implement the following mitigation measures during the construction and operation of the Franklin Adult School:

### III. AIR QUALITY

**Mitigation Measure III.1:** During construction, the project sponsor shall require the construction contractor to implement BAAQMD's basic dust control procedures to maintain project construction-related impacts at acceptable levels.

### V. CULTURAL RESOURCES

**Mitigation Measure V.1:** The project sponsor shall hire a qualified cultural resource consultant to oversee all grading and excavation activities on-site throughout the duration of such activities. If archaeological or paleontological resources are accidentally discovered during project grading or excavation, the project sponsor shall ensure that grading or excavation work is halted and the qualified cultural resource consultant has evaluated the situation, assessed the significance of the find, and provided mitigation recommendations, if warranted. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal.

**Mitigation Measure V.2:** In the event that human skeletal remains are encountered during project grading or excavation activities, the project sponsor shall immediately notify the County Coroner. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code.

### VII. HAZARDS AND HAZARDOUS MATERIALS

**Mitigation Measure VII.1:** Berkeley Unified School District shall require that an environmental site health and safety plan be created by a certified industrial hygienist to address worker safety hazards that may arise during construction activities.

**Mitigation Measure VII.2:** Before commencement of any construction activities, Berkeley Unified School District shall require that a lead-based paint abatement plan shall be prepared and implemented. Elements of the plan shall include the following:



- Development of an abatement specification approved by an Interim-Certified Project Designer.
- Securing of any necessary approvals from the City of Berkeley or the Alameda County Environmental Health Department for specifications or commencement of abatement activities.
- Preparation of a site Health and Safety Plan, as needed.
- Containment of all work areas to prohibit off-site migration of paint chip debris.
- Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete construction activities per the recommendations of the survey. The contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during construction.
- Providing on-site air monitoring during all abatement activities. Also provide background monitoring to ensure no contamination of work areas or adjacent properties.
- Cleanup and/or HEPA vacuum paint chips.
- Collection, segregation, and profiling waste for disposal determination.
- Providing for appropriate disposal of all waste.

**Mitigation Measure VII.3:** Before construction activities commence, Berkeley Unified School District shall require that asbestos abatement shall be conducted at the project site.

**Mitigation Measure VII.4:** Berkeley Unified School District shall require the use of construction best management practices typically implemented as part of construction to minimize the potential negative effects to groundwater and soils from construction activities. These shall include the following:

- Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

## VIII. HYDROLOGY AND WATER QUALITY

**Mitigation Measure VIII.1:** The Berkeley Unified School District shall require implementation of a Drainage and Erosion Control Plan to minimize the impacts from erosion and sedimentation during grading. The grading plan shall include, but is not limited to, the following procedures:

- (1) restrict grading to the dry season, if necessary and practical;
- (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding (see also, Mitigation Measure III.1);
- (3) protecting downstream storm drainage inlets from sedimentation;
- (4) using silt fencing and hay bales to retain sediment on the project site;
- (5) use of temporary water conveyance and water diversion structure to eliminate surface runoff; and
- (6) any other suitable measures outlined in the Association of Bay Area Governments' (ABAG) Manual of Standards for Erosion and Sediment Control Measures or the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual.

After construction is complete, all drainage culverts shall be inspected for accumulated sediment. If sediment accumulation has occurred, these drainage structures shall be cleared of debris and sediment.

**Mitigation Measure VIII.2:** Berkeley Unified School District shall prepare a drainage plan for the project site that would evaluate the percentage of increased impervious surface area, and consequential increase in surface water run-off volume and rate. If the increase in impervious surface area from the developed project results in surface water runoff volume or rates that exceed City storm drain capacity, BUSD shall implement the following mitigation measures:

- provide increased drainage capacity; and
- provide retention to accommodate the increase in runoff generated by the decrease in pervious area.

## X. NOISE

**Mitigation Measure XI.1a:** The Berkeley Unified School District shall require all construction contractors to follow appropriate time restrictions consistent with the Berkeley Noise Ordinance. Specifically, it is recommended that contractors be required to limit noisy construction activities, including related on-road truck use in the immediate project vicinity, to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays.

**Mitigation Measure XI.1b:** To reduce daytime noise impacts due to construction, to the maximum feasible extent, Berkeley Unified School District shall develop a site-specific noise reduction program that includes the following measures:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.

## XVI. UTILITIES AND SERVICE SYSTEMS

**Mitigation Measure XVI.1:** During construction, the Berkeley Unified School District shall be required to maximize diversion of the byproducts of construction. The project

sponsor shall develop a plan for maximizing diversion of construction materials associated with the construction of the proposed project.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence  
**FROM:** Lew Jones  
**DATE:** August 20, 2003  
**SUBJECT:** Approval of Franklin Adult School Project and Approval to Solicit Bids for that Project

### **BACKGROUND INFORMATION**

Among the many responsibilities of the Board is to ensure the District's financial stability, guard the safety of its students and employees and monitor the development of effective programs for all learners. To this end, the Board must rely on the professional judgment of its staff, the advice of qualified consultants, as well as their own collected information over time about the various aspects and needs of the school system. This deliberation is often done by balancing the wishes or needs of a community in juxtaposition to those of students and employees. Recognizing these responsibilities, the staff has studied the various programmatic options for our adult students, considered the opinions of the community and examined budget limitations; and, after weighing these factors, reaffirms the recommendation to the Board that the Berkeley Adult School be relocated to the Franklin site for the reasons outlined below.

The Adult School operates and is funded on an entirely different basis from our K-12 schools. By statute, any adult school program must remain cost neutral to the General Fund, with revenues remaining equal or greater than its costs. The attendance generated by hourly participation of the students can be precarious when the stability of programs is threatened through unnecessary disruptions. Since the current program's fund balance has little flexibility or reserves, the loss of ADA or the closing of a portion of the classes for a period of time can be detrimental to the program and could possibly hamper its ability to immediately recover.

Originally designed as a middle school, the West Campus facility currently accommodating Berkeley Adult School has a multitude of problems. The buildings have received very little improvement since the Adult School moved from East Campus approximately twenty years ago. The building layout, the building type, the classroom sizes and amenities were designed with the needs of middle school students. The site has two gymnasiums with locker rooms, one pool, a large auditorium, a cafeteria, and other facilities that are little used and often hamper the supervision of the program, compromise safety controls and reduce

effectiveness. The cost to maintain most of these spaces has been an unnecessary drain on the resources of the Adult School budget.

Despite these barriers, the Adult School has been able to provide beneficial programs to its students on the West Campus site. However, the buildings need significant modifications, including earthquake retrofit, significant alterations for access and accommodations for the disabled, major electrical and heating work, and the replacement of most of the surfaces and finishes.

The first consideration was to see if the adult program could sensibly and economically be retrofitted at its current location. In the initial review of the impact of the West Campus renovation, it became clear that if that site was to be retrofitted to accommodate the Adult School, that the remodel would require either a double move, program downsizing for several years, or the addition of a large number of portables fitted onto the site. It is apparent to staff that any improvements on this site will require a few years of planning and approval, prior to a minimum of a fifteen-month construction period.

The effect of either a double move or significant downsizing of the program are excessively disruptive and expose the budget to a negative fund balance. The program requires a stable population to keep its revenues high enough to maintain its diverse program offerings, and a facility conducive to supporting those classes. It is believed that downsizing the program during a remodeling period will harm programs and compromise the learning for students not only for the period of downsizing, but that reliance on immediate growth as a source of income after the downsizing is poor financial planning. Thus, the lost of classes, even for a few years, will mean reduction in jobs for our adult school teachers and lost opportunities for students. As we know from experience, moving a program of this magnitude is difficult and requires huge coordination on the part of principal and staff. Moving the program multiple times will surely decrease attendance, burden the administration and take the focus away from classroom instruction. And, it is particularly difficult to move a program temporarily into a facility that is not suited to the program's needs.

An initial consideration was to provide portables on site. The District did not perform an exhaustive study of this option. However, the cost of adding the numerous portables needed to house the classrooms, library and office functions would be significant. The school would be in very cramped spaces and the impact to the neighborhood of putting all the student and staff cars on neighboring streets during the construction period would likely have created impacts that might not be easily

mitigated. Given these obstacles, keeping the adult school at its present site became an unacceptable educational option.

It has long been recognized that the state of the buildings at West Campus is substandard and the limitations to students, especially those with disabilities, has been detrimental. The longer the delay to provide accessible education to our disabled students the further hampered their educational opportunities. Thus, staff felt the obligation to move forward with a viable plan as quickly as is possible.

The staff began to discuss the other District properties that could potentially be used for an adult program. The other possibilities were:

1. Hillside School;
2. East Campus; and
3. Franklin School.

The Franklin site has two significant advantages, size, and that the fact that in January 2001 when it was an elementary school, the District hired an architecture firm to upgrade the Franklin site. The vast majority of the interior improvements planned and paid for are valid for any classroom usage. The construction documents for this retrofit were completed in the summer of 2002. Using these previously completed construction documents allows the District to move this construction project more quickly than any other available option. Construction documents could be completed for the Franklin site in a matter of months rather than years. This would permit the Adult School to be in a safe, accessible, pleasant environment more quickly than any other possible solution. Housing the adult students in an environment conducive to the program needs is felt to be our first priority and thus, the prime reason for the proposed retrofit of Franklin and the relocation of the Adult School to that site

In light of the programmatic advantages of renovating Franklin and moving the Adult School to this site, the staff reviewed possible budget implications. The project can fit within the identified budget for the interior construction. However, the changes to the exterior do push the budget past its Board authorized limit. Final numbers are not complete until bids are received, but it is anticipated that we will need to re-allocate \$500,000 - \$850,000 from the available balance of construction projects in order to fully fund this work. The District recently received an additional \$1 million from the OPSC. This permits the budget to be enhanced if the bids exceed the available budget without hurting other projects. No line items contained in the Facilities Plan are decreased.

The District can honor its previous commitments with the dollars contained in its currently authorized bond funds. Dollars directed toward the playground does decrease discretionary options.

Members of the community have raised a number of questions about the proposed project. These questions include alternate uses for the Franklin site as well as concerns about parking, noise, security and traffic issues. To the extent that they are covered in the earlier Agenda item they will not be duplicated here. However, it may be helpful to detail the steps taken by the Board to consider issues for the adult program and efforts to inform and engage the community in discussions. Below is a chronology of the proposal to date.

- January 15, 2003: Board action  
The Board directed staff to study and evaluate the feasibility and suitability of relocating the adult school classes, students and staff to Franklin. *Documents:* Online Board Agenda/Packet for January 15, 2003, and minutes in the March 5, 2003 packet.
- January 16 – February 11, 2003: Outreach to BAS staff  
BAS Principal, Margaret Kirkpatrick, began a series of meetings with her staff and students to examine the possible benefits of relocation. The staff visited the Franklin site, met with architects and weighed the pros and cons. Most all teachers and some students were involved in the initial conversations and visitations. It was thought that until staff resolved the programmatic issues, community involvement was premature.
- March 5, 2003: Board Meeting Report  
Staff reported that the Adult School program components could fit at the Franklin site and that it appeared that parking might fit as well. The next steps were to initiate an exterior design and begin discussions of the proposed idea with the neighbors.
- April 7, 2003: Community Meeting #1  
Community-wide meeting held at Ala Costa Center. Council member Linda Maio, members of the Board, approximately 35 Franklin neighbors and staff were in attendance. Public notice for the meeting included the District posting flyers throughout the area and emails electronically sent to individuals on Council Member Maio's database. A summary of that meeting was posted at the District's website ([www.berkeleypublicschools.org](http://www.berkeleypublicschools.org)).
- May 5, 2003: Community Meeting #2  
District organized a follow-up meeting with community members also held at Ala Costa Center. Superintendent Lawrence explained

the District's rationale for the proposal and detailed the various options that had been considered. These are described in the summary of the meeting posted at the District's website. Public notice for this meeting was via email from both the District and Council member Maio's office using the sign-in list from the April meeting.

- May 15, 17, 28 and June 2, 2003: Site tours  
Superintendent Michele Lawrence toured the Franklin School site with neighbors on May 15 and 17. In order to note concerns and listen to potential alternatives. Principal Kirkpatrick toured the facility with an additional group of neighbors on May 28 and June 2. Neighborhood concerns and comments noted during each tour were provided to the architects.
- May 2003: Informal neighborhood meetings  
Board Members met informally with various neighbors to discuss the proposal. Emails and phone calls were also exchanged.
- June 9, 2003: Community Meeting #3  
District organized a third community meeting at the Ala Costa Center. Architects and project team members presented various design alternatives for the Franklin site and answered questions. Public notice for this meeting was sent via email from the District using the sign-in lists from the April and May meetings. (No meeting summary was prepared for this meeting, as the outcome of the meeting was to establish a site committee to meet with the architects and discuss the design in greater detail.)
- June 23, 2003: Site Committee Meeting  
District staff and architects met with the neighborhood appointed site committee to review drawings. The prime discussion concerned minimizing impact on side streets and establishing buffers between the school and the homes of adjunct neighbors. The committee requested that the staff once again explore with CalTrans a driveway on San Pablo and recommended that the driveway on Virginia should not be directly opposite Kains.
- July 3, 2003: Notice of Intent (NOP) distributed  
In compliance with CEQA requirements, the District noticed its intent to adopt a Mitigated Negative Declaration (MND) for the Franklin Adult School. Notice of these documents was mailed or electronically emailed to interested community members and neighbors. The availability of the document was advertised in the Daily Planet and posted at the school site.



- August 1, 2003: Comment Period Ends  
Two letters were received from the City of Berkeley; eleven letters were received from the community.

Should the Board elect to approve the staff recommendation, future steps will include continued pursuit of a permit from CalTrans for a driveway on San Pablo, executing the project bid and continued design, should the Board concur, on the proposed playground in the northwest section of the site.

Although there have been conversations and positive indications from CalTrans regarding the driveway, the formal permit cannot be submitted until the environmental action (MND) is approved. We have prepared the technical requirements of the permit such that we can apply within a few days of the Board Action.

The playground improvements and improved access is not a condition of the environmental document. It is an enhancement the Board may elect to provide to the community, however, it is part of the total project approval, and the Board will need to allocate staff time and additional dollars from the bond if we are to improve this area. The Board would need to direct an allocation of \$100,000 in construction costs and an additional \$35,000 in "soft costs" to implement this project. The specific type of amenities can be developed with a representative site committee. It is hoped that three meetings will be sufficient to develop a design for Board consideration. That design will require an independent environmental review (which may be a categorical exemption). The goal would be to hold meetings in the Fall, with Board consideration of a plan in the winter, and either a change order to the building contractor or a separately bid project for late spring for completion at approximately the same time as the adult project. The Board must also consider that in all probability the maintenance and liability of the playground remains with the District and is a long-term commitment to the community. It is possible with fencing to separate the adult school from the playground, but on going monitoring will likely fall to the adult school staff.

#### **POLICY/CODE**

California Public Resources Code 21000, et seq and California Public Contract Code 20110-20118.

#### **FISCAL IMPACT**

The project will be paid from the Measure AA bond; the total estimated construction costs are \$6,200,000 - \$6,600,000.

**STAFF RECOMMENDATION**

Approve the Franklin Adult School project and approve the bidding of that project (attached resolution).

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Song Chin-Bendib, Director of Fiscal Services  
**DATE:** August 20, 2003  
**SUBJECT:** Certification of 2003-04 Multi-Year Projections

## **INTRODUCTION**

The Business Office presented the 2003-04 Budget Adoption to the Board on June 18, 2003 in compliance with Education Code requirements. Due to time constraints in preparing the 2003-04 Budget adoption immediately after filing of the 2002-03 Third Interim Report, the Multi-Year Projections for 2003-04 had not been completed.

Presented tonight are the 2003-04 Multi-Year Projections, which were prepared using the School Services of California's MYP Software. The Multi-Year Projections were prepared utilizing mostly the School Services of California, Inc. Financial Dartboard, which provides school districts with economic indicators for budget projections. This report has been provided to the Alameda County Office of Education and FCMAT Advisor. Included in the Multi-Year Projections are the Board approved reductions for the 2003-2004 Fiscal year.

Based on a projection of current year revenue and expenditures, the District's combined General Fund (including Measure BB and BSEP carryover), is projected to end the 2003-04 fiscal year with a deficit of \$5,829,598.

## **POLICY/CODE:**

Education Code Section 42100 – 42134 Et esq.

## **FISCAL IMPACT**

Not Applicable

## **STAFF RECOMMENDATION**

That the Board of Trustees accept the Multi-Year Projections of the 2003-04 Adoption, certifying that the District will be unable to meet its financial obligations for the current and two subsequent years without significant expenditure reductions and revenue enhancements.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**3320 BP**

## **Claims and Actions Against the District**

Any and all claims for money or damages against the District must be presented to and acted upon in accordance with the following procedures. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code section 900, et seq.

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code sections 905, 911.2)
2. Claims for money or damages as authorized in Government Code section 905 and not included in paragraph 1 above shall be filed not later than one year from the date the cause of action accrues. (Government Code sections 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code section 905, including but not limited to claims by public employees for fees, salaries, wage, mileage or other expenses and allowances, shall be filed not later than one year after the accrual of the cause of action. (Government Code sections 905, 911.2, 935)

## **Late Claims**

Claims under paragraph 1 above which are filed outside the specified time limitations must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim under paragraph 1 is filed later than six months after the accrual of the cause of action and is not accompanied by the application, the Board or Superintendent shall, within forty-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.

The application shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, this 45-day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the following form:

**WARNING**

IF YOU WISH TO FILE A COURT ACTION ON THIS MATTER YOU MUST FIRST PETITION THE APPROPRIATE COURT FOR AN ORDER RELIEVING YOU FROM THE PROVISIONS OF GOVERNMENT CODE SECTION 945.4 (CLAIMS PRESENTATION REQUIREMENT). SEE GOVERNMENT CODE SECTION 945.6. SUCH PETITION MUST BE FILED WITH THE COURT WITHIN SIX (6) MONTHS FROM THE DATE YOUR APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM WAS DENIED.

YOU MAY SEEK THE ADVICE OF AN ATTORNEY OF YOUR CHOICE IN CONNECTION WITH THIS MATTER. IF YOU DESIRE TO CONSULT AN ATTORNEY, YOU SHOULD DO SO IMMEDIATELY.

(Government Code sections 911.3, 911.4, 911.6, 911.8, 912.2, 935)

**Delivery and Form of Claim**

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Superintendent or deposited in a United States post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to the office of the Superintendent with postage paid. (Government Code sections 915, 915.2)

### **Notice of Claim Insufficiency**

The Superintendent or designee shall review all claims for sufficiency of information. The Superintendent or designee may, within twenty (20) days of receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. The Board shall not act upon the claim until at least fifteen (15) days after such notice is sent. (Government Code sections 910.8, 915.4)

### **Amendments to Claim**

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim. (Government Code section 910.6)

### **Action on Claim**

Within forty-five (45) days after the presentation or amendment of a claim, the Board shall take action on the claim. (Government Code section 912.4) This time limit may be extended by written agreement before the expiration of the 45-day period or before legal action is commenced or barred by legal limitations. (Government Code Section 912.4) The Superintendent or designee shall transmit to the claimant a written notice of action taken. (Government Code section 913) If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified in accordance with Government Code section 913. (Government Code section 945.6)

### **Retroactivity of this Policy**

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages and shall be effective immediately after adoption by the Board.

### **Roster of Public Agencies**

The Superintendent or designee shall annually verify that all information regarding the District and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the District, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and other members of the Board. (Government Code section 53051)

**Legal Reference:**

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

GOVERNMENT CODE

800 Cost in civil actions

810, et seq. Claims and actions against public entities

900, et seq. Claims against public entities

946.4 Failure to present claim not bar or defense

53051 Information filed with secretary of state and county clerk

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**3320 BP**

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The application shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, this 45-day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the following form:

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YOU MAY SEEK THE ADVICE OF AN ATTORNEY OF YOUR CHOICE IN CONNECTION WITH THIS MATTER. IF YOU DESIRE TO CONSULT AN ATTORNEY, YOU SHOULD DO SO IMMEDIATELY.

(Government Code sections 911.3, 911.4, 911.6, 911.8, 912.2, 935)

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### **Amendments to Claim**

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim. (Government Code section 910.6)

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**Legal Reference:**

EDUCATION CODE

35200 Liability for debts and contracts

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GOVERNMENT CODE

800 Cost in civil actions

810, et seq. Claims and actions against public entities

900, et seq. Claims against public entities

946.4 Failure to present claim not bar or defense

53051 Information filed with secretary of state and county clerk

**BERKELEY UNIFIED SCHOOL DISTRICT**

**NOTICE OF FAILURE TO FILE IN A TIMELY MANNER**

TO: [Claimant]  
[Address]  
FR: [Superintendent or Designee]  
RE: Claim Filed [insert date]

The claim you presented to the Superintendent on *[date]* is being returned because it was not presented within six months after the event or occurrence as required by law. See Government Code sections 901, 911.2 and 935. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the District for leave to present a late claim. See sections 911.4 through 912.2 and section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Government Code section 911.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**BERKLEY UNIFIED SCHOOL DISTRICT**

**NOTICE OF DENIAL OF APPLICATION TO FILE LATE  
CLAIM**

[Name and Address of Claimant]

Dear \_\_\_\_\_:

Notice is hereby given that your Application to File Late Claim, which was presented to the Berkeley Unified School District Board of Education on *[date]*, was denied by the Berkeley Unified School District Board of Education at its meeting on *[date]*. Attached is a copy of the Board's action, which is incorporated herein by reference.

**WARNING**

IF YOU WISH TO FILE A COURT ACTION ON THIS MATTER, YOU MUST FIRST PETITION THE APPROPRIATE COURT FOR AN ORDER RELIEVING YOU FROM THE PROVISIONS OF GOVERNMENT CODE SECTION 945.4 (CLAIMS PRESENTATION REQUIREMENT). SEE GOVERNMENT CODE SECTION 946.6. SUCH PETITION MUST BE FILED WITH THE COURT WITHIN SIX (6) MONTHS FROM THE DATE YOUR APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM WAS DENIED.

YOU MAY SEEK THE ADVICE OF AN ATTORNEY OF YOUR CHOICE IN CONNECTION WITH THIS MATTER. IF YOU DESIRE TO CONSULT AN ATTORNEY, YOU SHOULD DO SO IMMEDIATELY.

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Secretary, Berkeley Unified School District  
Board of Education

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith  
Associate Superintendent of Business and Operations (CBO)  
**DATE:** August 20, 2003  
**SUBJECT:** Approve Board Policy Regarding Claims and Actions against  
the District

### **BACKGROUND INFORMATION**

In the landmark case, *CSEA v. Azusa Unified School District* (1984) 152 Cal.App.3d 580, the Court found that a school district board policy could require claimants to file claims which are excepted from the claims statute, including claims for wages and salary, pursuant to Section 935 of the Government Code. Section 935 specifies that "(a) Claims against a local public entity for money or damages which are excepted by section 905 . . . and which are not governed by any other statute or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity."

### **POLICY/CODE**

Government Code Sections 911.3, 911.4, 911.6, 911.8, 912.2, 935

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approve Board Policy Number \_\_\_\_\_ regarding claims and actions against the District and related attachments.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** August 20, 2003  
**SUBJECT:** Release of Directory Information

## **BACKGROUND INFORMATION**

Board concern has been raised as a result of legislation requiring the release of student directory information to the military as a result of the No Child Left Behind Act.

The administrative regulation outlines the procedures Berkeley School District will use to implement this legislation. The significant change to students and parents is that unless they return the appropriate form no information will be released which, if not attended by parents/guardians, could lessen the college contacts with their students.

## **POLICY/CODE**

Education Code 49061; 34 CFR 99.3  
Education Code 49063, 49073; 34 CFR 99.37  
Education Code 49073; 20USC 1232g  
P.L. 107-110 §9528

## **FISCAL IMPACT**

None

## **STAFF RECOMMENDATION**

Receive for Information