

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

MINUTES, REGULAR MEETING

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Wednesday, July 2, 2003

District Administrative Offices

Board Meeting Room

2134 Martin Luther King Jr. Way

Berkeley, CA 94704-1180

**CALL TO ORDER**

President Joaquin J. Rivera called the Board of Education Meeting to order at 6:01 p.m.

**BOARD ROLL CALL**

**MEMBERS PRESENT:** President Joaquin J. Rivera  
Vice President John T. Selawsky  
Director Terry S. Doran  
Director Shirley Issel  
Director Nancy Riddle

**MEMBER ABSENT:** Superintendent Michele Lawrence, Secretary

Administration Associate Superintendent, Business and Operations,  
Eric D. Smith

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 45956.7

No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) 54957 and 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
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

The Board recessed to Closed Session at 6:01 p.m. and reconvened in Public Session at 7:30 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed:

c) Collective Bargaining

No action was taken.

Approve Agenda

Motion: Directors Selawsky/Doran and approved unanimously on voice vote:

That the agenda is approved as amended. The amendments are to pull items 2.1-C, 3.2-C, 3.4-C and 4.1-C for further clarification.

**PUBLIC TESTIMONY**

Ten speakers addressed the Board.

**REPORTS**

Union Representatives' Reports

No one addressed the Board.

Superintendent's Report

Mr. Eric D. Smith, Associate Superintendent, Business and Operations, represented Superintendent Lawrence who was away from the District on vacation. Mr. Smith reported that District staff has finalized the Initial Study and the Traffic Study for the proposed construction of the Franklin site for the purpose of housing the Berkeley Adult School. Those documents state that all impacts can be mitigated to less than significant impacts. If this determination holds true throughout the comment period, the Board will be able to adopt a mitigated negative declaration under the requirements of CEQA.

Superintendent's Report (continued)

The documents were released today and the public comment period has begun. We plan to have a final document for the Board's consideration on August 20, 2003. Mr. Smith said if the Board were to approve the project in August, the work on the west yard would probably not occur until the spring of 2004. If Cal Trans approves the driveway and there were no other complications, it could become a change order to the approved contractor.

Mr. Lew Jones, Director of Facilities, said he is suggesting that we apply for an additional cut on San Pablo Avenue but retain the Virginia and Francisco Street entrances.

Board Members' Reports

Director Riddle stated that the disposition of the Franklin site is not on tonight's Board agenda for action and that is why the Board will not be discussing it. Director Doran thanked those people who spoke during Public Testimony regarding the Adult/Franklin Project. He said: "I take your comments seriously and they will be a part of my consideration." Vice President Selawsky also thanked the Franklin neighbors for attending tonight's Board Meeting and giving their feedback. He reported that a year ago, AC Transit started a two-year pilot program that allowed students in Alameda County who qualified for free and reduced lunch to either receive AC Transit bus passes free or at a limited cost if they are attending schools in Alameda County. It appears that the AC Transit board has made a decision that as of July 16, 2003, they will stop the program and will not be funding the second year. The AC Transit Board is trying to get funding from all involved school districts. Vice President Selawsky said he has been attending meetings with representatives from Alameda County, representatives from the County Supervisor's office and AC Transit Board members regarding the curtailment of this two-year pilot program. He said the Berkeley Unified School District has 1200 students who qualify for the passes.

**CONSENT ITEMS**

Motion: Directors Selawsky/Issel and approved unanimously on voice vote:

That the Consent Items are approved as amended. The amendments are that items 2.1-C, 3.2-C, 3.4-C, and 4.1-C, are pulled for further clarification.

1.1-C: Acceptance of Gifts/Donations  
2.1-C: Acceptance of Personnel Report

Please see pages 5 and 6 of these minutes for action on this item.

3.1-C: Upgrade Accountant to Program Coordinator in the Office of State and Federal Programs  
3.2-C: 2003-04 Consolidated Application for Funding Categorical Programs, Part I

Please see pages 6 and 7 of these minutes for action on this item.

3.3-C: Continuing Special Education Non-Public Agency Placements for 2003-2004  
3.4-C: New Non-Public School Placement for Special Education Students

Please see page 7 of these minutes for action on this item.

3.5-C: Adoption of Calculus Textbooks for Berkeley High School  
4.1-C: Approval of Contracts Purchase Orders for Services and Contracts

Please see page 7 of these minutes for action on this item.

4.2-C: Approve Payroll Warrants issued in April and May 2003.

**CONSENT ITEMS** (continued)

- 4.3-C: Amendment of Agreement to Bid Schedule No. 1326 for Custodial Supplies
- 4.4-C: Approval of Pre-Qualified Pool of Designers to assist the Berkeley Unified School District in Construction Projects
- 4.5-C: Liability Claims Submitted to the District
- 4.6-C: Resolution 03-00 for Intra-Budget Transfers at the Close of School Year 2002-2003

2.1-C:  
Acceptance of Personnel Report

President Rivera announced the appointment of Jim Slem, Principal, Berkeley High School, effective July 1, 2003.

President Rivera said: "I removed this item because there are three appointments that I have objections with. I cannot support the three Associate Director positions for the following reasons:

The two Associate Directors for Human Resources and Associate Director for Student Support Services are two promotions for two administrators who are currently managers and those positions are being raised from manager to Director. That is an additional cost to the District of \$30,000. I think at this point this sends an awful signal. We are a District that is close to being taken over by a State Trustee. We have made a lot of progress but we still have a huge deficit. We have been laying off a lot of employees. We have not been able to provide salary increases to a great number of our employees. I know that one of the reasons this recommendation has come forth is the additional duties and responsibilities these employees have assumed since the elimination of the two Associate Superintendent positions. However, every employee in this District has been required to do a lot of work because we have eliminated a lot of positions and because jobs are not going away they are just being redistributed to the employees who are left. I think this sends a clear message to what we have been accused of by this community that we only take care of our administrators. I feel very strongly about this and I am going to vote against it. It sends a signal that I think, in these times, is the worst thing that we can do."

2.1-C  
Acceptance of Personnel Report (continued)

Director Issel said she shares President Rivera's concerns and will vote against approving these three positions. In addition, these three positions represent an organization change. She said: "We need to create an organizational chart. I think the Board needs to see the entire organizational chart prior to us making this decision. We need to see how duties and responsibilities will be distributed under these new positions."

Motion: Directors Rivera/Issel and approved unanimously on voice vote:

That the Personnel Report is approved except that the three Associate Director positions are to be voted on separately.

Motion: Directors Selawsky/Doran and approved 3-2-0-0 on Roll Call vote:

Approval of the three Associate Director positions.

AYES: Directors Doran, Riddle, Selawsky  
NOES: Directors Issel, Rivera  
ABSTAIN: None  
ABSENT: None

3.2-C:  
2003-04 Consolidated Application for Funding Categorical Programs, Part I

Mr. Neil Smith, Director, Curriculum and Instruction, said Part I of the Consolidated Application for Funding Categorical Programs declares our intent to apply for 2003-2004 categorical programs funds. The District Advisory Committee (DAC) and the District English Learner Advisory Committee (DELAC) have reviewed the plan and had an opportunity to advise regarding the preparation of the application. Mr. Smith reported that there are two new reporting requirements this year. One is a "No Child Left Behind" requirement to identify "persistently dangerous" schools. Berkeley Unified has no schools that are "at risk" of being designated persistently dangerous." The other is the reporting requirement for reimbursement for staff development days. This was previously done in a separate report, but is now part of the Consolidated Application.

3.2-C

2003-04 Consolidated Application for Funding Categorical Programs, Part I  
(continued)

Motion: Directors Riddle/Selawsky and approved unanimously on voice vote:

Approval of the 2003-04 Consolidated Application for funding Categorical Programs, Part I.

3.4-C:

New Non-Public School Placement for Special Education Students

Motion: Directors Selawsky/Riddle and approved unanimously on voice vote:

Approval of the new non-public school placement for special education students.

4.1-C:

Approval of Contracts Purchase Orders for Services and Contracts

Motion: Directors Selawsky/Doran and approved unanimously on voice vote:

To authorize the Associate Superintendent of Business and Operations or Purchasing Agent to execute Purchase Orders, as amended. The amendment is to delete items 45 and 53.

## **ACTION ITEMS**

### 4.1-A

#### Approval of Transportation Program Parameters and Reallocation of Resources to Demonstrate a Commitment to building a new Transportation Facility

Mr. Eric D. Smith, Associate Superintendent, Business and Operations, explained the purpose of this project. Mr. Lew Jones, Director, Facilities, reviewed the history of what has been done. He said in July 2001, a schematic plan to construct a new facility at 1325 6<sup>th</sup> Street was presented to and approved by the Board. No clear set of program parameters were presented at that time. At the time of the schematic approval, no financing plan was proposed. Ms. Bernadette Cormier, Manager, Transportation, discussed the Program Parameters as they are currently designed. She said the Transportation staff provide transportation services for the K-12 student population in both regular education and special education programs and also transports children for educational and athletic field trips. The department also provides transportation services for the community through summer programs and field trips throughout the year. The program implements the controlled choice student assignment plan.

Director Issel asked how District staff interfaces with special education students and parents. Directors Doran and Issel requested that staff submit to the Board a detailed breakdown of the special education budget.

Director Doran said we have an offer from the City to work with AC Transit with the possibility of combining our transportation functions. AC Transit has a transportation yard that could possibly accommodate our buses. We should explore whether we can save some money by teaming up with AC Transit for our transportation yard needs. He requested that staff investigate the possibility of working with ACT Transit and report back to the Board in August with their recommendations.

**ACTION ITEMS** (continued)

4.1-A

Approval of Transportation Program Parameters and Reallocation of Resources to Demonstrate a Commitment to building a new Transportation Facility (continued)

Motion: Directors Doran/Selawsky and approved 3-1-1-1 on Roll Call vote:

AYES: Directors Doran, Riddle, Selawsky  
NOES: Director Rivera  
ABSTAIN: Director Issel  
ABSENT: None

That staff pursues alternative possibilities for our Transportation Program and report back to the Board at the August 20, 2003 Board Meeting.

**EXTENDED PUBLIC TESTIMONY**

No one addressed the Board at this time.

**ADJOURNMENT**

President Rivera declared the Regular Meeting of July 2, 2003, adjourned at 9:44 pm.

**APPROVED:**

**ATTEST:**

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District

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