

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, June 4, 2003

Call to Order The Presiding Officer will Call the Meeting to Order at **5:00 p.m.**
The Board will recess to Closed Session at **5:00 p.m.** and
reconvene in Public Session at **7:30 p.m.**

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

Administration Superintendent Michele Lawrence, Secretary

Prior to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and
54957) and Education Code Section 4981(c)—Board Conference Room

- 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 Student Director does not attend Closed Session.

Report Closed
Session Action

Motion_____ Second_____ Vote_____

Approve Agenda

Approve the Regular Meeting Agenda of June 4, 2003
Motion_____ Second_____ Vote_____

7:30 p.m.

PRESENTATION

Resolution of Appreciation for Retirees 1
for the 2002-2003 School Year

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

CONSENT ITEMS

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

General Services

1.1-C

4

Acceptance of Gifts/
Donations

Staff Recommendation:
Accept the gifts/donations to the District or facilities from individuals and/or companies, as submitted and direct staff to send a letter of appreciation
Motion_____ Second_____ Vote_____

1.2-C Staff Recommendation: 5
 2003-2004 Approve 2003-2004 Designation of CIF
 Designation of Representatives to the League for
 California Berkeley High School Athletics
 Interscholastic Motion_____ Second_____ Vote_____
 Federation

1.3-C Staff Recommendation 7
 Application for Approve Application for Multi-School Team
 Multi-School Status for 2003-2004
 Team Status Motion_____ Second_____ Vote_____

1.4-C Board Member Recommendation: 10
 Resolution Proclaim- Approval of Resolution in support of
 ing Gay, Lesbian, Gay, Lesbian, Transsexual Pride Month
 Bisexual, and Motion_____ Second_____ Vote_____
 Transsexual Pride
 Month in BUSD

Human Resources

2.1-C Staff Recommendation: 12
 Acceptance of Accept Personnel Report 03-21 as submitted.
 Personnel Report Motion_____ Second_____ Vote_____

Educational Services

3.1-C Staff Recommendation: 16
 Overnight Field Trips Approve the overnight field trip requests in
 accordance with Board Polices and Procedures
 Motion_____ Second_____ Vote_____

3.2-C Staff Recommendation: 17
 Local Education Approve the Local Education Agency Plan to
 Agency Plan meet the Federal Requirements of No Child
 Left Behind legislation
 Motion_____ Second_____ Vote_____

3.3-C Staff Recommendation: 19
 Revised BSEP Approve the revised BSEP site plans
 School Site Plan Motion_____ Second_____ Vote_____

3.4-C North Region Special Education Local Plan	<u>Staff Recommendation:</u> Approve North Region Special Education Local Plan for participation in the SELPA Motion_____ Second_____ Vote_____	26
3.5-C New Non-public school placement for special education student	<u>Staff Recommendation:</u> Approve new non-public school placement for special education student Motion_____ Second_____ Vote_____	40
<u>Business and Operations</u>		
4.1-C Approval of Contracts Purchase Orders for Services and Contracts	<u>Staff Recommendation:</u> Authorize the Associate Superintendent of Business and Operations or Purchasing Agent to execute Purchase Orders Motion_____ Second_____ Vote_____	41
4.2-C Approve Resolution 02-94: To award the Campus Green Project at Berkeley High School	<u>Staff Recommendation:</u> Approve Resolution 02-94: To Award the contract to Pagni Construction for the Campus Green Project at Berkeley High School Motion_____ Second_____ Vote_____	45
4.3-C Authorization to Reject and not Re-advertise for Bids replacement Of worn elevator Controls at John Muir Elementary School	<u>Staff Recommendation:</u> Approval to reject and not re-advertise for bids to replace the worn elevator controls at John Muir Elementary School until the plans and specifications are evaluated for sufficiency Motion_____ Second_____ Vote_____	48

4.4-C Resolution 02-96 Listing the Authorized agents And approval of Signatures for Accounts and Records	<u>Staff Recommendation:</u> Approve Resolution 02-96 by unanimous vote as required by the Education Code Motion_____ Second_____ Vote_____	51
---	--	----

4.5-C Authorization Investment of of monies in the Local Agency Investment Fund	<u>Staff Recommendation:</u> Approve Resolution 02-97 to authorize the individual named representatives of Berkeley Unified School District officers or their successors in office to have the authority order the deposit or withdrawal of monies in the Local Agency Investment Fund if needed. Motion_____ Second_____ Vote_____	54
--	---	----

ACTION ITEMS

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

General Services

1.1-A Procedures for the Development of Small Schools	<u>Staff Recommendation:</u> Approve the Administrative Plan for the Development of Small Schools at Berkeley High School Motion_____ Second_____ Vote_____	57
--	---	----

Human Resources

2.1-A Resolution 02-95: for reduction or elimination of 1.94 classified positions	<u>Staff Recommendation:</u> Approve Resolution 02-95 for reduction or elimination of specific classified positions Motion_____ Second_____ Vote_____	82
--	--	----

2.2-A Renewal of Health And Medical Premium Rates for FY 2004	<u>Staff Recommendation:</u> Approval of the renewal rates for medical and dental benefits for FY 2004 until negotiations are complete with the unions to contain costs.	85
---	--	----

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:

3.1-CF First Reading: Board Policy 5131(c): Conduct Use of Electronic Signaling Devices	<u>Staff Recommendation</u> Accept for First Reading Board Policy 5131(c): Conduct Use of Electronic Signaling Devices Motion_____ Second_____ Vote_____	86
--	--	----

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 5123: Pupil Promotion and Retention	<u>Staff Recommendation:</u> Receive for information revised administrative regulation now consistent with current District practices	88
3.2-I Proposed Administrative Regulation for Electronic devices	<u>Staff Recommendation:</u> Receive for information the Proposed Administrative Regulations 5131(c) Conduct - Use of Electronic Signaling devices	90

Business and Operations

9:00 P.M.

4.1-I
Information on the
Governor’s May
Revise to the State
Budget and its
Impact on BUSD

Staff Recommendation:
Review and Discuss Information related
to the Governor’s May Revise to the State
Budget and its impact on Berkeley
Unified School District

92

9:20 P.M.

4.2-I
Calculation for
Direct and Indirect
Costs

Staff Recommendation:
Receive for information, discussion
and input explanation of rates charged
for Direct and Indirect costs

115

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:

- June 4, 2003
- June 18, 2003
- July 2, 2003
- August 20, 2003
- September 3, 2003
- September 17, 2003
- October 1, 2003
- October 15, 2003
- November 5, 2003
- November 19, 2003
- December 3, 2003
- December 17, 2003

ADJOURNMENT:

Time_____

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

GUIDELINES FOR SPEAKERS

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

WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR 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: Queen Graham, Executive Assistant
DATE: June 4, 2003
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

The Board may accept and utilize on behalf of the District any bequests or gifts of money or property for a purpose deemed to be suitable by the Board.

The following donations have been presented to the District.

1. Melba Lazenby: A donation of a washing machine, to be used at the King Child Development Center. An estimated value of \$150.00
2. Terrie Rambo, ASI: A donation of office furniture.

POLICY

Board Policy DFK/KHE

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept the donations/gifts to the District.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: Michele Lawrence, Superintendent
DATE: June 4, 2003
SUBJECT: 2003-2004 Designations of CIF (California Interscholastic Federation) Representatives to the League

BACKGROUND INFORMATION

Each year, the Education Code requires that school districts submit names of league representatives to every league in the State and to make sure that the league representatives are designated by school district governing boards. It is a legal requirement that league representatives be so designated.

The Education Code gives the authority for high school athletics to high school governing boards. The Code also requires that the boards, after joining CIF, designate their representatives to CIF leagues.

At the June 12, 2002 Board of Education Meeting, the Board approved the designation of Robert Traum, Athletic Director and Laura Leventer, Co-Principal, as the 2002-2003 Designations to the CIF.

Beginning the 2002-2003 fiscal year, we reorganized the Berkeley High School administration. The new administrative team is composed of a five-member team. Ms. Thelette A. Bennett, Executive Vice Principal, is in charge of Athletics and thus, we added her name as one of the CIF representatives from Berkeley High School.

Effective July 1, 2003, the Berkeley High School administrative team will change. Based on this change, we are designating Patricia Christa, Principal and Thelette A. Bennett, Executive Vice Principal, Berkeley High School, to serve for the 2003-2004 school year as Berkeley High School's CIF league representatives.

POLICY/CODE

Education Code Section 33353(a)(1)

FISCAL IMPACT

None

STAFF RECOMMENDATION

That the Board of Education designate Patricia Christa, Principal, and Thelette A. Bennett, Executive Vice Principal, Berkeley High School, to serve for the 2003-2004 school year as Berkeley High School's CIF league representatives.

1.2-C

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: Michele Lawrence, Superintendent
DATE: June 4, 2003
SUBJECT: Multi-School Team Status for 2003-2004, with Berkeley High School

BACKGROUND INFORMATION

The California Interscholastic Federation (CIF) requires that each year, each school district's governing board indicate their multi-school team status.

Any non-CIF member school that wishes to have its students participate in CIF competition must apply for multi-school status through a CIF member school.

Any CIF member school that wishes to allow participation on its team(s) by students, who are currently enrolled in non-CIF member schools or programs which do not offer any interscholastic athletic programs (such programs or schools would include, but not be limited to, alternative schools defined in Education Code 58500), junior high schools, necessary small schools, charter schools, independent study, may request approval to do so under certain conditions.

POLICY/CODE

Education Code 58500

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the Multi-School Team Status for 2003-2004, with Berkeley High School.

BERKELEY UNIFIED SCHOOL DISTRICT
Office of the Superintendent
June 4, 2003

List of CIF (California Interscholastic Federation) Sports in the Berkeley
Unified School District

SPORTS	STUDENT	BOYS	GIRLS	MIXED/CO-ED
Badminton				X
Baseball	X			
Basketball		X		
Basketball			X	
Cross Country		X		
Cross Country			X	
Field Hockey			X	
Football	X			
Golf		X		
Golf			X	
Lacrosse			X	
Lacrosse		X		
Soccer		X		
Soccer			X	
Softball			X	
Swimming & Diving		X		
Swimming & Diving			X	
Tennis		X		
Tennis			X	
Track & Field		X		
Track & Field			X	
Volleyball		X		
Volleyball			X	
Water Polo		X		
Water Polo			X	
Wrestling	X			

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: Directors Terry S. Doran and
John T. Selawsky
DATE: June 4, 2003
SUBJECT: Proclaim June 2003 as Gay, Lesbian, Bisexual, and
Transsexual Pride Month in BUSD

BACKGROUND INFORMATION

The Berkeley Unified School District Board Policy states: (BP 0410) "...no qualified person on the basis of race, color, national origin, religion, sex, handicap, age, or sexual orientation, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity in the Berkeley Unified School District."

Explicit Board policy includes sexual orientation in the District's nondiscrimination policy. Further, it is the goal of the Board to acknowledge and celebrate the variety and diversity within our District, both student and staff. Toward that end the following is offered to proclaim *June, 2003 as Gay, Lesbian, Bisexual, and Transsexual Pride Month in BUSD.*

POLICY/CODE

Board Policy 0410

FISCAL IMPACT

None

BOARD MEMBER RECOMMENDATION

Approve the resolution to Proclaim *June 2003 as Gay, Lesbian, Bisexual, and Transsexual Pride Month in BUSD.*

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION PROCLAIMING JUNE 2003 AS GAY, LESBIAN, BISEXUAL, AND TRANSSEXUAL PRIDE MONTH IN THE BERKELEY UNIFIED SCHOOL DISTRICT

June 4, 2003

WHEREAS, it is BUSD Board Policy that all persons, including those who are lesbian, gay, or bisexual, have an equal and nondiscriminatory opportunity to a quality public educational experience;

WHEREAS, many lesbian, gay, and bisexual youths and youths perceived to belong to these groups still face harassment and physical violence in school environments (and elsewhere);

WHEREAS, the Berkeley Board of Education deplors harassment and physical violence or the threat of such against any of our students, faculty, and staff;

WHEREAS, the Berkeley Board of Education believes that the rich variety and diversity of families and communities is one of Berkeley's strengths, and furthermore believes that a family is a supportive unit composed of various genders, orientations, cultures, races, and ethnicities;

WHEREAS, the Berkeley Board of Education values and welcomes diversity of our student body, our teachers, our staff, and our administrators, including the diversity of sexual orientation and identity in our community;

WHEREAS, the BUSD has made a commitment to achieving and fostering diversity and tolerance in our staff, our school population, and in our curriculum, as evidenced by our Social Living and Identity and Ethnic Studies classes; and

WHEREAS, the Berkeley Board of Education wishes to note the variety of celebrations recognizing *Lesbian/Gay/Bisexual/Transsexual Pride Month* around the nation and throughout the State of California during the month of June.

THEREFORE, BE IT RESOLVED, that the Berkeley Board of Education proclaims *June 2003 Gay, Lesbian, Bisexual, and Transsexual Pride Month in the BUSD*.

PASSED AND ADOPTED this 4th day of June 2003.

Joaquin J. Rivera, President

1.4-C

TO: Michele Lawrence Superintendent
 FROM: David A. Gomez, Ph.D.
 Associate Superintendent Human Resources
 DATE: June 4, 2003
 SUBJECT: ACCEPTANCE OF PERSONNEL REPORT 03-21

Following is Personnel Report 03-21 which reports details of personnel assignments, employment and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>CHANGE OF STATUS FROM PROBATIONARY TO PERMANENT</u>						
Valerie Trahan	Teacher	Berkeley High	General	1.0 FTE 4-08	8/28/02	
<u>RETIREMENT</u>						
Dorothy Walker	Teacher	Washington	General	1.00 FTE	6/13/03	
<u>RESIGNATION</u>						
Julie Bowers	Teacher	Spec.Ed.	General	1.00 FTE	6/13/03	
Joanna Fonte	Teacher	Berkeley High	General	.40 FTE	6/13/02	
Christine Lim	Associate Superintendent	Educational Services	General	1.00 FTE	6/30/03	
Michael McEvoy	Teacher	Longfellow	General	1.00 FTE	6/13/03	
<u>ADULT SCHOOL TEACHER</u>						
Evelyn Bohanon	Teacher	Adult	Site	\$30.39/hr	4/28/03	6/30/03
<u>LEAVE OF ABSENCE – WITHOUT PAY</u>						
Laura Leventer	Teacher	Berkeley High	General	1.00 FTE	10/01/03	6/04
Doreen Sing	Vice Principal	King	General	.50 FTE	5/05/03	6/13/03
<u>LEAVE OF ABSENCE - WITHOUT PAY (FMLA)</u>						
Laura Leventer	Teacher	Berkeley High	General	1.00 FTE	7/01/03	9/30/03
<u>SABBATICAL LEAVE OF ABSENCE WITH PAY</u>						
Hazelle Fortich	Teacher	Malcolm X	General	1.00 FTE	8/03	1/04
Josie Gerst	Teacher	King	General	1.00 FTE	8/03	6/04
Evelyn Kavalier	Teacher	Berkeley High	General	1.00 FTE	8/03	6/04
Donna Suzuki	Teacher	John Muir	General	1.00 FTE	8/03	6/04
<u>SUBSTITUTE TEACHERS</u>						
Mary Eliesar	Sub. Teacher	All District	Site	\$27.21 hr	5/30/03	6/30/03
Elizabeth White	Sub. Teacher	All District	Site	\$27.21 hr	5/30/03	6/30/03

SUMMER SCHOOL ADMINISTRATORS

Shirley Herrera	Principal	Berkeley High	Summer School Fund	\$9,546 stipend	6/23/03	8/01/03
Meg Matan	Co-Principal	King Middle	Summer School Fund	\$2,347.50 stipend	TBA	
Mary Ann Valles	Co-Principal	King Middle	Summer School Fund	\$2,347.50 stipend	TBA	
Joan Brannigan	Coordinator	Longfellow	Summer School Fund	\$4,445 stipend	6/23/03	8/01/03
Vana James	Coordinator	Willard	Summer School Fund	\$4,445 stipend	6/23/03	8/01/03
Betty Delaney	Co-Principal	Elementary	Summer School Fund	\$3,887 stipend	6/30/03	7/14/03
Patricia Saddler	Co-Principal	Elementary	Summer School Fund	\$3,887 stipend	6/23/03 7/15/03	6/27/03 7/18/03

STIPENDS: SST COORDINATOR

Anita Bell	Teacher	Thousand Oaks	Site	\$750.00	6/30/03	
Anne Hirose	Teacher	Thousand Oaks	Site	\$750.00	6/30/03	

STIPENDS: TEST COORDINATOR

Maria Rosa Grunwaldt-Keys	Teacher	Thousand Oaks	Site	\$200.00	6/30/03	
Anne Hirose	Teacher	Thousand Oaks	Site	\$200.00	6/30/03	

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>LEAVE OF ABSENCE</u>							
Erica Johnson	Instructional Assistant (Spec.Ed.)	Berkeley High	Spec.Ed.			5/31/03	6/01/04
<u>RETIREMENT</u>							
Jennifer Curtis	School Secretary I	Rosa Parks				6/27/03	
<u>PROBATIONARY</u>							
Sarah Hamilton	Program Coordinator	Instructional Services	General Fund	52/1	1.0 FTE \$21.48 hr	6/01/03	12/01/03
Tamara Norem	Sr. Budget Analyst	Business Office	General Fund	58/2	1.0 FTE \$26.52 hr	6/09/03	12/09/03
Rachel Williams	School Secretary I	Oxford	Site Fund	42/1	1.0 FTE \$16.77 hr	6/01/03	1/01/03
<u>TEMPORARY/HOURLY</u>							
Ayana Alegria	Student Worker (Workability)	Berkeley High	Spec.Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	5/28/03	6/30/03
Nicholas Calvert	Student Worker (Workability)	Berkeley High	Spec.Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	5-01-03	6-30-03
Jesenia Corral	Instructional Assistant	Vera Casey	Site Fund	29/1	6 hrs/day \$12.17 hr	5/20/03	6/30/03
Linda Currie	Instructional Assistant	Washington	Site Fund	29/1	3 hrs/day \$12.17 hr	12/02/02	6/03/03
Cecile Floyd	Senior Accountant	Business	General Fund	52/5	15 hrs/wk \$26.17 hr	5/19/03	6/30/03
Valerie Eelkema	Instructional Assistant	Vera Casey	Site Fund	29/1	30 hrs/wk \$12.17 hr	5/20/03	6/30/03
Annie Kassof	Noon Director	Cragmont	Site Fund	N/A	1.5 hrs/day \$11.45 hr	4/14/03	6/13/03
Teona Lewis	Substitute Instructional Assistant (Spec.Ed.)	District-Wide	Spec.Ed.	31/1	20 hrs/wk \$12.77 hr	4/23/03	6/13/03
Christian Martinez	Student Worker (Workability)	Berkeley High	Spec.Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	4/25/03	6/30/03
Taeko Okamura	Instructional Assistant	King	Site Fund	29/5	Not to exceed 10 hrs/wk	5/07/03	6/13/03

Daniel Palau	Instructional Technician	Willard	Site Fund	34/1	16 hrs/wk \$13.76 hr	1/06/03	6/12/03
Duan Thomas	Student Worker (Workability)	Berkeley High	Spec.Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	5/08/03	6/30/03
Danielle Trudell	Clerical Assistant II	Adult School	Site Fund	32/1	16 hrs/wk \$13.10 hr	6/23/03	7/31/03
<u>STIPENDS</u>							
Jacob Brownlow	Head Coach (Boys LaCrosse)	Berkeley High	Site Fund	N/A	\$1266.00	2/10/03	5/17/03
Deborah Fajans	80% Assistant Coach (Girls LaCrosse)	Berkeley High	Ssite Fund	N/A	\$1012.80	2/10/03	5/10/03
Aaron Fischer	Coach (Basketball)	Willard	Site Fund	N/A	\$1,000.00	12/15/02	3/15/03
John Leaks	Coach (Boys Basketball)	Willard	Site Fund	N/A	\$1,000.00	11/01/02	1/31/03
John Leaks	Coach (Girls Basketball)	Willard	Site Fund	N/A	\$1,000.00	15/15/02	3/15/03
Stelton Mitchell	Coach (Basketball)	Willard	Site Fund	N/A	\$1,000.00	12/15/02	3/15/03
<u>WORKING EVENING SHIFT, OUT OF CLASS, ATTENDANT DUTIES, OR AS CONFIDENTIAL EMPLOYEE</u>							
Tamara Norem	Sr. Budget Analyst	Business Office	General Fund	58/2	1.0 FTE 5% differential (+\$1.33 hr)	6/09/03	12/03/03

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Chris Lim, Associate Superintendent,
Educational Services
DATE: June 4, 2003
SUBJECT: New Non-public School Placement for Special Education Student

BACKGROUND INFORMATION

Below is a new non-public school placement contract for a Special Education student. A brief rationale for the placement is included.

A. Non-Public School Placement at Journey High School in Sebastopol

Student #1, DOB 9-7-88

Student #1 was moved from Drake House (girls' residential facility) to Journey High School in Sebastopol by Alameda County Mental Health on an emergency basis. She is in need of this placement, which is a lock-down facility for girls.

Duration:	3/17/03 to 6/30/03	
Daily rate:	\$142.10 x 69 days =	\$ 9,804.90
Transportation:	\$ 26 x 69 days =	1,794.00
Total:		\$11,598.90

TOTAL NON-PUBLIC SCHOOL	\$11,598.90
-------------------------	-------------

POLICY/CODE

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

FISCAL IMPACT

\$11,598.90 in expenses to the General Fund.

STAFF RECOMMENDATION

Approve new non-public school placement for special education student.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 02-94

RECOMMENDATION

It is recommended that the Board accept the base bid in the amount of **\$679,707** plus **Alternates #1 for \$3,300 and #2 for \$35,000, for a total amount of \$718,007** to Pagni Construction Inc., for the New Campus Green Project at Berkeley High School.

SUMMARY AND DISCUSSION

The Board authorized advertisement for the purpose of bidding the New Campus Green Project at Berkeley High School, on April 2, 2003 and bid opening date to be May 15, 2003. Eight bids were picked up and two bids were received.

The Board as heretofore on April 2, 2003 adopted Resolution No. 02-70 for the New Campus Green Project at Berkeley High School, as more fully described in the specification of Bid Schedule No. 2285.

The following bids were received on May 15, 2003.

<u>Contractor</u>	<u>Base Bid</u>	<u>Alt. #1</u>	<u>Alt. #2</u>	<u>Total Bid</u>
Pagni Construction,	\$679,707	\$3,300	\$35,000	\$718,007
Arntz Builders	784,700	6,000	65,000	855,700

FINANCIAL IMPLICATIONS

The project will be funded from the Measure AA Fund

RESOLUTION

NOW, THEREFORE BE IT RESOLVED, that the bid of **Pagni Construction in the amount of \$718,007.00** be and the same hereby accepted; and the Associate Superintendent, Business and Operations and/or Purchasing Manager of the Board be and they are hereby authorized to enter into a contract with said bidder for said amount in accordance with law.

Resolution No. 02-94
continue

PASSED AND ADOPTED by the Board of Education of the Berkeley
Unified School District this 4th day of June, 2003.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Public Contract Code: 20111
Board Policy: DJED

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: Michele Lawrence, Superintendent
DATE: June 4, 2003
SUBJECT: Procedures for the Development of Small Schools

BACKGROUND INFORMATION

At the Board of Education Meeting of May 7, 2003, a progress report on the development of a Small Schools Implementation Model was presented to the Board. At that meeting, members of the Superintendent's Task Force solicited from the Board suggestions, which might be considered as the final document for dissemination.

Since that time the committee has taken the draft document to various school and community groups, made it available on the District's web page, and incorporated appropriate suggestions.

The Superintendent is immensely appreciative of the work the committee has done in assisting her to formulate an implementation model. Recognition should be extended to the following committee members:

- | | |
|-----------------|------------------|
| Rick Ayers | Priscilla Myrick |
| Caleb Dardick | Doug Powers |
| Larry Donaker | Kenneth Purser |
| Joan Edlestein | Kalima Rose |
| Nancy Feinstein | Neil Smith |
| Barry Fike | Andy Turner |
| Michael Hassett | Naomi Washington |
| Philippe Henri | Susan Werd |
| Bradley Johnson | Gina Woolley |
| Patty Kates | |

The guidelines for the establishment of Small Schools Structure and the application form are presented for Board approval.

POLICY

None

FISCAL IMPACT

No additional cost to the General Fund but a redistribution of resources may be necessary.

STAFF RECOMMENDATION

Approve the Implementation Model for the formal establishment of Small Schools at Berkeley High School. 1.1-A

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: June 4, 2003
SUBJECT: Resolution No. 02-95 for Reduction or Elimination of Specified Classified Positions

BACKGROUND INFORMATION:

The District is seeking other sources for funding for the positions discussed below, however in light of the Education Code requirements, it is necessary for the Governing Board to set forth and act on these reductions of Classified positions so that each employee affected can be timely notified as prescribed by union contract. Because of the shifting of funding sources as well as the increase in personnel costs without monies to cover those costs, these positions are being eliminated or reduced.

POLICY/CODE:

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

FISCAL IMPACT:

Reduction in employee costs to alleviate budget deficit.

STAFF RECOMMENDATION:

Approve Resolution No. 02-95.

**BEFORE THE GOVERNING BOARD OR THE
BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION No. 02-95**

Elimination of Specified Classified Positions for 2003-2004

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

.94 FTE Instructional Assistant
1.00 FTE Instructional Specialist (Bilingual)

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

1. That the classified positions specified herein above be eliminated or reduced in hours by layoff pursuant to District rules and regulations and applicable provisions of the California Education Code and the current collective bargaining agreement.
2. That said reduction by layoff becomes effective on or before July 5, 2003.
3. That the Superintendent or designee has been directed to give a notice of layoff to the affected classified employee and any employee subject to displacement, pursuant to California Education Code Section 45117 and applicable provisions concerning layoff and reemployment in the current collective bargaining agreement.

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

The foregoing Resolution was adopted by the Board of Education of the Berkeley Unified School District on the 4th day of June, 2003 as the same appears of record in my office.

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Michele Lawrence, Secretary to the Board of Education of the Berkeley Unified School District, County of Alameda, State of California, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Education of the aforesaid school district as the Board meeting held on the 4th day of June, 2003, as the same appears of record in my office.

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

I. Definition of Terms

When implementing the Promotion, Retention, and Assignment Policy, the following definitions of terms shall be used:

- A. **Promotion** shall be defined as the advancement to the next higher grade level for a student who has met or exceeds the criteria for promotion as defined by the district's adopted indicators of achievement.
- B. **Assignment** Students who have not met the criteria for promotion, as defined on district adopted indicators of achievement may be assigned to the next grade.
- C. **At-Risk of Retention** shall be defined as a student experiencing serious difficulty in meeting grade level standards. At-risk students are eligible for Intensive Instructional Support Programs that focus on improving student academic achievement.
- D. **Retention** shall be defined as a student remaining in the grade level s/he is currently enrolled in for a subsequent year because it is decided that s/he does not meet the minimum districtwide grade level criteria for assignment and will make significant academic progress by remaining in the current grade level. This decision is typically made after academic interventions have been implemented to improve academic deficiencies and appropriate progress is not made in meeting grade level standards.
- E. **Acceleration** shall be defined as the process of advancing an exceptional, high-achieving student at a more rapid rate than year-by-year promotion.
- F. **Age-Appropriate Advancement** shall be defined as the process of advancing an over-aged student at a more rapid rate than year-by-year advancement. This definition also includes the advancement of a student from elementary to middle school level outside the usual time frame for promotion or assignment.
- G. **Reclassified** shall be defined as high school student's grade level status as a result of not earning sufficient units to be on schedule for promotion to the next grade.
- H. **Grade Level Standards** are the state and district standards that determine minimum and mastery performance of students at each grade level.
- I. **Criteria for Retention** shall be defined as not meeting performance standards on identified indicators of achievement and other classroom/social indicators.
- J. **Intensive Instructional Support Programs** shall be defined as supplemental instruction for students in grades 1-9 who have been retained or are at risk of being retained as defined by the district's multiple measures.
- K. **Student Study Team** shall be defined as a group of professional staff (principal, teachers, support personnel), the student's parent/guardian, and the student when appropriate, who explore strategies and interventions to support the student's academic, social, and emotional growth.

II. Procedural Guidelines

For Promotion, Assignment, Retention, Acceleration, Age Appropriate Advancement, Administrative Placement and Intensive Instructional Support Programs, the following criteria and procedural guidelines shall be implemented:

- A. **Promotion:** Students who meet the criteria for promotion shall be promoted.
- B. **Assignment:** Students who have not met the criteria for promotion, as defined on district adopted indicators of achievement may be assigned to the next grade when:

Elementary

- The recommendation of the teacher or the Student Study Team is that the student will not benefit from another year at the same grade level, or
- The student has been previously retained in the elementary grades.

Middle School

- The recommendation of the English and/or mathematics teacher is that the student will not benefit from another year at the same grade level, or
- The student has been previously retained in the middle school grades.

If a student is assigned from middle school to high school and is not at grade level in English or mathematics, s/he will be required to attend an Intensive Instructional Support Program.

Any student assigned to the next grade will be required to attend Mandatory Summer School.

C. Retention:

1. **General Criteria for Retention:** The minimum criteria that will be used to identify all students who are at-risk of retention or who shall be retained include a composite score of multiple assessment measures. The minimum assessments that shall be used for identification are:
 - A. Annual districtwide multiple assessments that measure mastery of instructional standards at the student’s grade level.
 - B. Grades/Rubrics
 - C. Assessment results on standardized testing (SAT-9 in total reading and mathematics)
 - D. Social Emotional factors listed below

Elementary: The decision to retain shall be made by the classroom teacher based upon the student’s grades and district adopted indicators of achievement. A student with no elementary retention history who has not met the minimum criteria for assignment to the next grade shall be retained unless the student’s regular classroom teacher, after considering additional non-academic factors that can contribute to a successful retention, determines, in writing, that repeating the grade is not the appropriate intervention for the student’s academic deficiencies. Factors to be considered must include:

- Academic success in reading, mathematics, or other academic areas
- Student attitude about retention

- Parent support for retention
- Chronological age
- Maturity
- Physical Size
- Social Adjustment
- Ability Level
- Availability of alternative programs
- Previous/possible interventions

This determination shall specify the reasons that retention is, or is not appropriate for the student and shall include recommendations for interventions that are necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation for assignment is contingent on the student's participation in Mandatory Summer School or an interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or assign the student shall be reevaluated at that time. The parents/guardians and the home school principal shall meet before any final determination of retention is made.

If a decision to retain is made, the classroom teacher shall put it in writing on the final report of the student and an Individual Retention Plan shall be developed. Such plan should include an evaluation of the student's needs as well as recommended strategies to help him/her reach specific academic goals.

Middle School:

A sixth, seventh or eighth grade student in a middle school who has earned at least 10 out of 12 or 12 out of 14 credits per year, met state, district, and teacher's standards, and passed all English and mathematics courses with a D or better shall be promoted.

Any student who receives a D in English and/ or Mathematics will be ***strongly recommended*** to attend an Intensive Instructional Support Program and/or Mandatory Summer School. ***Any student who receives a D in Algebra or a higher level mathematics course must repeat the course and earn a C or higher in order to advance to the next level.***

Any student not enrolled in a six period day will have specific course completion requirements identified by the Student Study Team and approved by the Principal.

~~Any student receiving a F in English and/or mathematics is considered failing the course and will be assigned to an Intensive Instructional Support Program, including but not limited to Mandatory Summer School. and/or administered an end-of-course final exam to earn the necessary credits. If the exam is passed, credit is given, but failing grade remains. Any student who fails honors Algebra will be given the 8th grade level exit exam to earn course credit with the failing grade remaining.~~

~~Students who have not received sufficient credits per year will retain the same grade status, but may be given classes in the next grade. They will be required to attend Summer School and/or an Intensive Instructional Support Program. Upon earning the necessary credits he/she will be granted status in the next grade.~~

A student receiving an F in an English or mathematics course may receive credit in the course by scoring a "Proficient" or higher rating on the California Standards Test in English (grades 6,7,8) or mathematics (grades 6-7). If credit is earned through one of these tests, the failing grade in the course will remain on the transcript. There will be a notation on the transcript of a pass grade for the English/mathematics examination.

2. Timeline For Notification Of Being At-Risk of Retention:

When a pupil is identified as being at risk of retention, a parent shall be notified as early in the school year as possible. Initial notification will take place no later than at the completion of the first full grade cycle the student attends, at which time an individualized intervention plan will be developed with the parent/guardian. Second notification will take place at the completion of the second full grading cycle. Third notification along with recommendations for Mandatory Summer School and fall placement will take place in April.

At any time during this process a parent/guardian can request a conference with his/her child's teacher or a Student Study Team.

D. Intensive Instructional Support Programs: A student who does not meet the minimum criteria for promotion shall be required to participate in Supplemental Intensive Instructional Programs that are age appropriate and designed to meet the needs of the participants.

Elementary

1. Classroom Intervention Strategies: Interventions within the school day may include, but are not limited to, purposeful regrouping for specific skills, differentiated instruction, and intensive instructional time in language arts and/or mathematics.
2. Students in grades 1 through 3 who have not met the designated reading level, and student's in grades 4 and 5 who have not met the designated Reading, Language Arts and mathematics levels on the Pupil Progress Report after the first full grading cycle shall be identified as at-risk and eligible for Intensive Instructional Support Programs. Retained students shall be required to participate in Intensive Instructional Support Programs.
3. Students who have been retained during the previous school year will have first priority and students who were at risk of being retained during the previous school year will be given the second priority for enrollment in Intensive Instructional Support Programs.

Middle School

1. Interventions within the school day may include supplemental reading and mathematics classes in lieu of electives, purposeful regrouping for specific skills, differentiated instruction, and intensive instruction for English Language Learners (ELL).
- E. **Acceleration:** A student may be accelerated to a higher grade level when the student demonstrates exceptionally high levels of academic achievement, social and emotional maturity. The wishes of the student and parent and the long-range effect on the student shall be important considerations before advancement takes place. No student will be advanced without the approval of his/her parent/guardian and the recommendation of the Student Study Team.
- F. **Age-Appropriate Advancement:** Students who are over-age due to prior retention or late entry into school may be advanced with the recommendation of the classroom teacher in consultation with the Student Study Team. The wishes of the student and parents and the long-range effect on the student shall be important considerations before advancement takes place. No student will be advanced without the approval of his/her parent/guardian and the consultation of the Student Study Team. In addition the student will be assigned to mandatory summer school.

- G. **Administrative Placement:** Administrative Placement may be used for new students with no records or for students who do not meet the criteria for promotion. The principal or designee may place the student in the grade determined most likely to result in academic success and a positive social adjustment, after an evaluation of the following criteria:
- The student's chronological age
 - The student's/parent's description of prior school experience
 - Results of initial site level assessments
 - Classroom performance after initial placement. The final decision for student placement rests with the principal
- H. **Student Study Team:** A Student Study Team may be utilized at each site at the request of the teacher, parent, or administrator. This process involves professional staff, the parent/guardian, and students as appropriate, and ensures follow up and monitoring of intervention strategies. The team evaluates the academic, social, emotional, and physical development of the student in reaching its decisions.

III. **High School Procedural Guidelines for Credits and Promotion**

A. **Promotion:**

- ~~Grade 9:~~ Based on the current graduation requirements of 220 credits, students ~~must~~ should earn fifty-five (55) units ***to maintain grade level credits towards graduation each year in order to be on track for graduation*** for promotion to the tenth grade. Credit is given if the student earns a grade of D or better.
- Grade 10-12 Progression: Students must earn fifty five (55) units each year to be promoted to the next grade and be eligible for graduation.
- Credit is given ***in a course is earned*** if the student earns ***receives*** a grade of D or better. ***However, any student receiving a D or F in any mathematics or foreign language course is required to repeat the course and earn a C or higher in order to advance to the next level. Any student receiving a D or F in a college prep science course at the end of the fall semester may not be allowed to continue in the course.***
- Any student receiving a F in English, mathematics, history and/or science shall be strongly recommended to attend an Intensive Instruction Support Program and/or Mandatory Summer School, or s/he will be deficient credits towards high school graduation.

- ~~B. **Reclassification:** At the high school level students are encouraged to maintain progress toward graduation by having clear guidelines for promotion from grade to grade. Students who do not earn sufficient units to be promoted at the end of each year are considered reclassified. A reclassified student is at risk of not graduating on time and may be required to participate in Intensive Instructional Support to ensure graduation.~~

IV. **Monitoring Procedures for Reclassified High School Students in Danger of Not Graduating in Four Years**

- A. Students who have not earned sufficient units to ~~move to the next grade~~ **progress toward graduation** are notified by mail ~~in August~~ **annually** prior to the start of the school year.
- B. In the spring of each year, each student meets with his/her counselor to review the student's progress toward meeting graduation requirements. The following year's schedule is determined by the student, with guidance from the counselor, and approved by the parent and Principal/designee.
- C. If a student **has not made sufficient annual progress toward meeting graduation requirements**, ~~is reclassified~~ s/he may be required to attend Intensive Instructional Support before/after school, on Saturdays or during the summer.

V. Appeal Process

A. **Grade Level Retention**

To appeal a grade level retention decision, the appealing party shall submit a written request to the principal specifying the reason(s) for the appeal. The appeal must be initiated within five (5) school days of the notification of retention. The principal shall respond to the appeal within fifteen (15) school days with one of three recommendations.

- Uphold Retention
- Deny Retention
- Set aside retention pursuant to fulfillment of remediation agreement.

The principal's decision may be appealed by submitting a written appeal to the Superintendent/designee within ten (10) school days. Within fifteen (15) school days of receipt of a written appeal, the Superintendent/designee shall decide the appeal. The Superintendent/designee's decision may be made on the basis of documentation prepared as part of the appeal process, or at the discretion of the Superintendent/designee, s/he may meet with the appealing party, the teacher and the principal to decide the appeal.

- ### B. **Advancement to the Next Level in a Subject Area**
- Students in Math, Foreign Language must receive a C or better to go on to the next semester in the progression. An appeal process for course placement is available.***

VI. English Learners

Students who are classified as English Language Learners (ELL) are expected to meet criteria for promotion **or make progress toward graduation**. However, SAT-9 scores **standardized test scores** will not be used as criteria for ELL students. In addition, ELL students may receive special accommodations and should not be retained strictly on the lack of fluency in English. Consideration for promotion of English Language Learners should take place when students are making satisfactory progress in meeting English Language Development Standards. To the greatest degree possible,

all English Language Learners should have access to the core curriculum through sheltered instruction.

VII. Special Needs Students

Students with special needs will have their educational objectives, including decisions on promotion, defined through their Individual Education Plan (IEP) ~~or 504 Plan~~. This plan will describe the conditions by which the student will take standardized tests and alternative classroom tests and assessments. If modified or differential criteria are set, they will be stated in the IEP or ~~504 Plan~~.

The case manager for the Special Education child shall ensure that the Regular Education teacher is aware of criteria for promotion/retention for each Special Education Child.

VIII. Monitoring Results of the Policy

- A. Data in promotion, retention, and assignment of students will be gathered annually and presented to school principals
- B. Each principal will review the data for their school and the district with their staff as part of the planning for the School Improvement Plan.
- ~~C. An annual report will be made to the board in the fall.~~

BERKELEY UNIFIED SCHOOL DISTRICT

DATE: June 4, 2003
TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Associate Superintendent, Business & Operations (CBO)
SUBJECT: Calculation for Direct Support and Indirect Support Costs
Distribution

BACKGROUND INFORMATION

Annually, the school district files a cost data report (Form J-380) with the California Department of Education. This is done for two reasons: 1) a State requirement and 2) the State accepts the "Approved Indirect Support Cost Rate" for charging State grants and categorical programs. The process of applying these rates to grants and programs lags two years behind the fiscal year for which the Indirect Support Cost Rate is computed. This means that the rate computed for the 2001-2002 fiscal year that is State approved in 2002-2003 fiscal year is then used for applying costs in the 2003-2004 budget year. Attachment "A" illustrates the process for distribution of the support costs to the classrooms and programs in order to compute the indirect support cost rate. This distribution and computation of the rate is done regardless of the way the rate is used locally or the source of funds that provide the support services. In 1999 the State changed the way it computes the Indirect Support Cost Rate, to comply with Federal requirements "Fixed with Carry-Forward" Indirect Cost Rate (CWCF-ICR). This averages the prior 2nd year's costs recovery with the current year's computed Indirect Rate (Attachment B, C). Because of this averaging and the period lag it is obvious that the indirect cost rates are not reflective of the current year's or next budget year's administrative cost. Another complexity is that for the Adult Education and Food Services programs a school district may only charge those programs the lesser of the local approved Fixed with Carry-Forward Indirect Rate or the California Statewide Average Indirect Cost Rate for those programs. Attachment "E" provides those statewide average rates.

Although the State provides the means to establish a rate to apply to grants and programs we have been selective, as all Districts are, when charging various funds and restricted programs. Districts do modify how they allocate cost to programs based on local issues, however, for State or Federal programs it must be less than the computed method and applied consistently. The District has consistently distributed its Operational Cost (Custodial Support Services and Utilities Costs) to the classrooms and programs based on the classroom unit allocation method and not included maintenance cost because of the uniqueness of our parcel taxes. One difference from the State method has been Direct

Support Cost in other districts include maintenance which in Berkeley has been supported by BSEP and BB parcel taxes (the District has adjusted for this in the past by not including that support cost in the allocation). Additionally, the classroom units used to allocate Direct Support Costs have not been measured since 1989. Attachment "F" adjusts the classroom unit rate downward for the support of BSEP and BB parcel taxes and recommends updating the classroom units using the recent District Facilities Capacity Study. The District has also, historically chosen for BSEP and BB to apply the Indirect Support Cost Rate as a direct support cost by directly identifying specific positions and cost that would normally be distributed by applying the rate.

Certain donors restrict or cap the ability to charge support costs to the programs they financially fund. These restrictions are a condition of accepting the funds.

It is the intention of administration to now charge the State approved indirect support cost rate to all restricted programs and funds and allocate Direct Support Cost to all programs where legal to do so, with the following exceptions:

- Charge the Indirect Support Costs to restricted programs/donations/funds of \$10,000 or more
- Not allocate the Direct Support Services of Instructional Administration, Instructional Media, School Administration, Pupil Services, Pupil Transportation, Maintenance
- The Documented method for distribution of support costs will be used where the cost would go away if the program went away
- Apply Indirect Support Cost in accordance with the language contained in the parcel tax measure for BSEP

POLICY/CODE

California School Accounting Manual

FISCAL IMPACT:

Will not change cost but may change the allocation.

STAFF RECOMMENDATION:

Discuss and review the information.