

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

REGULAR MEETING OF THE BOARD OF EDUCATION - AGENDA

Wednesday, March 19, 2003

- Call to Order The Presiding Officer will Call the Meeting to Order at 6:00 p.m.
The Board will recess to Closed Session at 6:00 p.m. and
reconvene in Public Session at 7:30 p.m.
- Roll Call President Joaquin J. Rivera Director Shirley Issel
Vice President John T. Selawsky Director Nancy Riddle
Director Terry S. Doran Student Director Andy Turne
- Administration Superintendent Michele Lawrence, Secretary

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

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

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsion: (Separate document)**
 - 1) Case #: 03-03
 - 2) Case #: 04-03
- 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 March 19, 2003
Motion_____ Second_____ Vote_____

Approval of Minutes Approval of the January 22, 2003; March 1 and 5,
2003 Minutes
Motion_____ Second_____ Vote_____

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

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

CONSENT ITEMS

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

Human Resources

2.1-C Staff Recommendation: 2
Acceptance of Accept Personnel Report 03-16 as submitted.
Personnel Report Motion_____ Second_____ Vote_____

Educational Services

- 3.1-C Staff Recommendation: 3
Overnight Field Trip
Requests Approve the overnight field trip requests in
accordance with Board Policy and Procedures
Motion_____ Second_____ Vote_____
- 3.2-C Staff Recommendation: 3
Approval of the
McKinney-Vento Assistance Grant
Application for \$150,000
Homeless Assistance
Grant Application Motion_____ Second_____ Vote_____

Business Services

- 4.1-C Staff Recommendation: 3
Approval of Contracts/
Purchase Orders for
Services and Contracts Authorize the Associate Superintendent of
Business and Operations or Purchasing Agent
to execute Purchase Orders
Motion_____ Second_____ Vote_____
- 4.2-C Staff Recommendation: 3
Approve Listing of
Warrants issued in
January and February 2003
Approve the monthly bill warrant list for
January and February 2003
Motion_____ Second_____ Vote_____
- 4.3-C Staff Recommendation: 4
Approve Payroll
Warrants issued in
February 2003 Approve payroll payments made in
February 2003
Motion_____ Second_____ Vote_____
- 4.4-C Staff Recommendation: 4
Resolution 02-62:
Authorization to Accept
the project as complete Approve Resolution 02-62: Authorization to
Accept completion of the Playground equip-
ment repair project
Motion_____ Second_____ Vote_____

4.5-C Resolution 02-63: Authorization to Accept Completion of the play- ground equipment replacement project	<u>Staff Recommendation:</u> Approve Resolution 02-63: Accept the project as complete Motion_____ Second_____ Vote_____	44
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4.6-C Resolution 02-64: Authorization to Accept Completion of the Jefferson School Modernization Project	<u>Staff Recommendation:</u> Approve Resolution 02-64: Accept the project as complete Motion_____ Second_____ Vote_____	5
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ACTION ITEMS

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

General Services

1.1-A Resolution supporting Berkeley High School Students' ability to Peacefully protest war	<u>Staff Recommendation:</u> Adoption of Resolution supporting Berkeley High School students' ability to peacefully protest war Motion_____ Second_____ Vote_____	51
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Business Services

8:45 p.m.

4.1-A Independent Audit Report for Fiscal Year ending June 30, 2002	<u>Staff Recommendation:</u> Review and Approve Acceptance of Audit Report for Fiscal Year ending June 30, 2002 Motion_____ Second_____ Vote_____	55 Separat docume
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9:30 p.m.

4.2-A A. Certification of Second Interim Report B. Long term Projections	<u>Staff Recommendation:</u> Review and Approve Second Interim Fiscal Year 2002-2003 certifying that the District will be unable to meet their financial obligations for the two subsequent years without significant expenditure reductions and revenue enhancements, and accept the Long term Projection for information Motion_____ Second_____ Vote_____	56 Separat docume
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10:00 p.m.

4.3-A

Public Hearing and Approval of Five-Year Deferred Maintenance Plan

Open Public Hearing at 10:00 p.m.
Close Public Hearing _____
Staff Recommendation:
Approve the Five-Year Deferred Maintenance Plan
Motion_____ Second_____ Vote_____

5:

4.4-A

Approval of the Yearly Facilities Plan

Staff Recommendation:
Approve Yearly Facilities Plan
Motion_____ Second_____ Vote_____

60

Separat
documer

9:15 p.m.

4.5-A

Approval of the Schematic Design for the Jefferson Playground Project

Staff Recommendation:
Approve the Master Plan and approve the base bid (with possible minor restructuring by the Site Committee) for the Jefferson Playground Project
Motion_____ Second_____ Vote_____

6

4.6-A

Authorization to revise Property Management Rates for BUSD Facilities

Staff Recommendation:
Approve new Property Management Rates and authorize staff to consult counsel to revise our contracts
Motion_____ Second_____ Vote_____

6:

CONFERENCE

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

General Services

1.1-CF

First Reading: Revisions to Board Policies On Board Task Forces

Board Member Recommendation:

Accept, for First Reading, the following Board Policies on Board Task Forces:
* 3400: Budget and Finance Committee
* 9131: Child Nutrition Advisory Committee (CNAC) (Policy 9131 established August 1999)
* Berkeley Arts in Education Steering Committee (BAESC) (Established July 5, 2000)

7:

INFORMATION

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

General Services

1.1-I Revised Board Policies as Approved at the March 5, 2003 Board Meeting	Presented for Final Review and Publication. The Board Policies approved March 5, 2003 are: * 9130: Board Advisory Committees * 9131: School Construction Oversight Committee * 9132: Facilities Maintenance & Security Oversight Committee	91
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Business Services

4.1-I Review the 2003- 2004 Fiscal Year Budget Development Timelines	<u>Staff Recommendation:</u> Receive for information.	10
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EXTENDED PUBLIC TESTIMONY

Persons wishing to address the Board at this time should fill out a card located at 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

March 19, 2003	August 20, 2003
April 2, 2003	September 3, 2003
April 23, 2003	September 17, 2003
April 23, 2003	October 1, 2003
May 7, 2003	October 15, 2003
May 21, 2003	November 5, 2003
June 4, 2003	November 19, 2003
June 18, 2003	December 3, 2003
July 2, 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 your school or from the Superintendent's Office.

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, January 22, 2003
District Administrative Office
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

OFFICIAL BUT UNADOPTED MINUTES
Page 1

CALL TO ORDER

President Joaquin Rivera called the Regular Board of Education Meeting of January 22, 2003, to order at 6:00 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
Student Director Andy Turner*

Administration Superintendent Michele Lawrence, Secretary

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

No one addressed the Board at this time.

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

*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 6:00 p.m. and reconvened in Public Session at 7:37 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed the following items:

- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release

President Rivera stated that no action was taken on these items.

Approve Agenda

President Rivera suggested that Items 1.1-I and 1.2-I, which are the budget items, be discussed right after the Consent Items and items that are pulled out of Consent will be discussed after the budget items. Director Doran said because there are members of the public in attendance who would like to hear the discussion on Items. 1.3-C and 1.4-C, he would like to discuss the items in order. He said he would be willing to limit the discussion on 1.3-C and 1.4-C but to take them in the proper order. Vice President Selawsky said he agrees with Director Doran.

President Rivera said he believes that the budget crisis is the most important issue facing the District right now and that the discussion of issues related to the budget should take place early in the evening. That is why he prefers to take items 1.1-I and 1.2-I after approval of the consent items. Directors Issel and Riddle said they agreed with President Rivera. Since three Board members had indicated support for reordering the agenda, it was agreed to move items 1.1-I and 1.2-I after approval of the consent items without taking a formal vote but Directors Selawsky and Doran wanted the minutes to reflect they were opposed to such action.

Motion: Directors Selawsky/Doran

That the January 22, 2003 agenda is approved as amended. The amendments are that items 1.3-C, 1.4-C, 3.2-C, 3.3-C, 4.1-C are pulled for further clarification. That items 1.1-I and 1.2-I are to be discussed after the Consent Items.

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

Approval of Minutes

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

That the Minutes of December 11, 2002 are approved as written. That the minutes of December 17, 2002 are approved as amended. The amendment is on page 4 of the minutes and page 19 of the Board packet, under Comments by Board Members, Director Nancy Riddle. It now reads:

At this time, Director Riddle read a statement regarding her belief that separate could not be equal.

PUBLIC TESTIMONY

Eleven speakers addressed the Board.

PRESENTATION

There was no presentation at this meeting.

REPORTS

Union Representatives Reports

Mr. Barry Fike, President, Berkeley Federation of Teachers, addressed the Board in support of agenda items 1.4-C: Anti-war/Teach-in Resolution: BUSD School Days of Public Education Peace and the War Against Iraq and 1.3-C: High Stakes Test Resolution. He also made comments about the District and State budgets.

Superintendent's Report

Superintendent Lawrence announced that there will be Budget Input Sessions on January 27 and 28, 2003.

Board Members' Report

Student Director Turner expressed condolences to the family of the former Berkeley student who was killed. Director Issel reported that she is working on the policies of the Board Advisory Committees and will bring a recommendation to the Board on February 5, 2003. Director Riddle congratulated Ms. Elaine Overstreet, former Oxford School Secretary, on her retirement. She reported on her attendance at the Alameda County School Boards Association Dinner. Director Riddle announced that this is finals week at Berkeley High School. She requested that staff submit a report to the Board regarding the D and F rate at Berkeley High School. Director Doran thanked the members of the public for attending tonight's Board meeting in support of the Peace Resolution. Director Selawsky expressed his appreciations to Ms. Elaine Overstreet and said: "I wish you the best." He also thanked the members of the audience for attending the Board meeting in support of the Peace Resolution.

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 1.3-C, 1.4-C, 3.2-C, 3.3-C, 4.1-C are pulled for further clarification.

- 1.1-C: Acceptance of Gifts/Donations
- 1.2-C: Proclamation Declaring African American History Month
- 1.3-C: High Stakes Test Resolution

Please see page 6 of these minutes for action on this item.

- 1.4-C: Resolution: BUSD School Days of Public Education on Peace and War Against Iraq

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

- 2.1-C: Acceptance of Personnel Report
- 2.2-C: District Initial Proposal to negotiate with BFT
- 3.1-C: Overnight Field Trip Request
- 3.2-C: Applications to the CDE Arts Work, Visual and Performing Arts Work, Visual and Performing Arts Education Grant Program for 2003-04 for four Program III Implementation Grants

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

- 3.3-C: The Consolidated Application for Funding Categorical Aid Programs, Part II
- 4.1-C: Approval of Contracts/Purchase Orders for Service and Contracts

AGENDA REORDER

INFORMATION

1.1-I: Preparation for Financial Recovery Plan Submission

Superintendent Lawrence said in preparation for the submission of a financial recovery plan required by the Alameda County Office of Education, an analysis of our revenues and expenditures has been a focal point for staff. She said it must be recognized that the efforts to reduce our deficit and develop a balanced budget cannot be resolved in a single year, nor can the long-term financial health of the organization be accomplished without significant overhaul of systems and the reorganization of service delivery models and administrative structures. Efforts to accomplish these goals began at last year's budget cycle.

Superintendent Lawrence said at the February 5, 2003 Board of Education meeting, staff will present formal recommendations for the second year of the Recovery Plan. These recommendations will identify specific reductions and revenue enhancements. She then highlighted the list of expenditures that staff is recommending to the Board as potential sources for budget reductions.

Some Board Member comments included the following:

Vice President Selawsky: Regarding transportation, what are the nuts and bolts of operating the Transportation Department? How much is categorical funds and how much is actually encroachment on the General Fund? Is overtime being monitored? He inquired about the funding for the Music and Library Programs.

Superintendent Lawrence and Associate Superintendent Jerry Kurr responded to the inquiries.

Directors Issel and Riddle wanted to know how grant funds are being tracked.

Director Riddle requested confirmation that with the new QSS system, staff will be able to track the cuts and show that the cuts were actually made.

1.1-I: Preparation for Financial Recovery Plan Submission (continued)

Superintendent Lawrence said she has been working on defining direct and indirect costs and assessing the impact of these costs. She reported that the District is spending two million dollars on retirement benefits.

Director Issel asked about the Independent Study and Adult School Programs.

Superintendent Lawrence said she is still researching the financial standing of these programs.

Director Doran encouraged staff to look into the possibility of renting the Berkeley High School tennis court.

President Rivera asked for the implications if certain programs are cut, for example: Independent Study and the Vera Casey Center. What is the cost per student of these programs? What are the costs to operate those programs? He requested that staff provide the Board with a list of budget recommendations from the community. He wanted to know how much does it cost to run the Adult Program? Regarding the upgraded and new positions, which were created last year, are these people serving the needs of the organization and are they living up to our expectations?

AGENDA REORDER

1.3-C: High Stakes Test Resolution

Motion: Directors Selawsky/Riddle and motion approved unanimously on voice vote that this item is to be tabled.

1.4-C: Resolution: BUSD School Days of Public Education on Peace and War Against Iraq

Motion: Directors Selawsky/Doran and approved 4(1)-1-0-0 on Roll Call vote:

Approval of Anti-war/Teach-in Resolution: BUSD School Days of Public Education Peace and the War Against Iraq, as amended.

AYES: Directors Doran, Riddle, Rivera, Selawsky,
(Student Director Turner)

NOES: Director Issel

ABSTAIN: None

ABSENT: None

AGENDA REORDER

3.2-C: Application to the CDE Arts Work, Visual and Performing Arts Education Grant Program for 2003-04 for four Program III Implementation Grants

Motion: Directors Selawsky/Doran and approved 4(1)-0-0-1-0 on voice vote:

Approval of the submission of four Arts Work Program III Implementation grant applications for the 2003-04 Program Year.

AYES: Directors Doran, Riddle, Rivera, Selawsky,
(Student Director Turner)

NOES: None

ABSTAIN: None

NOT SEATED: Director Issel

ABSENT: None

3.3-C: The Consolidated Application for Funding Categorical Aid Programs, Part II

Director Riddle wanted to know if the District Advisory Committee had seen and approved this application. Ms. Christine Lim, Associate Superintendent, Educational Services, responded yes, the District Advisory Council has signed off on the Consolidated Application and the minutes so noting this are on file in her office.

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

That the Consolidated Application for Funding Categorical Aid Programs, Part II, is approved.

4.1-C: Approval of Contracts/Purchase Orders for Service and Contracts

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

Approval of Contracts/Purchase Orders for Service and contracts.

At this time, Director Issel requested that staff submit to the Board a report regarding the D and F rate at Berkeley High School. She also requested that staff submit, to the Board, a WASC update.

EXTENDED PUBLIC TESTIMONY

No one addressed the Board at this time.

ADJOURNMENT

President Rivera declared the Regular Meeting of January 22, 2003 adjourned at 10:59 p.m.

APPROVED

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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BERKELEY UNIFIED SCHOOL DISTRICT

OFFICIAL BUT UNADOPTED MINUTES

MINUTES, SPECIAL MEETING

Page 1

Saturday, March 1, 2003

District Administrative Offices, Board Conference Room

2134 Martin Luther King Jr. Way

Berkeley, CA 94704-1180

CALL TO ORDER

President Joaquin J. Rivera called the Special Board of Education Meeting of March 1, 2003, to order at 9:30 a.m.

BOARD ROLL CALL

MEMBERS PRESENT:

President Joaquin J. Rivera
Vice President John T. Selawsky
Director Shirley Issel
Director Nancy Riddle
Student Director Andy Turner*

MEMBER EXCUSED:

Director Terry S. Doran

Administration:

Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 45967

No one addressed the Board at this time.

RECESS TO CLOSED SESSION TO 1921 San Antonio, Berkeley, California, 94707.

Public Employee Performance Evaluation: Superintendent

The Board recessed to Closed Session at 1921 San Antonio, Berkeley, California, and reconvened in Public Session at 4:25 p.m. at the District Administrative Offices, 2134 Martin Luther King Jr. Way, Berkeley, California.

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Rivera stated that there was nothing to report from Closed Session.

ADJOURNMENT

President Rivera declared the Special Meeting of March 1, 2003 adjourned at 4:25 p.m.

APPROVED

ATTEST

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

BERKELEY UNIFIED SCHOOL DISTRICT

OFFICIAL BUT UNADOPTED MINUTES

Page 1

MINUTES, REGULAR MEETING
Wednesday, March 5, 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 March 5, 2003, Board of Education Meeting to order at 5:00 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
Student Director Andy Turner*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 45967

At this time, a District employee addressed the Board regarding her layoff from the District.

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
 - 1) Case #: 01-03
 - 2) Case #: 02-03
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release:
 - 1) Non-Reelection of twelve teachers
 - 2) Demotion and reassignment of certificated administrators
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 5:15 p.m. and reconvened in Public Session at 7:33 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed and took action on the following items:

b) Consideration of Student Expulsion

Case #: 01-03

Motion: Directors Doran/Selawsky and approved 5-0 on voice vote:

The Board agreed to a stipulated suspended expulsion in Case # 01-03.

Case #: 02-03

Motion: Directors Selawsky/Riddle and approved 5-0 on voice vote:

The Board agreed to a stipulated expulsion in Case #02-03.

c) Collective Bargaining

No action was taken

d) Public Employee Discipline/Dismissal/Release

1) Non-Reelection of twelve teachers

Motion: Directors Doran/Issel and approved 5-0 on voice vote:

In Closed Session, Pursuant to the requirements of Education Code Section 44929.21(b), the Board took action to non-reelect 12 certificated employees.

2) Demotion and reassignment of certificated administrators

Motion: Directors Riddle/Selawsky and approved 5-0 on voice vote:

In Closed Session, the Board took action to release nine administrators from their current administrative positions, effective for the 2003-04 school year pursuant to Education Code Section 44951, and directed the Superintendent or designee to send out appropriate legal notices.

e) Public Employment Appointments

No action was taken.

Approve Agenda

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

That the agenda is approved as amended. The amendments are that items 1.4-C, 4.1-C are pulled for further discussion. That item 4.1-A, which requires a Public Hearing, be tabled until the March 19, 2003 Board Meeting.

Approval of Minutes

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

That the minutes of January 15, 2003; February 5, 12 and 19 are approved as revised. That the minutes of January 22, 2003 are tabled for further staff review and clarification.

In addition, Director Issel requested that when the Board revises resolutions and after the revised resolutions have been approved, staff is directed to distribute the revised resolutions. Director Issel also requested that the revised Adopt-A-School assignment be included in the minutes. The revised Adopt-A-School Assignments for 2002-03 and 2003-04 are listed on page 4 of these minutes.

BERKELEY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
ADOPT-A-SCHOOL ASSIGNMENTS
2002-03 AND 2003-04

Board Member	Schools
President Joaquin J. Rivera	Cragmont Malcolm X Arts and Academic Magnet School Rosa Parks Environmental Science Magnet School Willard Middle School
Vice President John T. Selawsky	Early Child Education Jefferson Washington Communication and Technology Magnet School Martin Luther King Jr. Middle
Director Terry S. Doran	Le Conte Oxford Longfellow Arts and Technology Magnet Middle School Berkeley Adult School
Director Shirley Issel	John Muir Thousand Oaks Berkeley Alternative High School
Director Nancy Riddle	Berkeley Arts Magnet Emerson Berkeley High School

Director Issel also requested that a copy of the revised Resolution: BUSD School Days of Public Education on Peace and the War Against Iraq is included in the minutes. The resolution, as revised, is on pages 5 and 6 of these minutes.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION: BUSD SCHOOL DAYS OF PUBLIC EDUCATION ON PEACE AND THE WAR AGAINST IRAQ

WHEREAS, the Reverend Martin Luther King Jr. said: "If we assume that life is worth living and that man has a right to survive, then we must find an alternative to war, and I am a clergyman as well as a civil rights leader and the moral roots of our war policy are not unimportant to me. I do not believe our nation can be a moral leader of justice, equality, and democracy if it is trapped in the role of a self-appointed world policeman, and there comes a time when one must take the position that is neither safe...nor popular, but he must do it because conscience tells him it is right. I believe today that there is a need for all people of goodwill to come together with a massive act of conscience and say in the words of the old Negro spiritual, "We Ain't Going to Study War no More;" and

WHEREAS, President George W. Bush and the United States government are preparing to initiate a war against the people of Iraq; and

WHEREAS, an attack on Iraq by the United States military could have devastating consequences, including horrendous loss of life and injury by noncombatant men, women, and children in Iraq as well as American and Iraqi military personnel; significant harm to the U.S. economy; catastrophic environmental and material devastation to Iraq; the threat of increased warfare in the Middle East and other parts of the world; the erosion of the international coalition to fight against terrorism and for global justice; and the isolation and ostracism of the U.S. in the world community; and

WHEREAS, it is essential that the people and students of Berkeley be well-informed of the root causes of war and the possible consequences of military action by their government; and

WHEREAS, despite a BUSD policy barring U. S. military recruiters from our schools, students are now vulnerable to the U. S. military's \$2.4 billion (FY 2002) recruiting efforts and the military's new "open door" access to student names, addresses and telephone listings based on changes in the 2002 **No Child Left Behind** Act; and

WHEREAS, in the biggest demonstrations since the Viet Nam War, on October 26th hundreds of thousands of people throughout the U. S. marched and rallied together to call for an end to the President's plans to wage war against Iraq; and

WHEREAS, hundreds of thousands more did commemorate Martin Luther King Jr.'s legacy with massive rallies on January 18, 2003, in San Francisco and other cities around the U. S. to call for an end to President Bush's war drive and the growth in military spending while funding for our schools and social services are gutted.

THEREFORE, BE IT RESOLVED, that the Berkeley Federation of Teachers subcommittee on peace to develop a list of available sources and lessons that are appropriate for the classroom in order to have a special program on February 5 and 6, 2003, regarding Peace, and the War on Iraq in appropriate curriculum areas consistent with Board policies; and

BE IT FURTHER RESOLVED that schools may invite parents and other members of the public to participate in the educational programs; and

BE IT FURTHER RESOLVED, that no student, teacher or staff person who objects to participation in such educational programs shall be required to do so; and

BE IT FURTHER RESOLVED, that the BUSD reaffirm its policy in accordance with the "opt out" clause of Section 9528 of the **No Child Left Behind Act**, that parents and students be notified of their rights to request that the individual student's name, address and telephone listing not be released without prior written parental consent and that the District comply with each parental request for non-release of student information, and that this information be provided in Spanish as well as English, and that a second letter be distributed to all seniors at Berkeley High School and the Alternative High School on February 5 and/or February 6, 2003.

PASSED AND ADOPTED this 22nd day of January 2003.

Joaquin J. Rivera
President, Board of Education

PUBLIC TESTIMONY

Eleven speakers addressed the Board.

REPORTS

Union Representatives' Reports

The following union representatives addressed the Board regarding the District's budget and staff layoffs:

- Ms. Ann Graybeal, President, Berkeley Council of Classified Employees
- Ms. Stephanie Allan, Business Representative, Stationary Engineers, Local 39
- Mr. Barry Fike, President, Berkeley Federation of Teachers

Advisory Councils' Reports

Ms. Susan Henderson, BSEP (Berkeley Schools Excellence Project), read a statement regarding the new Board Policy regarding the Tax Oversight Committee.

At this time, President Rivera introduced four of the appointees to the Youth Commission. He acknowledged all of the Youth Commission appointees as follows:

Board Member

President Joaquin J. Rivera
Vice President John T. Selawsky
Director Shirley Issel
Director Nancy Riddle
Student Director Andy Turner
At-Large appointee
At-Large appointee
At-Large appointee

Appointee

Sara Sternberg
Anita Feingold-Shaw
Sophie Litschwartz
Hannah Rose
Kenneth Watts, Jr.
Maura Fitzgerald
Hans Barnum
Sean Dugar

Superintendent's Report

Superintendent Lawrence congratulated the Berkeley High School Girls' Basketball Team and Coach Gene Nakamura for winning the North Coast Section Division I Championship. She stated that the team has won 23 games this season. She announced that Jefferson Elementary School has received a \$24,000 Renovation Technology Grant and Berkeley Arts Magnet Elementary School has received a \$38,000 Renovation Technology Grant. The money must be spent on technology for the 4th-5th grade classrooms (Jefferson) and 4th -6th grade classroom (Berkeley Arts Magnet). The money must be spent by June 2003.

Board Members' Reports

Student Director Turner commended the students who expressed their right to free speech by participating in the anti-war protest. He said he felt that the walkout was safe and productive. Student Director Turner said that some of the students who participated in the walkout were harassed by some of the security guards. He announced that the Berkeley High School Jazz Combo will give a benefit perform at the Freight and Salvage Café on March 9th. Director Issel expressed her displeasure with the comments made by union representatives regarding budget and salary information and said that she supports President Rivera's comments. Director Riddle congratulated the students who participated in last Friday night's performance at Berkeley High School. She reported on the Berkeley High School Site Committee Meeting in which a preliminary report was given regarding the D and F rate for some ninth grade at risk students at Berkeley High School. Director Riddle requested that staff provide disaggregated data regarding the D and F rate. Director Doran commended the students on their good behavior during the recent anti-war protest. He requested that staff investigate the allegations raised by some students who participated in the protest regarding their treatment by some of the School Safety Officers. He announced that March is Arts In Education Month; Friday, March 7th is International Women's Day and on March 31st District students and staff will honor César Chávez. Vice President Selawsky also announced that March is Arts in Education Month and he announced the various art activities that will be held in the District. Vice President Selawsky announced that copies of his letter he wrote to the Editor of The East Bay Express are available to anyone who wants one. His letter is in response to Chris Thompson's article about the Oakland Unified School District's budget debacle. President Rivera said he stands by the comments he made at the last Board meeting in response to Mr. Barry Fike's comments. He requested that staff give a copy of the UBA (Union of Berkeley Administrators) contract to Mr. Fike. President Rivera said he has not received an invitation from the unions to have a dialogue with him and that he is more than willing to meet with whoever wants to meet with him.

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 1.4-C and 4.1-C are pulled for further clarification.

- 1.1-C: Acceptance of Gifts/Donations
- 1.2-C: Proclamation: March 2003 Arts Education Month
- 1.3-C: Assembly Bill 356: High Stakes Testing/High School Exit Examination
- 1.4-C: University of Michigan Affirmative Action and Civil Rights March

Please see page 11 of these minutes for action on this item.

- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Memorandum of Understanding Between Alliant and BUSD
- 3.1-C: Overnight Field Trip Request
- 3.2-C: Revised Emerson School Plan for Schoolwide Application under the **No Child Left Behind Act**
- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts

Please see page 13 of these minutes for action on this item.

- 4.2-C: Approve the Establishment of Check Clearing Accounts for the BUSD "After-School" Program
- 4.3-C: Authorization to Accept the Repair of the King Retaining Wall
- 4.4-C: Authorization to Solicit Qualifications for Architect Services to Assist BUSD in its Construction Program
- 4.5-C: Resolution 02-60 Authorization for the establishment of Fund for County Schools' Facilities

ACTION ITEMS

3.1-A:

LEAF Grant Budget Approval

Superintendent Lawrence announced that our District has been awarded a federal grant of \$493,000, administered through the California Department of Education, to implement a Linking Education, Activity and Food (LEAF) Pilot Program at Longfellow Middle School and Willard Middle School. The grant period is from January 1, 2003-September 30, 2004. Superintendent Lawrence then deferred to Ms. Karen Candito, Director, Nutrition Services, Ms. Erica Peng, Supervisor, Nutrition Network Program and Ms. Melanie Okamoto, Nutrition Education Project Coordinator, who gave an overview of the Linking Education, Activity and Food (LEAF) Program. Ms. Peng said the goals of the LEAF Pilot Program are: (1) to promote California agriculture, and (2) to carry out the intent of the Pupil Nutrition, Health, and Achievement Act of 2001 (SB 19), which sets nutritional standards for all funds and beverages sold on school campuses.

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

That the LEAF Grant funds are accepted and that staff be directed to implement the LEAF budget.

INFORMATION

4.1-I

Update on the Exploration of the Proposal to Relocate the Adult School

Superintendent Lawrence presented a Facilities Plan recommendation to the Board at the January 15, 2003 Board Meeting, suggesting some school site and services facility changes, which include moving some sites, with the goal being better services for students and more effective use of facilities. One part of the proposed Facility Plan is to move the Adult School to the Franklin site.

Ms. Margaret Kirkpatrick, Principal, Berkeley Adult School, said she and the staff have been working with the architect, Tom Brutting, Hardison, Komatsu, Ivelich and Tucker, to develop a working plan for the move. The main questions to be answered are whether there are adequate classroom spaces and adequate parking. Mr. Lew Jones, Director of Facilities and Ms. Kirkpatrick reported on the details of the plan and how staff issues and questions are being investigated and answered. The projected timeline, if the move is approved, is for construction to begin in the fall of 2003 and the Adult School move to happen in the fall of 2004. Suggestions from the Board included the need to talk to the local Franklin neighbors and others who have interests in the immediate area.

INFORMATION (continued)

4.1-I

Update on the Exploration of the Proposal to Relocate the Adult School (continued)

Ms. Kirkpatrick, Principal, Berkeley Adult School, reviewed a Proposed Move Fact Sheet, which addresses the issues of: Equivalent Classroom Space; Student/Staff parking; Student Transportation and School Lights. She said the fact sheet will address the differences the neighbors will see in their neighborhood as follows: Adult School students will be attending class during the morning, afternoon, and Monday through Thursday evenings. These adults will be walking around the neighborhood going to and from the bus stop and their own transportation. As many as 800 to 900 students attend the morning classes, the time of highest enrollment, and approximately 400 to 500 students at night. Students take breaks at the same time, so there will be a visible presence in the school area, and many of these students smoke in designated areas adjacent to the school. Adult School students range in age from 18 to 90 and are committed to their educational goals, and are eager to attend the school.

AGENDA REORDER

1.4-C

University of Michigan Affirmative Action and Civil Rights March

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

Approval of the endorsement of the April 1, 2003 National Civil Rights March on Washington, D.C., as amended. The amendment is on page 46 of the Board packet, third paragraph, third sentence. The word "underrepresented" is to replace the word "misrepresented"

The resolution now reads:

BERKELEY UNIFIED SCHOOL DISTRICT

UNIVERSITY OF MICHIGAN AFFIRMATIVE ACTION AND CIVIL RIGHTS
MARCH, APRIL 1, 2003

WHEREAS, the United States Supreme Court will hear two University of Michigan affirmative action cases, Grutter v. Bollinger and Gratz v. Bollinger, on or about April 1, 2003; and

WHEREAS, the outcome of these two cases may determine the legal fate of affirmative action programs in various state universities and colleges across the country; and

WHEREAS, it is the belief of the Berkeley Board of Education that affirmative action programs have and will continue to provide redress and access to historically **underrepresented** and excluded students, including but not limited to African-Americans, Latino/Latinas, Native Americans, Asians, and others; and

WHEREAS, further it is the belief of the Berkeley Board of Education that the values and commitments to racial equality and participation run deep in the fabric of Berkeley politics and public school policy, as evidenced by the Berkeley Unified School District's move to voluntary desegregation in 1968, one of the first school districts to do so; and

THEREFORE, BE IT RESOLVED, that the Berkeley Board of Education endorses the April 1, 2003 National Civil Rights March on Washington, D.C. and further supports the aim and intent of the March on Washington in support of affirmative action, integration, and racial equality in our schools.

PASSED AND ADOPTED this 5th day of March 2003.

JOAQUIN J. RIVERA, PRESIDENT
BOARD OF EDUCATION

4.1-C

Approval of Contracts/Purchase Orders for Services and Contracts

Student Director Turner wanted to know the dollar amount in item #1. Mr. Lew Jones, Director of Facilities said it should read: "...not to exceed \$4500.00.

Mr. Jerry Kurr, Associate Superintendent, Business and Operations, announced a correction in item #15. It should read "...April 6, 2003" and not March 6, 2003. The sentence now reads: "Accountants, Inc., to provide temporary services to replace the vacant position of Sr. Budget Analyst at a rate of \$42/hour until the position is filled no later than **April 6, 2003.**

President Rivera asked staff to explain why a temporary employee was being paid more per hour than regular District employees? Mr. Kurr responded that this position has been difficult to fill and the temporary assignment is only until April 6, 2003. In addition, he noted that even though the rate is \$42/hour, that amount is paid to the agency and not the temporary employee. The amount the temporary employee receives is closer to what we pay our employees plus our employees receive fringe benefits.

Director Doran requested clarification regarding item #17. He asked why are we paying \$5,000 for a legal opinion on the use of Measure BB Funds for Custodial Services? Mr. Lew Jones, Director of Facilities, said this is to fulfill a request from the Board.

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

That the Associate Superintendent of Business and Operations or Purchasing Agent is authorized to execute Purchase Orders.

1.1-A

Approve Waiver of Principal Selection Policy

Superintendent Lawrence requested that the Board waive Board Policy GBDD until the vacant high school principal position has been filled. She said the existing policy, in its specificity, limits the expansion of community and staff involvement. Superintendent Lawrence outlined six components, which she believes, would provide more specificity in the principal selection process.

President Rivera and Director Doran suggested that this policy be incorporated into our new Board policies.

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

Approval of the waiver of the Principal Selection Policy.

2.1-A

Resolution 02-58: Reducing Particular Kinds of Services

Director Doran requested that staff review the Independent Study Program as to the feasibility of putting the full-time teachers in the program back into the K-12 regular program. He said maybe some of these services could be reinstated when the State funding comes through. Director Doran asked if staff has investigated the possibility of designating the Berkeley Alternative High School as a continuation school?

Motion: Directors Selawsky/Riddle and approved 5-0-(1)-0 unanimously on voice vote:

Approval of Resolution 02-58: Reducing Particular Kinds of Services.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky
NOES: None
ABSTAIN: (Student Director Turner)
ABSENT: None

2.2-A

Variable Term Waiver for High School Counselor

Motion: Directors Issel/Selawsky and approved 5-0-(1)-0 on voice vote:

Approval of the variable term waiver for a 1.00 FTE High School Counselor.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky
NOES: None
ABSTAIN: (Student Director Turner)
ABSENT: None

AGENDA REORDER

1.1-CF

Second Reading of Revised Board Policies

Director Issel provided background information regarding this item. She reported that changes have been made based upon Board discussions at the February 19, 2003 Board Meeting.

Board Policy 9130.4:

Administrative Responsibilities

Motion:

Directors Issel/Doran and approved 4-1-(1)-0 on voice vote:

Approval of this item as amended and to separate out #4.

AYES: Directors Doran, Issel, Riddle, Rivera
NOES: Director Selawsky
ABSTIN: (Student Director Turner)
ABSENT: None

Substitute Motion:

Directors Issel/Rivera and approved 3-2-(1)-0 on voice vote:

That item #4 is amended to read:

Provide copies to each member of the committee's charge, roster, Board guidelines and materials pertinent to the Committee/Task Force's charge and at the request of the appointing party, "conflict of interest" declaration forms.

AYES: Directors Issel, Rivera, Selawsky
NOES: Directors Doran, Riddle
ABSTAIN: (Student Director Turner)
ABSENT: None

Board Policy 9131:

School Construction Oversight Committee

Motion:

Directors Issel/Selawsky and approved unanimously on voice vote:

Approval of Board Policy 9131: School Construction Oversight Committee.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky
NOES: None
ABSTAIN: (Student Director Turner)
ABSENT: None

1.1-CF
Second Reading of Revised Board Policies (continued)

Board Policy 9132: Facilities Safety and Maintenance Oversight Committee
Motion: Directors Issel/Selawsky and approved 5-0-(1)-0 on voice vote:

Approval of Board Policy 9132: Facilities Safety and Maintenance Oversight Committee.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky
NOES: None
ABSTAIN: (Student Director Turner)
ABSENT: None

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony at this time.

ADJOURNMENT

President Rivera declared the Regular Meeting of March 5, 2003 adjourned at 11:59 p.m.

APPROVED

ATTEST

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

Qeg

TO: Michele Lawrence Superintendent
 FROM: David A. Gomez, Ph.D.
 Associate Superintendent Human Resources
 DATE: March 19, 2003
 SUBJECT: ACCEPTANCE OF PERSONNEL REPORT 03-16

Following is Personnel Report 03-16, which reports details of personnel assignments, employment and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>RESIGNATION</u>						
Evan Delegeane	Teacher	Cragmont		1.00 FTE	6/13/03	
Eve Iversen	Teacher	Berkeley High		0.80 FTE	1/24/03	
Alison Kelly	Teacher	Rosa Parks		1.00 FTE	6/13/03	
<u>HOURLY ADULT SCHOOL TEACHER</u>						
Anitra Patterson	Teacher	Adult School	Site Fund	\$30.39 hr	2/05/03	6/30/03
Elizabeth Riehle	Teacher	Adult School	Site Fund	\$30.39 hr	2/01/03	6/30/03
<u>STIPENDS</u>						
Susan Katz	Teacher	Cragmont (National Board Certification)	General Fund	\$1500	3/01/03	6/13/03
Stephen Rutherford	Teacher	John Muir (SST Coordinator)	Site Fund	\$800	3/01/03	6/13/03

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>RESIGNATION</u>							
Derrick M. Geer	Custodian I	Willard				3/17/03	
<u>RETIREMENT</u>							
Robert W. Rudometkin	Senior Construction Coordinator	Facilities Dept.				4/30/03	
<u>RETIREMENT DISABILITY (CORRECTION)</u>							
Clariza M. Tanori-Timmons	School Bus Driver	Transportation				3/01/03	
<u>PERMANENT (TRANSFER)</u>							
Tenesha Smith-Douglas	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/1	.80 FTE \$12.77 hr	3/01/03	6/13/03
Oscar Gee	Custodian I	Emerson	Site Fund	32/5	.50 FTE \$15.96 hr	3/15/03	6/30/03
Oscar Gee	Custodian I	John Muir	Site Fund	32/5	.50 FTE \$15.96 hr	3/15/03	6/30/03
James Harris	Custodian I	Oxford	Site Fund	32/5	.50 FTE \$15.96 hr	3/15/03	6/30/03
James Harris	Custodian I	Maintenance	Site Fund	32/5	.50 FTE \$15.96 hr	3/15/03	6/30/03
Adrian Johnson	Custodian I	Berkeley High	Site Fund	32/2	1.0 FTE \$13.42 hr	3/15/03	6/30/03
Sara Soto	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/2	.80 FTE \$12.77 hr	3/01/03	6/13/03
Leroi A. Sutherland	Instructional Assistant (Special Ed.)	Emerson	Special Ed.	31/1	.80 FTE \$12.77 hr	2/26/03	6/13/03
<u>PROVISIONAL</u>							
Maria Gil	Instructional Assistant (Special Ed.)	Rosa Parks	Special Ed.	31/1	.40 FTE \$12.77 hr	3/01/03	6/13/03

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>TEMPORARY/HOURLY</u>							
Wiley Carter	Professional Expert (First Aid + CPR)	Transportation	General Fund	N/A	Not to exceed 12 hrs/yr. \$25.00 hr	3/01/03	6/30/03
Ligaya Gritz	Home School Liaison	John Muir	Site Fund	37/1	Not to exceed 10 hrs/wk \$14.82 hr	3/15/03	6/30/03
Faye Hines	Professional Expert (First Aid + CPR)	Transportation	General Fund	N/A	Not to exceed 8 hrs/yr. \$25.00 hr	3/01/03	6/30/03
Travis Logan	Student Worker	Berkeley Community Theater	Site Fund	N/A	Not to exceed 20 hrs/wk \$6.75 hr	3/01/03	6/30/03
Sheila Nasario	Noon Director	Cragmont	Site Fund	N/A	Not to exceed 7 hrs/wk \$11.45 hr	1/30/03	6/13/03
Marquerite Ostro	Instructional Specialist (Violin)	Thousand Oaks	Site Fund	51/1	Not to exceed 5 hrs/wk \$20.96	3/11/03	6/13/03
William M. Perovich	Student Worker (Workability)	Berkeley High	Special Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	2/01/03	6/30/03
Jamori Wallace	Student Worker	Berkeley Community Theater	Site Fund	N/A	Not to exceed 20 hrs/wk \$6.75 hr	3/01/03	6/30/03
Marketh West	Student Worker	Berkeley Community Theater	Site Fund	N/A	Not to exceed 20 hrs/wk \$6.75 hr	3/01/03	6/30/03
Phil Wieland	Tutor Specialty (Computer)	Emerson	BSEP	31/1	Not to exceed 5 hrs/wk \$12.77 hr	3/01/03	8/13/03
Tsehaye Zementes	Tutor Specialty (Athletics)	Berkeley High (ELL)	Site Fund	N/A	Not to exceed 6 hrs/wk \$1500	11/20/02	6/15/03
<i>P. 3 of 4</i>							
NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>STIPEND</u>							
Jocelyn Foreman	Coach (Girls' Softball)	King	Site Fund	N/A	Not to exceed 10 hrs/wk \$600.00	2/24/03	4/30/03
Joshua D. Rosen	Coach (Boys' Basketball)	King	Site Fund	N/A	Not to exceed 10 hrs/wk \$600.00	12/17/02	5/17/03

**WORKING EVENING SHIFT, OUT OF CLASS, ATTENDANT DUTIES OR AS CONFIDENTIAL OR
MANAGEMENT EMPLOYEE**

Maria Gil	Instructional Assistant (Special Ed.)	Rosa Parks	Special Ed.	31/1	10% differential (.40 FTE + \$1.28)	3/01/03	6/13/03
Sara Soto	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/2	5% differential (.80 FTE + \$.67)	3/01/03	6/13/03
Tenesha Smith-Douglas	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/1	10% differential (.80 FTE + \$1.28)	3/01/03	6/13/03
Leroi A. Sutherland	Instructional Assistant (Special Ed.)	Emerson	Special Ed.	31/1	5% differential (.80 FTE + \$.64)	2/26/03	6/13/03

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Christine Lim
Associate Superintendent, Instruction
DATE: March 19, 2003
SUBJECT: Overnight Field Trip Requests

BACKGROUND INFORMATION:

The following overnight field trip requests are being made:

1. Ratify participation of approximately 17 members of the Berkeley High School Girls' Varsity LaCrosse team, two (2) certificated employees and two (2) other adults in the San Diego Coronado High School LaCrosse Tournament in San Diego, California on March 14-15, 2003. This tournament affords the Girls' Varsity LaCrosse team the opportunity to compete against teams outside of their league. The team will fly to San Diego. The \$250.00 per player is being funded by parent donations and team fundraising. Requested by Thelette Bennett, Executive Vice Principal, Berkeley High School.
2. Approve participation of approximately 30 Berkeley High School Computer Academy students, three (3) certificated employees and six (6) other adults on an overnight camping trip at Pinnacles National Monument on March 21-23, 2003. Along with The Teacher's Association of Outdoor Education (TAO) and Computer Academy staff, students will participate in environmental education, cooperative learning and rock climbing. The entire cost of the \$1,500 cost of the trip is being funded through a grant from the Berkeley Public Education Foundation and student fundraisers. Transportation will be provided by District buses. Requested by Michael Hassett, Executive Vice Principal, Berkeley High School.
3. Approve participation of approximately seven (7) Berkeley High School Chess Club members, one (1) certificated employee and three (3) other adults in the National High School Chess Championship in Columbus, Ohio on March 20-24, 2003. The Berkeley High School Chess team are the current State champions. Students will fly to Columbus Ohio and be housed in gender specific rooms in a local hotel. The \$4,500 cost of the trip (including sub costs) is being funded through grants, donations and fundraisers. Requested by Laura Leventer, Co-principal, Berkeley High School.
4. Approve participation of 19 Berkeley High School Communication Arts and Sciences juniors, two (2) certificated employees and one (1) other adult on a trip to San Diego, California April 4-11, 2003.

Students will tour the Mexican border area with Global Exchange and visit local area colleges and universities. Students will fly to San Diego and will be housed three to a room at a local hotel in gender specific rooms. The \$750.00 per student cost of the trip is being funded by student donations and fundraisers. No student will be denied access based on ability to pay. Requested by Michael Hassett, Executive Vice Principal, Berkeley High School.

5. Approve participation of 27 fifth grade students from LeConte School, one (1) teacher and seven (7) other adults on an overnight camping trip at Gillespie Youth Camp at Tilden Park on April 17-18, 2003. The purpose of the trip is to provide students the opportunity to study animals, wildlife outdoors and the weather cycle. Students will be transported by District buses and be housed in gender specific tents. The \$8.00 cost per student is being funded by class fundraisers. Requested by Patricia Saddler, Principal, LeConte.
6. Approve participation of 27 fifth grade students from LeConte School, one (1) teacher and ten (10) other adults on an overnight camping trip to the Monterey Bay Aquarium on May 14-15, 2003. The purpose of the trip is to provide students with the opportunity to study science, including the water cycle, open ocean and the food pyramid. Students will camp at a nearby camp ground in gender specific tents. Students will be transported by a District approved transportation provider if the transportation department cannot transport the students. The \$30 cost per student is being funded by grants from In Dulci Jubilo and the Berkeley Public Education Foundation. Requested by Patricia Saddler, Principal, LeConte School.

POLICY/CODE:

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

FISCAL IMPACT:

As indicated above.

STAFF RECOMMENDATION:

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Chris Lim, Associate Superintendent, Educational Services
DATE: March 19, 2003
SUBJECT: McKinney-Vento Homeless Assistance Grant Application for

BACKGROUND INFORMATION

Under the new federal law “ No Child Left Behind” each district is required to have practices to assist children in temporary housing with their educational needs. The current McKinney-Vento Homeless Assistance grant has facilitated assisting homeless children and youth in making sure their educational needs are met, but we are finding that the job is much greater than what one case manager can handle. The program is intended to insure that homeless children and youth have access to the same free, appropriate public education, including public preschool education, as provided to other children and youth. This new grant funding will enhance services already provided by Title I and will include:

- A .2 FTE liaison (BUSD’s Student Services Manager) who will supervise case managers and coordinate all parts of grant, including Homeless Youth collaborative meetings and staff development
- Two Homeless youth case managers (one for pre-K-5 students and one for 6-12th grade students) who will assist homeless students in addressing their academic, social and/or medical needs in order to make them more successful in school
- Provide transportation for homeless students if needed
- Professional development activities for certificated and classified staff. Training for parents of homeless students.
- Collaboration with shelters and community based agencies.
- Supplemental tutoring at shelters

POLICY/CODE

BP 6141.1

FISCAL IMPACT

There is no impact on the General Fund.

STAFF RECOMMENDATION

Approve of the McKinney-Vento Homeless Assistance Grant Application for \$150,000

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr
Associate Superintendent of Business and Operations
DATE: March 19, 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. Increase in contract to Don Lee Farms to provide commodity processing of beef products for the 2002/2003 school year. Board approval on October 16, 2002 in the amount of \$5,000. The additional time required will increase the cost by \$1,120.90 for a total cost of \$6,120.90. To be paid from Nutrition Services Budget. Requested by Karen Candito.
2. DJ Co-ops to provide California Utilizing Their Entitlement Co-op services for the 2003/2004 school year. The cost will not exceed \$220. To be paid from Nutrition Services Budget. Requested by Karen Candito.
3. Berkeley Repertory Theater to provide two performances of production of "Seesaw" at Washington School. The cost will not exceed \$600. To be paid from Magnet Budget. Requested by Rita Kimball.
4. Increase in contract to UC Regents/Break the Cycle for afterschool tutorial services at Malcolm X School. Board approval in the amount of \$8,500 on March 5, 2002. The additional time required will increase the cost by \$6,000 for a total amount of \$14,500. To be paid from Title I Budget. Requested by Cheryl Chin.
5. Ratification of contract to Diane Ferlatte to provide storytelling services for family literacy night program at Emerson School. The cost will not exceed \$300. To be paid from Title 1 Budget. Requested by Susan Hodge.

6. Reimbursement to California Department of Education for overpayment of FY 2001/02 State Child Development Center programs apportionment in the amount of \$27,595. To be paid from Child Development Fund Budget. Requested by John Santoro.
7. Tremco to provide moisture survey on Le Conte School roof. The cost will not exceed \$500. To be paid from Measure AA Budget. Requested by Lew Jones.
8. CHZO, Inc. to provide service to boilers located in the Berkeley Community Theatre. Services to include water analysis, chemical and written reports concerning the operation of the boilers. The cost will not exceed \$2500. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
9. Ratification of contract to Caryl M. Callsen to provide independent consultation services including training the Senior Budget Analyst on QSS position control at a rate of \$55 per hour plus mileage, hotel and parking not to exceed \$8,500. Board approval in the amount of \$28,880 on February 19, 2003. The additional time required will increase the cost by \$8,500 for a total amount of \$37,380. To be paid from General Fund Accounting Budget. Requested by Song Chin-Bendib.
10. Tru Green Land Care to provide labor and material for tree services as required by the Maintenance Department for the period March through June 2003. The cost will not exceed \$4,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
11. Increase in contract to Ecolab to provide Pest Management services District wide for the FY2003. Board approval in the amount of \$28,000 on June 26, 2002. The additional time required will increase this cost by \$26,500, for a total of \$54,500. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.
12. Ratification of contract to Acorn After School to provide afterschool specialty classes such as Drama, Dance Circus Arts, African Storytelling etc., at Cragmont School. The cost will not exceed \$35,000. To be paid from 21st Century Grant Budget. Requested by Jason Lustig.
13. Bay Island Officials Association to provide sports officiating services at a rate of \$59 per game. The cost will not exceed \$472

- for a total of eight games. To be paid from King Middle School Healthy Start Budget. Requested by Kit Pappenheimer.
14. Division of the State Architect to provide structural safety and accessibility review of The New Dining Commons at King Middle School. The cost will not exceed \$25,006. To be paid from Measure AA Budget. Requested by Lew Jones.
 15. Increase in contract to Bay Area Community Resources to provide counseling services for Willard Middle School students and their families. Board approval in the amount of \$6,000 on December 11, 2002. The additional time required will increase the cost by \$14,106 for a total amount of \$20,106. \$7,106 to be paid from After School Program and \$7,000 to be paid from BSEP Budget. Requested by Michele Patterson.
 16. Increase in contract to UC Work Study to provide tutorial services for math students at Berkeley High School for the 2002-2003 school year. Board approval in the amount of \$8,500 on December 11, 2002. The additional time required will increase the cost by \$3,500 for a total amount of \$12,000. To be paid from Berkeley High School BSEP School Enrichment Fund Budget. Requested by Laura Leventor.
 17. ESA to provide environmental consulting services to explore the move of Adult School to the Franklin site. Authorization including potential cost of traffic study if needed. The cost will not exceed \$40,000. To be paid from Measure AA Budget. Requested by Lew Jones.
 18. Ratification of contract to Moran Engineering to provide engineering survey services to update the Campus Green Project area along Bancroft Way. The cost will not exceed \$3,000. To be paid from Measure AA Budget. Requested by Lew Jones.
 19. Increase in contract to Kinko's to provide copy services for the period March 2003 through June 30, 2003. Board approval in the amount of \$6,000 on January 16, 2003. The additional time required will increase the cost by \$2,000 for a total of \$8,000. To be paid from State and Federal Program EIA/ELL Budget. Requested by Carla Basom.
 20. Bay Area Land Surveying to provide services for the work involved at Franklin School Site. The cost will not exceed \$12,500. To be paid from Measure AA Budget. Requested by Lew Jones.

21. Ratification of contract to Barbara Maineri to provide consultant services for Learning Disabilities Workshop Part 1 and Part 11 on January 31, 2003. The cost will be \$500. To be paid from BARRC Budget. Requested by Margaret Kirkpatrick.
22. Storefront Door Service for specialty door services District wide as needed for the 2002/2003 FY. The cost will not exceed \$1000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
23. RGA Environmental to provide lead, asbestos, and PCB abatement survey, design and monitoring for The New King Dining Commons. The cost will not exceed \$5,662. To be paid from Measure AA Budget. Requested by Lew Jones.
24. MS Environmental Solutions to provide technical and regulatory assistance to update hazardous materials business plan. Review and update existing HMBP at BHS, Transportation and Plan Operations. The cost will not exceed \$5,375. To be paid from General Fund Maintenance Budget. Requested by Rhonda Bacot.
25. Halsey King and Associates to provide study of Transportation Vehicle and Equipment Maintenance Shop Operations for the purpose of planning new facility, analyzing cost and operational affiance and reviewing compliance. The cost will not exceed \$8,300. To be paid from Measure AA \$2,500 and \$5,800 to be paid from General Fund Transportation Budget. Requested by Bernadette Cormier.
26. Natalie Studer, to provide consultant services to conduct evaluation required by the California Department of Health Services for the District's garden-based nutrition education program administered through the California Nutrition Network for Healthy, Active Families. For the period March 1, 2003 through September 30, 2003 at a rate of @\$20 per hour. The cost will not exceed \$4,500. To be paid from Nutrition Network Budget. Requested by Chris Lim.
27. California Berkeley MESA to provide tutors for the 2002/2003 school year. The cost will not exceed \$4,000. To be paid from General Fund Site Employee Performance Award Budget. Requested by Michele Patterson.

28. Ratification of contract to Hoblit-Haynes-Jamison Fleet, purchase of one (1) Ford F-150 Reg. Cab Truck at a cost of \$19,235 and two (2) Dodge Ram Vans at a cost of \$18,480 each for a total of \$60,912.28 per State of California contract #1-03-23-22. To be paid from Measure BB Budget. Requested by Rhonda Bacot.

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

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr
Associate Superintendent of Business and Operations
DATE: March 19, 2003
SUBJECT: Approve Listing of Warrants issued in January and February
2003

BACKGROUND INFORMATION

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

POLICY/CODE

Educational Code Section 41010 ET seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the monthly bill warrant list for January and February 2003.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr, Associate Superintendent of Business and Operations
DATE: March 19, 2003
SUBJECT: Receive and Approve Information on the Issuance of Payroll Warrants for Employee Services for February 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 February 2003.

POLICY/CODE

Educational Code 41010 ET Seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve payroll payments made in February 2003.

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

COMPUTER GENERATED	AMOUNT
GENERAL FUND	\$ 4,482,281.35
MEASURE BB FUND	\$ 150,148.32
ADULT FUND	\$ 314,554.38
CAFETERIA FUND	\$ 86,463.52
CHILD DEVELOPMENT FUND	\$ 267,241.65
MEASURE A +AA (BOND FUND)	\$ 11,846.70
SCHOOL ENRICHMENT FUNDS - (SITE ENRICHMENT & EDU. MAT'L)	\$ 148,714.43
 TOTAL DISTRICT PAYROLL	 <u><u>\$ 5,461,250.35</u></u>

Approved by :

/s/Peter Bloomsburgh

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 19, 2003
SUBJECT: Authorization to Accept Completion of the Playground
Equipment Repair Project

BACKGROUND INFORMATION

On June 12, 2002, the Board approved a bid to repair play equipment at Arts Magnet, Cragmont, Emerson, Hopkins, John Muir, King CDC, Le Conte, Malcolm X, Oxford, Rosa Parks and Washington Schools. The contractor has completed the project. Acceptance of the project by the Board will permit staff to file a Notice of Completion at the County so we can release the contractor's retention.

POLICY/CODE

California Public Contract Code 20110 - 20118.

FISCAL IMPACT

The project is funded in the BSEP Fund 7 budget.

STAFF RECOMMENDATION

Accept the project as complete.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 02-62

AUTHORIZATION TO ACCEPT COMPLETION of the PLAYGROUND EQUIPMENT REPAIR PROJECT

WHEREAS, **COMMUNITY PLAYGROUND INC.**, a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 1620 Grant Avenue, Novato, California, entered into a contract dated **15th day of July, 2002**, 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 Playground Equipment Repair 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 completed the work of said contract in workerlike and satisfactory manner as of **March 19, 2003** and that warrant period begin on this date for this work.

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 the same is hereby accepted.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **19th day of March, 2003**.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 02-63

AUTHORIZATION TO ACCEPT COMPLETION of the PLAYGROUND EQUIPMENT REPLACEMENT PROJECT

WHEREAS, COMMUNITY PLAYGROUND INC., a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 1620 Grant Avenue, Novato, California entered into a contract dated **17th day of June, 2002**, with Berkeley Unified School District of Alameda County, State of California to secure all labor, materials, mechanical workership, transportation, equipment and services necessary for the Playground Equipment Replacement Project and

WHEREAS, Project Construction Manger 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 completed the work of said contract in workerlike and satisfactory manner as of **March 19, 2003** and that warrant period begin on this date for this work.

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 **19th day of March, 2003**.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 19, 2003
SUBJECT: Authorization to Accept Completion of the Playground
Equipment Replacement Project

BACKGROUND INFORMATION

On June 19, 2002, the Board approved a bid to replace play equipment at Arts Magnet, Hopkins, John Muir, Malcolm X and Washington Schools. The contractor has completed the project. Acceptance of the project by the Board will permit staff to file a Notice of Completion at the County so we can release the contractor's retention.

POLICY/CODE

California Public Contract Code 20110 - 20118.

FISCAL IMPACT

The project is funded in the BSEP Fund 7 budget.

STAFF RECOMMENDATION

Accept the project as complete.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 02-64

**AUTHORIZATION TO ACCEPT COMPLETION of the JEFFERSON
SCHOOL MODERNIZATION PROJECT**

WHEREAS, KRAMA INC., a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 2601 San Pablo Avenue, Oakland, California, entered in to a contact dated **17th day of June, 2002**, with Berkeley Unified School District of Alameda County, State of California to secure all labor, materials mechanical workshp, 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 **March 19, 2003**.

NOW, THEREFORE, BE IT REVOLVED 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 **19th day of March, 2003**.

AYES:

NOES:

ABSENT:

ABSTAIN:

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
BERKELEY HIGH SCHOOL STUDENTS' ABILITY TO PEACEFULLY EXPRESS
THEIR OPPOSITION TO WAR**

WHEREAS, the Bush administration seems determined to lead the U.S. into an unwanted war against Iraq; and

WHEREAS, people around the world and the Bay Area are organizing actions to oppose the war; and

WHEREAS, many students at schools across the country and at Berkeley High School feel that the impending war directly threatens their futures and their right to an education, have already voiced their opposition to the war, and feel compelled to demonstrate their opposition through action; and

WHEREAS, the administration of Berkeley High School has attempted to block student protest of the war on at least one recent occasion, and

WHEREAS, it is healthy and educational for students to have an outlet to express their thoughts and concerns in a constructive manner;

THEREFORE, BE IT RESOLVED, that the Berkeley Board of Education instruct the district administration and the administration of Berkeley High School to:

1. Allow students at the high school to express their opposition to the war peacefully while at school through teach-ins, discussions, and other similar means,
2. Take no action (other than the consequences for cutting class as stated in the student code of conduct) that would prevent students who seek to take part in peaceful and orderly planned demonstrations off campus from leaving the campus in an orderly fashion to do so, and
3. Ensure the safety of protesting students by alerting the Berkeley police in the event students leave campus and requesting that the Berkeley police monitor the safety of students while off campus.

PASSED AND ADOPTED this 19th day of March 2003.

Joaquin J. Rivera
President, Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Andrew Turner, Student Director, Board of Education
Terry S. Doran, Director, Board of Education
DATE: March 19, 2003
SUBJECT: Adopt Resolution supporting Berkeley High School Students' ability to peacefully protest war

BACKGROUND INFORMATION

Students at schools across the country, and at Berkeley High School, have already voiced their opposition to a war in Iraq and will continue to demonstrate their opposition through action. As a community we have shown widespread support for peaceful means to express opposition to a war in Iraq. By acknowledging and embracing these realities we can help our students to express themselves in peaceful, positive, and constructive ways by directing our Administration to follow the guidelines expressed in this resolution.

FISCAL IMPACT

None

BOARD MEMBERS RECOMMENDATION:

Adopt resolution supporting Berkeley High School Students ability to peacefully protest war.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr, Associate Superintendent of Business and Operations
DATE: March 19, 2003
SUBJECT: Independent Audit Report for Fiscal Year ending June 30, 2002

BACKGROUND INFORMATION

Ordinarily the District's annual Independent Audit is completed in December of the following year for the previous fiscal year. However, because of late closing of the books and the complications of the automated financial system, we filed for an extension with the State. The Audit is now being presented to the Board for review. The auditors, Gilbert Associates, Inc., will be present at the Board meeting to present the report.

POLICY/CODE

Education Code Section 14500, 14502 and 14504 Et seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Review and accept the Audit Report and Financial Statements as presented by Gilbert Associates, Inc.

**BERKELEY UNIFIED SCHOOL DISTRICT
2002-03 Second Interim Assumptions**

ITEMS IN THE BUDGET

1. ENROLLMENT:

Since the District is experiencing a declining enrollment, the 2001-02 P-2 was used to project this year's average daily attendance (ADA). A history of the District's ADA is provided. Prior years' enrollment data will be provided by the Second Interim Report.

	<u>ADA 2000-01</u>	<u>ADA 2001-02</u>	<u>ADA 2002-03</u>	<u>Enrollment 2002-03</u>	<u>% OF ADA TO ENROLLMENT</u>
First Period (P-1)	9,222.55	8,998.21	8,883.67	9363	94.9%
Second Period (P-2)	9,103.40	8,883.67	8,883.67		
Annual	9,056.32	8,840.81	8,883.67		
Revenue Limit	9,104.63	9,112.11	8,884.01		

2. REVENUE:

A. The Cost of Living Adjustment (COLA) for the various revenue sources are applied as follows:

Revenue Limit	2.00%
Special Education	1.66%
Transportation	1.66%
K-3 CSR	1.66%
Grade 9 CSR	1.66%

B. Federal Income - Budgeted appropriate dollars per grant letters and included deferred income from 2001-02.

C. State Income - Budgeted appropriate dollars per grant letters and included deferred income from 2001-02 when applicable.

- i) State Mandated Cost
Budgeted \$492,142, a 5.5% reduction from 2001-02 of \$520,554. The State Mandated Cost Commission is anticipating deferring funding districts' claims. If this is approved by the legislature, Berkeley USD will have

the cash in this fiscal year and may possibly not be able to book the revenue/income this year either.

- ii) State Lottery
Budgeted \$114.50 per ADA at 11,099 ADA (includes Adult Education) for the Unrestricted General Fund and \$11.50 per ADA at 11,099 for Proposition 20 lottery funds.
- iii) Targeted Instruction Improvement Program (Desegregation)
Budgeted \$4,363,878 which includes a 2% COLA from last fiscal year's dollars.

D. Local Income

- i) Parcel Tax – increased by formula and prior year Revenue Limit COLA

		IN	THOUSANDS		

	2000-01	2001-02	% of Increase	2002-03	% of Increase
Parcel Tax	\$9254	\$9697	4.8%	\$10,174	4.9%

- ii) Leases and Rentals – budgeted \$400,000 for rental income In General Fund Unrestricted.
Last fiscal year, the District received \$346,454.

3. EXPENDITURES:

- A. We also included carryover of entitlement (Fund Balance)dollars.
They are as follows:

Program Number	Description	Carryover/Fund Balance
1840	GATE	\$29,361.59
3014	K-8 Instructional Material	\$241,585.57
3015	9-12 Instructional Material	\$30,635.46
3018	Math Instructional Material	\$322,321.64
3037	School Safety/Violence Prevention	\$168,771.96
3330	10 th Grade Counseling	\$33,611.18
3490	Science & Lab Materials	\$8870.27
3491	Library Materials K-12	\$106,793.00
3491.1	Library Materials K-13	\$66,587.00
3085	Libraries Grades 4-6	\$78,954.02

3491.2	Library Materials K-12	\$201,511.94
3492	Library Materials K- 4	\$44,682.64

Total **\$1,333,686.27**

B) FTEs for the Second Interim of 2002-03 are as follows.

	GENERAL FUND COMBINED	FOOD SERVICE	ADULT EDUCATION	BOND FUND	CHILD DEVELOP -MENT	TOTAL
Certificated Teachers	541.21		3.93		30.71	575.85
Classified Employees	392.92	28.31	18.06	.75	37.79	477.83
Certificated Management	40.90		3.00		1.00	44.90
Classified Management	18.80	3.00		1.00		22.80
TOTAL	993.83	31.37	24.99	1.75	69.50	1121.38

GENERAL FUND COMBINED:

C. Certificated Salaries (BFT)- this is the third and last year of the Negotiated salary increase. This year the increase is 4.97%. budgeted \$1,651,538 for salaries and \$237,330 salary-driven benefits. Teachers' Step and Column - 1.50% increased from last fiscal year.

Certificated Management salaries (UBA and two certificated Associate Superintendents and one classified Associate Superintendent)- this is the last year of the negotiated increase. This year the increase is 7.355%. Budgeted \$264,160 for salaries and \$39,214 for salary-driven benefits.

D. Certificated Management (Non-represented Group) - No salary increase was budgeted.

E. Classified Managers - No salary increase was budgeted.

F. Classified Employees – No salary increase was budgeted but an estimated 1.25% was included for step movement.

G. Salary-driven benefits for all employees are as follows:

CERTIFICATED	
STRS	8.25%
MEDICARE	1.45%
SUI	.12%
W/C	4.55%
RETIREEES' BENEFIT RATE (4.05% FOR 6 MONTHS)	2.03
TOTAL* (for every salary dollar)	16.40%

CLASSIFIED	
PERS rate	2.894%
PERS R/L Reduction	10.126%
OASDI	6.20%
Medicare	1.45%
SUI	.12%
W/C	4.55%
RETIREEES' BENEFIT RATE (4.05% FOR 6 MONTHS)	2.03%
TOTAL* (for every salary dollar)	27.37%

H. Health and welfare benefits – varies according to the individual but it is about 18% increased over last year's. The cap is \$9,008.76 per full-time employee annually for all certificated employees and \$9,269.76 for classified.

I. Books and Supplies — Increase of 24.3% over last year's expenditures, including BB and BSEP's funds.

J. Services and Other Operating Expenses Supplies — Increase of 37.3% over last year's expenditures including BB and BSEP's funds.

K. Capital Outlay

The interest from the Bond Fund per the Bond ballot language and BSEP Fund will be used to pay for furniture and equipment ..

MAJOR ITEMS INCLUDED IN THE SECOND INTERIM REPORT:

1. Certificated position control FTEs

Reconciliation of the position control database for certificated salaries only has been completed for the Second Interim Report.

2. STRS Audit

A one-time cost of penalties was assessed by STRS for failure to meet STRS Compliance review. The total estimated cost is \$85,000 and it has been incorporated into the budget at First Interim.

3 Special Education

Reconciliation has been completed in the 2002-03 Working budget.

4. Health and Welfare

The 2002-03 Working Budget for health and welfare is based on the actual payments for employees to the medical carriers. To get an accurate Projections, a spreadsheet of detailed records including employees' names, FTEs, choice of coverage and account codes will need to be completed and is very time-consuming. The Administration has decided to do a re-enrollment of health benefits for employees.

5. Aroner Bill

There is a savings of \$190,000 in penalties over what was budgeted. However, the savings will be used to pay for FCMAT fees.

6. Workers Compensation

Because of adverse workers compensation experience two years ago, the District's 2002-03 mid-year (January 1 through June 30, 2003) premium increase will be 1 million dollars more than what was projected in the Budget. This has been reflected in the

Second Interim.

7. Legal Services

Legal Services for handling employee matters and collective bargaining contract development is exceeding the budgeted amount. We estimate \$150,000 additional for the rest of the fiscal year. This has been included in the Second Interim.

8. Other Funds

The Business Department has completed a year-to-year comparison report for both the Cafeteria and Child Development Funds.

All other funds are presented with some not needing much review from the Business Department because various program managers are monitoring them.

ITEMS NOT INCLUDED OR COMPLETED FOR THE SECOND INTERIM REPORT:

1. Classified position control FTEs

Most of the reconciliation has been done from the position control data base to the 2002-03 Working Budget. The budget for classified employees is a dynamic document and more complex because of the numerous hourly employees. Changes will be made due to transfers, layoffs and retirements.

2. State Budget

The fiscal crisis in the State could have significant ramifications.

- A. It is estimated between \$240 -- \$320 less per ADA.
- B. Deferral of payments in the areas of categorical grants, Voluntary Integration funds, and Mandated Cost claims will have a major impact on the District's cash flow balance. However, it is still yet to be determined by the Legislature that this is a deferral or deficit and consequently is not reflected in the Second Interim report.
- C. Proposed of reduction of 2.15% in revenue limit and

various percentage of cuts in the categorical funds for 2003-04 have not been incorporated onto the multi-year projects. This could mean hundreds of thousands of lesser income.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 19, 2003
SUBJECT: Approval of the Schematic Design for the Jefferson Playground Project

BACKGROUND INFORMATION

As a part of the Board approved budget, the Berkeley Schools Excellence Project (BSEP) Plan was approved. That Plan included an allocation to improve the Jefferson playground. In September, a Committee convened to participate in the selection of a landscape architect. On October 9, 2002, MIG, Inc., was approved by the Board to design the project. Several Site Committee meetings were held. The attached design is the culmination of that design process. The Committee have not formally reviewed the alternates, so there may be some minor changes in the Base Bid and Alternate Bids. We will certainly group the final alternates into a more manageable number (perhaps 4) so we do not confuse the contractors.

The Board has previously authorized the demolition of two vacant portables at the site. That project will be paid for out of the Bond. In addition, there are two temporary (rented) portables at the site which we plan to remove at the end of this school year.

On March 19, 2003, the landscape architect, MIG, Inc., will present the proposed design. This cover note defines the current scope of work for the project. Attached to this note are: the masterplan (site development plan); the base bid plan (site renovation plan); and a spreadsheet detailing the cost. The construction budget for the project is set at \$230,000. The base bid is estimated at \$210,000. The total of all alternates is estimated at \$113,000.

Base Project

The following list of improvements represents the current base bid:

Paving

Slurry Coat over Existing Asphalt Paving

New Asphalt Paving at East End of Campus (Current location of portable classrooms)

New Decomposed Granite 'Dry Creek' path through existing natural area.

Grading And Drainage

New Area Drain for Existing Turf Field and connection to (E) drainage system
New Area Drains for all new Play Equipment areas (4 total) and connection to (E) drainage system

Play Areas and Equipment

New play equipment including 6 swings, 2 turning bars, 2 spica spinners, and an overhead climbing structure and safety surfacing and curbs for all equipment
Repairs to the existing composite play structure in compliance with CPSC/ASTM safety standards
New ball wall
New Pavement Striping for 4-Square, Kickball, Basketball, and running track around the turf field
New sand play area

Concrete

Rock retaining wall at south side of yard in the natural area

Planting

1500 sq. ft. of new planting in natural area and along east side of campus (new redwood trees)
Area cleared for Garden

The next section details the alternates:

ADD ALT 1 - Additional Play Equipment in Creek Area

Additional overhead climber sections (2) and turning bar (1)

ADD ALT 2 - (E) Composite Play Structure Additions and Concrete

Steps

Expand existing composite play structure to include spiral climber, sliding pole, and slide
Add concrete steps

ADD ALT 3 - Creek Additions, Picnic Tables, Drinking Fountain

Wood timber seat terraces, drinking fountain, picnic tables (11), and decomposed granite paving at picnic area

ADD ALT 4 - Backstop/Tetherball/Bike Racks

Backstop renovation

Tetherball (4)
Bike racks (2)

ADD ALT 5 - Poured in Place Rubber Surfacing

Poured in place safety surfacing (1/3 of surfacing at each play equipment area)

ADD ALT 6 - Tiled Seat Wall and Butterfly Garden

Concrete Seat Wall at Classroom Building
Butterfly Garden at Classroom Building

ADD ALT 7 - Concrete Pavers at Entry, Add'l Retaining Rock Wall, Mow Strip at Turf, Additional Shrubs + Irrigation, Additional Boulders

Concrete pavers at school entrance
Additional section of Rock Retaining Wall
Concrete Mow Strip Around Turf Field
Additional Planting and Irrigation (500 sq. ft.)
Additional Boulders (5)

POLICY/CODE

Board Policy Requiring Design review and Approval.

FISCAL IMPACT

The budget from BSEP Fund 7 is \$230,000.

STAFF RECOMMENDATION

Approve the Masterplan and approve the Base bid (with possible minor restructuring by the Site Committee).

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr, Associate Superintendent of Business and Operations
DATE: March 19, 2003
SUBJECT: Authorization to Revise Property Management Rates for BUSD Facilities

BACKGROUND INFORMATION

The property management office of the Berkeley Unified School District has undergone significant changes in the past two years. Staff believes that we need to make modifications in our approval process to ensure that the District always covers its costs and may generate revenue on some occasions.

The purpose of this report is to define our basic property management fee structure and to consider next steps. The discussion excludes the Community Theater, which will be presented at a later date.

The District has two main types of rental requests, generally with two types of rate structures. The types of rentals are one time or very short duration events. This rate structures is either direct cost or fair rental (market) rate.

The use of District facilities is governed under the Civic Center Act (Education Code 38130-38138), under which the District has several options, which it can exercise. One option is to have no charge to school-related organizations and whose events have marginal increased cost such as PTA's, Site Committees, etc. Other groups such as YMCA, City of Berkeley, etc, would be charged at least direct costs. That option will be recommended at a subsequent Board Meeting, but is referenced here for the purpose of defining organizations, which are charged a direct rate.

The District current process has been that all activities, which occur after regular school hours, must receive a permit through the Property Management office. All permits require the signature of the school principal (or designee) and the District representative. Most of the permits received are for one-time use and traditionally 200-400 permits per year have been processed. Obviously this is time consuming and personnel dependent.

NO CHARGE

The District has some discretion on who is charged for use. The Board Policies will address this issue. However, for purposes of the fee structure, we are suggesting that all activities that are school related organizations are not charged for use. Further, for the purpose of the fee structure, we are suggesting that the approval of this function be handled at the school site itself. The school in approving the use would be responsible for opening, closing and cleanup as a part of its regular function. No charge would be applied, but no charge other than marginal utility costs would be incurred. This would require that the activities occur when an approved District representative (Principal, custodian, etc.) who has security responsibility is either already on duty or is a participant in the meeting.

DIRECT COSTS

The District has historically had a very low cost for direct costs, one that does not truly cover District costs. Direct costs is defined as “the costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid school district employees necessitated by the organization’s use of the school facilities and grounds of the district.”

The current model charges approximately \$4.50 per hour for the use of a standard classroom. In addition, the District charges \$28 per hour if a custodian is needed (for security or cleaning) and \$26 per hour if only technical support is needed (primarily for City Meetings). We have done a cost analysis of the tasks of employees who work on actual permit processing, employees who process additional timesheets generated from this use, and the actual cost for custodians or technical support. These direct costs total a higher rate than is currently charged.

In the Appendix to this report, we have listed our assumptions and our costs to revise the Direct Cost rate. We have used a 4-hour minimum to calculate the direct rate.

	Current	Proposed
Use of a 1,000 SF- 5,000 SF space	\$ 19.60	\$300
Use per additional hour (no custodial OT)	\$ 4.50	\$ 10
Use of a 5,000 SF or larger space	\$ 48.00	\$350
Use per additional hour (no custodial OT)	\$ 12.00	\$ 25
Use of a 1,000 SF- 5,000 SF space	\$131.50	\$468

Use per additional hour (with custodial OT)	\$ 32.50	\$ 40
Use of a 5,000 SF or larger space	\$160	\$490
Use per additional hour (with custodial OT)	\$ 40	\$ 55

The City and the School District have a Memorandum of Understanding (MOU). This MOU limits the District's ability to charge custodial overtime in the manner shown above for the Old City Hall only. At that site we can only charge one hour per meeting plus for meetings, which extend past 11:00 PM (in 15 minute increments). In this instance, we would recommend that the Board adopt a \$34 per hour charge.

Technical support for computer hook up and communication is only used for City meetings. We are under no obligation to provide this service. It would appear to be advisable to get out of this business and we should discuss this matter with the City so that a transition plan can be developed. Until such time as that is done, we should adjust our charges from the current \$26 per hour to \$215 for a 4-hour minimum.

FAIR RENTAL VALUE (MARKET RATE)

Market rate is defined as “the direct costs to the district, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized”. The District has not been far off base on its charges in this area, with the exception of where our direct costs have been miscalculated. The market rate may come into play for either a short term or long term rental. With a short-term rental, the amortized costs are very small. For a longer-term rental, such as our rentals at Hillside or 1810 Hopkins, this factor becomes much larger. We have calculated our fair market rates at \$1.17 per square foot per month. The current rate is \$1.18 per square foot per month. We recommend continuing with the \$1.18 per square foot per month rate.

NEXT STEPS

Five continuing focus areas are: the District should revise and adopt its Civic Center Act Policy; work with the City to provide technical support for city meetings; separate rate scale developed for theaters; the School District to streamline the permit process via the use of electronic processing; and update the permits to protect the District.

POLICY/CODE

Education Code 38130-38139.

FISCAL IMPACT

Increasing the costs will eliminate the subsidy of the General Fund to rental uses. Revising the contracts will minimize District risk.

STAFF RECOMMENDATION

Approve the revision of property management rates. Authorize staff to consult legal counsel to revise our contracts.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry Kurr, Associate Superintendent of Business and
Operations
DATE: March 19, 2003
SUBJECT: Budget Development Timelines for FY 2003-2004

BACKGROUND INFORMATION

Attached for Board information is the Budget Development Timelines for fiscal year 2003-2004. The impact on the timeline is based on the State Budget being approved on schedule. The statutory Board approval is likely to remain, but budget detail will change according to information received from the State.

POLICY/CODE

N/A

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve Timeline.

BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

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

BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

	Schools			
13.	Per Pupil Allocation to Schools	Assoc. Superintendent of Business and Operations	March 13, 2003	
14.	Certificated Lay-offs Notices	Human Resources Office	March 15, 2003	
15.	Classified Mid-Year Lay-offs effective As specified in Resolution Approved on Feb. 12, 2003	Human Resources Office	March 15, 2003	
16.	Present Proposed Budget Development Calendar to Board of Education	Budget Office	March 19, 2003	
17.	2nd Interim Report FY 2003 and Multi-Year Projections to Board of Education	Budget Office	March 19, 2003	
18.	Submit Budget Forms, Worksheets and Templates to Program Managers/Site Principals, State & Federal and BSEP	Budget Office	March 31, 2003	
19.	Budget Development Process Meetings for Budget Managers and Secretaries	Budget Office	March 31, 2003 through April 4, 2003	
20.	General Cutoff for Fiscal Year 2002-2003 (current year) Purchase Order	Purchasing and Business Office	April 1, 2003	
21.	Reconciliation and Posting of 2001-2002 Accruals	Business Office	April 15, 2003	
22.	Return Completed Budget forms to Budget Office	Program Mgrs./Site Principals	April 18, 2003	
23.	Posting of Business	Business Office	April 30, 2003	

BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

	Office Accruals			
24.	Resolution for End of the Year Lay-offs of Classified positions (Phase II & III) to the Board	Human Resources	May 7, 2003	
25.	Lay-Off notices sent to Classified Employees relating to End of the Year Lay-offs	Human Resources	May 12, 2003	
26.	Requisitions for Summer School to be processed	Purchasing	Starting May 16, 2003	
27.	Requisition for Purchase Orders for Fiscal Year 2003-2004	Purchasing	Starting May 19, 2003	
28.	Submit 3rd Interim Report FY 2002-2003 to the Board for Certification	Budget Office	May 21, 2003	
29.	Submit 1st draft of FY 2003-2004 Budget to the Board	Budget Office	May 21, 2003	
30.	Rolling of FY 2003-2004 Budget	Budget Office	On or Before May 21, 2003	
31.	Notice of Public Hearing: FY 2003-2004 to Newspapers	Budget Office	May 29, 2003	
32.	Publication, Public Hearing and Discussion on FY 2003-2004 Proposed J200 Budget	Budget Office	June 4, 2003	
33.	Classified Employees terminated As specified in Resolution Approved on April 27, 2003	Human Resources	June 13, 2003 on/or before June 30, 2003	

BUDGET DEVELOPMENT TIMELINES FOR FY 2003 – 2004

34.	Governor's May Revised Budget	Governor's Office	To Be Determined	
35.	Acceptance and Adoption of FY 2003-2004 Recommended Budget, Goals & Related Actions	Board of Education	June 18, 2003	
36.	Submission of FY 2003-2004 Budget to ACOE	Budget Office	June 30, 2003	