

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 5, 2003

- Call to Order The Presiding Officer will Call the Meeting to Order at **5:00 p.m.**
The Board will recess to Closed Session at **5:00 p.m.** and
reconvene in Public Session at 7:30 p.m.
- Roll Call President Joaquin J. Rivera 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 #: 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.

Report Closed
Session Action Motion_____ Second_____ Vote_____

Approve Agenda Approve the Regular Meeting Agenda of March 5, 2003
Motion_____ Second_____ Vote_____

Approval of Minutes Approval of the January 15 and 22, 2003; 1
February 5, 12 and 19, 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.

General Services

1.1-C Staff Recommendation: 40
Acceptance of Gifts/
Donations Accept the gifts/donations to the District
or facilities from individuals and/or
Companies, as submitted.
Motion_____ Second_____ Vote_____

1.2-C Board Member Recommendation: 41
Proclamation:
March 2003 Arts
Education Month Approval of Proclamation: March 2003
Arts Education Month
Motion_____ Second_____ Vote_____

1.3-C Assembly Bill 356: High Stakes Testing/ High School Exit Examination	<u>Board Member Recommendation:</u> Approval of Assembly Bill 356: High Stakes Testing/High School Exit Examination Motion_____ Second_____ Vote_____	43
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1.4-C University of Michigan Affirmative Action and Civil Rights March	<u>Board Member Recommendation:</u> Approval of the endorsement of the April 1, 2003 National Civil Rights March on Washington, D.C. Motion_____ Second_____ Vote_____	45
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Human Resources

2.1-C Acceptance of Personnel Report	<u>Staff Recommendation:</u> Accept Personnel Report 03-15 as submitted. Motion_____ Second_____ Vote_____	47
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2.2-C Memorandum of Understanding Between Alliant and BUSD	<u>Staff Recommendation:</u> Approve the Memorandum of Understanding between Alliant University and Berkeley Unified School District Motion_____ Second_____ Vote_____	51
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Educational Services

3.1-C Overnight Field Trip Request	<u>Staff Recommendation:</u> Approve the overnight field trip request in accordance with Board Policy and Procedures Motion_____ Second_____ Vote_____	52
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3.2-C Revised Emerson School Plan for Schoolwide Application under the <i>No Child Left Behind Act</i>	<u>Staff Recommendation:</u> Approve the 2002-2003 revised School Plan for Emerson Elementary School Motion_____ Second_____ Vote_____	53
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Business and Operations

4.1-C Approval of Contracts/ Purchase Orders for Services and Contracts	<u>Staff Recommendation:</u> Authorize the Associate Superintendent of Business and Operations or Purchasing Agent to execute Purchase Orders Motion_____ Second_____ Vote_____	75
4.2-C Approve the Establishment of check clearing Accounts for the BUSD “After- School” Program	<u>Staff Recommendation:</u> Approve the establishment of check clearing accounts for the Berkeley Unified School District “After-School” programs Motion_____ Second_____ Vote_____	78
4.3-C Authorization to Accept the Repair of the King Retaining Wall	<u>Staff Recommendation:</u> Accept the project as complete. Motion_____ Second_____ Vote_____	79
4.4-C Authorization to Solicit Qualifications for Architect Services to Assist BUSD in its Construction Program	<u>Staff Recommendation:</u> Approve the process for selecting a pre- qualified pool of architects for the District Motion_____ Second_____ Vote_____	82
4.5-C Resolution 02-60 Authorization for the establishment of Fund for County Schools facilities	<u>Staff Recommendation:</u> Approve Resolution 02-60 to authorize the establishment of a fund for County School Facilities Motion_____ Second_____ Vote_____	84

ACTION ITEMS

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

General Services

1.1-A Approve Waiver of Principal Selection Policy	<u>Staff Recommendation:</u> Approve the waiver request of Board Policy GBDD with the intent of expanding Community/staff participation Motion_____ Second_____ Vote_____	87
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Human Resources

2.1-A Resolution 02-58 Reducing Particular Kinds of Services	<u>Staff Recommendation:</u> Approve Resolution 02-58 Reducing Particular Kinds of Services Motion_____ Second_____ Vote_____	90
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2.2-A Variable Term Waiver for High School Counselor	<u>Staff Recommendation:</u> Approve the Variable Term Waiver for 1.00 FTE High School Counselor Motion_____ Second_____ Vote_____	98
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Educational Services

8:30 p.m.

3.1-A LEAF Grant Budget approval	<u>Staff Recommendation:</u> Approval of application for Linking Education, Activity and Food (LEAF) Grant Motion_____ Second_____ Vote_____	99
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Business and Operations

4.1-A Five-Year Deferred Maintenance Plan	<u>Staff Recommendation:</u> Approve the Five-Year Deferred Maintenance Plan Motion_____ Second_____ Vote_____	117
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CONFERENCE

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

General Services

1.1-CF Second Reading Of Revised Board Policies	<u>Board Member Recommendation:</u> Accept, for Second Reading, and possible action, the following Board Policies: * 9130: Board Advisory Committees * 9130: School Construction Oversight Committee * 9132: Facilities Maintenance & Security Oversight Committee	119
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INFORMATION

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

Business and Operations

4.1-I Update on the Exploration of the Proposal to Relocate the Adult School	<u>Staff Recommendation:</u> Information on additional steps as needed to explore and resolve whether the programs could be housed at the Franklin site	132
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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 5, 2003	August 20, 2003
March 19, 2003	September 3, 2003
April 2, 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 the school or from the Superintendent’s Office.

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BERKELEY UNIFIED SCHOOL DISTRICT

OFFICIAL BUT UNADOPTED MINUTES

MINUTES, REGULAR MEETING

Page 1

Wednesday, January 15, 2003

District Administrative Offices

Board Meeting Room

2134 Martin Luther King Jr. Way

Berkeley, CA 94704-1180

CALL TO ORDER

President Joaquin J. Rivera called the Board of Education Meeting to order at 6:00 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 459567

No one addressed the Board at this time.

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

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

*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 6:00 p.m. and reconvened in Public Session at 7:30 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed:

- d) Public Employee Discipline/Dismissal/Release
- h) Property Acquisition

No action was taken.

Approve Agenda

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

That the agenda is approved as amended. The amendments are to pull, for further clarification, items 3.3-C, 4.1-C, 4.5-C, 4.6-C and 4.7-C. That items 2.1-A, 3.1-A and 3.2-A be moved to Consent.

PUBLIC TESTIMONY

Four speakers addressed the Board.

PRESENTATIONS

There were no presentations at this meeting.

REPORTS

Union Representatives' Reports

Ms. Ann Graybeal, President, Berkeley Council of Classified Employees, AFT Local 6192, addressed the Board.

Advisory Councils' Reports

Mr. Bruce Wicinas, Chair, Citizens Construction Advisory Committee, addressed the Board regarding item 1.1-CF: Discussion of the Facilities Study and Possible next steps. He urged the Board to go slow regarding the asset management report. Ms. Susan Henderson, Co-Chair, BSEP (Berkeley Schools Excellence Project), discussed the last BSEP recommendations that were submitted to the Board; Berkeley High School enrollment and interdistrict transfers.

Superintendent's Report

Superintendent Lawrence announced that a group of selected staff members attended a budget workshop in Sacramento on Tuesday regarding the Governor's budget and its impact on public education. She also gave a budget update and said staff is continuing to seek input from the community regarding the District's budget crisis and recommendations for reductions.

Board Members' Comments

Student Director Turner reported on his recent trip to Cuba. He said we now have a new sister city. Director Issel announced that the Board is seeking members to serve on the Youth Commission. She invited interested people to apply. Director Riddle reported on her attendance at the Berkeley High School PTSA Career Night event, the PCAD (Parents of Children of African Descent) and the BSEP Planning and Oversight Committee Meetings. Director Doran commended staff for establishing timelines regarding the recovery plan. Vice President Selawsky wished everyone a happy new year. He urged everyone to lobby the Governor and legislators in Sacramento and request that they make education funding a priority. He responded to comments made during Public Testimony regarding the Public Information Officer position and expressed the need for this position. President Rivera also commented about the importance of having a Public Information Officer, especially during these difficult budget times.

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 3.3-C, 4.1-C, 4.5-C, 4.6-C and 4.7-C are pulled for further clarification. That items 2.1-A, 3.1-A and 3.2-A be moved and acted on as Consent Items.

- 1.2-C: Acceptance of Gifts/Donations
- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Visiting Educator Contract
- 2.3-C: Resolution 02-48: Reduction or Elimination of Specified Classified Positions
- 2.4-C: Liability Claims submitted to the District
- 3.1-C: Out-of-State Travel Requests
- 3.2-C: Overnight Field Trip Requests
- 3.3-C: Berkeley Adult School Application for City of Berkeley Community Development Block Grant Funds for the 2003-2004 Program Year

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

- 3.4-C: Berkeley High School Tobacco Prevention Program Tobacco Use Prevention Education Grant Application
- 4.1-C: Approval of Contracts/Purchase Orders for Service and Contracts

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

- 4.2-C: Approve Listing of Warrants issued in November and December 2002
- 4.3-C: Receive and Approve information on the issuance of payroll warrants for employee services for November and December 2002
- 4.4-C: Resolution o2-50: Increase cost for Krama, Inc., to complete the needed change orders at Jefferson School
- 4.5-C: Authorization to Solicit Qualifications for Project Management and Construction Management Services

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

CONSENT CALENDAR (continued)

- 4.6-C: Landscape Design and Process for Berkeley High School
Please see page 7 of these minutes for action on this item.
- 4.7-C: Yearly Facilities Plan Budget Summary
Please see page 8 of these minutes for action on this item.
- 4.8-C: Resolution 02-49: Authorization to Reject and not Re-advertise for bids for Grounds Maintenance at Longfellow, Malcolm X and Cragmont's Schools
- 2.1-A: Approve variable term waiver request.
- 3.1-A: Waiver of Portions of Board Policy 123: Pupil Promotion and Retention
- 3.2-A: Application for California Public School Library Funds for FY 2004, including the District's Library Plan for FY 2003-2004

AGENDA REORDER

3.1-CF

Change in BHS Graduation Requirements in Social Studies

Ms. Christine Lim, Associate Superintendent, Educational Services, Ms. Laura Leventer and Ms. Mary Ann Valles, Co-Principals, presented this item. Ms. Lim explained that the current Board Policy 6146.1 High School Graduation Requirements includes 35 units of history, 5 units of Social Living, and five units of Ethnic Studies. The grades in which students are required to take courses in World History, United States History, Economics and Government were changed by Board policy in order to align the social studies courses to the state standards. Berkeley High School began phasing in this change last year, and the process will be completed with the class of 2006. At the same time, the two semester-long elective courses, Ethnic Studies and Social Living, were combined into a single Identity Ethnic Studies (IES) course, which is now taught in the 9th grade. This new configuration, coupled with the additional UC/CSU requirement of one year of visual or performing arts, results in a restrictive course selection process for students that reduces student choice, particularly for college-bound students in the senior year. Ms. Lim said by consensus, the Berkeley High School Shared Governance Team is recommending that the District reduce the history/social science requirement by five units, from 35 to 30, and shift those units into the general elective category.

3.1-CF

Change in BHS Graduation Requirements in Social Studies (continued)

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

Approval of the reduction of the History/Social Science requirement from 35 to 30 and increase the general elective requirement by five units, maintaining the total requirement of 220 units and that it is effective the next academic year.

AGENDA REORDER

3.3-C

Berkeley Adult School Application for City of Berkeley Community Development Block Grant Funds for the 2003-2004 Program Year

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

Approval of the submission of the Berkeley Adult School Application for City of Berkeley Community Development Block Grant Funds for the 2003-2004 Program Year.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky

NOES: None

ABSTAIN: (Student Director Turner)

ABSENT: None

4.1-C:

Approval of Contracts/Purchase Orders for Service and Contracts

Directors Issel and Doran requested clarification regarding items 17 and 31 on pages 22 and 23 of the Board packet. They wanted to know the funding source and financial impact of these items. Ms. Christine Lim, Associate Superintendent, Educational Services, said that she will raise these issues with the principals and share Board Members' comments with the principals.

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

Approval of Contracts/Purchase Orders as submitted.

CONSENT ITEMS (continued)

4.5-C:

Authorization to Solicit Qualifications for Project Management and Construction Management Services

Mr. Lewis Jones, Director of Facilities, presented this item. He said there is a need for additional project management services for the Transportation Project the Franklin, West Campus, Campus Green at Berkeley High School, and future projects at Berkeley High, King and Willard.

Director Doran requested that the Derby Street property also be included. Director Issel requested that the words: "...other future projects approved by the Board" also is included.

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

Authorization to solicit qualifications for project management services and construction management services to assist BUSD in its construction program: presently there is a need for additional management services for the transportation project and potentially for the Franklin, West Campus, Campus Green at Berkeley High School, as well as other future projects approved by the Board.

4.6-C

Landscape Design and Process for Berkeley High School

Mr. Lew Jones, Director of Facilities, provided background information for this item. He said on December 18, 2002, the Board discussed the acceleration of landscape work at the old B building location at Berkeley High School as a part of the development of a new Facilities Plan. He said in order to move this quickly, the Board will need to accept certain project constraints and to waive certain parts of existing Board policies (architect selection, Site Committee Policy and Design review by Board). Mr. Jones explained the five constraints.

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

Authorization to award landscape design and project management services and approval to complete landscape for the Berkeley High School Old B building location by the opening of school 2003 and begin the construction document phase prior to Board approval of the schematic design but did not waive that Board approval is needed and to extend the design input until February 14, 2003.

CONSENT ITEMS (continued)

4.7-C
Yearly Facilities Plan Budget Summary

Mr. Lew Jones, Director of Facilities, said that on December 18, 2002, the Board approved parameters for the Facilities Plan. The Board is being asked at this point to make budget modifications so that we can proceed on our projects. He then recommended and explained 14 changes to the Plan. In addition, Mr. Jones highlighted six outstanding issues, which will need clarification next year.

Director Doran requested that the Derby Street property be added as number 15.

Director Issel requested that the Derby Street Property and Oregon Street property is part of numbers 7 and 8 respectively for clarification next year.

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

Approval of the Yearly Facilities Plan Budget. Add to the recommended changes to the Plan, page 47 of the Board packet: #15, Derby Street. Add the following to the list of outstanding issues, which will need clarification in the next year, on page 47 of the Board packet: #7. Derby Street and #8. Oregon Street.

CONFERENCE

1.1-CF
Discussion of the Facilities Study and Possible next steps

Mr. Lewis Jones, Director of Facilities, reviewed the Facilities Study. He said on December 18, 2002, the Board received a Facilities Study prepared by California Financial Services. This Study included information presented to the Board on September 25, 2002, concerning District capacities and also included information about asset management. The capacity study focused on the K-8 and 9-12 student populations. The K-5 and 6-8 schools that are currently open are sufficiently large enough to house our student population. However, the students are not equitably distributed between the schools. In order to develop the K-5 and 6-8 school models, we will need to develop a set of rules, which can be equitably applied. Mr. Jones then outlined the six rules. The 9-12 capacity was also discussed.

1.1-CF

Discussion of the Facilities Study and possible next steps

Director Issel requested additional clarification regarding moving the Berkeley Adult School to the Franklin site. She said the word "loading" bothers her and would like for staff to come up with another phrase. She expressed concern about the Oregon Street property. She said to leave that situation for three years is too long.

Vice President Selawsky asked for an analysis regarding future classroom space for our students.

Director Riddle asked, if the Berkeley Adult School is moved, will there be public transportation for the students who attend the Adult School?

President Rivera asked for staff's recommendation regarding the other properties: Sixth Street, Administration Building; Oregon Street, and the Grove Street Park.

1.2-CF

Board Appointments and Advisory Committees

Director Issel reported that there are nine appointments and five openings to the Youth Commission. Director Doran reappointed Dan Seaman as his appointee. The Board approved the appointment of Dan Dugard to the At-Large seat. Director Issel recommended that she set some time to interview and discuss the process for appointment to the Youth Commission at the February 5, 2003 Board Meeting. The interviews will be held in open session.

EXTENDED PUBLIC TESTIMONY

There was no Public Testimony at this time.

ADJOURNMENT

President Rivera declared the Regular Meeting of January 15, 2003 adjourned at 11:08 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
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

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

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.

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 and 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 said a notice was distributed to staff that overtime has to be approved by the Superintendent or Associate Superintendents.

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 does that translate into cost of students? 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 approved unanimously on voice vote:

That this item 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

qeg

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, February 5, 2003
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

OFFICIAL BUT UNADOPED MINUTES

Page 1

CALL TO ORDER

President Rivera called the Regular Board of Education Meeting of February 5, 2003, to order at 5:07 p.m.

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 459567

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 Appointments
- f) Liability claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

Youth Commission Interviews

At this time, the Board interviewed the following seven candidates as prospective Youth Commissioners:

- Sophie Litschwartz
- Anita Feingold-Shaw
- Sara Sternberg
- Janet Gabriela Ramsey
- Maura Fitzgeradl
- Kenneth R. Watts, Jr.
- Hans Barnum

After the interviews, the Board made the following appointments:

The Board agreed, by consensus, the approval of Andre Sternberg to serve in Dan Seaman's place until he returns in June 2003.

Board Member

Appointee

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

Sara Sternberg
Anita Feingold-Shaw
Sofia Litschwart
Kenneth Watts, Jr.
Maura Fitzgerald
Hans Barnum

The Board recessed to Closed Session at 5:54 p.m. and reconvened in Public Session at 7:31 p.m.

Report Closed Session Action

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

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

Approve Agenda

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

Approval of the Regular Meeting Agenda of February 5, 2003, an amended. The amendments are that items 3.1-C and 3.4-C are pulled for further clarification.

Approval of Minutes

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

Approval of the December 18, 2002 Minutes, as amended. The amendment is on page 6, second paragraph, under Director Shirley Issel's comments. The paragraph now reads:

"Until we come to some agreement of what basic facility is, it is hard to know what property is surplus."

PUBLIC TESTIMONY

Thirteen speakers addressed the Board.

PRESENATION

Superintendent Lawrence acknowledged Mollie Wolf, a Berkeley High School student, who received the East Bay Business Times Community Service/Leadership Youth Service Award for 2003. Ms. Wolf received the Youth Award for her work as a tutor and mediator at Berkeley High School and as a volunteer in the community.

REPORTS

Union Representatives

Ms. Carol Isen, Local 21; Ms. Stephanie Allen, Local 39, Ms. Ann Graybeal, Local 6192, Mr. John Santoro, UBA (Union of Berkeley Administrators) and Mr. Barry Fike, Berkeley Federation of Teachers, addressed the Board regarding the District's budget, and staff and program reductions.

Advisory Councils' Reports

Mr. Michael Kelly, Music Committee, and Ms. Carol Wilkins, BSEP (Berkeley Schools Excellence Committee) Planning and Oversight Committee addressed the Board.

Board Members' Reports

Student Director Turner read a statement from the Youth Commission regarding scheduling at Berkeley High School. Director Issel acknowledged the Youth Commission's concerns regarding the scheduling problems at Berkeley High School. She asked staff to investigate and submit a report to the Board regarding their recommendations for addressing the issue of scheduling at Berkeley High School. Director Riddle thanked the Jefferson PTA for their successful workshop on testing. She commented on the BSEP Class Size Reduction Committee Meeting and announced the upcoming budget meetings. Director Doran said this is the most difficult budget time this District has gone through in 37 years. He announced that the Board interviewed and make six appointments to the Youth Commission. Vice President Selawsky reported on various meetings he has attended; his visit to Willard Middle School and the community budget meetings. He also made comments about the Franklin Parent Nursery Program and scheduling at Berkeley High School. Vice President Selawsky said: "These are unprecedented fiscal times—the District is on life support or will be very soon." President Rivera responded to comments made by the BFT representative. He clarified that the 7% raise administrators received was the fulfillment of a contractual obligation based on a similar criteria used by the teachers' union.

AGENDA REORDER1.1-CFFinancial Recovery Plan

The Board had before it a 66-page Financial Recovery Plan document. Superintendent Lawrence highlighted the Financial Recovery Plan. She said the Financial Recovery Plan for Berkeley Unified School District is extremely complex and cannot be achieved without a comprehensive approach to budget management, personnel cost controls, systems improvement, and effective instructional program analysis. A recovery plan must be approached with long-term solutions in mind that requires employee training and competence, use of current technological tools, union involvement, community participation and monitoring and accountability through effective governance and policies.

1.1-CF
Financial Recovery Plan (continued)

It is attention to these elements that will bring about the necessary changes to improve the District's financial condition and effectiveness. Even though these times in Berkeley Unified and in the State are depressing and problematic, we cannot allow this financial crisis to overshadow our primary mission and purpose of educating students. She then explained, step-by-step, the rationale for recommending the listed mid-year reductions, FY 2003.

Some questions and comments from Board members included:

Director Nancy Riddle:

- Where does the salary for the Director of Maintenance come from—BB of General Funds?
- What fund is the Custodial Supervisor paid out of?
- Why was the decision made not to cut the administrative area at the middle schools?

President Joaquin J. Rivera:

- We should obtain a legal opinion regarding the Custodial Supervisor position.
- Since the health educator position is being recommended to be eliminated, what model will be used to fill this void?
- Regarding custodians--Which sites will be affected? Please explain the cost for the extra duty.
- Would like to have an analysis of the encroachment of 9th grade.
- Regarding the Reading Recovery Program, how sure are we that there will be enough money to absorb this program?

Vice President John T. Selawsky

- Regarding overtime—We need to contain the overtime costs.
- Would like to see a cost analysis of the Music Program.

1.1-CF
Financial Recovery Plan (continued)

Director Shirley Issel

- Regarding the health educator position at Berkley High School, has there been some discussion with city staff about funding this position? What are the consequences to the Health Center if this position is eliminated?

Ms. Song Chin-Bendib, Director, Fiscal Services, responded by saying we received a letter today from the City indicating that the City will fund this position.

Director Terry S. Doran

- Regarding the number of courses that we plan to fund at Berkeley High School outside of the basic 6th period day, please provide more detail as to how it is being used this year.

CONSENT ITEMS

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

Approval of the Consent Items as amended. The amendment is that Item 3.4-C is tabled.

- 1.1-C: Board of Education Appointments to the Adopt-A-School Program
- 2.1-C: Acceptance of Personnel Report
- 3.1-C: Overnight Field Trip Requests
- 3.2-C: Out-of-State Travel Requests
- 3.3-C: Non-public School Placement for Special Education Student
- 3.4-C: Proposed New Course Offerings for Berkeley High School for the 2003-2004 School Year

This item was tabled.

- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts
- 4.2-C: Resolution 02-47: Authorize investment of Monies I the Local Agency Investment Fund

At this time, President Rivera stated that Board committee's members' terms of service expired December 1, 2002. He said the Board will be reviewing the policies of each committee, except BSEP, in two weeks.

EXTENDED PUBLIC TESTIMONY

No one addressed the Board at this time.

ADJOURNMENT

President Rivera declared the Regular Meeting of February 5, 2003, adjourned at 12:03 a.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, SPECIAL MEETING
Wednesday, February 12, 2003
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

OFFICIAL BUT UNADOPED MINUTES

CALL TO ORDER

President Rivera called the Special Board of education Meeting of February 12, 2003 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 459567

No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3540.1(d), 54956. (a) and 54957) and Education Code Section 48918(c)—Board Conference Room

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

The Board returned to Public Session at 7:32 p.m.

*The Student Director does not attend Closed Session.

Approve Agenda

Motion: Directors Selawsky/Riddle and approved unanimously on voice vote:
Approval of the Special Meeting Agenda of February 12, 2003, as printed.

Report Closed Session Action

President Rivera stated that in Closed Session, the Board discussed item c: Collective Bargaining. He announced that there is nothing to report from Closed Session.

PUBLIC HEARING

Motion: Directors Issel/Riddle and approved unanimously on voice vote:
To open the Public Hearing.

President Rivera opened the Public Hearing at 7:40 p.m.

Forty speakers addressed the Board regarding the District's budget.

Motion: Directors Issel/Selawsky and approved unanimously on voice vote:
To close the Public Hearing.

President Rivera declared the Public Hearing closed at 9:33 p.m.

PUBLIC TESTIMONY

No one addressed the Board at this time.

CONSENT ITEMS

3.1-C:

Proposed New Course Offerings for Berkeley High School for the 2003-2004 School Year

Ms. Christine Lim, Associate Superintendent, Educational Services, presented this item and summarized the five new courses being recommended for Berkeley High School for the fall 2003. She said in preparation for the master schedule for fall 2003 the Board must approve any new courses being offered. The Director of Curriculum and Instruction has reviewed the course descriptions, standards alignment, Expected Schoolwide Learning Results (ELSRs) addressed, and textbooks required. The recommended courses are: Advanced Biology Back-up, Chemistry Back-up, Physics Back-up; Algebra II Lab; Math Analysis Honors; Math Analysis Lab; and Social Justice Seminar (CAS).

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

Approval of the proposed new course offerings for Berkeley High School for the 2003-2004 school year.

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

NOES: None

ABSTAIN: Director Riddle

ABSENT: None

1.1-A

Declaration of Fiscal Emergency

Superintendent Lawrence explained that because of the serious budget deficit, the increase of class size at some grade levels is a means of generating significant savings. The declaration of an emergency provides the flexibility to notify certificated employees should there not be enough temporary teachers who are released or other budget reductions fail to materialize.

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

The approval of a declaration of fiscal emergency, as amended. The amendment is to add that this fiscal emergency is for the 2003-2004 school year.

CONSENT ITEMS (continued)

2.1-A

Resolution 02-51: Reduction or Elimination of Specified Classified Positions

Director Doran asked if the affected employees will be reassigned to other positions?

Superintendent Lawrence said many of these employees have bumping rights.

Superintendent Lawrence said she will continue to bring forward additional recommendations for proposed cuts.

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

Approval of Resolution 02-51.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky

NOES: None

ABSTAIN: (Student Director Turner)

ABSENT: None

1.1-CF

Class Size Reduction

A 14-page document was supplied to the Board entitled: "Teacher Staffing Ratio Projections for 2003-2004 School Year, Including: K-5 25-27:1 and K-4 with applied State CSR Funding, February 7, 2003." The document included information regarding Teacher Projections for FY 2004 with the following scenarios: A, B, C, D, CK3, E, EK3, K-4, K5-27a, K-5 27b, K-5 25a, K-5 25b, K-5 25c.

Board comments included the following:

Vice President Selawsky said he has been looking at scenarios D, E and Ek3.

Director Doran said this is a "value loaded decision." He urged the Board to keep 9th grade English as low as possible.

President Rivera reminded everyone that the District will be 13 million dollars in the hole next year.

At this time, Director Riddle appointed Hannah Rose to the Youth Commission.

EXTENDED PUBLIC TESTIMONY

No one addressed the Board at this time.

ADJOURNMENT

President Rivera declared the Special meeting of February 12, 2003 adjourned at 10:55 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

qeg

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, February 19, 2003
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

OFFICIAL BUT UNADOPE MINUTES
Page 1

CALL TO ORDER

President Rivera called the Regular Board of Education Meeting of February 19, 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 459567

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
 - 1) Non-Reelection of thirteen teachers
- e) Public Employment Appointment
- 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 7:49 p.m.

Report Closed Session Action

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

- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
 - 1) Non-Reelection of thirteen teachers

Approve Agenda

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

Approval of the Regular Meeting Agenda of February 19, 2003, as amended. The amendment is that items 1.3-C, 4.1-C and 4.4-C are pulled for further clarification.

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

PUBLIC TESTIMONY

Three speakers addressed the Board.

COMMITTEE REPORT

Mr. Dan Lindheim, BSEP (Berkeley Schools Excellence Project) Planning and Oversight Committee, presented the recommendations from the BSEP Planning & Oversight Committee for the Expenditure of the BSEP Class Size Reduction Fund in FY 2004. He said in compliance with its statutory duty to advise the Board, the BSEP Planning and Oversight Committee has approved the following recommendations regarding the use of the approximately \$5.6 million in BSEP Class Size Reduction funds, as well as the related state class size reduction funds for FY 2004. The recommendations are as follows:

COMMITTEE REPORT (continued)

1. Direct Support Charge Assumptions:

That the Board direct District staff to conduct an analysis of the underlying expenses and methodology used to calculate Direct Support charges allocated to the BSEP Class Size Reduction Fund. This analysis needs to be presented to the Board and to the BSEP Planning and Oversight Committee before a final budget is adopted for FY 2004.

2. K-3 Class Size Recommendation

We recommend that the District maintain class sizes in grades K-3 at the level needed to qualify for state Class Size Reduction funding, and that 100% of state Class Size Reduction funds should be allocated toward achieving the District's class size reduction goals.

3. Support for Modifying Current State K-3 CSR Funding Rules

We recommend that the District join others advocating for increased flexibility in state law governing the State's Class Size Reduction Program.

If the State adopts more flexible K-3 Class Size Reduction rules, we recommend that the District use the resultant savings to: (1) reallocate BSEP Class Size Reduction Funds to lower class sizes goals for grades 4-6 to come closer to meeting the voter-approved levels; and (2) reduce the number of combination grade classes.

4. Increase Enhancement Funds in Grades 7-12

Of the options or scenarios under consideration, we recommend that the Board adopt a plan that will maximize the number of teachers allocated for program enhancement in grades 7-12.

REPORTS

Union Representatives' Reports

Ms. Stephanie Allen, Business Representative, Local #39; Mr. Barry Fike, President, Berkeley Federation of Teachers and Mr. John Santoro, President, UBA (Union of Berkeley Administrators), addressed the Board regarding the District's budget and the negative impact of the budget on District staff.

Advisory Councils' Reports

Ms. Laura Clara, BASC (Berkeley Arts in Education Steering Committee) said that she supports the revised recovery plan. Mr. Michael Kelly, Music Committee, addressed the Board regarding the Music Committee.

Board Members' Report

President Rivera responded to inaccurate and accusatory comments made by Mr. Barry Fike, President, Berkeley Federation of Teachers. Vice President Selawsky said he supports President Rivera's comments.

Superintendent's Report

Superintendent Lawrence announced the Black History Month Celebration and congratulated Debra Pitts, Alta Bates Hospital, on her award. She, too, responded to comments made by Mr. Barry Fike, which she felt, were inaccurate and divisive.

CONSENT ITEMS

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

That the Consent Items are approved, as amended. The amendments are that items 4.1-C and 4.4-C are pulled for further clarification.

- 1.1-C: Acceptance of Gifts/Donations
- 1.2-C: 2003 CSBA Delegate Assembly Election Ballot
- 1.3-C: Resolution on Testing
- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Acknowledgement of Appointment of Commissioner Shirley Van Bourg to Personnel Commission Vacancy
- 2.3-C: District Initial Proposal to negotiate with Union of Berkeley Administrators (UBA)
- 2.4-C: Liability Claims Submitted to the Berkeley Unified School District
- 3.1-C: Overnight Field Trip
- 3.2-C: Resolution 02-55: Authorizing the Berkeley Adult School Principal to sign and execute agreements related to the Berkeley Adult School Workability II Program

CONSENT ITEMS (continued)

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

Please see below for action on this item.

4.2-C: Approve payroll payments made in January 2003

4.3-C: Resolution 02-56: Repair of leak damage at Rosa Parks School

4.4-C: Resolution 02-57: Removal of portable at Jefferson School

Please see below for action on this item.

4.1-C

Approval of Contracts/Purchase Orders for Service and Contracts

President Rivera noted that the cost of the contract with United Cerebral Palsy has doubled. He also noted that the Berkeley High School graduation is expensive and suggested that in the future staff seek other sources to fund the exercise.

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

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

4.4-C:

Resolution 02-57: Removal of portable at Jefferson School

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

Approve Resolution 02-57: Removal of portable at Jefferson School.

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

NOES: None

ABSTAIN: None

NOT SEATED: Director Riddle

ABSENT: None

ACTION ITEMS

4.1-A

Resolution 02-59: Financial Recovery Plan

Superintendent Lawrence highlighted the proposed Financial Recovery Plan. She said positive progress has been made to address the District's serious financial difficulties. Last year, approximately \$8,000,000 was reduced from our expenditures. At the meeting of February 12, 2003, the Board took action to make additional mid-year cuts of approximately one million dollars. She recommended approval of Resolution 02-59, which authorizes implementation of the Financial Recovery Plan.

Mr. Jerry Kurr, Associate Superintendent, Business and Operations, announced the following corrections in the Recovery Plan:

- Page 45, the total is **\$6,855,900** and not \$6,789,400
- Page 64, under Child Development Program, Budget Modification to avoid encroachment: **\$62,000**

Board discussion included the following:

Director Doran said the model for elementary school librarian is not being addressed by the plan that is before us this evening.

Director Riddle suggested the following addition under Library Services, on page 55, middle schools: "...**or BSEP enhancement...**" The sentence now reads:

"What is being proposed is the elimination of this additional allocation and the direction to the Middle Schools to designate an appropriate part of their classroom **or BSEP enhancement** staffing allocation to provide library services."

Director Riddle suggested the following addition under High School (Library Media Teacher): "...**or BSEP enhancement...**" The sentence now reads:

"It is recommended that some or all of the BHS librarian FTE be taken from the BHS classroom **or BSEP enhancement** staffing model."

Vice President Selawsky suggested that the following addition be added to the Ninth Grade Class Size Reduction, on page 56:

4.1-A

Resolution 02-59: Financial Recovery Plan (continued)

“The Board recognizes the importance of English at the ninth grade and directs staff to maintain English classes at or near 25:1 ratio.”

Director Issel asked if the Program Supervisor for Health Services position is eliminated, how will these requirements be met legally without this position? Ms. Christine Lim, Associate Superintendent, Educational Services, said the Office of Student Services will assume these duties and responsibilities.

Vice President Selawsky urged the superintendent or designee to meet with Mr. John Santoro, Principal, Early Childhood Education and the parents of the Franklin Parent Nursery Program to see how we can save this program. President Rivera said he supports Vice President Selawsky’s comments regarding the Franklin Parent Nursery.

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

Approval of Resolution 02-59 to enact and implement Financial Recovery Plan, including Program Reductions, as amended.

Motion: Directors Selawsky/Doran and approved 3-1-1(1)-0 on voice vote:

Adoption of Class Size Reduction Scenario D.

AYES: Directors Doran, Rivera, Selawsky

NOES: Director Riddle

ABSTAIN: Director Issel, (Student Director Turner)

ABSENT: None

At this time, Directors Doran and Riddle read a statement regarding the budget crisis in the District and the tough decisions the Board has to make.

ACTION ITEMS (continued)

4.2-A

Increase breakfast and lunch meal prices

Mr. Jerry Kurr, Associate Superintendent, Business and Operations, explained this item.

Motion: Directors Selawsky/Doran and approved unanimously on voice vote:
Increase breakfast and lunch meal prices by \$.50 starting March 1, 2003.

4.3-A

Reinstate reduced meal charges

Superintendent Lawrence said students who qualify for reduced meals are charged \$.30 for breakfast and \$.40 for lunch. Currently BUSD students are not charged for reduced meals.

Motion: Directors Doran/Selawsky and approved unanimously on voice vote:
Reinstate the reduced meal charges starting March 1, 2003.

1.1-CF

First Reading: Revisions of the Board Policies on Board Advisory Committees

Director Issel gave an overview of Board Advisory Committees. She said the Board has agreed to revise its policies on Advisory Committees. As part of the Board's commitment to updating its Policy Manual, the policies covering all other Board Advisory Committees will be brought forward for consideration at future meetings. She then highlighted her recommendations regarding the Policy on Board Advisory Committees: 9130; Citizens Construction Program Advisory Committee (CCAC); and the Policy on Facilities Maintenance and Security Advisory Committee (MAC) (3510.3). She recommended that there be two types of Board Committees. One type is referred to as an "Oversight Committee" and the other is referred to as a "Task Force." The most significant changes proposed in this policy are the area of composition and criteria for membership in the "Oversight Committees." Included in the policy in the section entitled "Committee Guidelines" is a set of basic bylaws for committee operations.

1.1-CF

First Reading: Revisions of the Board Policies on Board Advisory Committees
(continued)

President Rivera, Vice President Selawsky expressed concern regarding the membership section of the policy. They said the BSEP (Berkeley Schools Excellence Project) Planning and Oversight Committee should be exempt from this policy. The composition and qualifications need to be clear and consistent. Director Doran said the BSEP Planning and Oversight Committee should be kept the way it is now.

President Rivera asked what is going to happen after the Task Forces finish their tasks?

Director Riddle asked if, under communication and membership, the policy is referring to citizens of Berkeley? Director Riddle says she strongly recommends using the words: "Berkeley resident." She said the Board Advisory Committee meetings are not closed meetings—they are open to the public.

Director Doran suggested that the word be changed to read a Berkeley resident or a Berkeley Unified School District parent. Director Riddle says she strongly recommends using the words "Berkeley resident. The composition of the committees should reflect the diversity of the community.

Regarding the Maintenance Advisory Committee, Director Riddle said under section 9130.4: Administrative Responsibilities—the definition of "to provide support to the committee" needs to be tightened up.

President Rivera asked for clarification on page 76, #6, Communication with the Board.

Director Riddle says she sees #6 as a reduction in communication to the Board.

Vice President Selawsky and Director Issel agreed to work together and revise the proposed policies and resubmit them to the Board for consideration.

EXTENDED PUBLIC TESTIMONY

Ms. Mary Reiter, BSEP (Berkeley School Excellence Project) Planning and Oversight Committee, addressed the Board regarding the proposed revisions to the Board Advisory Committees. She said the advisory committees should retain their five-minute time slot at Board of Education meetings. However, committee members who address the Board should identify themselves as representing a particular committee and that the committee has approved their comments. Under membership/composition, it should read "residents of Berkeley" whenever possible. The Committee should present an annual plan vs. an annual report to the Board. Ms. Reiter wanted to know what the Board plans to do with the report once it is submitted?

At this time, Vice President Selawsky asked staff to investigate and report back to the Board about the reduction of the middle school music program. Is it .24 or .26?

ADJOURNMENT

President Rivera declared the Regular Meeting of February 19, 2003, adjourned at 11:17 p.m.

APPROVED

ATTEST

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Queen Graham, Executive Assistant
DATE: March 5, 2003
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

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

The following donations have presented to the District:

1. Richard Beeson: A donation of a Kenmore side-by-side refrigerator with filtered water and ice maker, valued at \$1800.00, to be used at Thousand Oaks Elementary School.
2. Matt Lippner: A donation of a TV and two VCR's, and a Hoover vacuum cleaner, valued at \$400.00, to be used at Thousand Oaks Elementary School.
3. Darlene Rodriguez: A donation of a TV, VCR and cart, valued at \$350.00, to be used at Thousand Oaks Elementary School.

POLICY

Board Policy DFK/KHE

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept the donations/gifts to the District.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: John T. Selawsky
Vice President
DATE: March 5, 2003
SUBJECT: Approval of Proclamation: March 2003 Arts Education
Month

BACKGROUND INFORMATION

Each year the Berkeley Unified School District acknowledges the essential role of the arts and music in our public school curriculum with District-wide performances and exhibitions of student work. This March is designated **Arts in Education Month** by the District, the County, and the State. Berkeley will celebrate student art and performances on March 30 at the Berkeley Community Theater on the high school campus.

FISCAL IMPACT

None

BOARD MEMBER RECOMMENDATION

Approve the Proclamation: March 2003 Arts Education Month.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: John T. Selawsky
Vice President
DATE: March 5, 2003
SUBJECT: Approval of Resolution in Support of Assembly Bill 356:
High-Stakes Testing

BACKGROUND INFORMATION

At the February 19, 2003 Board Meeting the Board unanimously passed a resolution asking state elected officials to consider ways of revising the high-stakes nature of California's standardized testing. Of particular concern to the Board (and the community) is the reward/punishment nature of the test results, with monetary incentives for achieving "improvement" in school-wide scores, as well as sanctions such as offering parents the opportunity to leave underperforming schools, and/or removing or replacing site administrators and staff. The mandatory nature of the High School Exit Exam is also something that the Berkeley Board of Education and a large part of the community view as punitive and unnecessary.

AB 356, introduced in the California State Assembly by our Assemblyperson Loni Hancock, would reverse the most contentious sections of the mandatory state standardized tests. It removes the system of rewards and punishments from the testing regimen, and gives local school districts the discretion to use (or not) the state high school exit exam as a requirement for high school graduation.

FISCAL IMPACT

None

BOARD MEMBER RECOMMENDATION

Approve the Resolution in Support of AB 356.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: John T. Selawsky
Vice President
DATE: March 5, 2003
SUBJECT: Approval of the endorsement of the University of Michigan
Affirmative Action Program and National Civil Rights March

BACKGROUND INFORMATION

The Supreme Court of the United States will be considering a challenge to the University of Michigan's Affirmative Action Program on or about April 1, 2003. We have been asked to support the University of Michigan in its legal and political endeavors to maintain an affirmative action program for student enrollment, as well as to endorse the National Civil Rights March on Washington, D.C., that will be a show of support for affirmative action programs, racial equality, and integration policies in our public schools, colleges, and universities across the nation.

FISCAL IMPACT

None.

BOARD MEMBER RECOMMENDATION

Approve the endorsement of the University of Michigan Affirmative Action Program and National Civil Rights March.

TO: Michele Lawrence Superintendent
 FROM: David A. Gomez, Ph.D.
 Associate Superintendent Human Resources
 DATE: March 5, 2003
 SUBJECT: ACCEPTANCE OF PERSONNEL REPORT 03-15

Following is Personnel Report 03-15, which reports details of personnel assignments, employment and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>RESIGNATION</u>						
Lara Lawrence	Teacher	Thousand Oaks		1.00 FTE	2/20/03	
Josephine Noah	Teacher	Berkeley High		1.00 FTE	6/13/03	
<u>LEAVE OF ABSENCE WITHOUT PAY</u>						
Amanda Abarbanel-Rice	Teacher	Thousand Oaks		0.20 FTE	2/26/03	6/13/03
<u>CHANGE OF STATUS: PROBATIONARY I TO PROBATIONARY II</u>						
Linda Carr	Teacher	Berkeley High	General Fund	1.0 FTE V-09	8/24/02	
Susanne Kossa-Rienzi	Teacher	King	General Fund	0.80 FTE II-04	8/24/02	
Elisabeth Sandberg	Teacher	Berkeley High	General Fund	1.0 FTE VII-06	8/24/02	
Jean Whittlesey	Teacher	Berkeley Alternative High	General Fund	1.0 FTE II-06	8/24/02	
<u>HOURLY ADULT SCHOOL TEACHER</u>						
Nancy Altman	Teacher	Adult School	Site Fund	\$30.39 hr	1/30/03	6/30/03
Crystal Graves	Teacher	Adult School	Site Fund	\$30.39 hr	2/11/03	6/30/03
Brenda Heffington	Teacher	Adult School	Site Fund	\$30.39 hr	1/30/03	6/30/03
Lucia Owens	Teacher	Adult School	Site Fund	\$30.39 hr	1/30/03	6/30/03
Helen Sweet	Teacher	Adult School	Site Fund	\$30.39 hr	2/03/03	6/30/03

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>RESIGNATION</u>							
Franklin B. Jeffrey	Maintenance Engineer	Maintenance Dept.				2/21/03	
Rachelle M. Butler-Jones	Student Welfare Attendance Specialist	Student Services				4/09/03	
Craig L. McDonald	School Bus Driver	Transportation				2/26/03	
Clariza M. Tanori-Timmons	School Bus Driver	Transportation				3/01/03	
<u>RETIREMENT IN LIEU OF LAYOFF</u>							
Mary Madden	Personnel Specialist Employment	Human Resources				3/15/03	
Gayle Whittle	SASI Coordinator	Student Assignment & Attendance				3/15/03	
<u>PERMANENT (TRANSFER)</u>							
Renona Alexis	Food Service Satellite Operator	Jefferson	Cafeteria Fund	31/1	.47 FTE \$12.77 hr	3/01/03	11/01/03
<u>PROBATIONARY</u>							
Andrea Barry	Food Service Satellite Operator	Berkeley Art Magnet	Cafeteria Fund	31/1	.47 FTE \$12.77 hr	3/01/03	11/01/03
Gail Cotton	Food Service Satellite Operator	John Muir	Cafeteria Fund	31/1	.47 FTE \$12.77 hr	3/01/03	11/01/03
Willie Jones	Food Service Satellite Operator	Emerson	Cafeteria Fund	31/1	.47 FTE \$12.77 hr	3/01/03	11/01/03
Vanessa King	Food Service Satellite Operator	Berkeley High	Cafeteria Fund	31/1	.47 FTE \$12.77 hr	3/01/03	11/01/03
James Goan	Maintenance Engineer	Maintenance Dept.	BB Measure	54/3	1.0 FTE \$24.94 hr	2/24/03	8/24/03

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>PROVISIONAL</u>							
Karen Albala	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/1	.80 FTE \$12.77 hr	3/03/03	6/30/03
Cassandra Hauze	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/1	.80 FTE \$12.77 hr	3/03/03	6/03/03
<u>TEMPORARY/HOURLY</u>							
Jolynda Finney	Student Worker (Workability)	Berkeley High	Special Ed.	N/A	Not to exceed 20 hrs a wk \$11.45 hr	1/06/03	6/30/03
Kevin Hughs	Noon Director	Berkeley Arts Magnet	Site Fund	N/A	Not to exceed 7 hrs/wk \$11.45 hr	12/12/02	6/13/03
Andrew Moisey	Instructional Specialist (Photography)	King	Site Fund	51/1	Not to exceed 6 hrs/wk \$20.96 hr	2/01/03	6/13/03
Danovi A. Pooler	Student Worker (Workability)	Berkeley High	Special Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	2/01/03	6/30/03
Katherine Redington	Tutor Specialty	John Muir	Site Fund	31/1	Not to exceed 6 hrs/wk \$12.77 hr	2/15/03	6/05/03
Kentera Roberson	Student Worker (Workability)	Berkeley High	Special Ed.	N/A	Not to exceed 20 hrs/wk \$6.75 hr	2/01/03	6/30/03
Owen Roberts	Instructional Specialist (Athletics)	Le Conte	Site Fund	51/1	Not to exceed 20 hrs/wk \$20.96	2/18/03	6/13/03
Timothy Whiting	Account Clerk	Account Payable	General Fund	36/1	1.0 FTE \$14.45 hr	2/10/03	5/10/03
<u>STIPEND</u>							
Jacob Dalton	Coach (Boys 8 th Gr. Basketball)	King	Site Fund	N/A	Not to exceed 10 hrs/wk \$600.00	11/30/03	3/01/03
Joyce Feng	Coach (Girls 8 th Gr. Basketball)	King	Site Fund	N/A	Not to exceed 10 hrs/wk \$300.00	12/12/02	2/03/03
Anthony Mason	Coach (Boys 7 th Gr. Basketball)	King	Site Fund	N/A	Not to exceed 10 hrs/wk \$600.00	12/10/02	2/28/03

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NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>WORKING EVENING SHIFT, OUT OF CLASS, ATTENDANT DUTIES OR AS CONFIDENTIAL OR MANAGEMENT EMPLOYEE</u>							
Karen Albala	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/1	10% differential (.80 FTE + \$1.28)	3/03/03	6/30/03
James Goan	Maintenance Engineer	Maintenance Dept.	BB Measure	54/3	5% differential (3 hrs + \$1.25)	2/24/03	8/24/03
Daniel Kelly	Instructional Assistant (Special Ed.)	Berkeley High	Special Ed.	31/1	10% differential (.80 FTE + \$1.28)	3/03/03	6/03/03
Cassandra Hauze	Instructional Assistant (Special Ed.)	Berkeley Arts Magnet	Special Ed.	31/1	10% differential (.80 FTE + \$1.28)	3/08/03	6/01/03

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: David A. Gómez, Ph.D.
Associate Superintendent, Human Resources
DATE: March 5, 2003
SUBJ: Memorandum of Understanding between Alliant International
University and BUSD.

BACKGROUND INFORMATION:

This *Memorandum of Understanding* between Alliant International University and Berkeley Unified School District allows the assignment of graduate students and to serve as interns to provide school counseling and psychology services to the District. The internship is part of the University's Teacher Credential Program or the MA/PPS: School Psychology Program. The graduate students will meet all the legal and personnel requirements permitting their service in the schools. The interns are not paid, thus there is no fiscal impact to the District.

POLICY/CODE:

Board Policy 9000.5

FISCAL IMPACT:

None

STAFF RECOMMENDATIONS:

Approve the *Memorandum of Understanding* between Alliant International University and Berkeley Unified School District.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Christine Lim
Associate Superintendent, Instruction
DATE: March 5, 2003
SUBJECT: Overnight Field Trip Requests

BACKGROUND INFORMATION:

The following overnight field trip requests are being made:

1. Approve participation of approximately 27 fourth grade students from LeConte Elementary School, two teachers and 10 parents to Jeness Park in Jamestown, California March 13-14, 2003. The purpose of the trip is to provide students with further experiences related to their study of the Gold Rush. The trip provides hands on activities including panning for gold and seeing where miners lived. Students will be housed at Longbarn, which is a retreat center that provides same gender cabins and facilities. Transportation will be provided by District transportation. The \$50 cost will be paid by fundraising and student fees. No student will be denied access based on ability to pay. Requested by Patricia Saddler, Principal, LeConte.
2. Approve participation of approximately 29 sixth grades students from Longfellow Middle School, two certificated employees and 3 other adults on an overnight camping trip to Angel Island May 14-15, 2003. The purpose of this trip is to observe a lunar eclipse, review the natural and human history of the site, build an accurate astronomical navigation tool and use it to determine our latitude, tour the immigration station and perform approximately 6 hours of community service. Students will take public transportation to Angel Island and camp in a large group camp site segregated by gender. The \$30 cost per student is being funded by class fundraisers and student donations. No student will be denied access based on ability to pay. Requested by Rebecca Cheung, Principal, Longfellow.

POLICY/CODE:

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

FISCAL IMPACT:

As indicated above.

STAFF RECOMMENDATION:

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 5, 2003
SUBJECT: Approval of Revised Emerson School Plan for Schoolwide Application under *No Child Left Behind*

BACKGROUND INFORMATION:

All schools wanting to operate as a Title I Schoolwide Program (SWP) must have a local Board of Education approved plan on file. Schoolwide Programs provide for the consolidation and use of Title I funds together with other Federal, State and local funds to upgrade the entire educational program of a Title I school in which at least 40% of the students are from low-income families. Emerson's Single Plan for Student Achievement was approved in September but because that plan did not address some of the requirements to be a school wide Program, the plan had to be revised. The plan has been revised with the involvement of all those who will carry out the plan, including teachers, principals, other site staff and parents and community members. Revisions to the plan include addressing the needs of historically underserved populations, describing the enriched and accelerated curriculum, coordination with the district's local improvement plan, addressing needs of all students, but particularly the needs of students targeted by the funds coordinated in the Schoolwide program, instruction provided by highly qualified staff and strategies for assisting in the transition from preschool to elementary grades.

The Schoolwide Program plan has been approved by the Emerson School Site Council on September 25, 2002.

POLICY/ CODE

Education Code Section 1114

FISCAL IMPACT

None.

STAFF RECOMMENDATION

It is recommended that the 2002-2003 Revised School Plan for Emerson school be approved.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr
Associate Superintendent of Business and Operations
DATE: March 5, 2003
SUBJECT: Approval of Contracts/Purchase Orders for Services
Contracts

BACKGROUND INFORMATION

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

The following contract services are requested.

1. Ratification of contract with Simplex Grinnell to provide one new horn/strobe device for Building "A", Berkeley High School and make part of the Campus Loop FA System with new signal card and programming. To be paid from Measure AA Budget. Requested by Lew Jones.
2. Bruce Wicinas to provide consultant services to evaluate BUSD Stage Lighting and relocate equipment and prepare a report with ballpark estimated to improve our schools part of BSEP Level 7 Approved Plan. The cost will not exceed \$5,000. To be paid from BSEP Budget. Requested by Lew Jones.
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. Copy Central to provide services for photocopying parent handbook and newsletters for Thousand Oaks School. The cost will not exceed \$1000. To be paid from Title I Budget. Requested by Jesse Ramos.
5. Krishna Copier to provide services for publishing newspaper for King Middle School. The cost will not exceed \$613. To be paid from GATE Budget. Requested by Kit Pappenheimer.

6. Charlotte Knox, Educational Assoc., to provide two staff development days at Washington School. Meet with grade-level teacher teams to set goals, evaluate student work, and assess progress toward meeting State Literacy Standards at a rate of \$1800 per day. The cost will not exceed \$3,600. To be paid from Magnet Budget. Requested by Rita Kimball.
7. Ratification of contract to Gloria Jeffcoat to provide consulting services to assist with conversion to QSS and review of payroll procedures and training as required at a rate of \$50.00 per hour plus mileage and parking. Board approval in the amount of \$14,200 on June 12, 2002. The additional time required increased the amount by \$5,672.58 for a total amount of \$19,872.58. To be paid from General Fund Accounting Budget. Requested by Peter Bloomsburg.
8. Ratification of contract to The Omax Pi Puppet Theater for Tobacco Prevention Puppet Show at LeConte School on October 16, 2002. The cost is \$250. To be paid from Tobacco Prevention Program Budget. Requested by Ken Jacopetti.
9. UC Regents/Break the Cycle to provide tutorial services for students at Malcolm X School for the 2002-2003 school years. The student-teaching intern ratio is 3-1, with a focus on math procedures and problem-solving, in preparation for the Stanford 9 exam. Snack is provided during each session. The cost will not exceed \$8,500. To be paid from BSEP Budget. Requested by Cheryl Chinn.
10. Edible Schoolyard to provide three after school GATE classes for students at King Middle School, during the spring semester 2003. Instruction and materials are included. The cost will not exceed \$3,750. To be paid from BSEP Budget. Requested by Kit Pappenheimer.
11. Ratification of contract to Martinez Junior High School for providing a basketball tournament for the 6th grade "A" girls' basketball team at Longfellow Middle School. The tournament took place at Martinez Junior High School, from January 23-25, 2003. The cost is \$125. To be paid from BSEP Budget. Requested by Rebecca Cheung.

12. Copyworld to provide photocopying services for the Berkeley High School BSEP Site Committee, for the 2002-2003 school years. The cost will not exceed \$3,000. To be paid from BSEP Budget. Requested by Laura Leventer.
13. PagePoint to develop and maintain, in conjunction with identified District staff, the BUSD Web page of the period January 1, 2003 through June 30, 2003. The cost will not exceed \$8,000. To be paid from BSEP Public Information Budget. Requested by Monica Thyberg.
14. Miriam Rokeach to provide services to revise and produce the Board Policy Manual for presentation to the School Board. Work to be performed during the period February 1, 2003 through June 30, 2003. The cost will not exceed \$3,000. To be paid from General Fund Superintendent's Budget. Requested by Michele Lawrence.
15. 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 March 6, 2003. The cost will not exceed \$9,408. To be paid from General Fund Accounting Budget. Requested by Song Chin Bendib.
16. Sierra Pacific Tours to provide bus services for the Berkeley High School as needed for the spring 2003 Sports Season. The cost will not exceed \$5,000. To be paid from General Fund Athletics Budget. Requested by Gabriel McCurtis.
17. Ratification of contract to Orrick Herrington to provide services for legal opinion on use of Measure BB Funds for Custodial Services. The cost will not exceed \$5,000. To be paid from Measure BB Budget. Requested by Lew Jones.

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 5, 2003
SUBJECT: Approve the establishment of check clearing accounts for the Berkeley Unified School District "After-School" programs

BACKGROUND INFORMATION

The Berkeley Unified School District's after-school programs collect fees from the parents for services provided after the regular school hours. In the past, these fees were deposited in the District together with the State's after-school apportionments in one account.

In order to provide proper accounting of the parents' fees separate from the State apportionment and to expedite the processing of checks from the parents, it is recommended by the administration that a checking accounts be set for this purpose. To expedite the processing of parent fees it is recommended that the District establish check-clearing accounts with Wells Fargo bank for each of eight sites. The signatures on the accounts will be the site principal and the after-school program coordinator. The only checks written from the account will be to the District or a refund to a parent. The accounts will be reconciled quarterly with the reconciliation reported to the Director of Fiscal Services.

POLICY/CODE

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the establishment of check clearing accounts for the Berkeley Unified School District "After-School" programs

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 5, 2003
SUBJECT: Authorization to Accept the Repair of the King Retaining Wall

BACKGROUND INFORMATION

On November 20, 2002, the Board approved a bid to fix a failing retaining wall at King. This wall was located at the southeast corner of the property, near the garden portable. 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 maintenance budget.

STAFF RECOMMENDATION

Accept the project as complete.

B E R K E L E Y U N I F I E D S C H O O L D I S T R I C T

RESOLUTION No. 02-61

AUTHORIZATION TO ACCEPT COMPLETION of the FAILING RETAINING WALLS at KING MIDDLE SCHOOL

WHEREAS, YOUNGER-WUNAR, INC., a contractor licensed and exiting under and by virtue of the laws of the State of California, and having offices at 2107 Kearney Street, El Cerrito, CA enter into a contract dated **2nd December, 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 Boiler Replacement Project at John Muir School 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 contract has completed the work of said contract in workerlike and satisfactory manner as of **March 5, 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 Board of Education of the Berkeley Unified School District this 5th day of March 2003.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Public Contract Code: 20111
Board Policy DJED

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 5, 2003
SUBJECT: Authorization to Solicit Qualifications for Architect Services to Assist BUSD in its Construction Program

BACKGROUND INFORMATION

In 1995, the Board approved a pool of architects for its future construction projects. That pool included seven firms. The process provided for pre-qualification of architects by a technical panel which included District staff, Board members, a representative from our construction management firm and several people associated with the University of California facilities staff. As a general rule, having a pool of architects worked well for BUSD. The pre-qualified list was referred to a Site Committee for interview and a firm was recommended to the Superintendent for final selection for a specific project.

The District has construction work planned over the next seven years. The District will need architecture firms to assist us in many different types of projects, from new construction to modernizations to landscape projects. The concept of a pool of pre-qualified firms is still a good idea. It can shorten the process of selection while still providing for a "fit" between the Site Committee and the designer. We want to make minor modification in the approach this time. Those changes are to allow for the possibility of more than one pool (such as qualifying a landscape architect for only landscape projects) and to allow for administrative discretion when the pool is being referred to a Site Committee. The exact size of the pool of architects is not yet determined. It is anticipated that the pool for the larger projects may be 4-6 firms.

School Districts cannot select architectural services based upon lowest price. We must select based on demonstrated competence at a fair and reasonable price. We propose the following process for selection:

1. Board authorization on March 5, 2003;
2. Proposals for architectural services due by April 20, 2003;
3. Paper screen of proposals by administrative staff (the Director of Facilities, a representative from the District's construction management firm and the Associate Superintendent of Business) by May 25, 2003;

4. Interview a maximum of twelve firms by a Committee no later than June 10, 2003. The Committee will be composed of:
 - A Board Appointee (if one wishes to serve)
 - Two Board appointed members of the Construction Committee
 - One Board appointed member of the Maintenance Committee
 - The Associate Superintendent of Business and Operations
 - The Director of Facilities
 - The Director of Maintenance
5. Superintendent consideration of the Committee's recommendation and recommendation for inclusion on the list for Board approval on July 2, 2003

POLICY/CODE

Government Code 4525 – 4529.5.

FISCAL IMPACT

The expenses will be paid from the Measure AA proceeds. The cost to create the pool is not large. The cost of the contracts will depend on the number of projects assigned to the Consultants and negotiations with those firms.

STAFF RECOMMENDATION

Approve the process for selecting a pre-qualified pool of architects for the District.

B E R K E L E Y U N I F I E D S C H O O L D I S T R I C T

RESOLUTION NO. 02-60 AUTHORIZING TO CREATE FUND FOR COUNTY SCHOOL FACILITIES FUND (FUND 35) and MAKE APPROPRIATE TRANSFERS TO THE SCHOOL CONSTRUCTION FUND (FUND21)

WHEREAS, California Education Code Sections 15746 and 16095 provide that the Governing Board of a school district may direct the transfer of funds from either County School Facilities Fund (Fund 35) or State School Building Lease/Purchase (Fund 30) to the School Construction Fund (Fund 21) and,

WHEREAS, the Berkeley Unified School District (District) has previously applied for funds from the Office of Public School Construction (OPSC) and,

WHEREAS, the District's application was approved by the State Allocation Board (SAB) based on the application sent to OPSC and,

WHEREAS, Funds are now available from the State to construct and modernize district's facilities

WHEREAS, there are established accounting procedures for depositing and transferring these funds and,

WHEREAS, this resolution is required by the County Superintendent of Schools and County Auditor and County Treasurer of the County of Alameda in order to transfer funds among the State School Building Lease/Purchase (Fund 30), to the School Construction Fund (Fund 21) and the County School Facilities Fund and,

WHEREAS, California Education Code Sections 17009.5 and 17070.10-17076.10 provide that the Governing Board of a school district may establish a County School Facilities Fund (Fund 35) and,

WHEREAS, the County School Facilities Fund (Fund 35) is to be used for funds accumulated and expended for buildings and improvements of buildings and new constructions

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby establishes a Special Fund - County School facilities, separate from the District's General Fund, for the purpose of separate accounting for the deposit and recording of transactions related to these construction projects; and

BE IT FURTHER RESOLVED that the Administration is hereby authorized to make the appropriate transfers among these funds and,

BE IT FURTHER RESOLVED that the Administration is hereby authorized and directed to submit this resolution, requesting the establishment of this new fund, and make the appropriate transfers to the County Superintendent of Schools and Auditor and Treasurer of the County of Alameda.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 5th day of March 2003 by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joaquin Rivera , President
Board of Education

Michele B. Lawrence,
Superintendent and Secretary
Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Jerry J. Kurr
Associate Superintendent of Business and Operations
DATE: March 5, 2003
SUBJECT: Authorization to Establishment of Fund for County Schools facilities

BACKGROUND INFORMATION

The District has sent an application to the Office of Public School Construction (OPSC), the State agency that accepts applications from school districts for matching funds. At the time of the application, the State Allocation Board (SAB) did not have funds available for their matching share. The voters approved a State School Building bond measure in last November's election. That measure provides funds for the modernization that has taken place in Berkeley Unified School District. In order to properly account for those funds and make transfers, the District needs to establish a County School Facilities Fund (Fund 35). The included resolution will authorize the establishment of that fund.

POLICY/CODE

California Public Contract Code Section 41003, 42840, 15235 and 17462

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Approve Resolution 02-60 to authorize the establishment of a fund for County Schools facilities.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence
Superintendent
DATE: March 5, 2003
SUBJ: Resolution 02-58 Reducing Particular Kinds of Services

BACKGROUND INFORMATION:

The Berkeley Unified School District is confronted with budgetary problems that reduce its ability to provide the same type of services at the same level, and in the same manner as provided in previous years. As a consequence, the Board has the authority to reduce or discontinue particular kinds of service. "Particular Kinds of Services" are those services that are scheduled to be eliminated which are currently being provided by District certificated employees.

The resolution proposed for Board action accomplishes two general objectives. The first, represents official action reducing particular kinds of services and two, initiates the layoff process for affected certificated employees. The resolution assumes that the District will no longer employ all current temporary and substitute employees after June 30th, 2003. It further reflects the assumption that all employees on leave of absence will be returning.

The reductions in services because of new Court decisions include services which in past years would not have been included in this Board action.

These include:

- Teachers replacing employees on leave 40.2 FTE
- Categorical or grant funded teachers 44.0 FTE
- Teachers serving with emergency credentials 18.1 FTE

Continued

In the past, this total of 102.3 teachers would be released each year without need for a formal resolution because they were classified as temporary employees. This year, because of court decisions and agreement with BFT, the District treats these teachers as probationary employees and as such will receive a March 14th notice of employment lay-off.

This resolution will also result in the possible lay-off of approximately 15.0 FTE permanent employees of the District due to enrollment decline and class size increases.

POLICY/CODE:

Education Code Sections 44955 and 44949

FISCAL IMPACT:

Reduction in employee costs to alleviate budget deficit.

STAFF RECOMMENDATIONS:

Approve resolution reducing particular kinds of services.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: David A. Gómez, Ph.D.
Associate Superintendent, Human Resources
DATE: March 5, 2003
SUBJ: Approve the Variable Term Waiver for 1.00 FTE High School Counselor.

BACKGROUND INFORMATION:

There has been a significant effort to recruit for the vacant position of High School Counselor due to the resignation of two high school counselors.

The Berkeley High School Administration has identified a student teacher who is finishing his course work to be a credentialed school counselor. Until a student teacher receives an appropriate credential, the state requires that teacher or counselor to be on a waiver. Therefore, the District is requesting a waiver for this student teacher/counselor to work at BHS as a counselor for the remainder of this school year.

POLICY/CODE:

Board Policy 44266

FISCAL IMPACT:

\$13,459.14

STAFF RECOMMENDATIONS:

Approve the variable term waiver request for 1.00 FTE High School Counselor.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Chris Lim, Associate Superintendent of Instruction
DATE: February 25, 2003
SUBJECT: LEAF Grant Budget approval

BACKGROUND INFORMATION

Berkeley Unified School 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 (See attached LEAF scope of work and budget).

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 (SB19), which sets nutritional standards for all foods and beverages sold on school campuses. To meet these goals, the BUSD Leaf Pilot Program supports collaboration between the Science Department, the P.E. Department, Garden and Cooking Instructors, and Nutrition Services to develop and implement the following strategies: a) reviewing and revising the Berkeley Unified School District Food Policy to bring the policy into compliance with SB 19 and to include policies that address healthy competitive food sales and Physical Education; b) improving the infrastructure of Nutrition Services to support preparation and delivery of nutritious meals and to offer California grown fresh fruits and vegetables; c) increasing the consumption of California grown fresh fruits and vegetables through Nutrition Services and nutrition education; d) ensuring students engage in healthful levels of vigorous physical activity.

Policy/Code

Fiscal Impact

\$493,000 revenue to restricted funds

Staff Recommendation

Accept the LEAF grant funds and direct staff to implement the attached budget.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 5, 2003
SUBJECT: Approval of Five-Year Deferred Maintenance Plan

BACKGROUND INFORMATION

The Board must have an approved Five-Year Deferred Maintenance Plan to be eligible for Deferred Maintenance funds from the State. The law changed a few years ago and the Board is required to discuss this at “a regularly scheduled public hearing which shall also address the use of deferred maintenance money for the inspection, identification, sampling and analysis of building materials to determine the presence of lead-containing materials and the control, management, and removal of lead-containing materials”

The District’s portion of the Deferred Maintenance is from the Bond. The projects contained in our yearly Facilities Plan include projects funded from the Deferred Maintenance Fund and the Bond. The Board has recently approved a re-allocation of its funds in order to approve a new Facilities Plan. We wish to submit a revised Deferred Maintenance Plan so that our currently planned projects can be budgeted to that Fund. We are requesting approval to submit the following projects to the State for approval:

PROJECT	YEAR	COST
LeConte Roof	2003/04	\$ 400,000
Willard C Walkway Waterproofing	2003/04	\$ 40,000
Oxford Roof	2004/05	\$ 200,000
King Science Roof	2004/05	\$ 155,000
Franklin Roof	2005/06	\$ 500,000
Emerson Painting	2006/07	\$ 100,000
Emerson Flooring	2006/07	\$ 260,000
Jefferson Classroom Roof	2006/07	\$ 190,000
King Media Painting	2006/07	\$ 50,000
King Media Flooring	2006/07	\$ 90,000
Willard cafeteria Roof	2006/07	\$ 120,000
BHS Donahue Roof	2006/07	\$ 210,000
Whittier Boiler Replacement	2007/08	\$ 325,000

The District surveys its buildings for lead-containing building materials in the areas disturbed in conjunction with its construction projects.

POLICY/CODE

Education Code Sections 17565 - 17593.

FISCAL IMPACT

Approximately \$300,000 from the State match.

STAFF RECOMMENDATION

Approve the Five-Year Deferred Maintenance Plan.

TO: Board of Education and Superintendent
FROM: Shirley Issel, Director
DATE: 03/05/03
SUBJECT: Second Reading: Board Policies

- Board Advisory Committees 9130
- School Construction Oversight Committee 9131
- Facilities Maintenance & Security Oversight Committee 9132

BACKGROUND

The Board has agreed to update both the charge and composition of the Board's Advisory Committees. These three policies are being presented to the Board for a second reading. The Board can take action at this meeting or bring the policies back for a third reading. The first reading and discussion occurred at the February 19, 2003 Board meeting. Changes have been made based upon Board discussions at that time. Additions are indicated by ***bold Italics***. Deletions are indicated by ~~strikethrough~~.

Policy on Board Advisory Committees: 9130

Policy 9130 should be viewed as a master policy or guide for the establishment and operations of Board Advisory committees. Two types of Board Committees are delineated in Policy 9130: 1) Tax Oversight Committees; and, 2) Board Task Forces. (Policies pertaining to a third type of Committee, that is, other legislated committees such as, Title I, Music Curriculum Committee; BSEP Site Committees, will be addressed at a later meeting.)

During the first reading (February 19, 2003) Board discussion focused on issues concerning "conflict of interest" and membership on committees with tax oversight responsibilities. Another issue raised during the February 19, 2003 meeting concerned Committee access to the Board agenda, that is, should "Tax Oversight" and/or "Task Force" Committees have a standing spot on the School Board agenda, and if so, should there be guidelines for comments by Committee representatives? Suggestions made by Board members and the public during the last meeting and subsequent suggestions coming from community groups have been incorporated into the changes brought forward tonight.

"School Construction Oversight Committee" (9131) and "Facilities Safety and Maintenance Oversight Committee" (9132) are also being brought forward for a second reading and potential action. The names of these Committees have been changed to reflect their status as Tax Oversight Committees. The issues raised regarding Policy 9130 are also relevant in considering Policies 9131 & 9132: all three policies must be aligned. Modifications have also been made to these policies based upon

Board discussion at the first reading and subsequent community input. Additions are indicated by ***bold Italics***. Deletions are indicated by ~~strikethrough~~.

POLICY/CODE

The policy numbers assigned to these three policies are aligned with the new (draft) Board Policy Manual

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RECOMMENDATION

Accept for second reading and possible action.

**SECOND READING
BOARD POLICY 9130:
ADVISORY COMMITTEES**

BERKELEY UNIFIED SCHOOL DISTRICT

March 5, 2003

9130 Board Committees

9130.1 Advisory Committees

A. Intent

The Board may create Advisory Committees for special purposes. It is the intent of the Board to encourage the participation and involvement **of the Berkeley community** and involvement of citizens, particularly parents, *in our* public schools. ~~education in Berkeley.~~ Membership on Board Advisory Committees is an important means of insuring such participation. *Thus, the Board will make efforts to ensure that the composition of all Committees is as representative of the diversity of the Berkeley school community as is practicable.*

B. Limitation of Advisory Committees

The Board possesses certain legal powers and prerogatives, which cannot be delegated or surrendered to others. Recommendations of an advisory committee are not, therefore, binding on the Board and must be submitted to the Board for consideration and action. ~~Unless otherwise called for by statute, or acted upon by the Board, a Board Advisory Committee shall be dissolved upon completion of its assignment, or it may be dissolved by a vote of the Board at any time.~~ The Board shall insure that Committees act in accordance with applicable Board policies and local/state/federal laws.

9130.2 ~~Citizen~~ Tax Oversight Committees.

A. Intent.

The Board has Committees created by or associated with local legislation authorizing collection of taxes for special purposes. Such Committees shall be defined as ~~Citizen~~ **Tax** Oversight Committees. These Committees include (but may not be limited to):

- BSEP Planning and Oversight Committee (BSEP P&O)
- **Facilities Maintenance and Security Oversight Committee (MOC)**
~~Maintenance Advisory Committee (MAC)~~
- **School Construction Oversight Committee (SCOC)** ~~Citizens Construction Advisory Committee (CCAC)~~
- Other Committees as may be specified by local, State or Federal code applicable to school districts.

B. Charge.

Tax Oversight Committees are charged with monitoring the expenditure of the tax monies and ensuring compliance with the terms of the local

**SECOND READING
BOARD POLICY 9130:
ADVISORY COMMITTEES**

legislation governing those tax revenues. As part of its charge, the Board shall provide the committees with a timeline for the completion of their charge and designate when and how reports are to be made.

C. Composition and Qualifications.

Except where otherwise specified by statute (e.g., BSEP Planning & Oversight Committee) the Board shall determine the composition and the qualifications of membership. Membership in *Tax* Oversight Committees shall be limited to ~~citizens who are not employed of the District~~ ***residents or taxpayers of the City of Berkeley, parents of students, or employees who are not in a conflict of interest position, i.e., individuals or their family members, agents of employees or vendors who may stand to gain financially from a recommendation of the Committee.*** ~~In appointing citizens to Committees charged with oversight of tax revenues, the Board shall take special care to insure that members are free of any conflict of interest position.~~

The Committee may form subcommittees to assist the Committee in developing recommendations in specific aspects of its charge. The composition and charge of such subcommittees shall be at the discretion of the Committee.

D. Term of appointment.

The Board shall appoint members annually. Members' terms expire December 1st each year unless otherwise provided for by the Board. Committee members may be re-appointed to more than one term. Any Committee member who misses three meetings during the year without a valid excuse may be replaced by the appointing individual or appointing group.

E. Members.

The Board and/or the Superintendent shall appoint ~~community~~ members except where otherwise ***acted upon by the Board***, specified in applicable legislation ***or Board-approved bylaws***. Each Board Member, including the Student Director and the Superintendent shall have at least one appointed representative. When the number of members to be appointed by the Board is greater than the number of Board Members, each Board member shall appoint one member; remaining appointments shall be approved by a majority vote of the Board. The Board may, at its discretion, appoint one or two Board Members as Liaison to the Committee. No Board Member may be a voting member to any such committee. The votes of students appointed to committees shall be counted, with the exception of the votes of those students appointed to committees established by the California Education Code.

**SECOND READING
BOARD POLICY 9130:
ADVISORY COMMITTEES**

9130.3 Board Task Forces

A. Intent.

The Board may create, from time to time, a Task Force to address issues of current concern to the Board. The charge of such a Task Force shall be to assist the Board in the development of policy recommendations for Board consideration. Composition of a Board Task Force may vary in accordance with the purpose and charge of the Task Force. The Board shall provide the committees with a timeline for the completion of their charge and designate when and how reports are to be made. Such a Task Force shall be dissolved upon completion of its assignment, or it may be dissolved by a vote of the Board at any time. ***The Board shall reconsider and reaffirm both the charge and membership of each of its Task Forces at the Board's annual organizational meeting.***

B. Composition and Qualifications.

The Board shall determine the composition and the qualifications of membership. The Board shall take care to ensure that ~~members are free of any conflict of interest position and that~~ citizen members outnumber staff.

C. Term of appointment.

The Board shall appoint or reappoint ***Task Force*** members ***at the Board's annual organizational meeting*** annually. ~~Members' terms expire December 1st each year unless otherwise provided for by the Board. Committee~~ ***Task Force*** members may be re-appointed to more than one term. Any ~~Committee~~ member who misses three meetings during the year without a valid excuse may be replaced by the appointing individual or ***appointing*** group.

D. Members.

The Board and/or the Superintendent shall appoint ***Task Force*** ~~community~~ members ***except where that authority is otherwise delegated by the Board.*** Each Board Member, including the Student Director, and the Superintendent shall have at least one appointed representative. Community members shall outnumber staff members in all Task Forces. When the number of members to be appointed by the Board is greater than the number of Board Members, each Board member shall appoint one member; remaining appointments shall be approved by a ***majority*** vote of the Board ~~as a whole.~~ ***Employees serving on a Task Force may be appointed by the Board or, where deemed to be appropriate to the charge of the Task Force, shall be appointed by their bargaining unit.*** ~~Employees of the district shall be appointed by their exclusive bargaining unit. Membership is limited to staff who are current active employees of the district.~~ The Board may, at its discretion, appoint one or two Board Members as Liaison to the Committee. No Board Member may be a voting member to any such committee. The votes of students appointed to committees shall be counted,

**SECOND READING
BOARD POLICY 9130:
ADVISORY COMMITTEES**

with the exception of the votes of those students appointed to committees established by the California Education Code.

9130.4 Administrative Responsibilities

The administration will provide reasonable levels of support to advisory committees to assist them in the completion of its charge. ~~To provide support to its advisory Committees in the completion of its charge~~ The Board shall delegate to the Superintendent (or his/her designee), the following responsibilities:

1. Publicize the creation of the Committee and conduct outreach to recruit a group of diverse candidates for membership.
2. Designate an appropriate staff person to support the work of the Committee.
3. Provide training and orientation to the Committees shortly following their initial organizational meeting.
4. Provide copies to each member of the committee's charge, roster, Board guidelines, materials pertinent to the Committee/Task Force's charge and, where appropriate, "conflict of interest" declaration forms
5. Provide assistance to the committee to produce required reports and records.
6. Provide assurance to the Board that committees are acting in accordance with applicable Board policies and local/state/federal laws.

9130.5 Committee Guidelines

The provisions of the Ralph M. Brown Act (section 54950 of the Government Code) shall apply to any committee created by formal action of The Board. Committees shall follow the Brown Act. ~~except no closed sessions will be held and no discussion of items appropriate for closed session (such as collective bargaining, personnel matters and so forth) shall be permitted.~~ Committees shall not adopt their own rules or by-laws except as authorized by the Board. Committees will observe the following guidelines:

1. Meeting notice, time and place. Advisory Committee meetings shall be in a public place, open to the public, and noticed at least 72 hours in advance (preferably longer). The day and time of meetings shall be agreed upon among the Committee members. All meetings are open to the public as provided by the Brown Act and shall be held at times of reasonable public access. *A closed session may not be convened without the express authority of the Board or its designee.*
2. Record keeping. The Committee shall establish a calendar and perform the standard record-keeping functions of such committees, including: having written agendas, recording attendance and minutes of each

**SECOND READING
BOARD POLICY 9130:
ADVISORY COMMITTEES**

meeting, recording votes, and disseminating these documents to committee members and the Board.

3. Appointment of Chair. Unless otherwise acted upon by the Board, the Committee shall designate a permanent chairperson. The chairperson shall be an appointed member of the Committee, a Berkeley resident and non-employee of the District.
4. Conduct of Meetings. Committees will follow standard meeting procedures (Robert's Rules of Order) with meetings conducted in an open, civil manner.
5. Quorum. Quorum shall consist of no fewer than "one half plus one" of the total number of Representatives.
6. Communications with Board. The *Advisory* Committees shall make timely, written, progress reports to the Board pertinent to its charge *and timeline as specified by the Board. These reports shall be placed on the Board meeting agenda by the Staff Liaison to the Committee through the Board's regular calendar and agenda process.*

Advisory Committees may also be provided an opportunity to address the Board when an item on the Board agenda falls within the subject matter jurisdiction of the Committee and the Committee's statement represents the majority view of the Committee (which may be verified by meeting records). Committee representatives shall notify the Board president prior to the Board meeting of the Committee's intent to speak. ~~Should a Committee wish to address the Board, the Committee should request a place on the Board agenda.~~

7. Committee Activities. Any public activities to be sponsored by a committee must receive approval by the Board before they can be publicized as a Board-sponsored event.

9130.6 Chairperson Responsibilities

1. *Establish the agenda in conjunction with the Staff Liaison.*
2. *Preside at the meeting.*
3. *Be the designated spokesperson for the Committee.*
4. *Regularly review the Board agenda for items pertinent to the Committee's charge.*
5. *Ensure that the Board liaison to the Committee receive regular updates on the work of the Committee.*

**SECOND READING
BOARD POLICY 9130:
ADVISORY COMMITTEES**

SECOND READING POLICY 9131: SCHOOL CONSTRUCTION OVERSIGHT COMMITTEE
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BERKELEY UNIFIED SCHOOL DISTRICT

March 5, 2003

Policy 9131. ~~CITIZENS SCHOOL CONSTRUCTION ADVISORY OVERSIGHT COMMITTEE~~

The Board shall form a ~~Citizens School~~ Construction Advisory *Oversight* Committee (the "Committee") in order to provide enhanced accountability to the community by ensuring that monies are spent in accordance with the Berkeley Schools Bond Measure of 2000. The Committee shall be answerable to and make recommendations directly to the School Board.

9131.1. CHARGE OF THE COMMITTEE:

The purpose of the ~~Citizens School Construction Advisory Oversight~~ Committee is to assist the School Board in monitoring the progress of construction projects and the expenditure of construction funds. The committee will:

- a) Review construction program plans and expenditures to ascertain whether construction expenditures are consistent with the annual plan and whether projects are proceeding as planned and report to the Board on a quarterly basis.
- b) Review any major change in anticipated costs or nature of projects previously reviewed by the committee and approved by the Board. (Example: substitution of state-funded, fast track projects.)
- c) Advise the School Board of any concerns with regard to its expenditures or progress of Measure AA fund projects.
- d) Present a report to the Board for its review in the fall of each year in conjunction with the Board's annual auditing process. The report shall include, but not be limited to, a review of construction plans as well as projected and actual expenditures and fund acquisitions.

9131.2. COMPOSITION OF THE COMMITTEE:

~~This Committee has oversight responsibilities, therefore potential conflict of interests must be considered when making appointments. For this reason, employees of kBUSD are not eligible for membership. The Committee shall be comprised of 11 official voting members who meet the criteria specified in Board Policy 9130, to be selected as follows:~~

- a) Nine Board appointed ~~community~~ representatives. ~~who are not employees of the District~~
- b) Two community representatives appointed by the Superintendent.

**SECOND READING
POLICY 9131:
SCHOOL
CONSTRUCTION
OVERSIGHT COMMITTEE**

9131.3 CRITERIA FOR MEMBERSHIP:

Appointments will be made to achieve a balanced, diverse committee with representation in at least the following areas:

- Construction experience or knowledge--familiarity with costs of construction and standard trade practices in public construction projects.
- Project management--knowledge of or experience with complex projects.
- BUSD facilities needs and planning efforts to date.
- Budgetary knowledge--familiarity with standard accounting practices; knowledge of bond funding desirable.
- Familiarity with the Berkeley school community and the interests of representative school groups.
- Maintenance and safety knowledge--familiarity with standard practices in the maintenance and safety of facilities.

9131.4 COMMITTEE GUIDELINES

- a) The provisions of the Ralph M. Brown Act (section 54950 of the Government Code) shall apply to this Committee
- b) The Committee should follow the guidelines set forth in the School Board's policy on ~~Citizen Oversight~~ **Advisory** Committees (Policy # 9130)

**SECOND READING
BOARD POLICY 9132:
Facilities Maintenance and
Security Oversight Committee**

BERKELEY UNIFIED SCHOOL DISTRICT

March 5, 2003

9132. FACILITIES SAFETY AND MAINTENANCE ADVISORY OVERSIGHT COMMITTEE The Board shall form the Berkeley Schools Facilities *Safety and* Maintenance and ~~Security Advisory~~ *Oversight* Committee (the "Committee") as authorized by the *Berkeley Schools Facilities Safety and Maintenance Act of 2000* (the "Measure"). The Committee shall provide enhanced accountability to the community by ensuring that the monies are spent in accordance with the Measure. The Facilities *Safety and* Maintenance and ~~Security Advisory~~ *Oversight* Committee shall be answerable to and make recommendations directly to the School Board.

9132.1. CHARGE OF THE COMMITTEE:

In order to review the District's administration of and compliance with the terms of this Measure, the Committee shall provide input into the long term Strategic Plan for the maintenance and security of the District's facilities and the Annual Plan for expenditures on maintenance and safety:

- a) Strategic Plan: The Committee shall provide input into a long term, equitable and systematic, multi-year strategic plan (the "Strategic Plan") for maintenance to be developed by District staff, for Board approval. The Strategic Plan shall be consistent with the intent of the Measure and will be reviewed annually.

- b) Annual Plan: The Committee shall provide input into an expenditure plan (the "Annual Plan") to be developed annually by the District staff recommending specific expenditures of the tax proceeds for maintenance and safety that are consistent with the intent of the Measure. The assumptions associated with the recommended expenditures shall be included in the Annual Plan. The Committee shall develop processes to insure that the particular needs of each site are understood and considered in the development of the Annual Plan. The Plan shall be presented for Board action each year in conjunction with the District's annual budget adoption process. To facilitate public discussion, a draft Annual Plan shall be distributed to the ~~Facilities Maintenance and Security Advisory~~ Committee and made available for public review at least two weeks prior to Board action. The plan will include measurable goals and objectives.

- c) Annual Report: A progress report shall be developed by District staff annually in the fall of each year. The Annual Report shall measure and report on the Maintenance

**SECOND READING
BOARD POLICY 9132.
Facilities Safety and
Maintenance Oversight
Committee**

Department's achievement of its goals and objectives. A copy of the Annual Report shall be made available to the Committee *for its commentary* no less than two weeks prior to presentation to the Board. The Progress Report shall be presented to the Board in conjunction with the Board's annual Audit Report.

9132.2. COMPOSITION OF THE COMMITTEE:

The ~~Facilities Maintenance and Security Advisory~~ Committee shall be comprised of 11 official, voting members, *who meet the criteria as specified in Board Policy 9130*, to be selected as follows:

- a) Seven Board appointed community representatives ~~who are not employees of the District.~~
- b) Two community representatives appointed by the Superintendent.
- c) Two members of BSEP P&O appointed by the BSEP Planning & Oversight Committee.

~~This committee has oversight responsibilities. Thus potential conflict of interest must be considered when making appointments. For this reason, employees of BUSD are not eligible for membership.~~

9132.3. CRITERIA FOR MEMBERSHIP:

- Facilities safety and maintenance experience or knowledge--familiarity with standard practices in construction and maintenance of public facilities.
- Budgetary knowledge--familiarity with standard accounting practices;
- Administrative experience--familiarity with effective management and administrative practices.
- Familiarity with the Berkeley school community and the interests of component school groups.
- Familiarity with BUSD maintenance needs and planning efforts to date.
- ~~Because this Committee has oversight responsibilities, potential conflicts of interest must considered when making appointments. For this reason, employees of BUSD are not eligible for Committee membership.~~

9132.4. COMMITTEE GUIDELINES

- a) The provisions of the Ralph M. Brown Act (section 549050 of the Government Code) shall apply to this Committee.

- b) The Committee should follow the guidelines set forth in the School Board's policy on ~~Citizen Oversight~~ *Advisory* Committees (Policy # 9130).

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence
FROM: Lew Jones
DATE: March 5, 2002
SUBJECT: Update on the Exploration of the Proposal to Relocated the Adult School to the Franklin site

BACKGROUND INFORMATION

The Board authorized staff to explore the possibility of relocating the Adult School to Franklin. This report is an update of progress made. It does not include a recommendation.

The Board approved an extension of services for the architect previously identified to design the Franklin School Modernization to conduct study on whether the Adult program can fit at the Franklin site. The firm, Hardison, Komatsu, Ivelich and Toker (HKIT) have held a series of meetings with the Adult School administration, teachers and classified staff. A preliminary plan has been developed. It appears that the educational programs at the Adult School can fit at Franklin with very little modification to the current program.

We have also done a preliminary lay-out to see if there is sufficient space to accommodate parking in the existing blacktop area. It appears that it is large enough to accommodate the parking needs.

We will provide a verbal update to the Board at the March 5th Meeting. The next steps will be to hire a surveyor to map the site, lay-out the parking better based upon that information, hire a consultant to assist with the environmental analysis, conduct meetings with the neighborhood and return to the Board for approval of the design and any environmental action recommended.

POLICY/CODE

None.

FISCAL IMPACT

The Board approved additional from the Bond to explore and resolve whether the programs could be housed at the Franklin site.

STAFF RECOMMENDATION

Accept the report.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 5, 2003
SUBJECT: Update on the Exploration of the Proposal to Relocated the Adult School to the Franklin site

BACKGROUND INFORMATION

The Board authorized staff to explore the possibility of relocating the Adult School to Franklin. This report is an update of progress made. It does not include a recommendation.

The Board approved an extension of services for the architect previously identified to design the Franklin School Modernization to conduct study on whether the Adult program can fit at the Franklin site. The firm, Hardison, Komatsu, Ivelich and Toker, (HKIT) have held a series of meetings with the Adult School administration, teachers and classified staff. A preliminary plan has been developed. It appears that the educational programs at the Adult School can fit at Franklin with very little modification to the current program.

Tonight Staff is prepared to review the next steps to hire a surveyor to map the site, lay-out the parking to maximize space, hire a consultant to assist with the environmental analysis, conduct meetings with the neighborhood and return to the Board for approval of the concept, design and implementation plans.

POLICY/CODE

None.

FISCAL IMPACT

None.