

**BERKELEY UNIFIED SCHOOL DISTRICT**  
**Office of the Superintendent**  
**District Administrative Offices, Board Conference Room**  
**2134 Martin Luther King Jr. Way**  
**Berkeley, CA 94704-1180**  
**Phone: (510) 644-8764 Fax: (510) 540-5358**

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

**Wednesday, November 19, 2003**

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

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

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
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

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\*The Student Director does not attend Closed Session.

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

Approve Agenda                      Approve the Regular Meeting Agenda of  
November 19, 2003  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

Approve Minutes                      Approve the Board of Education Minutes of  
November 5, 2003  
Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

Page  
1

**RECOGNITION AND ACKNOWLEDGEMENT**

Recognition and Acknowledgement of Mr. Larry Goldenberg, President, Berkeley Rotary Club and the Berkeley Rotarians, for donating and distributing The American Heritage Children’s Dictionary, by Houghton Mifflin, to every third grade student in the City of Berkeley.

**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 spokesperson to address the Board.

**REPORTS**

Union Representatives’ Reports  
Superintendent’s Report  
Board Members’ Report

**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                      Board Member Recommendation:  
Resolution Opposing                      Approve Resolution Opposing Liquor Sales at Proposed  
Liquor Sales at                      Long’s Drug Store at 2300 Shattuck Avenue, Berkeley  
Proposed Long’s                      Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_  
Drug Store at  
2300 Shattuck  
Avenue, Berkeley

15

Human Resources

2.1-C Staff Recommendation: 17  
Acceptance of Accept Personnel Report 03-30 as submitted  
Personnel Report Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

Educational Services

3.1-C Staff Recommendation: 22  
Approval of Berkeley Approve Carl D. Perkins Vocational and  
High School Carl D. Technical Education Application/Plan for  
Perkins Vocational Funding  
and Technical Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_  
Education Application  
Plan for Funding

Business and Operations

4.2-C Staff Recommendation: 48  
Resolution 03-21: Approve Resolution 03-21: Authorization to  
Authorization to establish Separate Payroll and Benefits  
Establish Separate Clearing Fund at the County-Treasurer's Office  
Payroll and Benefits Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_  
Clearing Fund at the  
County Treasurer's Office

4.3-C Staff Recommendation: 50  
Resolution 03-25: Approve Resolution 03-25: Authorization to Accept  
Authorization to Accept completion of the New Campus Green Project at  
Completion of the New Berkeley High School  
Campus Green Project Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_  
At Berkeley High School

**ACTION ITEMS**

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

Business and Operations

4.1-A Fee Schedules for the rental and leasing of District property	<u>Staff Recommendation:</u> Approve the proposed Fee Schedules for the rental and leasing of District property Motion_____ Second_____ Vote	52
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**INFORMATION**

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

Educational Services

<b>8:30 p.m.</b>		
3.1-I Performance Levels on the California Standards Test	<u>Staff Recommendation:</u> Receive the California Standards Test results for review and information.	56

<b>9:00 p.m.</b>		
3.2-I 5 <sup>th</sup> Annual Report on the District’s Early Literacy Plan	<u>Staff Recommendation:</u> Receive the 5 <sup>th</sup> Annual Report on the District’s Early Literacy Plan for review and information	128+ Separate document

Business and Operations

4.1-I Revised Modifications of Property Guidelines	<u>Staff Recommendation</u> At the last Board Meeting, the Board requested that staff submit a revised copy of the Modifications of Property Management Guidelines. Attached is the revised document	131
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**EXTENDED PUBLIC TESTIMONY**

Persons wishing to address the Board at this time should fill out a card located on the table by the door and submit the completed card to the Board Recorder. (Public Testimony is limited to a maximum of 30 minutes—3 minutes per speaker).

**ANNOUNCEMENT**

**Schedule of Board of Education Meetings for 2003:**

November 19, 2003  
December 3, 2003  
December 17, 2003

**ADJOURNMENT**

Time \_\_\_\_\_

**Board of Education Meetings are broadcasted live on KPFB/FM 89.3  
Berkeley's Government Access Channel 33**

**GUIDELINES FOR SPEAKERS**

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

**WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR A NON-AGENDA ITEM:**

Please fill in a **REQUEST TO ADDRESS THE BOARD OF EDUCATION CARD** (located on the side of the Speaker's Stand) and give it to the Board Recorder. Speakers will be selected by lottery. Your card must be submitted before the Presiding Officer calls for the item—**PUBLIC TESTIMONY**.

You will be called on to speak by the Presiding Officer.

A speaker has three minutes in which to make his/her remarks. (The Presiding Officer will extend the time allocation for those with special speech needs.)

Any subject related to the District or its educational programs may be discussed at Board of Education Meetings except matters pertaining to individual employees of the Berkeley Unified School District. There is an established procedure for making such complaints. You may obtain information about this procedure from a school or from the Superintendent's Office.



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Directors  
**FROM:** John Selawsky, Vice President  
**DATE:** November 19, 2003  
**SUBJECT:** Resolution Opposing Liquor Sales at Proposed Long's Drug Store at 2300 Shattuck Avenue, Berkeley, California

### **BACKGROUND INFORMATION**

Long's Drug Store is proposing to move into the vacant building (former CEB site in downtown Berkeley) at 2300 Shattuck Avenue, the corner of Bancroft and Shattuck in downtown Berkeley. Part of Long's application is a request for liquor sales (beer and wine at this time.) The site is approximately 600 feet from our Berkeley High School campus, which has an open campus policy (students leave and return for lunch).

The Board and the District are responsible for students en route to and returning home from school; this responsibility typically has been interpreted for a period of one hour both before and after school. The proximity of an alcohol-sales merchant so close to our main high school campus raises questions and issues of student safety and health, not only during weekday school days, but during Friday night football games, Saturday night basketball games, and other evening and weekend activities.

### **POLICY/CODE**

None

### **FISCAL IMPACT**

None

### **BOARD MEMBER RECOMMENDATION**

Approve the Resolution Opposing Liquor Sales at Proposed Long's Drug Store at 2300 Shattuck Avenue, Berkeley, California.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

Office of the Superintendent

**RESOLUTION OPPOSING LIQUOR SALES AT PROPOSED LONG'S DRUG STORE AT  
2300 SHATTUCK AVENUE, BERKELEY, CALIFORNIA**

November 19, 2003

**WHEREAS**, the sale of alcohol products in close proximity to a school site has the potential to attract, encourage, and allow underage purchase and consumption of alcoholic products; and

**WHEREAS**, it has come to the attention of the Berkeley Board of Education that Long's Drug Stores is contemplating and planning for the acquisition and renovation of the vacant building at the corner of Shattuck Avenue and Bancroft, 2300 Shattuck Avenue; and

**WHEREAS**, the campus of Berkeley High School, Berkeley's only comprehensive high school, with a student population of 2,800 students or more, is not only in close proximity to the proposed Long's Drug Store location, but in fact one long city block distant, or approximately 600 feet; and

**WHEREAS**, Berkeley High School practices an open campus policy, allowing students to move back and forth from off-and on-campus during the lunch period; and

**WHEREAS**, as part of Long's Drug Store application for occupancy a request for the sale of alcohol is included (wine and beer at this time); and

**WHEREAS**, a use and occupancy permit with the sale of alcohol at 2300 Shattuck would in the opinion of the Berkeley Board of Education constitute poor public planning on the part of the City and a disregard for the health and safety of the youth of Berkeley on the part of Long's Drug Store.

**THEREFORE, BE IT RESOLVED**, that the Berkeley Board of education, on this 19<sup>th</sup> day of November, 2003, publicly opposes a liquor-sale license in conjunction with a use and occupancy permit at the proposed Long's Drug Store location at 2300 Shattuck Avenue, Berkeley; and further authorizes and directs the Superintendent's office to contact Mayor Tom Bates, the Berkeley City Council, and the Berkeley City Manager's office with a copy of this resolution, and permits District Central Staff and Berkeley High School administrators and staff to represent the Board's position on this issue publicly and in writing at their discretion.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of November, 2003.

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Joaquin J. Rivera, President  
Board of Education



## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith  
Deputy Superintendent of Business and Operations (CBO)  
**DATE:** November 19, 2003  
**SUBJECT:** Authorization to Establish Separate Payroll and Benefits  
Clearing Fund at the County Treasurer's Office

### **BACKGROUND INFORMATION**

The District currently has a separate benefit and payroll clearing fund established on its books, however, cash in the fund is commingled with cash in the General Fund at the County Treasurer's Office. As a result, it is very difficult for District staff to reconcile entries made at the County Treasurer's Office to our books. The establishment of this fund would allow us to better reconcile cash and be on the same page as the County Treasurer's Office.

### **POLICY/CODE**

Education Code Section 42646.6

### **FISCAL IMPACT**

None.

### **STAFF RECOMMENDATION**

Approve Resolution No. 03-21 to authorize the establishment of a payroll/benefit clearing fund at the County Treasurer's Office.

**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. 03-21**

**AUTHORIZING TO CREATE FUND FOR PAYROLL/BENEFITS CLEARING  
(FUND 76)**

**WHEREAS**, California Education Code Sections 17009.5 and 17070.10-17076.10 provide that the Governing Board of a school district may establish a Payroll and Benefits Clearing Fund (Fund 76)

**WHEREAS**, this Payroll and Benefits Clearing account (Fund 76) has a separate fund in the District and needs to establish a separate and distinct cash account with the County Treasury

**WHEREAS**, the Berkeley Unified School District governing board has adopted Resolution No. 03-21 authorizing the district to establish this Payroll and Benefits Clearing account (Fund 76) be used for funds accumulated and expended for the payments of payroll taxes and benefits

**NOW, THEREFORE, BE IT RESOLVED**, that this Board hereby establishes a Special Fund – Payroll and Benefits Clearing (Fund 76), separate from the District’s General Fund, for the purpose of separate accounting for the deposit and recording of transactions related to this Payroll and Benefits Clearing account; and

**BE IT FURTHER RESOLVED** that the Administration is hereby authorized and directed to submit this resolution, requesting the establishment of this new fund, 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 3rdth day of November 2003 by the following called vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Joaquin Rivera , President  
Board of Education

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Michele B. Lawrence,  
Superintendent and Secretary  
Board of Education

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith, Deputy Superintendent of Business and Operations (CBO)  
**DATE:** November 19, 2003  
**SUBJECT:** Acceptance of Completion of the New Campus Green Project at Berkeley High school

## **BACKGROUND INFORMATION**

Pagni Construction has completed work on the New Campus Green Project at Berkeley High School. Approval of the project will permit the posting of a Notice of Completion to allow the contractor to be paid the final ten percent of the project and will limit the rights of any subcontractors to file liens on the District for this project.

## **POLICY/CODE**

California Public Contract Code 20110 - 20118.

## **FISCAL IMPACT**

There are no new fiscal impacts.

## **STAFF RECOMMENDATION**

Accept the project as complete.

## **RESOLUTION NO. 03-25**

### **AUTHORIZATION TO ACCEPT COMPLETION of the NEW CAMPUS GREEN PROJECT at BERKELEY HIGH SCHOOL**

**WHEREAS**, Pagni Construction a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 1397 Birdie Drive, Windsor, California, entered into a contract dated **10th day of June, 2003**, with Berkeley Unified School District of Alameda County, State of California to secure all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the New Campus Green Project at Berkeley High 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 contractor has completed the work of said contract in worklike and satisfactory manner as of **November 26, 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 19<sup>th</sup> day of November, 2003.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

Public Contract Code: 20111  
Education Code: 39657  
Board Policy: DJED

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Neil Smith, Director of Curriculum and Instruction  
**DATE:** November 19, 2003  
**SUBJECT:** 5th Annual Report on the District's Early Literacy Plan

### **BACKGROUND INFORMATION:**

In September 1998, the School Board approved the implementation of the K-3 Early Literacy Plan. In 2001 this literacy plan was revised to include K-5. The Literacy Plan goal is as follows:

*By the end of three years in the Berkeley schools, all elementary students will read at or above grade level as measured by a district-wide assessment system.*

### **2003 SUCCESSES**

- Expert Coach began training principals, Literacy Leaders, and classroom teachers in
  - Use of state and district assessment data to identify areas of need
  - Collaborative grade-level meetings, based on student data
- Principals and Literacy Leaders trained and planned for 2004 actions
- Intervention service, such as Reading Recovery and small group instruction, increased by 33% to 391 students (19 classrooms)

### **2004 ACTIONS**

- Collaborative grade-level meetings, using data to guide discussion
- Monthly staff development
- Small group reading instruction, supported by coaching
- Re-configured intervention role includes 28% staff development, reducing Reading Recovery and Literacy Group intervention from 100% to 72%
- Expert Coach continues training on grade-level meetings and coaching skills

An Executive Summary for student data and status of action plans is attached. The complete K-5 District Literacy Plan Report for 2002-3 will be presented to the Board as a separate document.

## EXECUTIVE SUMMARY

### Student Data as Measured by DRA and QRI Scores

At grade level

- 78% of K-5<sup>th</sup> grade students (75% in 2002)
- 79% of students in Berkeley schools three or more years (no change)
- 80% of Reading Recovery (RR) graduates and 53% of RR served
- 47% of Literacy Group students

At grade level or within one text level, grades K-3

(Excludes 4-5<sup>th</sup> grades where one text level equates to one grade level)

- 86% of K-3<sup>rd</sup> grade students
- 85% of Reading Recovery (RR) graduates and 65% of RR served
- 65% of Literacy Group students

Increase in intervention service

- 97 more K-5 students (33% increase)
- Total of 391 students, or 19 classrooms

### Success in achieving “2002-2003 Next Steps” from 2002 Annual Report

Description	Status
1. Obtain grant funding for a coaching expert to deepen the expertise of the 25 Literacy Teacher Leaders	Done
2. Develop 2003 model change for Reading Recovery/Early Literacy Group/Literacy Teacher Leader teachers	Done
3. Implement Spanish assessments developed in 2002	Done
4. Determine effective processes for facilitating collaborative meetings and reporting on outcomes in a structured and consistent manner	Done
Done	

## 2003-2004 Next Steps

<b>Next Step</b>	<b>Comment</b>
1. Implement 2004 model change for Reading Recovery/Early Literacy Group/Literacy Leader teachers	Done in Fall 2003-4, reducing Reading Recovery and Literacy Group intervention role to 72% and adding 28% coaching and staff development
2. Improve local assessments:  Giving and scoring these tests must be standard and accurate. Running records provide an ongoing and authentic assessment of how students read text for meaning.	Beginning in Fall 2003-4, local assessment test results are expected to be more accurate, due to: (a) Reading Rate/Fluency component added to QRI (3-5 <sup>th</sup> grades) (b) Running records (test data) turned in with test scores to the principal (c) Review of test data increased (d) Training increased
3. Use student data at beginning of year to give teachers early information on performance to help guide instruction and to help form literacy groups quickly	Done. In September 2003, provided sites with report of each continuing student by grade, with local, state standards (CST) and language proficiency (CELDT) scores
4. Implement focus areas for 2004:  <ul style="list-style-type: none"> <li>• Collaborative grade-level meetings, using data to guide discussion</li> <li>• Monthly staff development</li> <li>• Small group reading instruction, supported by coaching</li> </ul>	Principals and Literacy Leaders trained and planned for these actions during a two-day Administrative training in June 2003.  Expert Coach and Literacy Leaders are focusing their training on these actions.  Principals have key roles in making sure these actions occur effectively.
5. Incorporate information and plans from sites (via Literacy Leaders) into next steps for continual improvement	On-going. This process works throughout the year, as evidenced by the significant progress in identifying and acting on the action plans above.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** November 19, 2003  
**SUBJECT:** Revised Modifications of Policy and Procedures for Renting School District Property

### **BACKGROUND INFORMATION**

At the last Board of Education Meeting, the Board requested that staff submit a revised copy of the Modifications of Property Management Guidelines. Attached is the revised document.

### **POLICY/CODE**

California Education Code 40040 -40043, Civic Center Act

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Receive for information.



**POLICY AND PROCEDURES FOR  
RENTING SCHOOL DISTRICT PROPERTY**

**PROPERTY MANAGEMENT DEPARTMENT**

**1707 RUSSELL STREET  
BERKELEY, CA 94703  
(510) 644-8603**

# TABLE OF CONTENTS

Introduction.....	Page 3
-------------------	-----------

## SECTION 1: DISTRICT POLICY

Community Use of School District Property.....	4
Non-Discrimination Policy.....	5
Free Use of Facilities / Category I.....	6
Direct Cost Rates / Category II.....	7
Fair Rental Value Rates / Category III.....	8
Insurance Requirements.....	9

## SECTION 2: SHORT-TERM PERMITS

Short-Term Permit Procedures.....	10
Other Restrictions.....	12

## SECTION 3: LONG-TERM PERMITS

Long-Term Permit Procedures .....	13
City Zoning Restrictions.....	13
Proof of Insurance / Non-profit Status .....	13
Rental Period / 30-Day Notice.....	13
Rental Due Date, Deposit and Penalties .....	14
Cause for Eviction.....	14
Custodial / Maintenance Services.....	14
Fee Waivers Guidelines.....	16

# POLICIES AND PROCEDURES FOR RENTING SCHOOL DISTRICT PROPERTY

## INTRODUCTION

Permits for the use of School District property are issued for various types of use:

1. One time use.
2. Repeated or periodic use.
3. Month-to-month use for one year with letter of agreement, usually at sites no longer used as schools.

All questions regarding the use of School District property should be directed to the Property Management Department at 1707 Russell Street, Berkeley, CA 94703. The phone number is (510) 644-8603. Hours of service are 8:00 a.m. to 4:00 p.m., Monday through Friday. Any use of School District property requires permission from the Property Management Department.

The School District's sites may contain hazardous materials which could be considered a danger under Proposition 65. The School District maintains information about its facilities, including asbestos surveys, listing of chemicals at each site, geological information that can be viewed upon request. It is the renter's responsibility to request and review such information and make its own independent decision based upon that review of the risk of the rental and the suitability of the site for its purposes. Failure to review such information shall waive the permit holder's right to claim that they were not informed of any dangers during the rental period or as a result of the rental.

## SECTION 1

### COMMUNITY USE OF SCHOOL DISTRICT PROPERTY

The Board recognizes that School District property is and should be an integral part of community life and is pleased to make School District property available for community use in a manner consistent with the California Education Code, the day-to-day educational needs of our students, and the varied interests of the community.

Users must understand that School District's facilities, whether grounds or buildings, are held in trust by the Board of Education, for the school children of the community within School District boundaries. Facilities and grounds are maintained at a significant cost, and first and foremost the District's responsibility is to provide a safe and well-maintained environment in which children may be educated as require by state law. Granting use of District facilities is permissive under the Education Code, not mandatory. Consequently, fees and requirements are designed not to compromise the integrity of the K-12 educational system. Therefore, the Board retains the right to deny use at any time at its sole discretion.

"Community" as used on the District policy statement refers to residents of the area included in Berkeley Unified School District boundaries. The District is not obligated to allow use of facilities by non-residents or groups serving non-residents.

The Board directs the Superintendent to provide a detailed set of procedures as well as a rate schedule for facility use to be applied uniformly to all users of District facilities. The procedures and rate schedules shall be consistent with the provisions of the California Education Code.

## COMMUNITY USE OF SCHOOL FACILITIES ADMINISTRATIVE REGULATIONS

### FEE SCHEDULE:

The Property Management Department is responsible for developing and implementing a fee schedule to be applied for the use of school facilities. The schedule will be reviewed and approved annually by the Board of Education. There are three categories to be considered and they are described below.

CATEGORY I	FREE USE
CATEGORY II	DIRECT CHARGES
CATEGORY III	FAIR RENTAL VALUE RATES

If the Property Management Department denies use, the decision may be appealed to the Deputy Superintendent, Business. If use is still denied, the decision may be appealed to the Superintendent.

### **Non-Discrimination Policy for Organizations Using District Facilities**

**Requirements.** No use of school facilities or grounds shall be permitted by any individual, organization or group which discriminates in the hiring, promotion, assignment or discharge of employees or with respect to volunteers, membership or clientele, on the basis of sexual orientation, mental status, age, Acquired Immune Deficiency (AIDS), AIDS Related Complex (ARC), physical handicap or disability or any other basis made unlawful by federal, state or local law.

**Signed Declaration.** Every organization applying for use of District facilities under the Civic Center Act shall be required to sign a declaration stating that it is in compliance with the Non-Discrimination Policy. Refusal to sign this declaration shall constitute grounds for denying permission to use School District facilities or grounds.

These provisions are subject to legal requirements, district policies and regulations.

## CATEGORY I

### ACTIVITIES QUALIFYING FOR FREE USE OF FACILITIES

Non-profit organizations holding 501c3 status that operate under the auspices of the Berkeley Unified School District will not be charged. Clubs or associations sanctioned by the School District to promote school activities will not be charged a fee for the use of school facilities or grounds, and no admissions are charged.

Programs or District initiated programs or services which are defined by separate contractual agreements and formally approved by the Board may be exempt from facilities fees.

#### AS EXAMPLES:

Parent-Teacher Associations, School Site Councils, School-Community Advisory Councils, BSEP P&O, Board, District, Superintendent Advisory Committees, or Berkeley Public Education Foundation.

If any of the above criteria is not met, applicable rates will be charged. In addition, charges will be made for use of equipment, special personnel requirements, or any personnel overtime needs, if custodial or other personnel costs are incurred.

District insurance requirements must be met.

## CATEGORY II

### ACTIVITIES QUALIFYING FOR DIRECT CHARGES

Community organizations open to the public will be charged a fee for direct costs only if the following criteria apply:

1. No admission is charged, or if admission is charged, or fundraising takes place, the receipts must be expended for the welfare of the District or for District approved charitable purposes in which students, employees or the District receive the direct benefit from total dollars raised. Such activities that directly benefit students must be applied for and approved prior to permit application.
2. All religious organizations will be charged direct charges, as calculated by the District formula, in accordance with the Civic Center Act specified in the Education Code.

In addition to payment for direct charges, the District's insurance requirements must be met.

## CATEGORY III

### ACTIVITIES QUALIFYING FOR FAIR RENTAL VALUE RATES

Organizations whose activities are not eligible for free or direct charge will be levied a fee based on fair rental value. If admissions are charged, funds are solicited, or the net proceeds are not expended for the welfare of the pupils of the District or for District pre-approved charitable purposes these organizations will be charged on a fair rental value basis. District's insurance requirements must be met.

#### **Non-Discrimination Policy for Organizations Using District Facilities**

**Requirements.** No use of school facilities or grounds shall be permitted by any individual, organization or group which discriminates in the hiring, promotion, assignment or discharge of employees or with respect to volunteers, membership or clientele, on the basis of sexual orientation, mental status, age, Acquired Immune Deficiency (AIDS), AIDS Related Complex (ARC), physical handicap or disability or any other basis made unlawful by federal, state or local law.

**Signed Declaration.** Every organization applying for use of District facilities under the Civic Center Act shall be required to sign a declaration stating that it is in compliance with the Non-Discrimination Policy. Refusal to sign this declaration shall constitute grounds for denying permission to use School District facilities or grounds.

These provisions are subject to legal requirements, district policies and regulations.

## INSURANCE REQUIREMENTS

For the protection of the School District and the general public, groups using District facilities are required to submit to the Property Management Department ten (10) working days prior to the date of use, Proof of Insurance coverage (insurance certificates) for \$1,000,000 combined single limit liability, and a minimum of \$50,000 fire-legal with the Berkeley Unified School District named as an additional insured. A complete copy of the insurance requirement is attached to the use permit.

Insurance requirements MAY NOT BE WAIVED. Only permit holders using the building for a student-related, school-sponsored activity are covered under District insurance. Security deposits are required.

For Category II and Category III rentals, the lessee shall furnish a certificate showing the above coverage and providing for 30-days written notice, from the insurer, of cancellation, reduction limits, or material charge.

## SECTION 2

### Short-Term Permits

#### SHORT-TERM PERMIT PROCEDURE:

Requests for facility use and a use permit must be made a minimum of ten (10) working days prior to the proposed date of use. The request must be made and the permit signed by an official representative of the responsible organization who is 21-years old or older. The user must present a copy of the signed permit to the custodian or other District representative prior to opening a facility. Access is not permitted without a copy of the permit. User is required to keep permit with them at all times.

Applicants should complete the permit at the Property Management Department, and submit the required proof of insurance (if necessary), along with a money order or cashier's check for the deposit, if any is required. No personal checks are accepted.

Permits are issued for specific hours, rooms or buildings as noted on the permit and it is the responsibility of the renter to monitor and ensure that other space or equipment is not used. Use of additional space or equipment will result in additional charges. The designated space may be used only for the purpose described on the permit.

An applicant for permit may request to have a "HOLD" placed on a particular facility for a particular date. The "HOLD" remains in effect for 10 days and will automatically be removed at the close of the day 10 without a deposit. When a series of meetings is planned throughout a semester or the school year, the entire series may be scheduled in advance for the expended period.

Cancellations of requests for use of District property and use permits must be made 48-hours or more prior to the use date to avoid forfeit of deposit, when a deposit is required. The District shall attempt to contact by phone the short-term permit holder forty eight hours in advance of the scheduled of event. Once the event has been confirmed the District shall confirm the event by e-mail to the affected site or sites.

No permit shall be issued for longer than a year. Standard hours of use are between 7:00 a.m. and 10:00 p.m., however, the Community Theatre, Florence Schwimley Little Theatre, Martin Luther King Jr. Auditorium and Longfellow Auditorium are excluded from these time constraints.

No keys shall be given to short-term permit holders. Despite the occasional inconvenience to the permit holder, this policy protects School District security, and helps prevent abuse and unauthorized use of facilities.

When school is not in session (Summer, Winter, Spring, breaks or holidays), the presence of a District representative is also required for a scheduled event, and shall be charged at the appropriate rate for a two-hour minimum use for all categories.

Activities that have more than 50 people may have additional charges levied.

## OTHER RESTRICTIONS

No smoking or alcoholic beverages are allowed on public school grounds or in public school facilities at any time.

School District property must be protected from damage or mistreatment. The permit holder is responsible for the condition in which the building and any equipment are left. The School District will be reimbursed in full by the permit holder for any damage which occurs during the time of use and which is attributable to said use. No school furniture, apparatus or equipment of any kind shall be removed or displaced by any person or organization without advance permission of the School District.

Proper conduct and enforcement of these conditions and regulations are the responsibility of the permit holder. Failure to enforce these conditions and regulations shall result in immediate loss of permit privileges and denial of future permits, and may result in pursuit of financial restoration through legal means.

No use or occupancy of any School District property will be permitted if School District Officials determine that:

1. Such activity is prohibited by law
2. Such use or occupancy may interfere with the use of property for school purpose
3. Such use or occupancy may result in rioting or other disturbance of the peace
4. Such use or occupancy may result in damage to the property which may render it unfit for its proper use for school purposes

## SECTION 3

### MONTH-TO-MONTH (LONG-TERM) USE PERMITS

#### PROCEDURE:

Month-to-month or long-term permits are used generally at facilities which are not used as schools, or during weekend period when not used by students.

#### CITY ZONING RESTRICTIONS:

Although some School District facilities are no longer used as schools, they are owned by the School District and are zoned by the City of Berkeley for educational and recreational use. Commercial organizations or activities on those premises are therefore subject to city zoning restrictions, and any activities other than educational, non-profit must be sanctioned by the City with a zoning variance and a business license.

#### PROOF OF INSURANCE AND NON-PROFIT STATUS:

In addition to the insurance requirements as stated on the fee schedule, if applicable, tenants must show proof of their non-profit status with appropriate federal and state documentation. Such proof must be available with the certificate of insurance prior to issuance of the permit or occupancy of rental space.

#### RENT PERIOD / 30-DAY NOTICE:

Typically, long-term use permits are filled out consistent with the dates of the School District's fiscal year (July 1 through June 30 of the following year) and are considered automatically renewed each month. Both the School District and the tenant are subject to 30-day notice for cancellation of the permit. There are NO exceptions, unless a lessee has a long-term lease with the District.

Because long-term lease permits grant exclusive rental rights to the permit holder, rights which prevent the School District from renting the facility to other tenants, there is no right of cancellation (for a particular date during a month) unless the permit holder wishes to give 30-day notice due to vacating the premises. Therefore, all rent charges are payable in full in advance by the month, whether the actual hours of use are standard daily office hours, or

periodic/sporadic. No refunds will be made unless rent has been paid in advance for a period following the 30-day notice.

Tenants failing to give 30-day notice will forfeit the deposit.

Subleases are prohibited.

#### RENT DUE DATE, DEPOSIT, AND PENALTIES:

Tenants must pay first and last month's rent when applying for permit, plus a refundable deposit. Rent is due in advance of each month. A \$15.00 fee will be charged for checks received after that date. Unpaid late fees will be deducted from the deposit. When the deposit is exhausted, and additional deposit is required, a notice to vacate will be sent. Twenty (20) days after the current rent is due (first of the month), and ten (10) days after the rent is considered delinquent (tenth of the month), the District may begin eviction proceedings against any tenant whose account is not fully paid.

#### CAUSE FOR EVICTION:

Bounced checks are subject to a \$20.00 administrative fee which will be deducted from the deposit. When the deposit is exhausted, and additional deposit is required or notice to vacate will be sent.

Failure to meet insurance requirements will result in eviction.

Failure to pay rent will result in eviction and pursuit of claim for rent plus legal fees through the court system.

Violation of any of the regulations listed in Section 1, "Short-Term Use Permits", which prohibit use of space for overnight lodging, will result in eviction.

#### CUSTODIAL AND MAINTENANCE SERVICES:

The District agrees to maintain the roof structure, the heating system, and the plumbing. Such services are available as the School District is able to provide them, after operational school sites have been served. Potential health and safety violations and hazards will be repaired promptly. This practice is necessary due to the District's severely strained finances and the lack of personnel.

Request for maintenance or repair should be reported to the Property Management Department at 644-8603. Tenants are prohibited from performing their own repairs.

To alter rental space, tenants must request permission from the School District in writing, with a plan and description of materials. All alterations or additions are at the full expense of the tenant.

Tenants may not install additional bolts, bars or locks to the rented space without School District permission, and without providing the District with a key for said lock or bolt. The School District reserves the right to enter the premises at any time.

No custodial services are available.

Vandalism, theft, and other security problems are the responsibility of the tenants.

## FEE WAIVERS FOR FACILITIES USE

### GUIDELINES:

1. Fees will not be waived for the use of the Berkeley Community Theatre, Florence Schwimley Little Theatre, Martin Luther King Jr. Auditorium or Longfellow Auditorium, except for use by the Berkeley Unified School District as a function of the curriculum during regular school hours. Other use by Berkeley High School or Berkeley Unified School District shall be on actual cost basis.