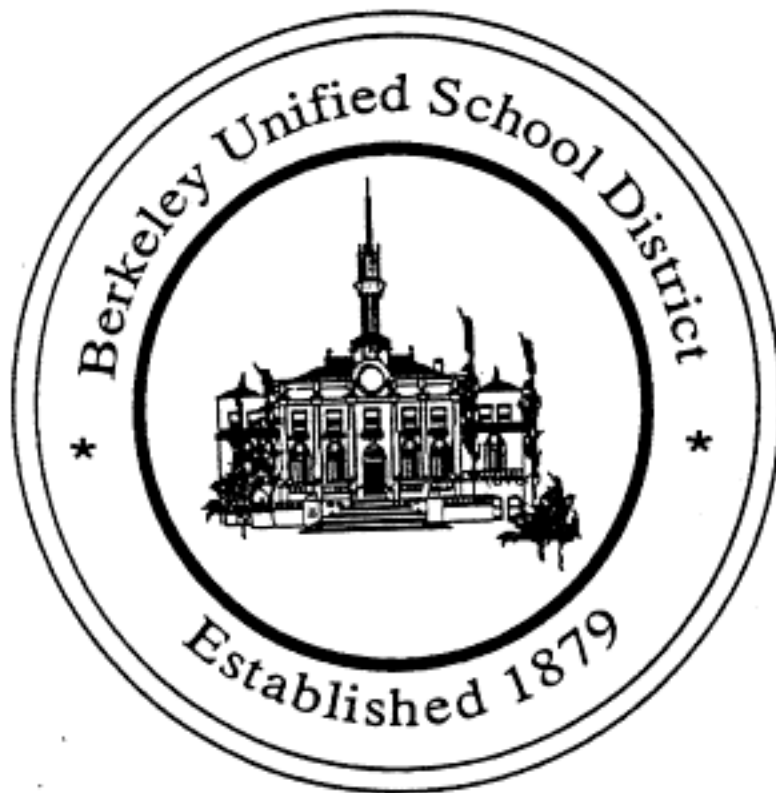


**Berkeley Unified School District
Office of the Superintendent**



Board of Education Meeting

October 15, 2003

BERKELEY UNIFIED SCHOOL DISTRICT

**Office of the Superintendent
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180**

REGULAR MEETING OF THE BOARD OF EDUCATION – AGENDA

Wednesday, October 15, 2003

Call to Order The Presiding Officer will call the Meeting to Order at **6:00 p.m.**
The Board will recess to Closed Session at **6:00 p.m.** and
reconvene in Public Session at 7:30 p.m.

Roll Call President Joaquin J. Rivera
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
 - 1) Superintendent's Evaluation
- 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 October 15, 2003 Motion_____ Second_____ Vote_____	
Approve Minutes	Approve the Board of Education Minutes: May 7, 2003, Regular Meeting June 4, 2003, Regular Meeting June 18, 2003, Regular Meeting July 2, 2003, Regular Meeting August 13, 2003, Special Meeting September 3, 2003, Regular Meeting September 10, 2003, Special Meeting October 1, 2003, Regular Meeting October 8, 2003, Special Meeting Motion_____ Second_____ Vote_____	1

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
 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	<u>Staff Recommendation:</u>	72
Acceptance of Gifts/ Donations	Accept the gifts/donations to the District or facilities from individuals and/or companies Motion_____ Second_____ Vote_____	

1.2-C Change of Date for the Petition to Abolish the the Merit System	<u>Board Member Recommendation:</u> Approve the new election and termination schedule Motion_____ Second_____ Vote_____	73
---	--	----

Human Resources

2.1-C Acceptance of Personnel Report	<u>Staff Recommendation:</u> Accept Personnel Report 03-28 as submitted. Motion_____ Second_____ Vote_____	75
--	--	----

Educational Services

3.1-C Overnight Field Trip Requests	<u>Staff Recommendation:</u> Approve the overnight field trips for students consistent with District Policies and Instructional Programs Motion_____ Second_____ Vote_____	82
---	--	----

3.2-C Overnight Travel Request	<u>Staff Recommendation:</u> Approve the overnight travel for Berkeley Unified School District staff consistent with District Policies. Motion_____ Second_____ Vote_____	83
--------------------------------------	--	----

3.3-C Out-of-State Travel Request	<u>Staff Recommendation:</u> Approve out-of-state travel request for school-based mental health conference attendance. Motion_____ Second_____ Vote_____	84
---	---	----

Business and Operations

4.1-C Approval of Contracts/ Purchase Orders for Services and Contracts	<u>Staff Recommendation:</u> Authorize the Deputy Superintendent and Purchasing Agent to execute Purchase Orders Motion_____ Second_____ Vote_____	85
--	---	----

4.2-C Approve Listing of Warrants issued In September 2003	<u>Staff Recommendation:</u> Approve the monthly bill warrant list issued in September 2003 Motion_____ Second_____ Vote_____	94
---	--	----

<p>4.3-C Approval of Payroll Warrants issued in August and September 2003</p>	<p><u>Staff Recommendation:</u> Approve payroll payments made in August and September 2003 Motion_____ Second_____ Vote_____</p>	<p>97</p>
<p>4.4-C Resolution 03-15: Authorization to Accept the King Modernization Project</p>	<p><u>Staff Recommendation:</u> Accept the King Modernization Project as complete. Motion_____ Second_____ Vote_____</p>	<p>101</p>
<p>4.5-C Resolution 03-16: Authorization to Accept the Bid of the The Lowest Responsive Responsible Bidder for The Franklin Adult School Project</p>	<p><u>Staff Recommendation:</u> Approve the contract award to West Coast Contractors Motion_____ Second_____ Vote_____</p>	<p>103</p>
<p>4.6-C Resolution 03-17: Authorization to Accept completion of the Willard Middle School Walkway Roofing Project</p>	<p><u>Staff Recommendation:</u> Accept the Willard Middle School Walkway Roofing Project as complete. Motion_____ Second_____ Vote_____</p>	<p>107</p>
<p>4.7-C Resolution 03-18: Authorization to Accept Change Order #1 for Dead and Diseased Tree Removal and Tree Pruning Services at various sites</p>	<p><u>Staff Recommendation:</u> Accept contract deduction amount of \$451.00 and approve the new contract amount of \$23,004.00 for Cleary Brothers, Landscape, Inc. Motion_____ Second_____ Vote_____</p>	<p>109</p>

4.8-C Resolution 03-19: Authorization to Accept completion Of the Grounds Renovation Project At Cragmont Elementary School Playground	<u>Staff Recommendation:</u> Accept the completion of the Grounds Renovation Project at Cragmont Elementary School Motion_____ Second_____ Vote_____	112
4.9-C Resolution 03-20: Authorization to Accept completion of the dead and Diseased tree removal and tree pruning Services at various Sites	<u>Staff Recommendation:</u> Accept completion of the dead and diseased tree removal and tree pruning services at various sites Motion_____ Second_____ Vote_____	114
4.10-C Review and accept Treasurer's Quarterly Investment Report	<u>Staff Recommendation:</u> Accept the County Treasurer's Quarterly Investment Report Motion_____ Second_____ Vote_____	116

ACTION ITEMS

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

Human Resources

2.1-A Declaration of Need For Fully Qualified 2003-2004 Educators	<u>Staff Recommendation:</u> Approve the Declaration of Need for Fully Qualified 2003-2004 Educators as submitted. Motion_____ Second_____ Vote_____	129
2.2-A Reclassification of Account Clerk Positions to Account Technician in Business and Operations	<u>Staff Recommendation:</u> Approve Reclassification of Account Clerk Position to Account Technician in Business and Operations Motion_____ Second_____ Vote_____	134

2.3-A	<u>Staff Recommendation:</u>	135
Reclassification of three classified positions to Administrative Coordinator	Approve the Reclassification of three classified positions to Administrative Coordinator	
	Motion_____ Second_____ Vote_____	

2.4-A	<u>Staff Recommendation:</u>	137
Establishment of new Position: Driver Trainer/Supervisor	Approve the establishment of a new position in the Transportation Department	
	Motion_____ Second_____ Vote_____	

Business and Operations

4.1-A	<u>Staff Recommendation:</u>	139
Modifications of Property Management Guidelines	Approve components and guidelines for property management and use of facilities	
	Motion_____ Second_____ Vote_____	

9:30 P.M. PUBLIC HEARING

4.2-A	<u>Staff Recommendation:</u>	158
Public Hearing and Acceptance of Modifications to the 2003-2004 Budget, including fund transfers	Public Hearing and Acceptance of Modifications to the 2003-2004 Budget, including fund transfers	
	Motion_____ Second_____ Vote_____	

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	<u>Staff Member Recommendation:</u>	165
First Reading: Board Policy on Fraud	Accept, for First Reading, the proposed Board Policy on Fraud.	
	Motion_____ Second_____ Vote_____	

1.2-CF
First Reading:
Board Policy 3530,
Self Insurance

Staff Member Recommendation:
Accept, for First Reading, proposed Board
Policy 3530: Self Insurance
Motion_____ Second_____ Vote_____

172

INFORMATION

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

Educational Services

9:00 P.M.

3.1-I
Presentation on the
Performing Arts
Programs in the
District

Staff Recommendation:
Receive for information.

174

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:

October 15, 2003
November 5, 2003
November 19, 2003
December 3, 2003
December 17, 2003

ADJOURNMENT

Time_____

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

GUIDELINES FOR SPEAKERS

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

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

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

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

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

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Queen Graham, Executive Assistant
DATE: October 15, 2003
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

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

The following donations have been presented to the District.

1. Berkeley Rotary Club, Larry Goldenberg: A donation of \$100.00, to the Berkeley Unified School District, to be used for educational supplies.
2. Doris Davis: A gift of a computer workstation, valued at \$400.00, to be used in the Purchasing Department.
3. Cathy Dawson: A gift of a violin valued at \$99, to the Visual and Performing Arts Department.

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: Shirley Issel, Director
DATE: October 15, 2003
SUBJECT: Another Change of Date: Petition to Abolish the Merit System

BACKGROUND INFORMATION:

The Classified Employees of Berkeley Unified School District have filed a valid petition to terminate the Merit System. The Board is now required to conduct an election by secret ballot of the District's classified personnel to determine whether or not they desire to have the merit system terminated.

The election must take place within the school year and shall be held no earlier than 45 days after the petition has been filed with the Board and no later than 180 days after the date the petition is filed with the Board.

On May 7, 2003, the Board took action to schedule the election for the week of September 15, 2003. On September 3, 2003, the Board took action to re-schedule the election to October 13, 2003 with a Merit System termination date, if applicable, of November 30, 2003. I am now requesting that the election be re-scheduled for the week of October 27, 2003. The termination date, if applicable will remain November 30, 2003.

The Education Code requires the Board to devise an identification system designed to protect against fraud in the balloting process. The Education Code also requires the Board to appoint a three member Tabulation Committee consisting of one board member, one member of the personnel commission and one classified employee to canvass the election ballots and certify the election results to the Board after tabulation.

On May 7, 2003, the Board also took action to appoint a three-member Tabulation Committee consisting of Director Shirley Issel, Personnel Commission Chair Carolyn Weinberger, and Classified Employee, Frieda Kraus to devise a balloting process for potential termination of the Merit System, set a date certain for the election, and report the results to the Board. All members of this Committee agree to this request which comes from the involved Unions who need it to insure that their members are fully informed about this matter. The Tabulation Committee and the Unions are asking to reschedule the election for the week of October 27, 2003. The Merit System termination date, if applicable will remain November 30, 2003.

POLICY/CODE:

Education Code Section 45319

FISCAL IMPACT:

None

BOARD MEMBER RECOMMENDATION:

Approve the new election and termination schedule

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence Superintendent
FROM: Tina Brier, Director, Classified Personnel
 Patricia Calvert, Director, Certificated Personnel
DATE: October 1, 2003
SUBJECT: ACCEPTANCE OF HUMAN RESOURCES REPORT 03-27
 Following is Human Resources Report 03-27 which reports details of personnel assignments, employment, and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>LEAVE OF ABSENCE WITHOUT PAY</u>						
Martie Mogensen	Teacher	Rosa Parks	General	.20 FTE	9/24/03	6/11/04
Doreen Sing	Vice Principal	King	General	.20 FTE	8/25/03	6/30/04
<u>TEMPORARY TEACHERS</u>						
Ilene Abrams	Temporary Teacher	Berkeley High	General	1.00/II-01	9/9/03	6/11/04
Spencer Allen	Temporary Teacher	Berkeley High	General	1.00/I-01	9/6/03	6/11/04
Godhuli Bose	Temporary Teacher	Berkeley High	General	.80/VII-05	9/15/03	6/11/04
Marie Capizzi	Temporary Teacher	Special Ed	General	1.00/VI-12	9/23/03	1/27/04
Jennifer Gallegos	Temporary Teacher	Rosa Parks	General	.20/III-7	9/24/03	6/11/04
Tiffany Jackson	Temporary Teacher	King	General	1.00/I-05	8/25/03	6/11/04
Lauren Lovette	Temporary Teacher	Special Ed	General	.20/I-02	9/22/03	6/11/04
Arunan Soosaipillai	Temporary Teacher	Special Ed	General	.80/I-01	9/22/03	6/11/04
Bernadette Szafranski	Temporary Teacher	Special Ed	General	.40/VII-23	8/28/03	6/11/04

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>DISABILITY RETIREMENT</u>							
Willie Jackson	Driver Trainer	Transportation				8/25/03	
<u>RETIREMENT</u>							
Antoinette Johnson	Accountant	Business Office				11/14/03	
<u>RESIGNATION</u>							
Richard Fuller	Food Service Satellite Operator	Nutrition Services				9/11/03	
Erica Peng	Calif. Nutrition Network Program Supervisor	Educational Services				9/30/03	
Sherene Randle	Instructional Tech (After School)	Malcolm X				8/29/03	
<u>LEAVE OF ABSENCE WITHOUT PAY</u>							
Veronica Collins	Custodian I					9/9/03	12/01/03
Robin Cummings	School Bus Driver					8/25/03	11/10/03
<u>RECALL FROM LAYOFF</u>							
Ernestine Troutman	Library Media Tech. (Secondary)	Berkeley High	BSEP	43/5	.20 FTE \$20.96	9/8/03	
<u>PERMANENT</u>							
Pam Sanford	Instructional Assistant (Kindergarten)	John Muir	BSEP	29/5	.40 FTE \$14.82 hr	9/1/03	
Frank Schooley	Instructional Specialist (Outreach)	Berkeley High	Site Fund	58/5	.20 FTE \$30.34 hr	9/8/03	
Marian Yu	Instructional Assistant ECE	Jefferson	Site Fund	29/1	.13 FTE \$12.17 hr	8/27/03	
<u>PROBATIONARY</u>							
Jack Coglizer	Micro Computer Tech.	Berkeley High	Site Fund	52/1	1.0 FTE \$21.48 hr	9/1/03	3/1/04
Leon Daniels	Instructional Tech. (After School Program)	John Muir	Site Fund	34/1	.47 FTE \$13.76 hr	9/2/03	3/2/04
Krishani Fernando	Instructional Tech. (After School Program)	Emerson	Site Fund	34/1	.67 FTE \$13.76 hr	9/1/03	3/1/04
Cullen Gerst	Instructional Specialist (Math)	King	BSEP	51/1	.53 FTE \$20.96	8/25/03	2/25/04

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
Danielle Holmes	Instructional Tech. (After School Program)	Emerson	Site Fund	34/1	.67 FTE \$13.76 hr	9/1/03	3/1/04
Annette Lys	Instructional Media Tech.	Central Media Library	BSEP	43/1	.53 FTE \$17.18 hr	8/25/03	2/25/04
Cliford Means	Instructional Tech. (After School Program)	Emerson	Site Fund	34/1	.53 FTE \$13.76 hr	9/1/03	3/1/04
Leticia Quiroz	Instructional Tech. (After School Program)	Thousand Oaks	Site Fund	34/1	.60 FTE \$13.76 hr	9/1/03	3/1/04
Janice Reid	Instructional Tech.	Malcolm X	Site Fund	34/1	.67 FTE \$13.76 hr	10/1/03	4/1/04
Bobbie Reed	Student Body Account Tech.	Berkeley High	Site Fund	43/1	1.0 FTE \$17.18 hr	9/8/03	3/1/04
Bond Ren	Instructional Media Tech.	Berkeley High	BSEP	43/1	1.0 FTE \$17.18 hr	9/1/03	3/8/04
Travis Smith	Calif. Nutrition Network Program Supervisor	Educational Services	Calif. Nutrition Network	69/1	1.0 FTE \$32.71 hr	9/1/03	3/1/04
<u>PROVISIONAL</u>							
Sidney Allen	Custodian II	Berkeley High	General Fund	37/4	1.0 FTE \$17.18 hr	9/1/03	12/1/03
Andrea Blum	Instructional Assistant	LeConte	Site Fund	29/5	.10 FTE \$14.84 hr	9/1/03	12/1/03
Gabriele Brovedani	School Bus Driver	Transportation	General Fund	42/2	.80 FTE \$17.61 hr	9/2/03	12/2/03
Kevin Campbell	Custodian II	Cragmont	General Fund	37/4	1.0 FTE \$17.18 hr	9/1/03	12/1/03
Joe Cokes	Instructional Assistant Special Education	Berkeley High	Special Ed.	31/1	.80 FTE \$12.77 hr	8/29/03	11/29/03
Rickie Cox	Custodian II	Berkeley High	General Fund	37/4	1.0 FTE \$17.18 hr	9/1/03	12/1/03
Helen Dotson	Instructional Tech (Intramural)	Longfellow	BSEP	34/1	.27 FTE \$13.76 hr	9/1/03	12/1/03
Attilah Reese	Instructional Tech (After School Prog.)	Malcolm X	Site Fund	34/1	.53 FTE \$13.76 hr	9/5/03	12/05/03

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>TEMPORARY/ HOURLY</u>							
Peter Alvarado	Instructional Assistant Special Education	Berkeley High	Special Ed.	31/1	30 hrs/wk \$12.77 hr	9/3/03	6/11/04
Darcy Colwell	Instructional Assistant Special Education	Berkeley High	Special Ed.	31/1	33 hrs/wk \$12.77 hr	9/1/03	6/11/04
Michael Denker	Instructional Specialist (French)	Independent Study	Site Fund	51/1	10 hrs/wk \$20.96 hr	8/27/03	6/11/04
Karen Flowers	Instructional Assistant (Kindergarten)	John Muir	BSEP	29/1	10 hrs/wk \$12.17 hr	9/1/03	6/11/04
Dennis Hall	Instructional Specialist (Garden/Science)	Cragmont	BSEP	51/1	Not to exceed 400 hrs \$20.96 hr	9/1/03	6/11/04
Steven Hopkins	Custodian I	Cragmont	General Fund	32/1	37.5 hrs/wk \$13.10 hr	8/12/03	6/11/04
Kyra King	Instructional Assistant	Vera Casey	Site Fund	29/1	20 hrs/wk \$12.17 hr	9/1/03	6/11/03
Rafael Ortiz	Custodian I	Berkeley High	General Fund	32/1	37.5 hrs/wk \$13.10 hr	9/2/03	11/1/03
Armetha Robinson	Custodian I	Berkeley High	General Fund	32/1	37.5 hrs/wk \$13.10 hr	9/2/03	11/3/03
Antonio Rodriquez	Instructional Assistant Special Education	Berkeley High	Special Ed.	31/1	30 hrs/wk \$12.77 hr	9/3/03	6/11/04
Juan Ruiz	Custodian I	Berkeley High	General Fund	32/1	37.5 hrs/wk \$13.10 hr	9/2/03	11/3/03
Joyce Williams	Instructional Specialist (Music)	Cragmont	BSEP	58/1	Not to exceed 220 hrs \$24.94 hr	9/22/03	5/15/04
Derek Yow	Noon Director	Arts Magnet	Site Fund	N/A	5 hrs/wk \$11.45 hr	9/2/03	6/11/04
<u>SUBSTITUTES</u>							
Idrees Khan	Sub. Food Service Assistant	Various	Cafeteria	26/1	10 hrs/wk \$11.29 hr	9/5/03	6/11/04
Anita Pittman	Sub. Food Service Assistant	Various	Cafeteria	26/1	10 hrs/wk \$11.29 hr	9/5/03	6/11/04
Billie Williams- Kufuor	Sub. Food Service Assistant	Various	Cafeteria	26/1	10 hrs/wk \$11.29 hr	9/2/03	6/11/04

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>STIPENDS</u>							
Michele Bassi-Degenkolb	80% Assistant Coach (Boys Water Polo)	Berkeley High	Site Fund	N/A	\$2025.60	8/15/03	11/15/03
Matthew Bissell	Head Coach (Football)	Berkeley High	Site Fund	N/A	\$2385.00	8/1/03	11/15/03
Matthew Bremer	Head Coach (Girls Golf)	Berkeley High	Site Fund	N/A	\$1266.00	8/15/03	11/15/03
William Gaebler	Head Coach (Girls & Boys Water Polo)	Berkeley High	Site Fund	N/A	\$2532.00	8/15/03	11/15/03
David Goodrich	Head Coach (Girls Cross Country)	Berkeley High	Site Fund	N/A	\$1266.00	8/15/03	11/15/03
Alex Kopel	Head Coach (Girls Tennis)	Berkeley High	Site Fund	N/A	\$1266.00	8/15/03	11/15/03
Kingman Lim	80% Assistant Coach (Girls Volleyball)	Berkeley High	Site Fund	N/A	\$1012.80	8/15/03	11/15/03
Aaron Ward	Head Coach (Boys Cross-Country)	Berkeley High	Site Fund	N/A	\$1266.00	8/15/03	11/15/03
<u>WORKING EVENING SHIFT, OUT OF CLASS, ATTENDANT DUTIES, OR AS CONFIDENTIAL EMPLOYEE</u>							
Joe Cokes	Instructional Assistant Special Education	Berkeley High	Spec Ed.	31/1	1.0 FTE 10% differential \$1.28	8/29/03	11/29/03
Antonio Rodriquez	Instructional Assistant Special Education	Berkeley High	Spec. Ed.	31/1	30 hrs/wk 10% differential \$1.28	9/3/03	6/11/04
<u>CORRECTION TO PERSONNEL REPORT 03-25</u>							
<u>PROBATIONARY</u>							
Porsha Hadden	Instructional Assistant Special Education	Rosa Parks	Special Ed.	31/1	.73 FTE	9/12/03	2/26/04

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Neil Smith, Director of Curriculum & Instruction
DATE: October 1, 2003
SUBJECT: Overnight Field Trip Request / Berkeley Arts Magnet
Marin Headlands, October 23-24, 2003

BACKGROUND INFORMATION:

The following overnight field trip request is being made:

Approve participation of sixty-four (64) fourth grade students, two (2) teachers, and twelve (12) other adults from Berkeley Arts Magnet Elementary School on a two-day, one-night retreat to the Marin Headlands. The trip is scheduled for 10/23 through 10/24/03. The purpose of the trip is to provide students with an opportunity to learn about local Native Americans and participate in activities related to environmental science. Students will sleep in gender specific cabins on the grounds. District buses will provide transportation. Fundraising efforts will provide funding of the \$75.00 cost per student. No student will be denied access based on ability to pay. Requested by Lorna Skantze-Neill, Principal of Berkeley Arts Magnet.

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 trip for students consistent with the District Policies and instructional programs.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Neil Smith, Director of Curriculum & Instruction
DATE: October 15, 2003
SUBJECT: Overnight Field Trips Request

BACKGROUND INFORMATION:

The following overnight field trip requests are being made:

Camp Cazadero - October 24-26, 2003

1. Approve participation of 110 fifth grade band, orchestra and chorus students, six (6) teachers, and ten (10) other adults from various schools in our District on a three-day, two-night trip to Camp Cazadero. The purpose of the trip is to improve the musical proficiency of the fifth grade participants. Students will sleep in gender specific cabins on the grounds. Bonjour Transportation has been contracted to provide transportation. Parents and PTA will fund the \$95.00 cost per student. No student will be denied access based on ability to pay. Requested by Suzanne McCulloch, Coordinator, Visual and Performing Arts.

Ashland, Oregon – June 3-6, 2004

2. Approve participation of 56 Malcolm X fifth graders, two (2) teachers, and eight (8) other adults on a four-day, three-night trip to the Oregon Shakespeare Festival in Ashland, Oregon. The purpose of the trip is to encourage theatre appreciation by attending performances and workshops that provide students with the background information required to enhance their enjoyment of the plays. Students will stay in dorms on the campus of Southern Oregon University. Charter buses will provide transportation. Fundraising efforts and a BPEF grant will finance this trip. No student will be denied access based on ability to pay. Requested by Cheryl Chinn, Principal, Malcolm X School.

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: Neil Smith, Director of Curriculum & Instruction
DATE: October 8, 2003
SUBJECT: Overnight Travel Request
Linking Education, Activity, and Food (L.E.A.F.) Meeting
Sacramento, November 5-6, 2003.

BACKGROUND INFORMATION:

B.U.S.D. is one of eleven pilot programs for Linking Education, Activity and Food (L.E.A.F.) in the state and has been awarded a two-year grant for Longfellow and Willard Middle Schools. King is also participating without the state funding. The acceptance of the grant included a commitment to attend meetings for all L.E.A.F. Leadership Teams to enable participants to network with other L.E.A.F. districts, plan L.E.A.F. activities as a district team, and receive technical assistance from the California Department of Education. The next meeting will be held in Sacramento on November 5 and 6, 2003. The L.E.A.F. Leadership Team for B.U.S.D. includes Rebecca Cheung, Vana James, Cheryl Draper, Beth Sonnenberg, Phoebe Tanner, Karen Candito, Travis Smith, and Melanie Okamoto, all of whom will attend the meeting.

POLICY/CODE:

None

FISCAL IMPACT:

There is no impact to the General Fund. The L.E.A.F. Statewide Networking Meeting registration, accommodations, and transportation are all covered by the L.E.A.F. Pilot Program grant.

STAFF RECOMMENDATION:

Approve the overnight travel for B.U.S.D. staff consistent with the District Policies.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 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 to Erica Peng independent contractor to provide services for mandatory evaluation of the BUSD Nutrition Network Program from October 1, 2003 through September 30, 2004. Evaluation will be conducted to measure the impact of program interventions on State-determined factors, Knowledge, Awareness, Preferences, Self-efficacy, and Norms. Services will include the following: working with State Evaluators to develop evaluation plan, customizing evaluation instruments to BUSD Nutrition Network interventions, coordinating and administering pre-and post-evaluation of approximately 380 5th grade students at Network schools (John Muir, LeConte, Malcolm X, Rosa Parks, Thousand Oaks, Washington), and 5th grade students at Jefferson school as the control group. Entering pre-post-evaluation data in State database, preparing evaluation summary to be submitted to the State with the final report, conducting baseline assessment of physical education instruction at Network schools, developing other qualitative evaluation instruments for classroom teachers, principals, and garden and cooking Instructional Specialists, including surveys and videotaped interviews. The cost will not exceed \$50,000. To be paid from Nutrition Network Budget. Requested by Neil Smith.
2. Ratification of contract to Bruce Wicinas to provide custom software work to Student Assignment Committee and Parent Access for the period June 24, 2003 through December 3, 2003. The cost to be paid will not exceed \$5,000. To be paid from General Fund Superintendent Budget. Requested by Queen Graham.

3. Ratification of contract to Allegra Print & Imaging to provide printing of detentions and referral forms on June 23, 2003. The cost to be paid will not exceed \$625. To be paid from General Fund Willard Middle School Budget. Requested by Michele Patterson.
4. Ratification of contract to TruGreen for pruning trees due to fire in the playground area of Franklin Parent Nursery. The cost to be paid will not exceed \$813. To be paid from Insurance Budget. Requested by Lew Jones.
5. Ratification of contract to Berkeley Glass Center to repair and replace widows destroyed by the Franklin Parent Nursery fire. The cost to be paid will not exceed \$7,000. To be paid from Insurance Budget. Requested by Lew Jones.
6. Ratification of contract to Four Star Carpet to provide clean-up services at the Franklin Parent Nursery site due to the fire. The cost to be paid will not exceed \$20,813.75. To be paid from Insurance Budget. Requested by Lew Jones.
7. Ratification of contract to Diane Ketelle to provide assessment services for special education for the period August – September, 2003. The cost to be paid will not exceed \$2,000. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
8. Ratification of contact to Schoolmate to provide printing of 3200 copies of student organizer for the 03/04 SY. This constitutes a portion of the payment of the total cost of \$10,300, remainder to be paid by BHS Development Group. The cost to be paid will not exceed \$2,000. To be paid from BSEP Budget. Requested by Gabriel McCurtis.
9. Ratification of contract to State Board of Equalization to be paid Hazardous Substance Generator fee for the period January 1, 2000 through December 31, 2002. The cost to be paid will not exceed \$19,692.47. To be paid from General Fund Budget. Requested by Rhonda Bacot.

10. Ratification of contract to Robert L. Oberdick, independent consultant to provide repairs and services to the football scoreboard and control console at Berkeley High School. The cost will not exceed \$515.48. To be paid from General Fund Athletics Budget. Requested by Thelette Bennett.
11. Ratification of contract to Folger Graphics for printing of business cards for the Adult School Staff. The cost to be paid will not exceed \$995.91. To be paid from Adult School Budget. Requested by June Johnson.
12. Ratification of contract to Charlotte Knox Educational Associates to provide 17.5 days intensive training in the Strategic Schooling Leadership Series, with focus on: a) best practices for literacy and English Language Learns (ELLS) to accelerate achievement for ELL's and struggling readers; b) methods for conducting/managing small group guided reading lessons; c) conducting team meetings for data analysis, planning instruction and implementing best practices; d) assuring transfer of training with demonstration lessons/coaching for the period August 25, 2003 through May 30, 2004. The cost will not exceed \$21,000. To be paid from Staff Development Program Budget; the cost will be reimbursed from contributions already received by Berkeley Public Education Foundation for this us. Requested by Neil Smith.
13. Ratification of contract to Marconi Conference Center to provide rental space for small schools retreat on October 26 – 27, 2003. The cost to be paid will not exceed \$1,650. To be paid from BAYCES Budget. Requested by Jim Slemp.
14. The Ecology Center, a Berkeley non-profit organization, to coordinate and conduct approximately 20 nutrition education field trips to the Berkeley Farmers' Market for approximately 560 4th grade and afterschool students at John Muir, LeConte, Malcolm X, Rosa Parks, Thousand Oaks and Washington elementary schools, including pre-and post-field trip nutrition education in the classroom. Services will be provided for the period October 1, 2003 through September 30, 2004. The terms of the contract with the Ecology Center are the same contractual agreements the District required for The Ecology Center which provided field trip coordination for the District's 2002/2003 Nutrition Network Program. The cost will not exceed \$8,000. To be paid from Nutrition Network Budget. Requested by Neil Smith.

15. Increase in contract to Hot Jobs.Com to provide recruiting services for the 03/04 SY. Board approved on September 3, 2003 in the amount of \$1,053. The additional work required will increase this amount by \$4,212 for a total amount of \$5,265. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
16. Geotechnical Engineering, Inc. to provide observation of foundations and density testing services for the Franklin Adult School Modernization. The cost will not exceed \$14,000. To be paid from Measure AA Budget. Requested by Lew Jones.
17. Korve Engineering to provide consulting services for traffic study on San Pablo for Cal-Trans comments regarding Franklin Adult Modernization Project. The cost will not exceed \$5,000. To be paid from Measure AA Budget. Requested by Lew Jones.
18. TruGreen LandCare to remove and stump grind two American elm trees at Longfellow Middle School and haul off debris. The cost will not exceed \$1,250. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
19. University of California, to provide work-study tutors/advisors at Berkeley High School for the 03/04 SY. The cost will not exceed \$9,000. To be paid from BSEP Budget. Requested by Gabriel McCurtis.
20. QSS to provide additional training as needed for the Accounting and Payroll users for the 2003/04 FY at a rate of \$1300 per day plus \$300 travel expense for total daily fee of \$1600. The cost will not exceed \$5,000. To be paid from General Fund Accounting/Payroll Budget. Requested by Song-Chin Bendib.
21. QSS to provide absence tracking training on October 20, 2003 to the Human Resources Department. The cost will not exceed \$1600. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
22. Angel Arletha Lands to provide dance classes at King Middle School for the period September 8, 2003 through May 28, 2004. The cost will not exceed \$3,920. To be paid from After School Extended Day Budget. Requested by Kit Pappenheimer.

23. Loralie Miller to provide photography classes for the enrichment program at King Middle School. The cost will not exceed \$1,260. To be paid from After School Extended Day Budget. Requested by Kit Pappenheimer.
24. Patricia Bulitt to provide independent contractors services for creative movement classes at Thousand Oak School at a rate of \$40/class 2/days/week. The cost will not exceed \$2,080. To be paid from After School Extended Day Budget. Requested by Jesse Ramos.
25. Tersi Arias to provide independent contractors services for math tutoring program at a rate of \$37.50/hour 5/hrs/day at Thousand Oaks School. The cost will not exceed \$5,602.50. To be paid from After School Extended Day Budget. Requested by Jesse Ramos.
26. Curotto Law Offices to provide professional legal services for the 03/04 FY. The cost will not exceed \$25,000. To be paid from Self-Insurance Budget. Requested by Eric D. Smith.
27. Skinner & Hagopian LLP to provide professional legal services for the 03/04 FY. The cost will not exceed \$10,000. To be paid from Self-Insurance Budget. Requested by Eric D. Smith.
28. George Hills Co. Inc. to provide professional liability and vehicle adjusting services for the 03/04 FY. The cost will not exceed \$30,000. To be paid from Self-Insurance Budget. Requested by Eric D. Smith.
29. Hilda Ortiz to provide independent contractors services for Spanish class in after school program at Thousand Oaks School @ a rate of \$40/class for 2 days/week for 11 weeks. The cost will not exceed \$2,080. To be paid from After School Extended Day Budget. Requested by Jesse Ramos.
30. Abigail Tucker to provide independent contractors services for yoga classes in the after school program, 2/days/week at a rate of \$37.50/class for 15 weeks at Thousand Oaks School. The cost will not exceed \$2,100. To be paid from After School Extended Day Budget. Requested by Jesse Ramos.

31. Allegra Print and Imaging to provide printing services for the 03/04 SY. The cost will not exceed \$900. To be paid from General Fund Willard Middle School Budget. Requested by Michele Patterson.
32. The Ohio State University, National Data Evaluation Center to provide Reading Recovery data processing services to the BUSD for the period August 1, 2003 through June 30, 2004, as part of the Berkeley Reading Recovery Training Site fees for annual site set-up and data records. The cost will not exceed \$705. To be paid from Reading Recovery Restricted Donations Program Budget. Requested by Neil Smith.
33. St. Mary's College of CA to provide Reading Recovery Teacher Leader training to the BUSD for the period August 1, 2003 through June 30, 2003. These services constitute the annual Affiliation Fee required to maintain a Berkeley Reading Recovery Training Site. The cost will not exceed \$1,300. To be paid from Reading Recovery Restricted Donations Program Budget. Requested by Neil Smith.
34. Fast Response to provide CPR first aid training as required for Special Education staff to keep current certification at a rate of \$40 per person. The cost will not exceed \$3,500. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
35. Bruce Heller, PHD to provide Psychotherapy assessment services for hearing impaired students at a rate of \$150/hour for three students for the period 03/04 SY. The cost will not exceed \$5,000. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
36. Stiles Hall to provide after school tutorial services at King Middle School for the period December 2003 through May 2004. The cost will not exceed \$1,672. To be paid from BSEP Budget. Requested by Kit Pappenheimer.
37. University of California, Berkley to provide work study tutors for the 03/04 SY at BHS Independent Study. The cost will not exceed \$9,000. To be paid from BSEP Budget. Requested by Alex Palau.

38. J.W. Enterprises to provide portable toilet services as needed by the Maintenance Department for the 03/04 FY. The cost will not exceed \$1,500. To be paid from General Fund Budget. Requested by Rhonda Bacot.
39. Ceitronics to provide repair services of public announcement system wiring at Berkeley High School. The cost will not exceed \$2,400. To be paid from General Fund Budget. Requested by Rhonda Bacot.
40. American Blinds & Draperies to provide blinds and draperies installation and repair services as needed for the 03/04 FY. The cost will not exceed \$5,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
41. Habitot Children's Museum to provide on site programming for Preschool classes at Hopkins CDC for the 03/04 SY. The cost will not exceed \$6,000. To be paid from BSEP Budget. Requested by John Santoro.
42. Tinkers Workshop to provide repair and servicing of sewing machines located at the Adult School for the 03/04 SY. The cost will not exceed \$500. To be paid from Adult School Budget.
43. Copy World to provide copy services for the 03/04 SY. The cost will not exceed \$800. To be paid from Arts Partnership Arts Works Budget. Requested by Suzanne McCulloch.
44. Office Works, Inc. to install cork board in District Office Building at 2134 MLK Jr. Way. The cost will not exceed \$1,500. To be paid from Arts Partnership Arts Works Budget. Requested by Suzanne McCulloch.
45. Transamerica Assurance Co. to provide Life Insurance for District employees of .50 FTE and greater for the 03/04 FY. The cost will not exceed \$34,000. To be paid by Payroll Warrant Pass Through Account Budget. Requested by Eric D. Smith.
46. Pacific Care Behavioral Health to provide Employee Assistance Program Services for the 03/04 FY. The cost will not exceed \$52,800. To be paid from Payroll Warrant Pass Through Account Budget. Requested by Eric D. Smith.

47. Filice, Brown, Essa & McLeod to provide professional legal services for the 03/04 FY. The cost will not exceed \$30,000. To be paid from Self Insurance Budget. Requested by Eric D. Smith.
48. Cooperative Organization for the Development of Employee Selection Procedures (CODESP) to be paid contractual fee for participation in the Development of Employee Selection Procedures for 03/04 FY. The cost will not exceed \$1,750. To be paid from General Fund Human Resources Budget. Requested by Pat Calvert.
49. University of California, Berkeley to provide work study tutors at King Middle School for the 03/04 SY. The cost will not exceed \$2,000. To be paid from Title III Immigrant Budget. Requested by Kit Pappenheimer.
50. Baker/Vilar Architects to provide Architectural services for remodeling building to put in the Health Center at Berkeley High School. The cost will not exceed \$55,000. To be paid from Measure AA Budget. Requested by Lew Jones.
51. Kids for the Bay to provide Bay Area Scientist classroom presentation environmental education at LeConte School. The cost will not exceed \$150. To be paid from School Improvement Budget. Requested by Pat Saddler.
52. East Initiative to providing training for students and facilitators in the East Programs at King, Willard and Longfellow Middle Schools. Phase I for facilitators July 21-25, Phase II for facilitators October 27-28, Phase II for facilitators December 4-5, and Student trainings September 29-30, October 8, 27-28, November 5-7, 12-14, 2003 and March 8-10, 24-26. The cost will not exceed \$105,750. To be paid from EETT Grant Budget. Requested by Neil Smith.
53. Signet Testing Labs to provide testing and inspection services for construction of Franklin Adult School Modernization Project. The cost will not exceed \$25,000. To be paid from Measure AA Budget. Requested by Lew Jones.

54. Clarke Inspection Group to provide Inspector of Record Services for the Franklin Adult School Modernization Project. The cost will not exceed \$90,000. To be paid from Measure AA Bond. Requested by Lew Jones.
55. P G & E to perform engineering design review, etc. for electric service upgrade relating to the Franklin Adult School Modernization. The cost will not exceed \$1,000. To be paid from Measure AA Budget. Requested by Lew Jones.
56. Ratification of contract to Done in Love for catering services for staff development day breakfast and lunches on October 13, 2003. The cost will not exceed \$24,545.45. To be paid from General Fund Superintendent Budget. Requested by Eric Smith.
57. Teaching Agreement between Chapman University College and Berkeley Unified School District to provide experience to students enrolled in teacher education. The term of this contract will be from July 1, 2002 through June 30, 2004, not to exceed 30 student teaching assignments per semester. The rate and amount of \$130 master teacher stipend per session of full-time directed teaching. Requested by Pat Calvert.
58. Teaching Agreement between The Regents of the University of California and Berkeley Unified School District to provide Education Specialist Internship Credential. The University will pay each district support provider an honorarium of \$250 each semester, paid as follows: \$250 in January and \$250 in June. The term of this Agreement shall begin August 1, 2003. Requested by Pat Calvert.

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: Song Chin-Bendib
Director of Fiscal Services
DATE: October 15, 2003
SUBJECT: Approve Listing of Warrants issued in September 2003

BACKGROUND INFORMATION

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

POLICY/CODE

Educational Code Section 41010 ET seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the monthly bill warrant list for September 2003.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Receive and Approve Information on the Issuance of Payroll Warrants for Employee Services for August and September 2003.

BACKGROUND INFORMATION

On a regular basis the Board receives information on the total amount paid employees during a month. The attached represents a summary of pay warrants from various funds for the month of August and September 2003.

POLICY/CODE

Educational Code 41010 ET Seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve payroll payments made in August and September 2003.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Receive and Approve Information on the Issuance of Payroll Warrants for Employee Services for August and September 2003.

BACKGROUND INFORMATION

On a regular basis the Board receives information on the total amount paid employees during a month. The attached represents a summary of pay warrants from various funds for the month of August and September 2003.

POLICY/CODE

Educational Code 41010 ET Seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve payroll payments made in August and September 2003.

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 03-15**

**AUTHORIZATION TO ACCEPT COMPLETION of the KING MIDDLE
SCHOOL MODERNIZATION PROJECT**

WHEREAS, **WEST COAST CONTRACTORS.**, a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 2320 Courage Drive Suite #111 Fairfield, California entered into a contract dated **16th day of April, 2001**, 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 King Middle School Modernization Project and

WHEREAS, Project Construction Manager employed by this Board to prepare plans and specifications and to supervise the work has certified in writing to the Board that said contractor has completed the work of said contract in workerlike and satisfactory manner as of **October 21, 2003** and that warrant period begin on this date for this work.

NOW, THEREFORE, BE IT RESOLVED that said written certification of said Supervisor's recommending the acceptance of the work listed above of said contract be and the same is hereby approved and adopted and said work of said contract be same is hereby accepted.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **15th day of October, 2003**.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: October 15, 2003
SUBJECT: Authorization to Accept the King Modernization Project

BACKGROUND INFORMATION

On April 4, 2001, the Board approved a bid to modernize and seismically upgrade the King Middle School main building. The project also included placing and removing portables and the construction of an amphitheater. The District moved into the remodeled building in July and opened school in August. The contractor has completed all but a few things at the school. One of the items to complete is the lights in the practice rooms. This was a late change order authorized by the District. He could not schedule this work in the normal course of the project. Holding the contractor's retention for factors outside of his control places an unfair burden on the contractor, so we recommend acceptance of the project with the exception of the few remaining items. The estimated value of the uncompleted items is less than \$50,000. We will withhold the payment for these few items until he performs the required work. 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 Bond Fund with partial reimbursement from the Office of Public School Construction (OPSC).

STAFF RECOMMENDATION

Accept the project as complete.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 03-16

Authorization to Accept the Bid of the Lowest Responsive Responsible Bidder for the Franklin Adult School Project

RECOMMENDATION

It is recommended that the Board accept the base bid in the amount of **\$6,126,000, plus Alternates #2 for exterior painting in the amount of \$50,000 and Alternate #6 for San Pablo driveway in the amount of \$28,000 for a total amount of \$6,204,000 to West Coast Contractors** for the Franklin Adult Modernization Project be accepted.

SUMMARY AND DISCUSSION

The Board authorized advertisement for the purpose of bidding the Franklin Adult Modernization Project on August 20, 2003, and bid opening date to be October 1, 2003. Fifteen bids were picked up and five bids were received.

The Board as heretofore on August 20, 2003 adopted Resolution No. 03-01 for the Franklin Adult Modernization Project at as more fully described in the specifications of Bid Schedule No. 2288.

The following bids were received on October 1, 2003.

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>Alt. 1</u>	<u>Alt.2</u>	<u>Alt. 3</u>	<u>Alt.4</u>	<u>Alt.5</u>	<u>Alt.6</u>
Zolman Construction Non Responsive	\$5,600,000	\$15,000	\$55,000	\$180,000	\$235,000	\$180,000	\$50,000
West Coast Contractors	6,126,000	75,000	50,000	491,000	439,000	225,000	28,000
Sausal Corporation	6,244,900	77,700	62,700	178,200	316,500	198,600	30,200
Z Con Builders	6,300,800	75,000	35,000	165,000	225,000	52,000	18,000
Artnz Builders	6,506,000	14,000	103,400	230,000	278,000	64,000	23,000

FINANCIAL IMPLICATIONS

Project will be funded from Measure AA Fund.

Resolution No. 03-16
Continue

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the bid of West Coast Contractors in the amount of **\$6,204,000** is and the same hereby accepted; and the Deputy Superintendent and/or Purchasing Agent of

this Board be and they are hereby authorized to enter into a contract with said bidder for said amount in accordance with law.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District' this **15th day of October, 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: October 15, 2003
SUBJECT: Authorization to Accept the Bid of the Lowest Responsive Responsible Bidder for the Franklin Adult School Project

BACKGROUND INFORMATION

On August 20, 2003, the Board approved bidding the Franklin Adult School project. Approximately 15 general contractors attended the job walk and five bidders submitted bids. The apparent low bidder, Zolman, submitted a request to be relieved of his bid because he had made a mathematical error. On October 7, 2003, a hearing was conducted where Zolman presented evidence that a mathematical error had been made. Lew Jones presided as the hearing officer. Zolman demonstrated that he had neglected to include subcontractor bids for both structural concrete and re-roofing the school in the computation of his bid. This had a material effect on his bid. The Hearing officer is satisfied that Zolman made a mathematical error and that he should be relieved of his bid.

There are four responsive, responsible bids. The lowest responsive, responsible bidder is West Coast Contractors. We are recommending award to this bidder. The bids included six additive alternate bids. There are as follows: Additional landscaping (alternate 1); exterior painting (alternate 2); additional HVAC pipe replacement (alternate 3); exterior window modifications (alternate 4); additional marker boards (alternate 5); and San Pablo driveway (alternate 6). We are recommending the award of the base bid plus alternates 2 and 6.

There are a number of reasons we are not recommending the award of the other alternates. We are not recommending the award of additional landscaping because we believe that the Site Committee in exploring alternate plans is likely to recommend modifications in the landscaping and we do not think it prudent to award this particular package. We do not think that the award of the additional HVAC piping is a good price so we are not recommending this alternate. We may selective replace some of the piping contained in this alternate. We are not recommending the award of alternates for windows and marker boards because we think that they are both too expensive and that they are not needed for the Adult program. They are carryovers from the time when the project was defined as an elementary school.

We are recommending the award of the exterior painting and the San Pablo driveway. The building was last painted in 1994-95. We think the price is reasonable and the school will benefit for a new paint job. We are recommending the San Pablo driveway award. Our indications from Caltrans have been positive about this addition, and although they will require some design changes (including making the driveway larger), we think that awarding this alternate will form a basis for any minor change order which may be required as a part of the Caltrans permit and will also express the Board's plan to build the driveway based upon a successful approval by Caltrans.

POLICY/CODE

California Public Contract Code 20110-20118.

FISCAL IMPACT

The project is funded in the Bond Fund. The project is within the revised budget discussed in the Board document of August 20th and the recent financial update provided to the Board. The total increase for the project was \$1,200,000, of which \$596,000 was covered by the available balance. With these changes, the project is within the revised budget.

STAFF RECOMMENDATION

Approve the contract award to West Coast Contractors.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith, Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Acceptance of Willard Middle School Walkway Roof Maintenance

BACKGROUND INFORMATION

State Roofing Inc. is the contractor that provided roof maintenance work at Willard Middle School. The contractor has successfully completed all of his work.

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. The project was funded by Deferred Maintenance Funds.

STAFF RECOMMENDATION

Accept the project as complete.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith, Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Authorization to Accept Change Order#1 for Dead and Diseased Tree Removal and Tree Pruning Services at various sites

BACKGROUND INFORMATION

The Board awarded Resolution 02-68 to Cleary Bros. Landscape Inc. for tree services at various sites. During the work it was determined that trees to be pruned at Longfellow Middle School required removal for safety. The contractor provided a proposal for the work that was ten percent more than the contract amount. This requires that there be three bids received. Another contractor provided a lower proposal. The base bid for the project is \$23,455.00. Change Order #1 includes a deduction of \$451.00 to the awarded contract. The deduction provides a new contract amount of \$23,004.00.

POLICY/CODE

California Public Contract Code 20110 - 20118.

FISCAL IMPACT

There are no new fiscal impacts. The project was funded by Bond Measure BB.

STAFF RECOMMENDATION

Accept contract deduction amount of \$451.00 and approve the new contract amount of \$23,004.00 for Cleary Bros, Landscape Inc.

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 03-18**

AUTHORIZATION TO CHANGE RESOLUTION NO. 02-91

**CHANGE ORDER ON DEAD and DISEASED TREE REMOVAL and
TREE PRUNING SERVICES at VARIOUS SITES**

WHEREAS, this Board has heretofore on April 4, 2003, adopted Resolution No. 02-91 for Dead and Diseased Tree Removal and Pruning Services at Various Sites and

WHEREAS, this Board finds certain changes desirable; and

WHEREAS, said contractor **Cleary Bros. Landscape Inc.** has proposed and agreed to certain changes to said contract as Change Orders No. 1 as follows:

ORIGINAL CONTRACT	\$23,455
Deduct	
Change Order No. 1	(451)
It was determined that two trees was unsafe and required removal, this work will be done by another contractor.	
Subtotal	23,004
REVISED CONTRACT	\$23,004

NOW, THEREFORE, BE IT RESOLVED, that this Board consents and agrees to said Change Orders No. 1

BE IT FURTHER RESOLVED that the Deputy Superintendent, Business & Operation (CBO) and/or Purchasing Agent be authorized to approve and sign Change Orders No. 1 on the behalf of the District.

Resolution No. 03-18
Continue

PASSED AND ADOPTED by the Board of Education of the Berkeley
Unified School District this 15th day of October, 2003.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

RESOLUTION NO. 03-19

**AUTHORIZATION TO ACCEPT COMPLETION of the GROUNDS
RENOVATION PROJECT at CRAGMONT ELEMENTARY SCHOOL
PLAYGROUND**

WHEREAS, **CLEARY BROS. LANDSCAPE INC.** a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 1310 Fulton Street #205, San Francisco, California, entered in to a contact dated **11th 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 Grounds Renovation Project at Cragmont Elementary 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 complete the work of said contract in worklike and satisfactory manner as of **OCTOBER 21, 2003.**

NOW, THEREFORE, BE IT REVOLVED that said written certification of said Supervisor's recommending the acceptance of the work listed above of said contract be and the same is hereby approved and adopted and said work of said contract be same is hereby accepted.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **15th day of OCTOBER, 2003.**

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 03-19**

AUTHORIZATION TO ACCEPT COMPLETION of the GROUNDS
RENOVATION PROJECT at CRAGMONT ELEMENTARY SCHOOL
PLAYGROUND

WHEREAS, **CLEARY BROS. LANDSCAPE INC.** a contractor licensed and Existing under and by virtue of the laws of the State of California, and having offices at 1310 Fulton Street #205, San Francisco, California, entered in to a contact dated **11th 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 Grounds Renovation Project at Cragmont Elementary 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 complete the work of said contract in workerlike and satisfactory manner as of **OCTOBER 21, 2003.**

NOW, THEREFORE, BE IT REVOLVED that said written certification of said Supervisor's recommending the acceptance of the work listed above of said contract be and the same is hereby approved and adopted and said work of said contract be same is hereby accepted.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **15th day of OCTOBER, 2003.**

AYES:

NOES:

ABSENT:

ABSTAIN:

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

RESOLUTION No. 03-20

**AUTHORIZATION TO ACCEPT COMPLETION of the DEAD and
DISEASED TREE REMOVAL and TREE PRUNING SERVICES at
VARIOUS SITES**

WHEREAS, **CLEARY BROS. LANDSCAPE, INC.**, a contractor licensed and exiting under and by virtue of the laws of the State of California, and having offices at 521 Diablo Road, Danville, CA enter into a contract dated **22nd July, 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 Dead and Diseased Tree Removal and Tree Pruning Services at Various Sites

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 worklike and satisfactory manner as of **October 21, 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 **15th day of October, 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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Review Quarterly Investment Report

BACKGROUND INFORMATION

Government Code Section 53646 requires the Board to review and approve the District's investments in accordance with the Board's adopted investment policy. Since all of the District's cash is invested with the County Treasurer, review of the County Treasurer's Quarterly Investment Report meets this requirement.

POLICY/CODE

Government Code 53646
FCMAT Financial Management Standard 10.1

FISCAL IMPACT

None

STAFF RECOMMENDATION

Review the quarterly investment report.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Patricia Calvert, Director, Certificated Personnel
DATE: October 15, 2003
SUBJECT: Declaration of Need for Fully Qualified Educators

BACKGROUND INFORMATION

There has been a significant effort to recruit fully credentialed teachers for certain vacant positions throughout the District.

The Declaration of Need is needed to certify that there are an insufficient number of certificated persons who meet the District's specified employment criteria for certain positions.

POLICY/CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the Declaration of Need for Fully Qualified Educators.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Song Chin-Bendib, Director of Fiscal Services
DATE: October 15, 2003
SUBJECT: Reclassification of Account Clerk to Account Technician

INTRODUCTION

The Business Office currently has two Account Technician positions at level 43 and one Account Clerk position at level 36. The Business Office needs three Account Technician positions to adequately serve our vendors plus provide the other support functions needed at the high level.

A recent retirement in the Accounting Department now allows staff to reorganize clerical positions to meet these objectives.

The Account Clerk position, now vacant, has performed duties similar to the Account Technicians. Consequently, in order to have parity and to allow the Director of Fiscal Services to assign higher level responsibilities consistent with those given to the Account Technicians, staff is requesting to upgrade this position.

The cost to upgrade this position is about \$7,000. However, this cost will be offset by the salary savings of \$10,500 of a retiree in the department. Thus, in the immediate year or two there will be a net savings in the department of \$3,500.

POLICY/CODE:

Education Code Section 45109

FISCAL IMPACT

Savings to General Fund of approximately \$3,500.

STAFF RECOMMENDATION

It is recommended that the Board approve the upgrade.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Tina Brier, Director Classified Personnel
DATE: October 15, 2003
SUBJ: Reclassification of three classified positions.

BACKGROUND INFORMATION:

On July 1, 2003, after the decision was made to not replace the two Associate Superintendents due to the budget deficit, the Board of Education approved the upgrade of three Managers to Directors in order to create a consistent level of organizational responsibility that reports directly to the Superintendent. This organizational structure seems to be meeting the current needs given our budget constraints.

However, at that time attention was not given to the classified positions supporting those Directors. Now the question has been raised that the increase in responsibility of the clerical positions supporting the Directors should also reflect appropriate parity. Although a case could be made that many employees have increased their volume of work, the level of responsibility in these offices have been raised. It is the higher expectation of performance and responsibility that now creates the inequity. Three classified positions supporting the Director of Classified Personnel, the Director of Special Education and Director of Student Support Services are at levels 50 and 46. These three classified employees' monthly salary fall well below the level of the positions supporting all the other District Directors.

These positions should be Administrative Coordinator positions to effectively maintain a consistent and equitable level of support for each Director. Thus, staff is requesting reorganization in the form of upgrades for the two Administrative Assistant positions and the one Administrative Secretary position.

These assistants for the Directors are preparing board recommendations, performing technical studies, serving as an informational resource on District planning, dealing with site staff and principals to resolve problems, handling high level issues when Directors are unavailable, supervising projects and analyzing data and reports, coordinating office functions, participating in budget control training, and in some instances, working directly with union negotiations and grievances.

In light of the increase in cost that this reorganization would create, some positions that were inappropriately identified to receive a confidential differential were returned to non-confidential status. The decision to eliminate the confidential status was based on the fact that by code the term confidential is directly related to positions that are connected to the collective bargaining process or preparing material for negotiations. That savings has been applied to offset some but not all of the cost for the proposed upgrades.

POLICY/CODE:

Education Code 45109

FISCAL IMPACT:

Approximately \$7,295 annually for the total cost of three position upgrades.

STAFF RECOMMENDATION:

It is recommended that the Board approve the upgrade of one Administrative Secretary and two Administrative Assistants to positions of Administrative Coordinator.

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

PROPERTY MANAGEMENT DEPARTMENT

**1720 OREGON STREET, ROOM 21
BERKELEY, CA 94703
(510) 644-6250**

TABLE OF CONTENTS

	Page
Introduction.....	3

SECTION 1: DISTRICT POLICY

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

SECTION 2: SHORT-TERM PERMITS

Short-term Permit Procedures.....	
Other Restrictions.....	

SECTION 3: LONG-TERM PERMITS

Long-Term Permit Procedures	
City Zoning Restrictions.....	
Proof of Insurance / Non-profit Status	
Rental Period / 30-Day Notice.....	

Rental Due Date, Deposit and Penalties
Cause for Eviction.....
Custodial / Maintenance Services.....

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 1720 Oregon Street, Berkeley, CA 94704. The phone number is (510) 644-6250. 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 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 recognized that school district property is and ought to 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 districts 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.

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 SHOOOL 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 annually and appended to these regulations. 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

CATEGORY I

ACTIVITIES QUALIFYING FOR FREE USE OF FACILITIES

Non-profit organizations, clubs or association sanctioned by the school district to promote school activities will not be charged a fee for the use of school facilities or grounds. No admissions are charged.

If any of the above 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.

AS EXAMPLES:

Parent Teacher Associations, School Site Councils, School-community Advisory Councils, BSEP P&O, Board and Superintendent Advisory Committees.

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 admissions are charged, or fundraising takes place, the receipts must be expended for the welfare of the district or for district approved charitable purposes. Such activities must be applied for 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 without exception.

CATEGORY III

ACTIVITIES QUALIFYING FOR FAIR RENTAL VALUE RATES

Organizations whose activities are not open for free public admission will be charged a fee based on fair rental value, or 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. District insurance requirements must be met without exception.

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 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.

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

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's copy of the signed permit must be in hand for the custodian or other district representative to examine prior to opening a facility. Access is not permitted without a copy of the permit.

"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.

Applicants should fill-out the permit as 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 two weeks 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, and The Little Theatre 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 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 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 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 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 picketing, 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

The applicant for permit shall not be affiliated with any group, society or organization which has as its object, or one of its objects, the overthrow or the advocacy of the overthrow of the present form of government of the United States or of the State of California by force or violence or other unlawful means. The applicant shall be familiar with the purposes of and the proposed activities to be conducted at meetings and shall promise and agree to above restriction (Education Code, Section 38136).

The permit holder shall not allow any school district building to be used for lodging rooms, or for any improper immoral or objectionable purpose.

The Board of Education reserves the right, through its agents, to eject any objectionable person or persons from school district property. The person or persons ejected by exercise of this authority by the Board's agent or the police hereby waive any right and all claim for damages against the Board and/or the Berkeley Unified School District.

The Board reserves the right to remove from any and all school district property all permit holders' effects remaining on the premises after termination for the rental period as designated on the permit, and to charge the permit holder for any and all costs arising from the removal of such effects.

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 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 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 district from renting the facility to other tenants, there is not right of cancellation (for a particular date during a month)

*Policies & Procedures for Renting School District Property
Effective: 20 August 2003
Subject to Revision*

Page 15

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, or 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 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 644-6250. Tenants are prohibited from performing their own repairs.

To alter rental space, tenants must request permission from the 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 district permission, and without providing the district with a key for said lock or bolt. The 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 or Florence Schwimley Little Theatre, 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 base.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Directors
FROM: Michele Lawrence, Superintendent
DATE: October 15, 2003
SUBJECT: Property Management Guidelines and Procedures

BACKGROUND INFORMATION

During the last Fiscal year, analysis has been done on the various aspects in which the District maybe inadvertently be losing revenue and not capitalizing on its opportunity to enhance revenue. The use of District property and facilities use is a component of our operations which has needed study and modification.

Before fee schedules are modified to more accurately reflect our costs, the staff is requesting from the Board a discussion and concurrence of the definition and guidelines under which suggested fee schedules can be based. Although the attached document is not a policy, District administrative implementation will have community-wide implication. Therefore, we are seeking Board approval for the Property Management Guidelines.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve new guidelines and procedures for property management.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Public Hearing on Approval of Current Year Budget
Adjustments and Categorical Ending Balance Transfers

BACKGROUND INFORMATION

Staff has made current year budget revisions in order to reduce the number of transactions that have to be presented at the First Interim Financial Report. Additionally, the State Budget Act enables school districts to transfer fiscal year 2002-03 restricted ending balances from select categorical programs to the unrestricted General Fund.

POLICY/CODE

FCMAT Financial Management Standards 5.6 and 8.3

FISCAL IMPACT

Increases the Reserve for Economic Uncertainties by \$410,075.53

STAFF RECOMMENDATION

Approve the attached budget adjustments and transfers from categorical ending balances to the unrestricted General Fund.

The District's State restricted ending balance and the carryover for State grants as of June 30, 2003 is shown below:

SACS CODE	Description	Restricted Beginning Balance	District Unrestricted Designated Beginning Balance
FN 1004	High Achieving		\$ 204,177.00
0005	Block Grant		\$ 63,945.00
0006	Site Employee Per		\$ 138,227.00
5640	Medical Billing	\$ 106,641.19	
6240	Healthy Start	\$ 4.43	
6286	English Learner	\$ 90,925.93	
6288	English-Intensive	\$ 35,841.61	
6292	Class Materials (K-4)	\$ 40,271.53	
6296	Library Act 98	\$ 179,658.73	
6300	Lottery Prop 20	\$ 32,602.45	
6405	School Safety	\$ 223,481.45	
7120	Ed Tech - Staff Dev	\$ 4,638.11	
7140	GATE	\$ 46,499.01	
7155	Int. Materials K-8	\$ 70,181.68	
7156	Int. Materials Realign	\$ 409,862.79	
7160	Int. Materials 9-12	\$ 25,626.79	
7180	Standard Based Mat	\$ 60,004.33	
7185	Science Lab Mat	\$.27	
7186	Int. Mat Buyout	\$ 3,411.06	
7230	Home to School Tran	\$ 12,629.00	
7315	Staff Dev - SB 1882	\$ 20,908.49	
7375	10 Grade Counseling	\$ 53,356.50	
Total		\$1,416,545.35	\$ 406,349.00

Pursuant to the State Budget Act, the amount available to the Governing Board to transfer to the unrestricted general fund is 100% of the District's fiscal year 2003-04 restricted ending balance in State entitlement programs, excluding the following categorical programs:

- Economic Impact Aid
- Targeted Instructional Improvement Grant
- Instructional Materials
- Special Education

Based on a review of the categorical ending balances with program managers, staff is proposing that the following amounts be transferred from the restricted to the beginning balance to the unrestricted general fund:

SACS CODE	Description	Restricted Beginning Balance	District Unrestricted Designated Beginning Balance	Transfer Amount
0006	Site Employee		\$ 138,227.00	\$ 138,227.00
6405	School Safety	\$223,481.45		\$ 50,000.00
7230	Home to School	\$ 12,629.00		\$ 12,629.00
6292	Class Materials	\$ 40,271.53		\$ 40,271.53
6296	Library Act 98	\$179,658.73		\$ 168,949.00
Total				\$410,076.53

BERKELEY UNIFIED SCHOOL DISTRICT

GENERAL FUND: UNRESTRICTED FUND ONLY - Excluding BB and BSEP

Below are the highlights of the budget changes since the Adoption Budget of July 1, 2003:

	<u>Adopted budget Budget On 6/18/2003</u>	<u>Budget Changes</u>	<u>Working Budget as 10/08/2003</u>
<u>REVENUE:</u>			
<i>Revenue Limit Sources:</i>	\$42,879,202	\$298,764	\$43,177,966
Added add-on for opportunity school			
\$289,940			
PERS Reduction	\$8,824		
<i>Federal Revenues:</i>	0	0	0
<i>Other State Revenues:</i>	\$ 3,971,230	171	\$ 3,971,401
Miscellaneous budget adjustment			
<i>Other Local Revenues:</i>	\$ 523,365	0	\$ 523,365
<i>Other Authorized Transfer In:</i>	\$ 94,919	0	\$ 94,919
<i>Contribution from Unrestr. Resource:</i>	(\$11,185,064)	\$1,241,507	(\$9,943,557)
Re-routed contribution to Transportation From Voluntary Integration funds \$1,902,554; Increased Special Education contribution by \$661,047 due to the addition of 26.40 FTEs			
<ul style="list-style-type: none"> • mostly instructional aides • .50 FTE of the Director of Special Ed who was paid by the General Fund last year but charged to the Special Ed account this fiscal year, i.e. the whole 1.0 FTE of his salary is charged to the Special Ed account 			

	Adopted budget Budget On 6/18/2003	Budget Changes	Working Budget as 10/08/2003
<i>BSEP Contribution:</i>	\$ 5,910.891	0	\$ 5,910,891
Contribution from Rest. Resource (Voluntary Integration)	\$ 4,363,878	(\$1,991,524)	\$ 2,372,354
Reduced the funds from Voluntary Integration to the General Fund Unrestricted and transferred them to Home-to-School transportation instead			
<u>TOTAL REVENUES:</u>	<u>\$46,558,421</u>	<u>(\$ 451,082)</u>	<u>\$46,107,339</u>

EXPENDITURES:

<i>Certificated Salaries:</i>	\$26,305,101	\$ 365,368	\$26,670,469
1) Final staffing reconciliations in these three areas: - Position Control, Human Resources and Payroll; - Staff didn't know the recalc button must be used in order to calculate position control correctly instead of simply using the "update" button and as a result there was an increase in costs. Total increase due to the above areas: \$233,858			
2) Summer School budget was increased by \$131,510 because the Adopted Budget was not adequate			
<i>Classified Salaries:</i>	\$ 6,993,241	\$ 40,947	\$ 7,034,188
Final staff reconciliations among Position Control, Human Resources and Payroll			
<i>Employee Benefits:</i>	\$12,316,735	(\$1,843,043)	\$ 10,473,692
1) Duplicate entry of retirees benefit at Adoption Budget (\$1,220,000)			
2) Credits of retirees benefit from all accounts for Classified Employees (\$ 668,000)			
3) Salary driven due to staffing reconciliations \$ 44,957			

Adopted budget

Working

	<u>Budget On 6/18/2003</u>	<u>Budget Changes</u>	<u>Budget as 10/08/2003</u>
<i>Books and Supplies:</i>	\$ 659,831	\$ 55,656	\$ 715,487
Additional budget increase requested:			
1) Berkeley High School theater	\$9,000		
2) Risk Management	\$5,000		
3) Testing	\$1,000		
4) Staff Development Day – food	\$10,000		
5) Other necessary budget transfers	\$30,656		
<i>Services & Operating Exp:</i>	\$ 4,800,239	\$ 209,987	\$ 5,010,226
1) Electricity – revised up by	\$94,919		
2) Testing and Assessment – budget was not set up at Adoption Budget	\$106,100		
3) Risk Management legal fees - was not budgeted	\$34,800		
4) Other necessary budget adjustments	(\$25,832)		
<i>Capital Outlay:</i>	\$ 0	\$ 0	\$ 0
<i>Indirect Cost:</i>	(\$ 705,255)	(\$ 384,420)	(\$1,089,675)
Additional indirect costs from carryover and new categorical funds			
<i>Direct Support- interfunds:</i>	(\$ 265,060)	\$ 0	(\$ 265,060)
<i>Indirect cost – interfund</i>	\$ 818,531)	(\$ 1,780)	(\$ 820,311)
<i>Other Authorized Transfer O</i>	\$ 952,243	\$ 35,000	\$ 987,243
Transfer out to Self Insurance Fund to pay for fire damage at Franklin			
TOTAL EXPENDITURES	<u>\$50,238,544</u>	<u>(\$1,522,285)</u>	<u>\$48,716,259</u>
<u>Excess (Deficiency) of Revenues over Expenditures:</u>	(\$ 3,680,123)	\$1,071,203	(\$ 2,608,920)
<i>BEGINNING FUND BALANCE</i>	\$2,028,808	\$ 0	
\$2,028,808			
<i>Revolving Cash Fund</i>	(\$100,000)	\$ 0	(\$100,000)
	Adopted budget		Working
			4.2-A

	<u>Budget On 6/18/2003</u>	<u>Budget Changes</u>	<u>Budget as 10/08/2003</u>
<i>Stores/Inventory</i>	(\$55,151)	(\$79,031)	(\$134,182)
<i>Economic Uncertainty (3% to cover Unrestricted & categorical expenditures)</i>	(\$2,341,072)	(\$104,332)	(\$2,445,404)
<i>Budget Act – Categorical Ending balance transfer to help cover the 3% Economic Uncertainty</i>	\$ 0	\$ 410,077	\$ 410,077
ENDING FUND BALANCE	<u>(\$3,992,387)</u>	<u>(\$472,027)</u>	<u>(\$2,849,621)</u>

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Accept for First Reading Proposed Policy on Fraud

BACKGROUND INFORMATION

In order to prevent fraud, the District should adopt a comprehensive policy dealing with employees as well as consultants, vendors, or any other parties with a business relationship with the district. The proposed policy defines what constitutes fraud and prescribes the method of investigating allegations of fraud should they occur.

POLICY/CODE

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept for First Reading Proposed Policy on Fraud

Proposed Policy for the Prevention of Fraud

BP3400

It is the policy of the Governing Board to facilitate the development of controls which will aid in the detection and prevention of fraud, impropriety or irregularity within the district for employees as well as consultants, vendors, contractors, employees with outside agencies and/or any other parties with a business relationship with the district.

Management personnel shall be responsible for detection and prevention of fraud, improprieties and other irregularities involving district resources. Each member of the management team shall be familiar with the types of improprieties that might occur within his/her area of responsibility, and be alert for any indication of irregularity.

Any fraud, impropriety or irregularity that is detected or suspected must be reported immediately to an immediate supervisor, when possible, to the Deputy's Superintendent's Office. The Deputy Superintendent will coordinate all investigations with the Superintendent or designee, Legal Counsel and other affected departments and agencies both internal and external, as appropriate.

Fraud, Improprieties and Irregularities

The terms fraud, improprieties and irregularities refer to, but are not limited to:

1. Any dishonest or fraudulent act.
2. Forgery or alteration of any document or account belonging to the district including but not limited to attendance reporting, time cards, payroll records, audit documents and State reports.
3. Forgery or alternation of a check, bank draft, or any other financial document.
4. Misappropriation of funds, securities, supplies, or other assets.
5. Impropriety in the handling or reporting of money or financial transactions.
6. Profiteering as a result of insider knowledge of district activities.
7. Disclosing confidential and/or proprietary information to outside parties.

8. Disclosing to other persons securities activities or property negotiations engaged in or contemplated by the district.
9. Accepting or seeking for personal gain or use anything of material value from contractors, vendors or persons providing services/materials to the district.
10. Destruction, removal or inappropriate use of records, furniture, fixtures, equipment, properties, assets; and/or
11. Any similar or related irregularity to those specified above.

Confidentiality

The Deputy Superintendent's Office shall maintain the confidentiality of all information received. Any employee who suspects dishonest or fraudulent activity should immediately notify their immediate supervisor, when possible, and/or the Deputy Superintendent's Office, and should not attempt to personally conduct investigations or interview/interrogations related to any suspected dishonest/fraudulent act.

No information concerning the status of an investigation will be given to anyone without a legitimate need to know. Under no circumstances should any reference be made to the allegation, the crime, the fraud, the forgery, the misappropriation, or any other specific reference. The reporting individual should be advised of the following:

1. Do not contact the suspected individual in an effort to determine facts or demand restitution.
2. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the district's legal Counsel or the Deputy Superintendent.

All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Deputy Superintendent or the district's Legal Counsel.

In order to both avoid damaging the reputations of persons suspected of misconduct but subsequently found innocent of any wrongdoing, and to

protect the district from potential civil liability, the results of any investigating shall not be disclosed or discussed with anyone other than those individuals who have a legitimate need to know.

Investigative Responsibilities and Authorization

The Deputy Superintendent has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is in progress.

Where there exists reasonable cause, and to the extent permitted by law, the Deputy Superintendent is authorized upon the initiation of an investigation, and after consulting with appropriate management personnel, to have free and unrestricted access to all district records and premises whether owned or rented.

If the investigation substantiates that fraudulent activities have occurred, the Deputy Superintendent shall issue a report to appropriate management personnel, the Board and, if appropriate, to the Audit Committee.

A decision to file a criminal complaint or refer a matter to the appropriate law enforcement and/or regulatory agency for independent investigation, as well as the final decision concerning the disposition of the matter, will be made in conjunction with the Superintendent and Legal Counsel.

Proposed Policy for the Prevention of Fraud

BP3400

It is the policy of the Governing Board to facilitate the development of controls which will aid in the detection and prevention of fraud, impropriety or irregularity within the district for employees as well as consultants, vendors, contractors, employees with outside agencies and/or any other parties with a business relationship with the district.

Management personnel shall be responsible for detection and prevention of fraud, improprieties and other irregularities involving district resources. Each member of the management team shall be familiar with the types of improprieties that might occur within his/her area of responsibility, and be alert for any indication of irregularity.

Any fraud, impropriety or irregularity that is detected or suspected must be reported immediately to an immediate supervisor, when possible, to the Deputy's Superintendent's Office. The Deputy Superintendent will coordinate all investigations with the Superintendent or designee, Legal Counsel and other affected departments and agencies both internal and external, as appropriate.

Fraud, Improprieties and Irregularities

The terms fraud, improprieties and irregularities refer to, but are not limited to:

1. Any dishonest or fraudulent act.
2. Forgery or alteration of any document or account belonging to the district including but not limited to attendance reporting, time cards, payroll records, audit documents and State reports.
3. Forgery or alternation of a check, bank draft, or any other financial document.
4. Misappropriation of funds, securities, supplies, or other assets.
5. Impropriety in the handling or reporting of money or financial transactions.
6. Profiteering as a result of insider knowledge of district activities.
7. Disclosing confidential and/or proprietary information to outside parties.

8. Disclosing to other persons securities activities or property negotiations engaged in or contemplated by the district.
9. Accepting or seeking for personal gain or use anything of material value from contractors, vendors or persons providing services/materials to the district.
10. Destruction, removal or inappropriate use of records, furniture, fixtures, equipment, properties, assets; and/or
11. Any similar or related irregularity to those specified above.

Confidentiality

The Deputy Superintendent's Office shall maintain the confidentiality of all information received. Any employee who suspects dishonest or fraudulent activity should immediately notify their immediate supervisor, when possible, and/or the Deputy Superintendent's Office, and should not attempt to personally conduct investigations or interview/interrogations related to any suspected dishonest/fraudulent act.

No information concerning the status of an investigation will be given to anyone without a legitimate need to know. Under no circumstances should any reference be made to the allegation, the crime, the fraud, the forgery, the misappropriation, or any other specific reference. The reporting individual should be advised of the following:

1. Do not contact the suspected individual in an effort to determine facts or demand restitution.
2. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the district's legal Counsel or the Deputy Superintendent.

All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Deputy Superintendent or the district's Legal Counsel.

In order to both avoid damaging the reputations of persons suspected of misconduct but subsequently found innocent of any wrongdoing, and to

protect the district from potential civil liability, the results of any investigating shall not be disclosed or discussed with anyone other than those individuals who have a legitimate need to know.

Investigative Responsibilities and Authorization

The Deputy Superintendent has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is in progress.

Where there exists reasonable cause, and to the extent permitted by law, the Deputy Superintendent is authorized upon the initiation of an investigation, and after consulting with appropriate management personnel, to have free and unrestricted access to all district records and premises whether owned or rented.

If the investigation substantiates that fraudulent activities have occurred, the Deputy Superintendent shall issue a report to appropriate management personnel, the Board and, if appropriate, to the Audit Committee.

A decision to file a criminal complaint or refer a matter to the appropriate law enforcement and/or regulatory agency for independent investigation, as well as the final decision concerning the disposition of the matter, will be made in conjunction with the Superintendent and Legal Counsel.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Accept for first reading Board Policy 3530 Self Insurance

BACKGROUND INFORMATION

On September 3rd, 2003 the District applied to the State Department of Industrial Relations to become self insured for workers compensation. At that time, the Board requested that a policy be developed to ensure that the program is fully funded and that the fiscal solvency of the District is protected. Attached for First Reading is a proposed policy guaranteeing a ninety percent confidence level. Incorporating such a requirement in policy prevents adjustments in reserve levels without modification of policy and adds an addition safeguard in budgeting practices.

POLICY/CODE

Labor Code 3700
FCMAT Personnel Management Standard 11.8

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept for first reading, Board Policy 3530 Self Insurance

SELF INSURANCE

BUSD - BP 3530

The Governing Board strongly supports a risk management program that protects District resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a Risk Management program that uses effective safety and loss control practices. The District shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the District, consistent with required services, the Superintendent or designee shall annually review the District's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

In reviewing various means of insuring the district, decisions related to self-insurance should be based on a careful analysis of past claims records indicating the frequency and magnitude of losses and a prediction of future losses. An actuarial study of projected claims shall be performed annually by a licensed actuarial. The actuarial study shall be used to set rates for self insured workers compensation insurance reserves. Such reserves to meet potential claims shall be established at not less than a ninety percent confidence level.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: October 15, 2003
SUBJECT: Accept for first reading Board Policy 3530 Self Insurance

BACKGROUND INFORMATION

On September 3rd, 2003 the District applied to the State Department of Industrial Relations to become self insured for workers compensation. At that time, the Board requested that a policy be developed to ensure that the program is fully funded and that the fiscal solvency of the District is protected. Attached for First Reading is a proposed policy guaranteeing a ninety percent confidence level. Incorporating such a requirement in policy prevents adjustments in reserve levels without modification of policy and adds an addition safeguard in budgeting practices.

POLICY/CODE

Labor Code 3700
FCMAT Personnel Management Standard 11.8

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept for first reading, Board Policy 3530 Self Insurance

SELF INSURANCE

BUSD - BP 3530

The Governing Board strongly supports a risk management program that protects District resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a Risk Management program that uses effective safety and loss control practices. The District shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the District, consistent with required services, the Superintendent or designee shall annually review the District's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

In reviewing various means of insuring the district, decisions related to self-insurance should be based on a careful analysis of past claims records indicating the frequency and magnitude of losses and a prediction of future losses. An actuarial study of projected claims shall be performed annually by a licensed actuarial. The actuarial study shall be used to set rates for self insured workers compensation insurance reserves. Such reserves to meet potential claims shall be established at not less than a ninety percent confidence level.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Neil Smith, Director of Curriculum & Instruction
DATE: October 15, 2003
SUBJECT: Performing Arts Education

BACKGROUND INFORMATION:

Berkeley Unified School District continues to demonstrate its commitment to arts education in many ways.

- All BUSD third, fourth and fifth grade students are receiving music instruction.
- Teachers of elementary students are participating in Orff techniques and methodology workshops and are adapting the curriculum accordingly. Pitched percussion instruments have been delivered to the elementary schools.
- Six elementary schools have included grades 1 and 2 in the Music Program funded by release time or BSEP.
- Successful collaborations with Cal Performances, Berkeley Symphony Orchestra, the Jewish Music Festival and Cazadero Performing Arts Camp are enhancing music and performing arts experiences for BUSD students.
- Three Arts Works Grants have been awarded to BUSD for 2003-04 (\$72,000) with funding for the District Arts Team, the California Arts Assessment Network and curriculum development for sixth grade core teachers district wide.

At the board meeting tonight, staff will provide a brief presentation on the performing arts programs in the schools.

POLICY/CODE:

Education Code 8810-8820, 60605.1

FISCAL IMPACT:

District funding for the Performing Arts is enhanced by B.P.E.F., Berkeley Public Education Foundation, and grants such as those listed above.

STAFF RECOMMENDATION:

Receive for information.