

MINUTES, REGULAR MEETING  
Wednesday, April 14, 2004  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

**CALL TO ORDER**

President John T. Selawsky called the meeting to order at 6:00 p.m. and the Board recessed to Closed Session.

**ROLL CALL**

**MEMBERS PRESENT:** President John T. Selawsky  
Vice President Nancy Riddle  
Director Terry S. Doran  
Director Shirley Issel  
Director Joaquin J. Rivera  
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

No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 35491.(d), 54956.9(a) and 54957) and Education Code Section 49818(c)

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

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\*The Student Director does not attend Closed Session.

Report Closed Session Action

The Board reconvened in Public Session at 7:40 p.m. President Selawsky reported that the Board discussed the following items in Closed Session.

c) Collective Bargaining

No action was taken.

Approve Agenda

Directors Rivera/Issel and approved unanimously on voice vote:

That the Regular Meeting Agenda of April 14, 2004 is approved as amended. The amendments are as follows:

3.1-C: This item was pulled.

3.3-C: Directors Rivera requested that the Public Hearing portion be separated from the Consent Calendar; open the public hearing and then reconvene the Board Meeting to consent.

4.1-C: Director Rivera asked that item #23: City of Berkeley to be paid for ticket received on the Maintenance Department vehicles. The cost will not exceed \$200. To be paid from General Fund Budget, be pulled. Superintendent Lawrence said she, too, was going to ask that this item be pulled for further analysis.

4.4-C: Director Doran requested that this item be pulled for discussion, based on public comment from Bill Floundes, Facilities, Safety and Maintenance Oversight Committee, that using BB money for the design was not within the guidelines as shown in the "Orange Book" on pages 26-28. Ms. Stephanie Allan, Local 39 voiced the same opposition. Director Doran congratulated Mr. William Harris, the Head Cook at the new Berkeley High School Food Court, for "doing an outstanding job with the lunch programs at Longfellow, Willard and Berkeley High School."

**RECOGNITION AND APPRECIATION**

President Selawsky recognized and expressed appreciation on behalf of the Board, to the 154 volunteer readers who participated in the annual DEAR (Drop Everything and Read) Day which was held on Tuesday, March 30, 2004.

## **PUBLIC TESTIMONY**

No one addressed the Board at this time.

## **REPORTS**

### Union Representatives Reports

Ms. Ann Graybeal, Berkeley Council of Classified Employees, (BCCE), Local 6192, and Ms. Stephanie Allan, Local 39, addressed the Board.

### Superintendent's Report

Superintendent Lawrence congratulated the Nutrition Services staff on a successful Berkeley High School Food Court opening.

### Board Members' Reports

Student Director Johnson reported that 600 people were served in the Berkeley High School Food Court today. He encouraged students and staff to patronize the Berkeley High School Food Court. He announced that STAR testing has begun and urged appropriate students to participate in the testing program.

Director Issel responded to Mr. Bill Foundes' comments regarding agenda item 4.4-C: Approve the increase of services for landscape architects. She said she attended the opening of the Berkeley High School Food Court and "it was great." Director Issel encouraged everyone to attend the Berkeley High School Open House which will be held on Sunday, April 25, 2004, 1 p.m.-5 p.m.

Director Rivera said he attended the *Wiz* performance at Malcolm X Arts & Academic Magnet School and "it was excellent." He said Mr. Mark Coplan, Public Information Officer, spoke at the Rotary Club today regarding the Berkeley High School Ribbon Cutting/Open House which will be held on April 25, 2004.

Director Doran congratulated and thanked Mr. Jon Streeter and his law firm, Kecker & Van Nest, the Superintendent and District staff for their part in winning the desegregation lawsuit. He said "our student assignment process has been saved and we were completely vindicated." He congratulated the Nutrition Services staff for a successful opening of the Food Court at Berkeley High School. Director Doran said since we have completed a year of celebration of Cesar Chavez, he would like for staff to submit to the Board a report of the various Cesar Chavez activities at our school sites.

Board Members' Reports (continued)

Vice President Riddle welcomed everyone back from Spring Recess. She said "we have successfully won the desegregation lawsuit." She congratulated the Berkeley High School Jazz Ensemble for their second year victory at the Monterey High School Jazz Festival. She said some of the students will be performing in Japan this summer. Vice President Riddle thanked staff for a successful Berkeley High School Food Court opening. She noted that the Board had an opportunity to enjoy the Food Court's entrees during Closed Session.

President Selawsky thanked Ms. Karen Candito, Director, Nutrition Services, Mr. William Harris, and the entire Nutrition Services staff, for a successful Berkeley High School Food Court opening. He, too, congratulated the Berkeley High School Jazz Ensemble for their win at the Monterey Jazz Festival. President Selawsky asked staff to send a thank you to Mr. Jon Streeter, Pro-bono Attorney, and his law firm for winning the desegregation case.

**CONSENT ITEMS**

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

That the Consent Items are approved as amended. The amendments are that Items 3.3-C, 4.2-C, 4.4-C are pulled for separate consideration.

- 1.1-C: Acceptance of Gifts/Donations
- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Resolution 03-47: Teachers Teaching outside of Credential Area
- 2.3-C: Request to Negotiate with Local 39
- 3.1-C: Approval of Overnight Field Trip Requests
- 3.2-C: Upgrade Program Coordinator Position to Senior Budget Analyst in the office of State and Federal Programs
- 3.3-C: Public Hearing on Waiver of Algebra I Graduation Requirement for seniors in the 2003-04 Graduating Class
- 3.4-C: Adult Education and Family Literacy and Civics Education Grant
- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts
- 4.2-C: Resolution 03-44: Resubmit Approval of the King Dining Commons Project

See page 5 of these minutes for action on this item.

**CONSENT ITEMS** (continued)

4.3-C: Resolution 03-48: Authorization to Advertise for Repair and replacement of asphalt at LeConte, Longfellow, Malcolm X and Emerson schools

4.4-C: Approve the increase of Services for landscape architects

See below for action on this item.

4.5-C: Resolution 03-49: Authorization to Advertise for new Health Center at Berkeley High School

4.2-C

Resolution 03-44: Resubmit Approval of the King Dining Commons Project

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

Approval of Resolution 03-44: Resubmit Approval of the King Dining Commons Project, as corrected. The correction is on page 31, second paragraph. The second paragraph now reads as follows:

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 14<sup>th</sup> day of April, 2004.

4.4-C

Approve the increase of Services for landscape architects

Director Doran responded to comments made during Public Testimony. He suggested that the AA portion be acted on separately and that the BB portion be tabled.

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

Approval of the increase of services from AA funding for landscape architects.

**AGENDA REORDER**

3.3-C

Public Hearing and Approval of the Waiver of Algebra I as a Graduation Requirement for Seniors in the 2003-04 Graduating Class

President Selawsky declared the Public Hearing open at 8:25 p.m.

Mr. Neil Smith, Director, Curriculum and Instruction, said there are thirteen Berkeley High School seniors who will be affected by the algebra graduation requirement. Eleven are Special Education students who were placed in Math classes in accordance with their present level of academic performance in order to meet their IEP goals. One senior is currently enrolled in algebra, but is in danger of failing. One senior is a twelfth grade transfer student from out-of-state, currently enrolled in geometry and receiving a B grade.

President Selawsky declared the Public Hearing closed at 8:35 p.m.

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

Approval of the Waiver of Algebra as a High School Graduation Requirement for 2003-2004.

**ACTION ITEMS**

2.1-A

Approval of the Tentative Agreement with BCCE, Local 6192

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

Approval of the Tentative Collective Bargaining Agreement with BCCE, Local 6192.

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

2.2-A

Approval of Waivers for teachers not holding appropriate teaching credential

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

Approval of the waivers for teachers not holding appropriate teaching credentials.

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

**AGENDA REORDER**

4.1-A

Discussion and decision on the questions needed prior to considering the development of a field at East Campus

Mr. Lew Jones, Director, Facilities Planning, presented this item and responded to Board questions and comments. Following are some Board comments:

Director Terry S. Doran:

“We need to make sure that what we pass allows the maximum flexibility for that site. That we clearly state that we do not want anything built that might prevent in some future time a consideration of a larger athletic field in this area. If at some future time there is a will and a desire to expand the athletic field we do not have to demolish the restroom. I would like to see the process move faster. I would like to set a process with some possibilities where we could open it in September as we open school.”

President John T. Selawsky

I need clarification regarding the “design at risk” phrase in the first paragraph on page 45: Environmental review has a huge impact to the schedule, although the District can choose to “design at risk” and minimize this impact. Also included in that paragraph it reads that a site committee should be established. If we want to go with “design at risk” and to minimize our risk we want to incorporate some of the neighbors and the ecology center—Farmers’ Market which uses Derby Street on Tuesday afternoons as part of that site because they are directly impacted by whatever happens at that site. Regarding restrooms and the possibility of using the Berkeley Alternative High School for that purpose, I do not want 80-100 people going over and using the facilities at the Berkeley Alternative High School which also raises the issues of safety and security. I suggest that there be dedicated separate restroom facilities at that site to handle the number of people we anticipate will be using it. The fencing or not fencing depends on what the uses are and who is going to be using it.

Director Shirley Issel

Director Issel offered an amendment to the motion:

That staff ask the city to cooperate with the District to close Derby Street and for us to consider a regulations size field at that site.

Director Terry S. Doran

Director Doran suggested that this project be done in stages and move forward on this phase. To approve this as Phase One for a possible larger field; get the buildings out of there as soon as possible and that we simultaneously think of the best approach to Phase Two which would be a large scale baseball field. He recommended modifying the second sentence, second paragraph as follows:

The boundaries suggested for improvement at this time are limited to those streets.

Director Doran said there needs to be some language that reads: The public will be reassured that this will be designed to allow maximum flexibility including the possibility of a facility with Derby Street closed. He said this puts this Board on record that we think that that area should be used for the educational program and athletic activities as opposed to housing or commercial development.



President John T. Selawsky

President Selawsky said he will support this because he feels it is in the best interest of the District and he thinks it is a reasonable project. He said his main concern with closing Derby Street has been the viability of the Farmers' Market on Derby Street and Tuesday afternoons which serves 2000 people. The Farmers' Market is a vital part of that community. He said he has no problem with the baseball field if the Farmers' Market can survive and thrive there but if it cannot then he has a problem with closing Derby Street.

Superintendent Lawrence said this will be reflected in the minutes. It is very clear from the Board that we are not going to limit our options. This is recommended for additional conversations in the future. We are sensing from the Board that we need to have some kind of toilet facilities.

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

Approval of the program parameters for East Campus and authorize staff to initiate the process to hire a designer and begin the committee work, as amended. The amendment is that District staff maintains flexibility in the design so that we do not foreclose the possibility of a larger playing field in the future.

3.1-CF

First Reading, Board Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report

Mr. Neil Smith, Director, Curriculum and Instruction, discussed the process for bringing these policies forward.

Board Members made the following suggested changes:

BP 0200(a) Goals for the District: Add the following:

The District's performance goals are as follows:

1. All students will reach high standards, attaining grade level proficiency or better in reading/language arts and mathematics.

3.1-CF

First Reading, Board Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report (continued)

2. All limited-English-proficient students will become proficient in English and reach high academic standards, attaining grade level proficiency or better in reading/language arts and mathematics.
3. All students will be taught by highly qualified teachers.
4. All students will be educated in learning environments that are safe, drug-free, and conducive to learning.

BP 0400(a) Comprehensive plans:

Third paragraph should read as follows:

Comprehensive plans. shall be subject to review and approval by the Board

Last paragraph last sentence should read as follows:

School plans shall be subject to review and approval by the Superintendent or designee and the Board.

3.1-CF

First Reading, Board Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report (continued)

BP 5145.3)a) Nondiscrimination/Harassment:

Fifth paragraph, second sentence should read as follows:

In physical education, when objective standards have an adverse effect on students because of any of the factors listed in the first part, above, other standards shall be used to measure achievement and create comparable educational opportunities.

BP 6141(a) Curriculum Development and Evaluation:

First paragraph, last sentence should read as follows:

The curriculum must simultaneously prepare each student for intelligent and socially responsible participation in the community and promote the greatest possible academic, social, emotional and physical development.

BP 6142.91(a) Reading/Language Arts Instruction:

First paragraph, last sentence should read as:

Upon graduation students should be able to undertake college-level work or on the job training without the need for remediation in reading/language arts.

3.1-CF

First Reading, Board Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report (continued)

BP6142(a) Reading/Language Arts Instruction (continued)

Grades K-3, last paragraph, second sentence should read as follows:

It is the District's goal that by the end of three years in the Berkeley Unified School District schools, all students will read at or above grade level, as measured by a District-wide assessment system.

Grades 4-12, first paragraph, second sentence should read as follows:

Continuous progress in fluency and comprehension and the achievement of grade level standards shall be the goals of reading/language arts instruction in grades 4-12.

Supplementary Reading Instruction

First paragraph, first sentence should read as follows:

To assist those students who are experiencing difficulty meeting grade level standards in reading and to increase the reading skills and reading enjoyment of all students, the Board may offer students at all grade levels increased instructional opportunities outside the regular school session.

3.1-CF

First Reading, Board Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report (continued)

BP 6142.92(a) Mathematics Instruction:

First paragraph, second sentence should read as follows:

Upon graduation, students should be able to undertake college level work or on the job training without the need for remediation in math.

1. Basic mathematical skills:  
quantification, basic facts, sorting and classification, and computational skills including addition, subtraction, multiplication, division, fractions, decimals, percentages, squares and square roots

BP 6142.93 Science Instruction

Last paragraph, second sentence now reads as follows:

Such beliefs, e.g., “Creation Science” and “Intelligent Design”, shall not be discussed in science classes, but may be addressed in the social science and language arts curricula.

AR 6161.1(a) Selection and Evaluation of Instructional Materials

Number 3 now reads as follows:

Not reflect adversely upon persons because of their race, color, creed, national origin, ancestry, sex, sexual orientation, disability, or occupation, or contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 60044)

3.1-CF

First Reading of Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report (continued)

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

Adopt, at First Reading, Board Policies Recommended by FCMAT, Pupil Achievement Section of July 2003 FCMAT Report, as amended.

**INFORMATION**

3.1-I

R-30 Language Census

Superintendent Lawrence said the California Department of Education requires the District to submit a Language Census for every K-12 school each spring. In this way, the State collects programmatic data on students from non-English-language backgrounds enrolled in public schools in California as well as data on the staff that provides services to English Learners. The total English Learner population in the Berkeley Unified School District in 2003-04 is 1,204. This number represents a decrease in the number of English Learners by 97 compared to the previous year. The number of students reclassified as proficient in English is up from 81 to 167 for the 2003-04 year.

The Board received the R-30 Language Census report for information.

3.2-I

Student National Origin Report (SNOR)

Superintendent Lawrence said the Student National Origin Report (SNOR) is used by the California Department of Education (CDE) to monitor the number of immigrant students eligible for federal funding. Title III of the *No Child Left Behind Act* requires this count. Based on the total number of immigrant students enrolled in California, the California Department of Education receives funding from the United States Department of Education and is authorized to allocate grants to LEAs that experience a significant growth in their eligible immigrant student populations. Data from the 2003-04 SNOR will be used to fund LEAs in 2004-05. In the 2003-04 school year, the per pupil allocation was approximately \$77.00.

The Board received the Student National Origin Report (SNOR) report for information.

3.3-I  
California GEAR UP Application

Superintendent Lawrence said the primary goal of the California GEAR UP Program is “to develop and sustain the organizational capacity of middle schools; to prepare all students for high school and postsecondary education through the establishment of a statewide infrastructure, or network of support, for the adults who influence middle school students, specifically their counselors, faculty, school leaders and families.

The Board received the California GEAR UP 2004-05 Application for Longfellow Middle School for information.

**ADJOURNMENT**

President Selawsky declared the Regular Meeting of April 14, 2004, adjourned at 10:15 p.m.

**APPROVED:**

**ATTEST:**

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District

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