

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

MINUTES, REGULAR MEETING

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Wednesday, August 25, 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 5:30 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 Lily Dorman-Colby*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957. No one addressed the Board at this time.

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

1. Conference with Legal Counsel – Existing Litigation
2. Consideration of Student Expulsion
3. Collective Bargaining
4. Public Employee Discipline/Dismissal/Release
Senior Budget Analyst
5. Public Employment Appointment
Contract Renewal: Director of Fiscal Services
6. Liability Claims
7. Property Acquisition

Reconvene in Public Session

The Board reconvened in Public Session at 7:44 p.m.

*The Student Director does not attend Closed Session.

Swearing In of Student Director

Board President Selawsky swore in the 2004-2005 Student Director, Lily Dorman-Colby. The Student Director is elected by popular vote by the students at Berkeley High School. Dorman-Colby is a senior at Berkeley High School.

Report Closed Session Action

President Selawsky reported that the Board discussed the following items in Closed Session:

- Conference with Legal Counsel – Existing Litigation
- Consideration of Student Expulsion
- Collective Bargaining
- Public Employee Discipline/Dismissal/Release

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

In Closed Session, Pursuant to the requirements of Education Code Section 44929.21(b), the Board took action to suspend one classified employee for five days without salary.

- Public Employment Appointment

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

In Closed Session, to renew the contract for the Director of Fiscal Services.

Approve Agenda

Directors Rivera/Issel and approved unanimously on voice vote:

That the Special Meeting Agenda of August 25, 2004 is approved as amended. The amendments are:

- that Items 3.8-C and 4.6-C are pulled for further clarification.
- that Item 3.1-A is moved to the Consent Calendar
- that the Board be open to moving Item 4.3-I up on the Agenda.

TEACHING AND LEARNING PRESENTATION

The Algebra Project at Berkeley High School

The Superintendent reported that at every board meeting from now on there would be an item on the agenda highlighting an academic instruction program. During tonight's Board meeting, Matt Bremer, Berkeley High School Math Department Chair, presented information about Revitalizing Algebra (REAL).

Revitalizing Algebra was instituted after four Berkeley High School teachers (Matt Bremer, Steve Harmon, Gen Kogure and George Palen) took courses at San Francisco State. The courses were designed to deal with three aspects in today's academic mathematics programs:

- underachieving students,
- the lack of math teachers in education, and
- the connection between university and high school math programs.

Based on that course and subsequent collaboration, REAL was instituted and made possible by funds from a National Science Foundation grant. Under REAL, the four teachers mentioned above will lead seminars for 12 math teachers that currently teach Algebra 1/IMP 1 level. These 12 teachers will attend a seminar one period a day (in lieu of teaching a class) about educational issues. During the seminar, teachers will participate in activities such as reading research articles and discussing them together, doing mathematics together, creating interesting problems and sharing their effectiveness with students, reviewing student work as a group, and interviewing panels of students and parents to get feedback on what they see happening. They will try to create a culture within the department where staff is not only collaborating, but reflecting on the process as well as creating an atmosphere where students are more engaged.

Further, participants will be expected to attend the seminar everyday, try out new ideas, examine and reflect on their practice, keep a journal, take risks, and keep an open mind. As mentioned above, innovation and collaboration are the main goals of the seminar as they prepare to revitalize the teaching of mathematics to:

- Move from an algorithmic approach to a more in-depth approach,
- Improve the quality, but not the quantity of problems students work on,
- Make thinking, discussing and presenting central to the classroom experience.

Bremer concluded that even though there is a reformed mathematics curriculum, teachers are trying to build on student intuition and have students think out problems on their own. Student success has to do with the students believing they can do a good job. Teachers used to say at the beginning of the year that they are there to test them rather than educate them. This new approach starts out with a feeling that this is going to be fun, that the teacher believes in students and that students can believe in themselves. Building a community is an essential part of the success of this program. Board members were invited to attend and join in the seminars. Board and community input will help the program be successful.

Director Issel reported that parents at Berkeley High School are interested in having the math department implement a resource similar to the Writer's Room model. Bremer thanked Director Issel for the suggestion and said he would explore the possibility.

PUBLIC TESTIMONY

There was no testimony at this time.

REPORTS

Union Representatives' Reports

No one addressed the Board at this time.

Superintendent Report:

New Hires: Superintendent Lawrence welcomed newly hired Deputy Superintendent, Glenston Thompson, who was attending his first Board meeting. She also reported that new teachers attended an inservice orientation on Tuesday (8-24-04). Jan Goodman, BTSA, led the orientation. The Superintendent noted that the combined years of teaching experience at each table was impressive, ranging from 60 years of experience to 36 years. BHS alone is welcoming about 31 new teachers, who are attending a two-day workshop with high school administrators.

Budget/Program: The district is still getting residuals from the governor's budget. Although the after school program is not yet solidified because of funding (funded in part by grants), district administration is still hopeful it can provide after school program at all schools.

BFT Negotiations: Last week's negotiations with the Berkeley Federation of Teachers (BFT) brought an agreement about collaboration time for teachers. Starting October 4, 2004 teachers will bank minutes during the course of day, so that every Wednesday teachers will have a shortened day for collaboration time. During this collaborative time, teachers will work with school administrators on standards, improving teaching skills and other activities which support rich staff development for teachers. Parents and guardians will be notified about the change well before October 4 so that necessary arrangements may be made for childcare.

Board Members' Report:

Student Director Dorman-Colby thanked BHS students for voting for her. During her tenure as Student Director, she hopes to accurately represent the student viewpoint. She reported that she has been in Berkeley schools since the age of two when she attended Whittier preschool. Dorman-Colby commented that one of her tasks for the year will be to organize students to come to Board meetings. She also hopes to pay special attention to issues involving underachieving students. She plans to have the Board hear about these and other issues from a student voice.

Director IsseI said it was nice to be back after the summer break and looks forward to moving forward to improve areas of teaching and learning.

Director Rivera recognized that staff is working hard to open school and preparing for a great school year. He asked the superintendent what the district is doing to help IAs that currently are not qualified to be highly qualified. The reality of the No Child Left Behind mandate for districts to have highly qualified classroom staff is only 1.5 years away.

Director Doran commented that the new Student Director will do a good job representing the student viewpoint. He also reported that the Student Director is one of the best wrestlers in her weight class in the state.

Director Riddle sends good wishes to teachers and staff who announced their retirement after the last board meeting in June. She also thanked teachers and support staff who worked with students during summer school. She is looking forward to a very interesting year.

Director Selawsky commented that there were positive items to work on for the coming school year. He announced that the scheduled September 15 board meeting was moved to September 22 due to a conflict with a religious holiday. The Special board meeting on September 13 is for the purpose of approving unaudited actuals. The Board will then adjourn to closed session. However, public comment will still be heard prior to closed session.

CONSENT CALENDAR:

Director Selawsky pointed out that the first item on the Consent Calendar was a proclamation to Queen Graham, recently retired Executive Assistant to the Board of Education. The Board publicly thanked Ms. Graham for her many years of service to the Board and the school district and wished her well in her retirement.

Motion: Directors Dorman-Colby/Issel and approved unanimously on voice vote:
That the Action Item 3.1 A be moved to the Consent Calendar and that Consent Items are approved as a block except for Items 3.8-C and 4.6-C which were pulled for further clarification.

General Services Items

1.1-C Proclamation and Resolution Honoring Queen Graham, Executive Assistant to the Superintendent and Board of Education

Human Resources Items

2.1-C Acceptance of Personnel Report 04-14 which reports details of personnel assignments, employment, and terminations.

2.2-C Tentative Agreement with International Professional & Technical Engineers, Local 21, AFL-CIO. The Agreement was ratified by Local 21 members on July 21, 2004.

Educational Services Items

3.1-C Adult School Course Approval for 2004-2005. The California Department of Education requires that the local Board of Education approve the course titles each year. The list submitted for approval contains all classes offered by the Adult School as well as fee-based classes that are self-supporting and do not generate any ADA (average daily attendance).

3.2-C Continuing Non-Public School Placement for 41 Special Education students for the 2004-2005 school year (pursuant to Education Codes: 56365(a), 56361(e), and 56366). Fiscal impact is \$1,493,401 in expenses to the General Fund and \$144,175 for Licensed Children's Institution (LCI) placements which are reimbursed 100% by the State of California.

- 3.3-C** New Non-Public School Placements for one Special Education student for the 2004-2005 school year (pursuant to Education Codes: 56365(a), 56361(e), and 56366). Fiscal impact for this placement is \$24,871 in expenses to the General Fund.
- 3.4-C** Resolution 04-000 Child Development Services Contract to provide materials and recruiting for Fiscal Year 2004-2005. This contract is funded through a grant (approximately \$3,644) from the Federal Department of Health and Human Services. The funds are for California School Age Families Education (CalSAFE) serving infants and toddlers.
- 3.5-C** Resolution 04-03 Child Development Services Contract, Center Child Care for Fiscal Year 2004-2005, FCTR-4001. This contract (approximately \$319,227) is funded through the California Department of Education, Child Development Division.
- 3.6-C** Resolution 04-04 Child Development Services Contract: Pre-Kindergarten Resource for Fiscal year 2004-2005, GPKR-3005 to be used for materials and the enhancement of the quality of preschool curriculum and instructional services for Fiscal Year 2004-2005. This contract is funded through a grant (approximately \$6,078) from the Federal Department of Health and Human Services.
- 3.7-C** Resolution 04-05 Child Development Services Contract: General Child Care for Fiscal Year 2004-2005, GCTR-4004. This contract (approximately \$4,344,451) is funded through the California Department of Education, Child Development Division for the purposes of providing quality child care and development.
- 3.9-C** Approve Overnight Field Trip Request to the Clem Miller Environmental Education Center in Point Reyes for seven groups of 30-60 sixth graders from King Middle School for two day trips (various days during October and November 2004). The purpose of the trips is to provide a framework for the sixth grade science curriculum which focuses on Earth Science.
- 3.1-A** Approval of the 2004-2005 Consolidated Application for funding categorical programs, Part I
The educational impact of the \$3.7 million funding is expected to increase academic achievement for all students, with certain programs targeting students with special needs. The District Advisory Committee (DAC) and the District English Learner Advisory Committee (DELAC) have reviewed the application and advised staff in its preparation.

Business and Operations Items

- 4.1-C** Approval of Contracts/Purchase Orders for Services Contracts in Excess of Fifteen Thousand Dollars. The district contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis.
- 4.2-C** Authorization to award bid schedule No. 1333 custodial supplies. The Purchasing Department supplied information to 16 vendors and 11 vendors submitted bids. After analyzing the bids, considering compliance with specifications and price, the following vendors were lowest bidders for various line items, providing custodial supplies as requested by the Maintenance Department: California Janitorial Supply, Maly Electric, Universal Building Supplies, W.W. Grainger, JC Nelson, West Lite, E Poly Star, Waxie, Clean Source and JC Paper.
- 4.3-C** Approve Listing of Warrants issued in June and July 2004. Each month the district writes checks to vendors for services provided and goods received. The checks are written on the general fund and restricted funds.
- 4.4-C** Approve Payroll Warrants issued in June and July 2004. Payroll issued for June: \$5.4 million. Payroll issued for July: \$3.8 million.
- 4.5-C** Tax Override Fund Transfer for repayment of loan in the amount of \$48,265 from Fund 53 to the General Fund.
- 4.7-C** Approve the award of the New Security System (cameras) to cover the new buildings at Berkeley High School. Six contractors picked up materials, but only two submitted bids. The contract was awarded to Younger-Wunar for \$194,780.
- 4.8-C** Approve Schematic Design and the construction of a park on the Franklin Site in the Northeast corner of the school. Based on a request from the Franklin neighbors, the Board approved the park concept, but asked for a more refined design and budget. The project will include a grass area, areas for planting, irrigation, concrete seat walls, high fencing along the south side of the park and low fencing along the street sides of the park. Play equipment and other amenities may be added if the community is successful in its fund raising efforts. The cost is projected to be \$135,000 (from Measure AA funds). This includes construction and soft costs.
- 4.9-C** Approve Resolution 04-01 to revise assessment rates for Measure BB of 2000. Rates stipulated in Resolution 03-04 approved on March 10, 2004 were incorrect. The correct rates for the Measure BB tax for FY 2004-2005 are \$0.0484 for residential properties and \$0.0726 for commercial properties.

ITEMS PULLED FROM THE CONSENT CALENDAR

3.8-C Approve English Learners Master Plan

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

The English Learner Master Plan is a guide for the district to serve the diverse population of English Learners in Berkeley Unified. English Learners (EL) in BUSD speak more than fifty languages and have varying levels of literacy in their own languages. The plan, which has been in the making for a while, includes a description of the process to fulfill all compliance items such as identification, placement, parent notification and parent advisory committees. It also includes a description of instructional programs and appropriate settings specific to BUSD to ensure that English learners achieve at high levels. Staffing and professional development is also included in the plan.

Director Rivera stated that initially there was strong support by the DELAC committee to provide communication in both Spanish and English. He questioned why that piece was removed from the mission statement.

Superintendent Lawrence reported that the plan was developed by teachers and the former Associate Superintendent. Director Rivera volunteered to work with the DELAC Committee to revise the mission statement. Director Rivera also pointed out that there were several references to Proposition 227 in the plan. He requested that where there is a reference to Proposition 227, the Education Code citation should be substituted. Superintendent Lawrence said that she would ask staff to make that change.

Director Doran commented that the plan sets the district on the right course, but had questions about the section dealing with staffing and professional growth. He asked for a description of the law that says teachers must have English Language students in the classroom.

Superintendent Lawrence was not certain whether it is a law or compliance issue. However, she strongly supports the intent that teachers who have English Language Learners in the classroom must have a CLAD credential. BUSD needs to do more to encourage and mandate teachers to get CLAD certificates. She pointed out that some districts have given incentives to teachers to get their CLAD certificate. She will investigate the matter further.

Director Doran suggested action with teachers who did not complete their CLAD training within a certain time frame, pointing out that BUSD has offered teachers CLAD training free of charge. He would like it presented to staff as part of their professional growth rather than as a repressive

requirement. Superintendent Lawrence said she will explore the options as requested by the Board.

4.6-C Review Monthly Investment Reports

Motion: Directors Doran/Issel and approved unanimously on voice vote.

Director Doran stated that it was not an efficient use of his time or district staff to reproduce 40 pages of investment charts. He requested that staff present better, less dense information. Deputy Superintendent Thompson explained that it is important to present to the public an analysis that the District is following policies and that District money is being placed in a safe place. Further, that by following procedures, it protects the district's cash flow.

Director Selawsky stated that he tries to chart the investment information from month to month and finds it useful.

ACTION ITEMS:

Educational Services

1.1-A Approval of Minimal Nutrition Standards required by LEAF notification of Comprehensive Child Health Policy

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

In order to satisfy the LEAF grant requirements, the District must incorporate nutrition standards as defined in SB 19 (The Pupil Nutrition, Health, and Achievement Act of 2000) into the District's current food policy before the grant period closes at the end of September 2004.

In reviewing the current food policy, Superintendent Lawrence said they found sound philosophy, but few guidelines that could be implemented or supported financially. Thus, staff and members of the Child Nutrition Advisory Committee (CNAC) took the original policy and discussed how to revitalize it so it more comprehensively brings forward the state's nutrient standards. The new food policy will include elements of relevant policies in recycling, nutrition education, better health and a broader understanding of the importance of sustainable food systems to healthy human communities.

The Superintendent also said that in trying to create a better nutritional environment for children, they will also work with principals and PTAs so that school fund raising and food sales are aligned with the food policy. Minimally, they will come forward with a belief and practice (guidelines) for fundraisers to follow that promote healthy practices for students.

Student Director Dorman-Colby said that as a consumer of campus food it will be nice to have improved standards. Director Selawsky commented that Children's Hospital and the Chez Panisse Foundation were also instrumental in helping to refocus and rewrite the policy.

Business Services

4.1-A Revised Multi Year Projections

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

Deputy Superintendent Thompson reported that the Alameda County Office of Education requested the District review and revise its Multi-Year Projections (MYP) because of the significant negative ending balance that was reflected in the Fiscal Year 2006-2007. AB1200 requires that the District demonstrate in the MYP that it will be able to meet its financial obligations. The revised and restated MYP in the Board packet reflects the current information.

The Deputy Superintendent further stated that the County is now satisfied with the data presented and is ready to take action on the budget. Staff expects to hear positive comment from the County.

Superintendent Lawrence stated that under AB 1200 the district is obligated to meet its financial obligations for this year and two subsequent years. Staff discovered that in preparing the MYP enrollment has increased and thus the projections had a positive financial impact in future years. Additionally, employee health benefits have been capped with the three unions which reflect additional savings on the MYP. However, the Superintendent commented that with increased enrollment, there will be additional costs for hiring more new teachers. Thus, the changes of enrollment increase and capping benefits changes the Multi-Year Projections.

The Board is being asked to formally approve multi-year projections. The County superintendent said that it is likely that BUSD will have an approved budget – a positive certification approved without stipulations.

Director Riddle questioned whether the District would be able to make better attendance estimates in the future. Superintendent Lawrence said that administrative staff is taking steps to not only improve estimates, but to improve actual attendance. However the Superintendent cautioned that better record keeping may not increase the ADA because we will also be doing a better job of tracking truancy. This may send the attendance numbers down.

Director Rivera commented that it is good to come back after summer break and to get good news about the budget. He thanked staff for all they have endured the last three years. While it is not yet not over, the District budget has improved. He also commented that it is good to know that enrollment will be a

priority, because it is good that students be in school. Staff have been careful in making sure numbers are accurate. He then asked for a clarification about why balances were moved on Page 179 in the Board packet.

Deputy Superintendent Thompson explained that the numbers were combined so that rather than looking at fund balances in isolation, the Board and the County could get a whole picture. This will enable staff to also get a better breakout for Measure BB and other funds.

Director Rivera asked if the District was getting extra money. Superintendent Lawrence said that it is not extra money, and it is not discretionary funds. It is money that does not make up reserves. Superintendent Lawrence reminded the public again that a requirement of the reserve is that it is based on all funds. While BUSD now has a balanced budget, the District is going to continue to be very fiscally prudent.

INFORMATION

General Services

1.1-I Traffic Safety Committee Report

In November 1999 the Board approved a Resolution to address traffic concerns at schools and district offices located in neighborhoods. Most recently a new Traffic Safety Committee has been formed and has been meeting monthly to update traffic safety needs at each school. The Berkeley Traffic Safety Committee is comprised of two Board of Education members (Directors Selawsky and Doran), City of Berkeley Traffic Enforcement staff, City of Berkeley Traffic Engineering staff, BUSD Transportation staff, BUSD Public Information Officer, Bicycle Friendly Berkeley Coalition, and other community groups.

Working with the City's Traffic Engineering and Traffic Safety Departments, no turn on red lights between school hours was instituted at Willard. In addition, a new passenger loading zone was established on Telegraph at Willard Middle School. The City Traffic Engineering staff met with each school principal and developed detailed traffic maps and traffic flow plans for each school.

Plans for 2004-2005 school year continue. Promotion campaigns for walk to school days, traffic safety education, and school site involvement are in the works.

Director Riddle commented it was good to see so much cooperation between the City and BUSD. There was some discussion about the difficulty parents have in dropping off and picking children up from certain locations such as

John Muir and Cragmont. Director Issel asked that the committee take into consideration that parents are trying to do the right thing but need assistance.

The committee requested that it be designated as a Superintendent Committee for the 2004-2005 school year. The Superintendent said that was a good idea.

Human Services

2.1-I Classified and Certificated Employee Evaluation Report

This report is submitted annually. The report in this packet was for the school year 2003-004. By August 16, 2004 approximately 53% of the 576 required performance evaluations have been completed. This is a significant improvement over last year's 25%. However, staff intends to continue this process until all employees are evaluated. BUSD unions have been working with staff to help improve the evaluation process.

Discussion ensued about accountability issues and making the process less cumbersome. The Superintendent said that administrators will be evaluated on their ability to complete employee evaluations in a timely manner.

Director Riddle thanked the Superintendent for bringing forward the data even though the results were not the best. Seeing the data is good for the district and builds trust with employees and the public. It shows respect of our employees.

Business Services

4.1-I Government Accounting Standard Board Statement No. 32, Basic Financial Statements and Management Discussion and Analysis for State and Local Governments

Statement 34 establishes new reporting requirements for annual financial reports of state and local governments. Deputy Superintendent Thompson explained that this report is still a document in progress. Staff will continue to refine the information and bring it back to the Board for review and action in middle or late September.

4.2-I Facilities Plan Update

The Facilities Plan was originally submitted to the Board on March 10, 2004. The updates presented for information are current as of August 4, 2004 and include projects funded by BSEP Fund 7.

Director Doran questioned whether there was a timeline in place for a staff/student/parent committee to work with SMWM, consultants hired to conduct a master planning process for Berkeley High School. Facilities Director Lew Jones responded that BHS Principal Slemph has already established a site committee. It is anticipated that the first meeting will be held

after school was up and running (approximately the third week of September). After the site committee has met, a larger public meeting will be held.

Director Doran then suggested that an East Campus site committee be established as soon as possible. Jones commented that there is now a pool of people, larger than a normal site committee (15-16). He intends to bring something to the Board by next week that separates the demolition work from the field work. This will enable staff to move forward with the demolition.

Jones then reported on the status of the BHS Health Center. The existing Health Center site (is a portable) will be operational until the new center is up and running. Removal of the portable from campus will take place after the move to the new site.

4.3-I Berkeley Adult School New Facility Opening

Facilities Director, Lew Jones reported that the renovation for the Adult School's new location is being completed and will be ready for students to return when classes resume on September 7. He pointed out the new school address is 1701 San Pablo Avenue.

Jones further reported that most of the school furniture was moved to the new site and that the floors are completed. The asphalt is also laid. Unfortunately, the electricity is not yet up at the site. Staff is working with PG&E to complete the electrical connection. Until that time other systems are not up and running (fire alarms, phones, etc.). Items that will not be completed for school opening include the multi-purpose room and the elevator. The elevators should be completed by October 1.

Principal Kirkpatrick commented that the Adult School staff is located at the University site until the electricity is completed. Fall registration will be done from the University site. Teachers have been dropping in to look at the rooms at the new site and, across the board, they are happy with the rooms.

The principal announced that the Adult School staff development day is September 3 between 9:00 AM and 12:00 noon. She also announced that the Adult School Open House was rescheduled to November 5 to accommodate the construction schedule.

BOARD COMMITTEE APPOINTMENTS

Director Rivera appointed Rick Carr as his Board appointee to the Maintenance Committee.

ANNOUNCEMENTS:

Student Director Dorman-Colby thanked everyone for the nice welcoming.

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony at this time.

ADJOURNMENT

President Selawsky declared the Special Meeting of August 25, 2004, adjourned at 9:37 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District