

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, December 15, 2004
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

UNOFFICIAL MINUTES
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CALL TO ORDER

President Nancy Riddle called the meeting to order at 5:30pm and the Board recessed to Closed Session.

ROLL CALL

Members Present: President Nancy Riddle
 Vice President Terry S. Doran
 Director John T. Selawsky
 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 49819(c))

- Conference with Legal Counsel – Existing Litigation
- Consideration of Student Expulsion
- Collective Bargaining
- Public Employee Discipline/Dismissal/Release
Superintendent Evaluation
- Public Employment Appointment
- Liability Claims
- Property Acquisition

Call to Order of Public Session

* The Student Director does not attend Closed Session.

The Board reconvened in Public Session at 7:37pm. All members were present at this time.

Report Closed Session Action

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

- Public Employment Appointment – Superintendent’s Evaluation

President Riddle reported that no action was taken in Closed Session.

Approve Agenda

Motion: Directors Selawsky/Rivera and approved unanimously on voice vote: That the Regular Meeting Agenda of December 15, 2004 is approved as amended. The amendments are:

- Item 3.2C is pulled from the agenda
- Item 3.1C is pulled for discussion

Approval of Board of Education Appointees and Representatives to Board Committees for 2005

Motion: Directors Rivera/Selawsky and approved unanimously on voice vote: To approve the appointees and representatives.

Director Issel noted the need to notify the City of Berkeley of the new appointments.

TEACHING AND LEARNING PRESENTATION

Assessment Data and Collaboration Time

Shirley Herrera, Principal of Rosa Parks, classified staff, certificated staff, and parents of Rosa Parks were present to explain the use of assessment data and collaboration time at Rosa Parks. Matilda Loreno, Literacy Coordinator at Rosa Parks, presented an “Assessment Wall” used at Rosa Parks to track students’ reading levels, as well as the different services that they are eligible to receive. Teachers meet every six weeks and move their students forward as they make progress. Eric Rydman, a parent and staff member at Rosa Parks, talked about the dual immersion program, stating that Rosa Parks is fulfilling its objectives of developing bilingual ability, providing a strong academic background, and teaching cultural understanding for students. Sherri Hinkley, 1st grade teacher, showed how GLAD training is integrated in science curriculum by presenting a bilingual book on spiders. Kathleen Gadway spoke about grade level collaboration. She explained that collaboration time is used to put time into assessment to look at patterns and planning what to do with deficits.

PUBLIC TESTIMONY

A representative from In Dolci Jubilo spoke about \$8,000 in grants given to Berkeley schools.

REPORTS

Union Representatives' Reports:

Berkeley Council of Classified Employees (BCCE) - Ann Graybeal

President Graybeal spoke about Special Education Instructional Assistants stating that many instructional employees are struggling to comply with NCLB standards that must be met by 2006, and was pleased that BUSD has offered one group of employees an incentive to meet these obligations. She also reported on current working conditions of Instructional Assistants.

Berkeley Federation of Teachers (BFT) - Barry Fike

President Fike congratulated Nancy Riddle and Terry Doran on their appointments as President and Vice President. He also congratulated Directors Joaquin Rivera and John Selawsky on their reelection. He acknowledged the Superintendent and the two other Board Members, Student Director Dorman-Colby and Director Issel. He spoke about the status of contract negotiations. He felt that both teams were pleased with tentative agreements, but that key agreements remained unsettled. He commented that although the budget is out of the red, he felt that teachers were still without competitive salaries and benefits, even with parcel tax Measure B. He also made remarks on the process of using an arbitrator to settle disputes.

Superintendent's Report:

Superintendent Lawrence congratulated the Student Director for her recent award. She noted that during the holidays all emergency calls should go to Maintenance and Operations, as other offices won't be open for business. She reported that King Middle School and Berkeley High School buildings have received awards for their design and development. She explained that they were in the process of finalizing the planning process and that the kickoff meeting would be held January 4th, from 4-6pm in the BHS library. She invited the Board to attend.

Board Members' Reports:

Student Director Dorman-Colby

Student Director Dorman-Colby reported that Berkeley High School seniors have begun receiving college acceptance letters and that most have been positive. She congratulated the soccer team on their trip to the IS tournament.

Director Issel

Director Issel explained that she would be using her time to address issues associated with the achievement gap in light of the election and the upcoming planning process. She stated that it is widely recognized as the country's most important educational challenge and that a common and accurate understanding of its components is needed. She called the Board's attention to an article by Richard Rothstein from the Economic Policy Institute at Columbia University, "Class and the Classroom." She summarized that, according to Rothstein's point of view, one of the ways we prevent ourselves from solving achievement problems is

the belief that poverty and race can't be responsible for low achievement. She said he argues that if we are to be effective we must understand the concrete ways social class affects learning. She felt that school improvement must be combined with social and economic reform. Director Issel then noted that 25% of money from Measure A in Alameda County will be going to a variety of healthcare services, which can include nurses in the schools. She said that this will result in 3 public health nurses in the schools. She also gave information about the additional resources that will be available from Proposition 63, which will bring possibly 1.5-2 million dollars into Berkeley for prevention, early intervention, public health and wellness promotion, and wrap-around systems. She felt that all of the District's work in integrated services planning is well-positioned to take advantage of this money and make good use of it. She distributed packets to the Board on Measure A, and information from the Policy Makers guide on addressing the whole child.

Vice President Doran

Vice President Doran felt that it was a time in our society when social mobility is at its lowest and the achievement gap points out the difficulties in changing this. He noted the increasing income gap, and that health care is very valuable. He wished everyone a safe and joyful holiday.

Director Selawsky

Director Selawsky wished everyone happy holidays and a restful and productive break. He too congratulated the Student Director. He thanked Director Issel and felt that the food and nutrition initiative seems to intersect with these integrated services. He responded to Barry Fike, saying that progress is being made in contract negotiations with a mediator which helps them to share common goals.

President Riddle

President Riddle reported that she attended the Kindergarten fair at Rosa Parks. She thanked the Berkeley Alliance for coordinating the Chancellor's reception. She also attended the BSEP Planning and Oversight Committee meeting, who were beginning to undertake responsibilities related to Measure B, and had planned to incorporate Measure B monies into their subcommittee structure.

CONSENT CALENDAR:

Motion: Directors Selawsky/Rivera and approved unanimously on voice vote:
The Consent Calendar. Items 3.1C and 3.2C were pulled for separate vote.

General Services

1.1-C Acceptance of Gifts/Donations

The Board accepted a Conn trumpet from Madeline Prager.

Human Resources Items

2.1-C Acceptance of Personnel Report #04-22

Reports details of personnel assignments, employment and terminations.

2.2-C Acceptance of CBEDS Report

The California Basic Educational Data System (CBEDS) is an annual collection of basic student and staff data.

Educational Services

3.3-C Overnight Field Trip Requests

The Board approved overnight field trips to Irvine, CA.

Business and Operations Items

4.1-C Authorization of the Purchasing Manager and Deputy Superintendent to execute the following contracts and purchase orders

4.2-C Approval of monthly bill warrants issued in October and November 2004

At this time, the Board addressed a time-sensitive item:

4.1-A Review and Approval of First Interim Fiscal Year 2004-05, certifying that the District will be able to meet their financial obligations for the two subsequent years

Motion: Directors Selawsky/Rivera and approved unanimously on voice vote: To approve with positive certification this Interim report.

The Superintendent pointed out to the Board a serious correction that was discovered late yesterday. The first section of the Interim is a part called "Multi-year Projection" which was inaccurate. Revisions are available in the Superintendent's office and were given to the Board with the date December 15, 2004 on it.

The Deputy Superintendent noted changes and errors that have been corrected. He also noted increase in enrollment and consequential increase in revenue as well as mandated cost reimbursements that were not included in the original budget in July approved by the County. He also reviewed changes in expenditures included in the report.

Director Rivera asked about the enrollment number discrepancy between CBEDS and the enrollment data in the report. Song Chin Bendib explained that the number used in the report was used because it reflected the same as how ADA is calculated. He asked about the possibility of receiving a financial report without Measure BB and BSEP that would help the Board see how the District stood with the General Fund, in isolation from Measure BB and BSEP. The Deputy Superintendent said that additional information

would be supplied. The Superintendent said that staff could get it to them it by mid-January.

Director Selawsky commented about the reserve (a mandated 3%), much of which is coming out of BSEP and BB. He said that as he understood it, these were all encumbered funds and that therefore those fund balances don't really exist. He felt that it was a practice that shouldn't be continued to use that as a reserve. The Superintendent responded that because the required reserve is based on total expenditures, and the District has a larger amount of expenditures because of local taxes, they put some of the parcel money into the reserve. She stressed that while it is legal and auditors are aware, she concurs the practice of using restricted dollars to meet reserve requirements should not continue as a practice. It is very important to disclose and make people aware of how they were able to get a positive ending balance and using these separate funds can mask the true ending balance.

Director Selawsky readdressed Barry Fike's comments about being out of the red and having money to spend. He said that even though they are not facing bankruptcy, they do not have surplus funds and are really dealing in poverty. He stressed that the assumption is that they are bare bones; they are barely balanced.

Director Issel emphasized that they are still in a fiscal emergency and that all projections are still made in the context of this emergency. She noted that within the Interim budget one doesn't see broken out Special Education costs and the means of keeping track of rental expenses against rental income. She was particularly interested in the community theatre. Discussion ensued about Special Education expenditures of the General Fund. She asked if there is an incentive for a child to be labeled Special Education and the Superintendent explained that there is no financial incentive. She also explained the way ADA is collected for these students.

Director Rivera asked about the cafeteria fund and the projected student meal revenues. He asked why it has been revised to a lower number, why the decrease in revenue, and, why there is not a parallel decrease in expenditures, but in fact, expenditures are going up. The Deputy Superintendent responded that it was based on an earlier projection that didn't result. Director Rivera wanted to know what was being done, and Thompson responded that he has had a conversation with Director of Nutrition Services, Karen Candito, about ways to increase the revenue or decrease costs. He mentioned ideas for exporting food and the healthy students program that has been initiated, as well as reevaluating the costs of ingredients. The Student Director interjected that she is working with

Candito to conduct a survey with students to increase participation in the food program by asking students what they want to eat.

Director Riddle added that the effects of Measure B are not included. She asked how the cash flow of the District is, aside from the income statement. Song Chin Bendib responded that they borrowed cash for the fall, but after property taxes will receive money and will be okay by June.

At this time, the Board addressed a time-sensitive item:

Educational Services

3.1-I Receive for information a report on After-School Programs

The Superintendent introduced Suzanne McCulloch, one of the Coordinators of the After-School Programs, who reviewed the funding sources for After-School programs, which are in their 6th year of operation with a budget a little over two million dollars. She emphasized that there is a sliding fee scale for Parent Fees so that no one is denied access. She noted that they started the year with nine programs, but by the end of the year will have 13. She stated that the goals are to ensure academic improvement, and to add enrichment to the students' school day and lives. She reported that they are working on new mission statements, a new logo, and a new name for the program. She pointed out that they have an evaluation done every year by HTA Associates in Berkeley, which is submitted to the state. She then introduced Emily Davidow, another District Coordinator in the After-School Programs.

Ms. Davidow explained her job: she supports the coordinators at all of the sites, but her primary role is in helping with their budgets. She also works with the new coordinators. She then described a typical day at an elementary After-School program. The programs are required to have a 1-20 ratio. She introduced Tina Lewis, Coordinator at Longfellow Middle School.

Ms. Lewis described the progress made over the last six years in Longfellow's After-School Program which started out as a homework center, then added some sports, and finally developed to the variety of programs in is now. She also noted the work she has done to receive outside grants and how these have helped to develop activities. Ralph Nelson, Coordinator at Willard Middle School, introduced himself and talked about the activities at Willard's After-School program including sports, ceramics, science classes with UC students and concluded the presentation.

Director Doran asked if someone will be sitting on the Education Committee for the planning process to represent After-School programs.

Superintendent and Suzanne McCulloch responded that both of them will. The Superintendent added that they will be working on demonstrating the way in which After-School programs increase achievement and extend the school day for students.

The Student Director Dorman-Colby apologized for delaying the process by asking about Parent Fees. She noted that After-School programs not only raise student achievement, but close the achievement gap. Director Issel and the Board responded that it was a good question and a good opportunity to examine the issue. Discussion concluded with explanation of funding and how it is calculated.

ITEMS PULLED FROM THE CONSENT CALENDAR

3.1-C Approval of the revised Single Plans for Student Achievement for Willard and Berkeley Alternative High School

Motion: Directors Selawsky/Doran and approved on the vote:

Ayes: Directors Issel, Doran, Selawsky

Abstain: Student Director Dorman-Colby, Director Riddle, Director Rivera

ACTION ITEMS:

Business Services

4.2-A Review and Approval of the Yearly Facilities Plan Modifications

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

To approve the Yearly Facilities Plan Modifications.

Student Director Dorman-Colby suggested the possibility of having a graffiti board at Berkeley High School where there can be graffiti art to solve the problem of graffiti at the school. Lew Jones responded that the financial and physical capability of such a project is possible but should be taken back to the school administration. He suggested meeting with the Principal and Vice-Principal to discuss the possibility.

Director Issel asked that Hillside Campus be included in the analysis.

Director Rivera asked if the list was discussed with the Facilities, Construction and Advisement Committee and Mr. Jones responded it would be discussed this week at the meeting.

Director Selawsky asked if the money was broken down into line items and Mr. Jones responded that it was fungible. At Director Doran's request, Mr. Jones reminded the Board of past decisions related to the modernization of Building C and the theater.

The Superintendent asked about the relationship between furniture and equipment and the budget. He responded that there is a very small amount of dollars going to furniture and equipment for future projects.

4.3-A Approval of Resolution 04-19: The Mitigated Negative Declaration for the Franklin Adult School Parking Lot B Exterior Lighting Project

Motion: Directors Rivera/Selawsky and approved unanimously on voice vote with the Student Director abstaining:

To approve the Resolution.

Low Jones explained that the Board needs to consider the environmental implications first for the project and then approve it.

Director Doran noted that this project was unanimously supported by the site committee. He felt comfortable that the process for making a decision had been followed and people had the opportunity to participate in the discussion.

Director Selawsky commented on a letter in opposition to the project. He requested we respect as much as possible the light spillage and hours of operation on Curtis Street.

4.4-A Approval of Franklin Adult School Parking Lot B Exterior Lighting Project

Motion: Directors Selawsky/Doran and approved unanimously on voice vote, with Student Director abstaining:

To approve the project.

4.5-An Approval of reorganization of the Transportation Department

Motion: Directors Selawsky/Issel and approved unanimously on voice vote: To approve the reorganization.

Director Rivera commented that because Local 39 has not expressed any opposition to this he is willing to move forward and the Superintendent affirmed this statement.

INFORMATION

Business Services

4.1-I Receive for information an update on West Campus and related properties

Director Selawsky suggested adding the District 2 Councilmember to the list of people who are going to be involved and notified of this project's progress. He suggested that staff attend a neighborhood meeting to give information about the West Campus construction.

4.2-I Receive for information an update on East Campus

Director Rivera asked what was being pursued to the end of using the portion of Derby Street for the baseball field and noted that, since it was after the election, it was time to talk to the City about this possibility.

Director Doran noted that due to planning guidelines, construction is not set to begin until nine months after the demolition is completed. He asked if there was any way to use the land during those nine months and Lew Jones responded that the way the demolition was set to take place it would be rough grade and wouldn't be good for sports use.

Director Issel asked for the minutes from the site meetings on South Campus construction to be shared with the Board.

Motion: Student Director Dorman Colby/Director Riddle and approved unanimously on voice vote:
That the meeting be extended past 11pm.

4.3-I Receive for information a Facilities Plan Update

Lew Jones explained that this was the standard report sent to the Board every month with construction projects that are active.

Director Riddle asked about the completion of the Transportation Yard and Lew Jones said he would get back to them on the next report with a scheduled completion date.

BOARD COMMITTEE APPOINTMENTS

Committee	Board Member	2005 Reaffirm/new appointment
Audit <ul style="list-style-type: none"> • 2 Board appointed representatives • 3 community members 		
Facilities Safety & Maintenance Oversight Committee - 11 members: <ul style="list-style-type: none"> • 7 Board appointed representatives • 2 representatives appointed by the Supt. • 2 members appointed by BSEP Planning & Oversight Committee 	Rivera Selawsky Doran Issel Riddle Student Director Board appointment Superintendent Superintendent BSEP BSEP	Rick Carr Pending Pending John DeClercq Bill Flounders Pending Bill Newton Hank Silver Pending Pending Pending
Peace & Justice Commission	Rivera Selawsky Doran Issel Riddle Student Director	Thom Seaton Steve Freedkin Elliott Cohen Rabbi Jane Litman Pending Michael Sherman
School Construction Oversight Committee - 11 members <ul style="list-style-type: none"> • 9 Board appointed representatives • 2 representatives appointed by the Supt. 	Rivera Selawsky Doran Issel Riddle Student Director Board appointment Board appointment Board appointment Superintendent Superintendent	Lloyd Lee James Hallman Carl Bridgers Matt Taecker Bruce Wicinas Pending Pending Pending Pending Pending
Youth Commission	Rivera Selawsky Doran Issel Riddle Student Director BUSD BUSD BUSD	Sara Sternberg Rio Bauce Savage Willkins Sophie Litschwartz Hannah Rose Kenneth Watts Hans Barnum Pending Pending

Alameda County School Boards Association	Nancy Riddle
Association of California Urban School Districts	Shirley Issel (Joaquin Rivera – alternate)
Audit Committee	Shirley Issel – Joaquin Rivera
Berkeley Alliance	Nancy Riddle – Terry Doran
Berkeley Arts in Education	John Selawsky
Berkeley High Health Center	Shirley Issel
Board/City 2x2 Committee	Nancy Riddle – Terry Doran
BSEP Planning & Oversight Committee	John Selawsky – other board members to rotate
Child Nutrition Advisory Committee	Terry Doran – John Selawsky
Citywide Youth	Terry Doran – Shirley Issel
District Advisory Council	Terry Doran
District English Learner Advisory Council (ELAC)	Nancy Riddle
Facilities Safety & Maintenance Oversight Committee	Nancy Riddle
Music Committee	John Selawsky
Policy Committee	Shirley Issel
PTA Council (rotation)	
School Construction Oversight Committee	Terry Doran (Nancy Riddle – alternate)
Special Education Task Force	Shirley Issel

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony.

ANNOUNCEMENTS

Calendar for Meetings of the Board of Education:

January 12

January 19

February 2

February 16

March 2

March 16

April 6

April 20

May 11

May 25

June 8

June 22

July 6 (tentative)

August 24

September 7

September 21

October 5

October 19

November 2

November 16

December 7 (organizational meeting)

December 14 (tentative)

ADJOURNMENT

President Riddle declared the Regular Meeting of December 15, 2004, adjourned at 11:03pm.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District