

MINUTES, REGULAR MEETING
Wednesday, February 4, 2004
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

CALL TO ORDER

MEMBERS PRESENT: President John T. Selawsky
Vice President Nancy Riddle
Director Terry S. Doran
Director Shirley Issel
Student Director Bradley Johnson*

MEMBER EXCUSED: Director Joaquin J. Rivera

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)—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
 - Superintendent's Evaluation/Contract
- f) Liability Claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

Report Closed Session Action

The Board reconvened in Public Session at 7:10 p.m. President Selawsky said the Board discussed the following items in Closed Session:

a) Conference with Legal Counsel—Existing Litigation

No action was taken.

b) Consideration of Student Expulsion.

No action was taken

Approve Agenda

Motion: Directors Doran/Riddle and approved 4(1)-0-0-1-0 on voice vote:

That the Regular Meeting Agenda of February 4, 2004, is approved as amended. The amendment is to switch items 1.1-CF and 1.2-CF. Thus, item 1.1-CF is now 1.2-CF and 1.2-CF is now 1.1-CF.

BUDGET REDUCTION COMMUNITY INPUT SESSION

Superintendent Lawrence said four Community Budget Information Meetings have been scheduled. She encouraged the public to attend at least one of these meetings. She acknowledged and thanked District staff for all of their hard work during the budget development process.

Eight speakers addressed the Board regarding the budget.

Director Doran thanked the speakers and said he will take their comments very seriously.

President Selawsky thanked the speakers for their comments.

The Budget Reduction Community Input Session ended at 7:25 p.m. The Board took a 20-minute break. The Board reconvened to Public Session at 7:45 p.m.

Approval of Minutes

Motion: Directors Riddle/Doran and approved 3(1)-0-1-1-0 on voice vote:

That the January 14, 2004 Regular Board of Education Minutes are approved.

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

PUBLIC TESTIMONY

Ten speakers addressed the Board.

REPORTS

Union Representatives' Reports

Ms. Ann Graybeal, President, Local 6192, Berkeley Council of Classified Employees, addressed the Board regarding the elimination of 15 classified positions.

Planning and Oversight Committee (BSEP):

Mr. Dan Lindheim, Co-Chair, BSEP Planning and Oversight Oversight Committee and Chair for its Class Size Reduction Subcommittee, read a statement from the Planning and Oversight Committee. An excerpt of that statement is written below.

Mr. Lindheim said: "Tonight's report is in compliance with our oversight function and concerns current class sizes. The P&O Committee is not yet reporting its formal views on class size for the 04/05 year as it has not seen a detailed proposal. Assuming the proposal is to keep class sizes at this year's level, as per the budget documents in tonight's packet, the information which follows should be relevant.

Planning and Oversight Committee (BSEP) (continued)

Mr. Lindheim continued by saying: "For years, the Planning & Oversight Committee has requested real-world class size data. Each year, the Committee is told that data is available, but despite requests, it never seems to reach the Committee. This year, with a bit of self-help, the committee obtained class size data for grades K-6 from District attendance reports.

"After a few hours of 'analysis,' we note the following:

1. Class sizes for grades 4, 5, and 6 have substantially increased this year: the majority of grade 4 and 5 classes have increased by 3 to 4 kids per class; for grade 6, by 3 to 5+ kids per class.
2. District-wide class size averages for grades 4 and 5 are close to the 30 kids per class approved last year by the Board. However, a substantial majority of kids and teachers in these grades have classes of 31 or 32.
3. The averages mask a reality that the actual increase in class size for a substantial majority of classes is close to twice the increase approved by the Board, an increase of 3 to 4 kids per class from 27/28 to 31/32.
4. Split grade classes for 4th and 5th graders have almost tripled. This increase is mostly in 6 of the 11 schools where 437 of the 619 kids in these schools (over 70%)
5. Class sizes in grades 7 to 12 have also substantially increased, but are not explicitly addressed tonight.

Mr. Lindheim gave examples for 3rd, 4th, 5th and 6th grade split classes. He said the "Planning and Oversight Committee wants to make clear to both the Board and administration that you must not lose sight of what is happening in the classroom; in particular, with how very large class sizes are negatively impacting educational goals."

Superintendent's Report

Superintendent Lawrence reported on the Superintendents' Symposium she attended where the California Secretary of Education made some inappropriate comments about education. She explained the impact of Propositions 57 and 58 which, if not passed would significantly hurt the District. These propositions will help school districts. Mrs. Lawrence congratulated Mr. Neil Smith, Director, Curriculum and Development and staff for a successful Staff Development Day which was held on Monday, February 2, 2004.

2X2 committee Report

This item was tabled.

Board Members' Reports

Student Director Johnson reported that finals are over at Berkeley High School. He commented regarding the ballot measures on the ballot for the March 2, 2004 election and urged everyone to vote.

Director Doran responded to comments made during Public Testimony.

President Selawsky thanked Director Issel for her work on the Special Education Task Force. He expressed condolences to the family and friends of Mr. Douglas Narasaki. Mr. Narasaki died January 22, 2003. He was a nine-year maintenance worker. President Selawsky announced that Director Rivera is in Washington, D.C. attending a California School Boards Association conference and convention. He announced that there will be additional Community Budget Information Meetings on: Thursday, February 5, 2004, 6:00 p.m.-8:00 p.m., Monday, February 9, 2004, 6:00 p.m.-8:00 p.m. and Wednesday, February 18, 2004, 7:00 p.m.-7:30 p.m., in the Council Chambers.

CONSENT ITEMS

Motion: Directors Riddle/Issel and approved 4(1)-0-0-1-0 on voice vote:

That the Consent Items are approved as submitted.

- 2.1-C: Acceptance of Personnel Report
- 3.1-C: New Non-Public School Placement for a Special Education Student
- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts
- 4.2-C: Resolution 03-32: Authorization to Change Order to Resolution A321
- 4.3-C: Resolution 03-35: Resolution to establish the 2004-05 tax rate for the "Berkeley Public Schools Educational Excellence Act of 1994" (Measure B, 1995-Schools Special Tax)

AYES: Directors Doran, Issel, Riddle, Selawsky, (Student Director Johnson)

NOES: None

ABSTAIN: None

EXCUSED: Director Rivera

ABSENT: None

AGENDA REORDER

1.1-I

Jacki Fox Ruby, member, Alameda County Board of Education, representing our area, will be giving a brief presentation on the services provided by Alameda County.

Ms. Jacki Fox Ruby outlined the services provided by the Alameda County Office of Education. She distributed a booklet which detailed the services that are available to District staff and encouraged staff to take advantage of these services.

AGENDA REORDER

Berkeley High School Goals Progress

Mr. Jim Slempp, Principal, Berkeley High School, presented this item by using a power point presentation. He also introduced his administrative team: Ms. Thelette A. Bennett, Vice Principal; Mr. Mike Hassett, Vice Principal; Mr. Matt Huxley, Vice Principal; Ms. Rory Bled, Vice Principal; and Mr. John Fike, Teacher on Special Assignment (Dean) and Mr. Mark Facer, Consultant, Facilities and Grounds. Mr. Slempp outlined his goals and how he plans to eliminate the achievement gap between minority and non-minority students and establishing principles for the Berkeley High School Administrative Team by becoming goal-focused, sharing a commitment to those goals and developing possibilities to meet those goals and by:

- (1) Developing rigorous academic standards where all students are successful
- (2) Eliminating the achievement gap through a rigorous curriculum for all students
- (3) Developing positive working relationships with all parts of the community
- (4) Expecting student achievement results

Berkeley High School Goals Progress (continued)

Mr. Slemp said he and his staff are developing a decision-making model whereby the entire school community becomes involved in achieving these goals. This will be done by:

- (1) Sharing a commitment to equity whereby all students are able to reach high end results
- (2) Listening to diverse points of view and proactively planning for change and thoughtfully setting up steps to keep working toward that change
- (3) Creating a collaborative culture. Schools with a collaborative culture encourage people to trust each other, share information and accountability—openly and honestly talk about data for a shared sense of purpose

The Board Members thanked Mr. Slemp for his presentation.

ACTION ITEMS

4.1-A

Presentation and Approval of the Oxford Landscaping Project

Mr. Lew Jones, Director, Facilities and Mr. Jeff Miller, MILLER AND COMPANY, presented the proposed design. Mr. Jones said the landscape architect was asked to design a masterplan and to design a project that fit within the available construction budget. Mr. Jones said the construction budget for the project is set at \$180,000. The base bid is estimated at \$174,844. The total with the alternate is estimated at \$187,523.

Motion: Directors Doran/Issel and approved 4(1)-0-0-1-0 on voice vote:

Approval of the Masterplan for Oxford Landscaping and Approval of the Schematic Design for the Oxford Playground Project.

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

AGENDA REORDER

1.1-CF

Second Reading: Policy 5115.0: Student Assignment

Superintendent Lawrence said in preparation for the coming year, it is time to consider the means by which we assign students. The Board is asked to consider adopting a new policy and a new system for assigning students that establishes the philosophy and goals on which the Student Assignment System can be based. The Board has previously approved a resolution indicating their beliefs and desires; staff is recommending that a formal policy be adopted in keeping with our new policy adoption procedure.

Directors Doran, Riddle and Selawsky said they do not see this new student assignment plan as retreating on integration.

Motion: Directors Doran/Riddle and approved 3-1-(1)-1-0 on Roll Call vote:

Acceptance, at Second Reading, Board Policy 5115.0: Student Assignment

AYES: Directors Doran, Riddle, Selawsky

NOES: Director Issel

ABSTAIN: (Student Director Johnson)

EXCUSED: Director Rivera

ABSENT: None

1.2-CF

Approval of the Revision of the Elementary Student Assignment Plan

Superintendent Lawrence said we believe that assigning students using a multi-factor approach enriches the educational experiences of all students, advances educational aspirations, enhances critical thinking skills, facilitates the equitable distribution of resources and encourages positive relationships across racial lines. Accordingly, staff now proposes to include parent income and education levels as factors in addition to race as a means of expanding the definition of diversity and creating even greater equity among our schools. The new proposal will continue to utilize aspects of the current student assignment plan: parental choice, sibling priority and attendance zones.

1.2-CF

Approval of the Revision of the Elementary Student Assignment Plan (continued)

The goal of the new elementary student assignment plan is to integrate schools by utilizing:

- (1) Parent education level;
- (2) Parent income level; and
- (3) Race and ethnicity

Directors Doran, Riddle and Selawsky said they can support this plan.

Director Issel read the following statement:

“Last year I argued that we should take steps to avoid a law suit because it would place intolerable burdens on an exhausted staff to the detriment of our students’ education. I also argued that we could ill afford a legal battle, especially during this time of fiscal and organizational crisis. While I have yet to persuade my colleagues of my views, I do continue to hold them and for these reasons alone, I cannot support the recommendation before us. But I do have additional concerns regarding this specific scheme that I want to share with the Board tonight in the hope that we will delay our vote and send this scheme plane back to staff for additional modifications.

Although it encompasses much valuable work, this new assignment plan suffers from significant flaws that need more attention. Specifically: It misleads the public about the recommendations of the Student Assignment Committee; it ignores the failure of our current plan to prevent re-segregation in our schools; it incorrectly suggests our students are predominately poor; it reduces parental choice; it fails to state the financial implications of the recommendations; it lacks any mechanism to assure that all of our students derive the benefits of attending middle class schools and it requires that we engage in a complex, costly and basically, unnecessary legal battle at a time when our primary focus should remain on fiscal recovery and student achievement. I ran on a platform of excellence and accountability. As I see it, this plan meets neither standard. Berkeley deserves better. And because I know we can do better, I hereby offer a substitute motion to delay our vote and refer the plan back to staff for additional study and modification. I ask you to join with me in support of this motion.”

The motion died for lack of a second.

1.2-CF

Approval of the Revision of the Elementary Student Assignment (continued)

Motion: Directors Doran/Riddle and approved 3-1-1-(1)-0 on Roll Call vote:

Approval of the Revision of the Student Assignment Plan.

AYES: Directors Doran, Riddle, Selawsky

NOES: Director Issel

ABSTAIN: (Student Director Johnson)

EXCUSED: Director Rivera

ABSENT: None

INFORMATION

1.1-I

Presentation of the Proposed Reduction and Third Phase of the Financial Recovery Plan

The Board had before it an 18-page document, BERKELEY UNIFIED SCHOOL DISTRICT FINANCIAL RECOVERY PLAN, February 4, 2004.

Superintendent Lawrence said three years ago we estimated that the District would be able to reconcile the internal budget deficit by implementing a three-year financial recovery plan that included a significant effort to restructure our business and accounting systems. This examination required immediate attention in those areas that encompass the largest portion of any school district's expenditures: personnel and daily operational expenditures.

Despite the operational uniqueness of our District, we have made significant strides in fixing our systems. We have improved our efficiencies, implemented position control, including benefit monitoring, instituted training for our employees and implemented accountability measures that have saved us hundreds of thousands of dollars. However, a reduction of \$2.9 million is required to achieve a balanced budget by the closing of FY 2005. Superintendent Lawrence emphasized that additional cuts may be necessary to balance the budget for the 2004-05 fiscal year.

Superintendent Lawrence and Deputy Superintendent Eric D. Smith, explained in detail the Financial Recovery Plan.

1.1-I

Presentation of the Proposed Reduction and Third Phase of the Financial Recovery Plan (continued)

Vice President Riddle requested that this document be discussed with the Facilities Safety and Maintenance Oversight Committee to seek their input regarding items that impact Measure BB.

Director Issel expressed concern about charging FCMAT (Fiscal Crisis & Management Assistance Team) to Measures AA and BB. She asked for the justification for making that recommendation. Director Issel requested that staff convene a Facilities Safety and Maintenance Oversight Committee Meeting to seek input on the Financial Recovery Plan. She asked staff to explore alternative funding sources to keep the Vera Casey Center open.

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

To extend the meeting 15 minutes.

President Selawsky asked for further clarification of the item: Restructuring of the Early Literacy Program Services. He, too, requested that staff convene a meeting with the Facilities Safety and Maintenance Oversight Committee for their input regarding the Financial Recovery Plan.

AGENDA REORDER

3.2-I

Monthly School Enrollment Report and Average Daily Attendance Summaries

Vice President Riddle asked staff to verify, and report back to the Board, the attendance information for the Special Day Class (SDC), Independent Study and the Berkeley Alternative High School.

ADJOURNMENT

President Selawsky declared the Regular Meeting of February 4, 2004, adjourned at 12:15 a.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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