

BERKELEY UNIFIED SCHOOL DISTRICT
Office of the Superintendent
2134 Martin King Jr. Way
Berkeley, CA 94704-1180
Phone: (510) 644-8764 Fax: (510) 540-5358

REGULAR MEETING OF THE BOARD OF EDUCATION – AGENDA

Wednesday, January 14, 2004

Call to Order The Presiding Officer will call the Meeting to Order at **4:00 p.m.** The Board will recess to Closed Session at **4:00 p.m.** and reconvene in Public Session at 7:30 p.m.

Roll Call 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

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and 54957) and Education Code Section 49819(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 Evaluation/Contract
- f) Liability Claims
- g) Property

*The Student Director does not attend Closed Session.

Report Closed

Business and Operations

4.1-C
Approval of Contracts/
Purchase Orders for
Services and Contracts

Staff Recommendation: 10
Authorize the Deputy Superintendent of
Business and Operations or Purchasing
Agent to execute Purchase Orders
Motion_____ Second_____ Vote_____

4.2-C
Approve Listing of
Warrants issued in
December 2003

Staff Recommendation: 14
Approve the monthly bill warrants issued in
December 2003
Motion_____ Second_____ Vote_____

4.3-C
Receive and Approve
Information on the
Issuance of Payroll
Warrants for Employee
Services for December
2003

Staff Recommendation: 17
Approve Payroll payments made in December
2003
Motion_____ Second_____ Vote_____

4.4-C
Budget Development
Timelines for FY
2004-2005

Staff Recommendation: 20
Approve Revised Budget Development Timelines
for 2004-2005
Motion_____ Second_____ Vote_____

4.5-C
Resolution 03-29:
Emergency Approval
To Suspend Bid
Requirements for Flood
Restoration Remediation
Work at Malcolm X
School

Staff Recommendation: 25
Approve Resolution 03-29: Emergency
approval to Suspend Bid requirements for
Flood Restoration Remediation Work at
Malcolm X School
Motion_____ Second_____ Vote_____

4.6-C
Approval of Three
Landscape Architect
Firms for all Berkeley
Unified School District
K-12 Sites

Staff Recommendation: 28
Approve the landscape architects.
Motion_____ Second_____ Vote_____

INFORMATION

These items are INTENDED TO KEEP Board informed on various District business matters, which do not require formal action, by the Board.

General Services

Staff Recommendation:

1.1-I Accept for Publication And Distribution FCMAT Second Six-Month Study	Accept for Publication and Distribution the Second Six-Month Report by FCMAT	31
	Motion_____ Second_____ Vote_____	

ACTION ITEMS

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

Business and Operations

Staff Recommendation: 56

4.1-A Yearly Facilities Plan	Approve the Yearly Facilities Plan Modifications	
	Motion_____ Second_____ Vote_____	

EXTENDED PUBLIC TESTIMONY

Persons wishing to address the Board at this time should fill out a card located on the table by the door and submit the completed card to the Board Recorder. (Public Testimony is limited to a maximum of 30 minutes per speaker.)

ANNOUNCEMENT

Schedule of Board of Education Meetings for 2004:

January 14, 2004
January 21, 2004
February 4, 2004
February 18, 2004
March 10, 2004
March 24, 2004
April 14, 2004
April 21, 2004
May 5, 2004
May 19, 2004
June 2, 2004
June 23, 2004
July 7, 2004 (Tentative)
August 25, 2004
September 1, 2004
September 15, 2004
October 6, 2004
October 20, 2004
November 3, 2004
November 17, 2004
December 1, 2004
December 15, 2004

ADJOURNMENT:

Time _____

**Board of Education Meetings are broadcasted live on KPFB/FM 89.3
Berkeley's Government Access Channel 33**

GUIDELINES FOR SPEAKERS

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

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

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

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

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

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: January 14, 2004
SUBJ: Professional Growth Advisors

BACKGROUND INFORMATION:

Article 18 of the Agreement between Berkeley Unified School District and Berkeley Federation of Teachers, outlines the requirement and responsibilities for Professional Growth Advisors assigned at each site. The Director of Certificated Personnel is requesting that the Board of Education approve the following administrators to be designated as Professional Growth Advisors:

Berkeley Arts Magnet

Lorna Skantze-Neill

Cragmont

Jason Lustig

Emerson

Susan Hodge

Jefferson

Betty Delaney

John Muir

Nancy Waters

LeConte

Patricia Saddler

Malcom X

Cheryl Chinn

Oxford

Kathleen Lewis

Rosa Parks

Shirley Herrera

Thousand Oaks

Jesse Ramos

Washington

Rita Kimball

King MS

Kit Pappenheimer

Doreen Sing

Diana Penney

Jimette Anderson

Longfellow MS

Rebecca Cheung

Gene Nakamura

Willard MS

Michelle Patterson

Thomas Orput

Timiza Wagner

Alternative HS

Alex Palau

Berkeley HS

Jim Slempp

Mike Hassett

Gabriel McCurtis

Thelette A. Bennett

Rory Bled

Matt Huxley

denise brown

Adult School

Margaret Kirkpatrick

June Johnson

Joan Lehman

Early Childhood

John Santoro

BTSA/PAR

Jan Goodman

Special Education

Ken Jacopetti

Alan Joy

Lauren O'Leary

Kathy Hatzke

Amy Buster

Superintendent

Michele Lawrence

Educational Services

Neil Smith

Student Services

Gerald Herrick

Certificated Personnel

Patricia Calvert

Technology-Schools

Janet Levenson

POLICY/CODE:

Agreement between Berkeley Unified School District and Berkeley Federation of Teachers, Article 18.

California Education Code, Article 44277

California Code of Regulations, Article 7, Title 5

FISCAL IMPACT:

None

STAFF RECOMMENDATIONS:

It is recommended that the Board approve the above listed administrators as designated Professional Growth Advisors.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence
FROM: Neil Smith, Director of Curriculum and Instruction
DATE: January 14, 2004
SUBJECT: Grant Application for Neuro-Developmental After School Program for Washington Elementary School

BACKGROUND INFORMATION:

The staff and community at Washington Elementary School are requesting board approval to apply for a grant to address the needs of children who do not have the neurological development required to succeed in school. Children whose neurological development lags behind others can have difficulties in learning, task performance, and social interactions. Presented with academic tasks beyond their capabilities, they will develop inefficient ways to complete the tasks which can result in development of a learning disability. Children with these difficulties are often labeled as having ADHD or other learning disabilities. Washington Elementary School has prepared a grant proposal for a three year program to treat these learning difficulties at their root, to help more children achieve their potential in school, and to remediate the lowest performing students. The program is designed to provide data to support the expansion of this program to other schools.

In the short term, the program seeks to improve the academic success of identified children, and to reduce behavior problems in the classroom and on the playground. In the long term, the program should reduce the need for special education services in later school years and reduce future behavior problems by treating these difficulties at their root rather than providing compensatory services, such as special education, tutors, after-school academic assistance, and discipline for behavior problems.

The proposed program will include the assessment of all kindergartners, third graders who tested in the lowest quartile on the State's standardized tests during the previous year, and Special Day Class children (who are two or more years behind grade level). The HANDLE® Institute will assess these students' basic systems, such as sense of taste, touch, and smell; vestibular function; and visual and auditory systems. Each child identified for participation in the program will work regularly with a volunteer, completing a set of activities to develop the specific immature system identified.

The program emphasizes the visual system because over 80% of what children learn in school is visually interpreted. Children whose visual system is not developed sufficiently by activities specified by The HANDLE Institute will participate in vision therapy specified by Gemstone Educational Management. This therapy treats oculomotor, focusing, and binocular vision skills difficulties which are typically not addressed in standard school vision screenings, but can have an effect on a child's ability to learn.

With funding from the grant, Washington School will provide on-site coordination and overall management of the program as well as ongoing assessment of each child's progress and program evaluation. The HANDLE Institute will provide neuro-developmental assessments and recommend specific sets of activities to improve the neuro-developmental functioning of each child. Gemstone Educational Management, Inc. will provide vision screening and the vision therapy program. Foresight, a pre-optometry club at U.C., will provide volunteers to work regularly with children participating in the program.

The Washington Elementary School staff is well qualified to implement this program with experience in addressing vision skills difficulties in children. Through a Healthy Start grant, the school conducted a three year program to identify and treat vision skills difficulties. The program depended largely on volunteer services and operated on a budget of less than \$3,000 per year. The program screened 317 children and conducted six after school vision therapy sessions to treat 50 children for eye teaming and focusing difficulties. After school vision therapy was provided by many dedicated volunteers both from Washington School and from the University of California, especially Foresight which will provide volunteers for the proposed program. Implementation of this new three year program is a logical extension of the original vision program.

POLICY/CODE:

None

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Approve Intent to Apply for a Grant for Neurological Developmental After School Program at Washington Elementary School.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 14, 2004
SUBJECT: Approval of Contracts/Purchase Orders for Services
Contracts

BACKGROUND INFORMATION

The District contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis.

The following contract services are requested.

1. Ratification of contract to United of Omaha for supplemental employee retirement plan for Dr. Jack McLaughlin. The cost to be paid will not exceed \$24,846. To be paid from General Fund Superintendent Budget. Requested by Michele Lawrence.
2. Ratification of contract to U C Regents for mentoring/tutoring of 40 students at LeConte School for the period October 2003 through May 2004 by Stiles Hall. The cost to be paid will not exceed \$5,000. To be paid from LeConte School SIP Budget. Requested by Pat Saddler.
3. Ratification of contract to Bay Area Community Resources to develop at least two AmeriCorps member positions. These positions will focus on the goal of school success through tutoring, after school activities and health outreach for the period September 3, 2003 through July 16, 2004. The cost to be paid will not exceed \$7,000. To be paid from LeConte BSEP Budget. Requested by Pat Saddler.
4. Ratification of contract to Bay Area Community Resources to develop at least two AmeriCorps member positions. These positions will focus on the goal of school success through tutoring, after school activities and health outreach for the period September 3, 2003 through July 16, 2004. The cost to be paid will not exceed \$7,000. To be paid from Willard BSEP Budget. Requested by Michelle Patterson.

5. Ratification of contract to Division of the State Architect to provide services relating to the Franklin Adult School Modernization project. The cost to will not exceed \$8,307.42. To be paid from Measure AA Budget. Requested by Lew Jones.
6. City of Berkeley to provide security services for basketball and soccer games for the 03/04 SY at Berkeley High School. The cost will not exceed \$10,000. To be paid from General Fund Athletic Budget. Requested by Jim Slempp.
7. 3M to relocate 3M security system from H102 to Library in new building at Berkeley High School. The cost will not exceed \$1,550. To be paid from Bond Interest Budget. Requested by Lew Jones.
8. John Doe and Jan Doe parents' reimbursement for their child per IEP agreement for the student's services, speech, IA, OT and floor time supervision. The cost will not exceed \$12,000. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
9. National Rental to provide rental of 5 storage boxes for 6 months including set-up and delivery at Berkeley Adult School. The cost will not exceed \$2,344.72. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.
10. James H. Newton to conduct 6 movement/dance classes per week for 20 weeks serving kindergarten, first and second grade at a rate of \$25/hr for 120 hours for the period January, 2004 through May 30, 2004. The cost will not exceed \$3,000. To be paid from Washington School Magnet Budget. Requested by Rita Kimball.
11. Bay Area California Arts Project to provide TCAP professional development series for 2 days for 12 6th grade teachers plus coaching and follow up. The cost will not exceed \$5,000. To be paid from VAPA Arts Work Budget. Requested by Suzanne McCulloch.
12. Educational Funding Consultants to prepare the abstract and program narrative for a proposal for submission to the US Department of Education for funding under the Magnet Schools Assistance Program. The cost will not exceed \$21,000. To be paid from Berkeley High, Longfellow and LeConte Schools SIP Budget. Requested by Carla Basom.

13. Liz Lindsley to facilitate and consult for strategic planning in arts for BUSD, design and lead 3 day orientation and training meeting with community and district leaders, document the plan both draft and final and conduct a _ day follow up. The cost will not exceed \$7,000. To be paid from VAPA Arts Work Budget. Requested by Suzanne McCulloch.
14. Sentry Alert to provide consulting and repair services for alarm system as needed by the Maintenance Department. The cost will not exceed \$3,000. To be paid from Measure BB Budget. Requested by Rhonda Bacot.
15. Word for Word to provide performances of “The Wonderful Story of Zaal” on April 14, 2004 at Washington School. The cost will not exceed \$850. To be paid from Magnet Budget. Requested by Rita Kimball.
16. Gordon’s Office Equipment to provide service for typewriters located at the Berkeley Adult School for the period January through June 30, 2004. The cost will not exceed \$500. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.
17. Increase in contract to Ruth Bossieux to conduct 6 movement/dance classes per week for 20 weeks. Board approval in the amount of \$1,100 on November 15, 2003. The additional time required will increase this cost by \$3,000 for a total amount of \$4,100. To be paid from Washington School Magnet Budget. Requested by Rita Kimball
18. Increase in contract to Charlotte Knox to facilitate data works materials for each elementary site for 11 days. This includes meeting with principals and grade level teams and to provide release time of 3 full-day subs per site for meetings with vendors at a cost of \$13,500. To provide 11 full days in classrooms in the District to assist in facilitating guided reading with the GLAD model. This includes coaching GLAD-trained teachers and to provide sub release time for feedback at a cost of \$13,500 for the period December 2003 through June 30, 2004. Board approval in the amount of \$21,000 on October 15, 2003. The additional time required will increase the cost by \$27,000 for a total amount of \$48,000. To be paid from Title I & Title II Budget. Requested by Carla Basom.

19. Increase in contract to Accountants, Inc. to provide temporary employment to replace a retired employee @\$31/hr for the period January 15 through February 13, 2004. Board approval on December 17, 2003 in the amount of \$6,200. The additional time required will increase the cost by \$5,208 for a total amount of \$11,408. To be paid from General Fund Accounting Budget. Requested by Song Chin-Benbid.
20. Increase in contract to Filice, Brown, Essa & McLeod to provide professional legal services for the 2003/2004 FY. Board approval on October 15, 2003 in the amount of \$30,000. The additional time required will increase the cost by \$30,000 for a total amount of \$60,000. To be paid from Self Insurance Budget. Requested by Eric D. Smith.
21. Increase in contract to Judith A. Colman to provide consultant services to assist with budget/reconciliation for a maximum of (5) five days for the period January 15 through January 22, 2004 at a rate of \$55/hour plus mileage, toll and parking for a total amount not to exceed \$2400 due to the urgency to complete Fiscal Recovery Plan. The additional time required will increase the cost by \$2,400 for a total amount of \$\$17,261.50. To be paid from General Fund Accounting Budget. Requested by Song Chin-Bendib.
22. Mark Facer to assist principal with facilities issues at Berkeley High School for the period December 8, 2003 through June 30, 2004 at a rate of \$50/hour. The cost will not exceed \$25,000. To be paid from General Fund Budget. This contract will replace Robert M. White who was Board approved on November 15, 2003. Requested by Jim Slempp.

FISCAL IMPACT

As indicated

POLICY/CODE

Public Contract Code: 20111

Board Policy: DJED

STAFF RECOMMENDATION

Approve the contracts with Consultants or Independent Contractors as submitted.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Song Chin-Bendib
Director of Fiscal Services
DATE: January 14, 2004
SUBJECT: Approve Listing of Warrants issued in December 2003

BACKGROUND INFORMATION

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

POLICY/CODE

Educational Code Section 41010 ET seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the monthly bill warrant list for December 2003.

BERKELEY UNIFIED SCHOOL DISTRICT
District Bill Warrant - - Accounting Department

BUSD BILL WARRANTS FOR DECEMBER 2003

FUNDS

GENERAL FUND

MEASURE BB FUND

ADULT FUND

CAFETERIA FUND

CHILD DEVELOPMENT FUND

MEASURE A+AA (BOND Fund)

SCHOOL ENRICHMENT FUNDS

SELF INSURANCE FUND

DEFERRED MAINTENANCE FUND

PAYROLL/BENEFITS CLEARING

TRANS FUND

TOTAL DISTRICT BILL WARRANT

Approved by: _____
Song Chin-Bendib, Director of Fiscal Services

DISTRICT

Department

AMOUNT

\$936,172.70

\$55,494.43

\$51,955.87

\$44,826.73

\$5,207.45

\$1,591,496.32

\$121,515.02

\$67,926.90

\$450,554.92

\$3,325,150.34

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 14 , 2004
SUBJECT: Receive and Approve Information on the Issuance of Payroll
Warrants for Employee Services for December 2003.

BACKGROUND INFORMATION

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

POLICY/CODE

Educational Code 41010 ET Seq.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve payroll payments made in December 2003.

BERKELEY UNIFIED SCHOOL DISTRICT

DISTRICT PAYROLL - ACCOUNTING DEPARTMENT

BUSD PAYROLL ISSUED BY FUNDS DECEMBER 2003

DATE	REGIST. PAGE #	TOTALS	GENERAL FUND	MEASURE BB FUND	BSEP SITE ENRICH.	BSEP EDU. MAT'L	ADULT FUND	CAFÉ FUND
			210	212	215	216	220	230
12/15/2003	MID	606,398.04	328,048.84	10,476.14	14,415.10		207,985.36	6,133.71
12/22/2003	FIXIT P/R	25,576.71	21,480.11		1,875.00		912.29	763.09
12/30/2003	EOM-REG.	1,433,506.55	981,237.22	134,191.25	53,424.43	28,523.89	61,617.43	68,040.38
TOTALS		2,065,481.30	1,330,766.17	144,667.39	69,714.53	28,523.89	270,515.08	74,937.18

BERKELEY UNIFIED SCHOOL DISTRICT

DISTRICT PAYROLL - ACCOUNTING DEPARTMENT

BUSD PAYROLL ISSUES FOR DECEMBER 2003

COMPUTER GENERATED	AMOUNTS
GENERAL FUND	1,330,766.17
MEASURE BB FUND	144,667.39
BSEP SITE ENRICHMENT	69,714.53
BSEP EDU. MATERIAL	28,523.89
ADULT FUND	270,515.08
CAFETERIA FUND	74,937.18
CHILD DEVELOPMENT	135,070.00
SPEC. RES. MEASURE - A	11,287.06
TOTALS	2,065,481.30

Approved by:

DATE:

12/3/03 _____

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 14, 2004
SUBJECT: Budget Development Timelines for FY 2004-2005

BACKGROUND INFORMATION

Attached for Board information is the Revised Budget Development Timelines for fiscal year 2004-2005. The impact on the timeline is based on the State Budget being approved on schedule. The statutory Board approval is likely to remain, but budget detail will change according to information received from the State. Staff will update the Budget Calendar to the Board whenever there is new information.

POLICY/CODE

FCMAT Financial Management Standard 6.2

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve revised Timeline.

BUDGET DEVELOPMENT TIMELINES FOR FY 2004 – 2005

Item	Area	Responsibility	Timelines	
			Target Date	Status
1.	Attend Governor's Budget Workshop	Deputy Superintendent of Business, Operations / Directors	Jan. 13, 2004	
2.	Budget Spending Freeze—Overtime, Extra Duty, Conferences, Food and etc.	Superintendent	Jan. 14, 2004	
3.	Oral Report on Governor's Budget to Board/BSEP First Estimate (if applicable)	Deputy Superintendent of Business and Operations	Jan. 21, 2004	
4.	Enrollment Projections	Admissions and Attendance Office	Feb. 4, 2004	
5.	Declaration of Fiscal Emergency	Superintendent	Feb. 4, 2004	
6.	Resolution to Reduce Specified Classified positions and Mid Year Budget Cuts effective Mar. 15, 2004	Administration	Feb. 4, 2004	
7.	Presentation of Phase III of Financial Recovery Plan—Budget Reductions FY 2004 /2005	Administration	Feb. 4, 2004	

BUDGET DEVELOPMENT TIMELINES FOR FY 2004 – 2005

8.	Adoption of Phase III of Financial Recovery Plan	Board of Education	Feb. 18, 2004	
9.	Resolution to Reduce Certain Types of Services	Administration	Feb. 18, 2004	
10.	Certificated Lay-offs Notices completed	Human Resources Office	March 15, 2004	
11.	2 nd Interim Report FY 2004 and Multi-Year Projections to Board of Education	Budget Office	March 19, 2004	
12.	Classified Mid-Year Lay-offs effective As specified in Resolution Approved on Feb. 4, 2004	Human Resources Office	April 14, 2004	
13.	Lay-Off notices sent to Classified Employees relating to End of the Year Lay-offs based on Financial Recovery Plan	Human Resources	April 14, 2004	
14.	Resolution for End of the Year Lay-offs of Certificated positions to the Board	Human Resources	April 14, 2004	
15.	Final Lay-Off notices sent to Certificated Employees related to End of the Year Lay-offs	Human Resources	April 14, 2004	
16.	Oral Report on Governor's May Revised Budget to Board	Deputy Superintendent of Business and Operations	May 19, 2004	

BUDGET DEVELOPMENT TIMELINES FOR FY 2004 – 2005

17.	Submit 3 rd Interim Report FY 2003-2004 to the Board for Certification *	Budget Office	May 19, 2004	
18.	Submit 1 st draft of FY 2004 -2005 Budget to the Board, Publication and Public Hearing on Budget	Budget Office	June 2, 2004	
19.	2004 -2005 Proposed Budget Available for Public Inspection	Budget Office	June 18, 2004	
20.	Acceptance, Discussion and Adoption of Recommended FY 2004-2005 Budget, Goals and Related Action	Board of Education	June 23, 2004	
21.	Submit FY 2004 - 2004 Budget to ACOE	Budget Office	June 30, 2004	
22.	Public Hearing for 45 day Revision to Governor's Budget	Deputy Superintendent of Business and Operations	To Be Determined	

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 14, 2004
SUBJECT: Emergency Approval of Remediation Work at Malcolm X
School due to Flooding

BACKGROUND INFORMATION

Due to the December 29, 2003 heavy rain storm Malcolm X School received flood damage to a significant amount of the site. In order to ensure the continuance of existing school classes and maintain a safe educational environment, contractors were requested to implement immediate repairs. Staff requested and received two bids for the work; One from Four Star Cleaning and Restoration in the amount of \$84,620.76 and one from the Restoration Management Company in the amount of \$49,970.00.

Section 20113 of the Public Contract Code authorizes the Governing Board of a School District to make emergency purchases without soliciting bids if it is the unanimous opinion of the Board that such purchases are necessary to permit the continuance of existing school classes or to avoid danger to life and property.

POLICY/CODE

California Public Contract Code 20113

FISCAL IMPACT

\$49,970.00 to be paid from Measure BB

STAFF RECOMMENDATION

Staff recommends the Board unanimously approve the bid from the Restoration Management Company and override the competitive bid requirements per Public Contract Code 20113.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: January 14, 2003
SUBJECT: Approval of Three Landscape Architect Firms for all BUSD K-12 Sites

BACKGROUND INFORMATION

Measure BB was approved by the voters in November 2000. The focus over the first few years has been to hire staff and to address safety violations. We have spent a considerable amount of money and management focus to ensure that these items were corrected.

An important goal of the measure was to improve the look of the facilities. A good environment can have a positive effect on learning. In addition, many Berkeley citizens do not have children in Berkeley Schools, but voted for the measure because they were concerned about the look of our sites. As we finalize the correction of the safety violations, we move into a new phase – the esthetic improvement of our facilities. One of the starting points is grounds improvement. On October 1, 2003, the Board approved the Maintenance and Grounds Department Measure BB Annual Plan. One of the goals of that Plan was to “Develop improvement plans for each site by assessing current conditions and outlining site beautification projects that can be prioritized and implemented over time.” The first step to this improvement is to get some professional help to examine our sites.

Most of our recent site improvements have been done under BSEP Fund 7. Jefferson was recently improved, Oxford is under design and Willard is ready to begin. Jefferson and Oxford were funded under BSEP Fund 7, and Willard is partially funded under BSEP Fund 7. This method of doing a few large scale grounds projects at a time can help focus expenditures, but means that many sites can languish without improvement for a number of years. We are recommending analyzing all our sites at the same time so we can develop a better roadmap for improvement.

There are four contracts that we are recommending that the Board approve tonight. One contract is to do a large scale landscape design for Willard Middle School. This project is contained in both the Facilities Plan and the 2004 BSEP Fund 7 Plan. That selection process included an interview of all three firms with a Site Committee. We are recommended their choice, MIG, for approval.

We are recommending one contract for each of the pre-qualified landscape architects for the other sites. The basic approach is to hire the landscape architect, conduct field visits, and meet with the Principal (and perhaps a garden coordinator) with the idea of defining small scale improvement and fence replacement. The landscape architects are being hired through a design development stage (25% complete design) and then the District will need to decide whether we proceed with some or all of the improvements and how we package those improvements. We may decide that some improvements are best done by District staff and others by contractors. If we ask the designers to prepare bid documents for these projects, we will need to pay them additional money.

The planned construction improvement we are requesting the landscape architects define is \$25,000 per elementary (and Alternative), \$50,000 for middle schools and \$100,000 for the High School. In addition to this planned construction value, we have requested that the architects define the needed fence repair and replacement at each site. The landscape architect contracts are structured as follows:

MIG	Keller Mitchell	Miller Company
Willard (large scale)	Emerson	Oxford (under contract)
Berkeley High	Jefferson	John Muir
Malcolm X	Rosa Parks	LeConte
Washington	Whittier	Alternative
	Cragmont	Thousand Oaks
	Longfellow	King Middle

The funding for the landscape design services for these small scale improvements is contained in Measure BB. The funding for the actual maintenance or construction project has not yet been decided. The budget for these improvements could come from either BSEP Fund 7 or Measure BB. When we have completed the preliminary design, we will need to consider these improvements in conjunction with other District priorities.

POLICY/CODE

Board Approved pre-qualified landscape architects.

FISCAL IMPACT

MIG for \$50,000 for Willard Middle School to be paid from the Measure AA Bond.

MIG for \$25,000 for preliminary design services for the High School and two elementary schools to be paid from Measure BB.

Keller Mitchell and Company for \$25,000 for preliminary design services for five elementary schools and one middle school to be paid from Measure BB.

Miller Company for \$25,000 for preliminary design services for four elementary schools, the Alternative and one middle school to be paid from Measure BB.

STAFF RECOMMENDATION

Approve the landscape architects.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: January 14, 2004
SUBJECT: Comprehensive District Study Conducted by Financial Crisis Management Assistance Team (FCMAT)

BACKGROUND INFORMATION

As a condition of legislation that assisted Berkeley in reducing a financial penalty, the District administration and staff were required to participate in an on-going review of our fiscal solvency and organizational effectiveness.

As a reminder, the five areas included:

1. Community Relations
2. Personnel Management
3. Pupil Achievement
4. Financial Management
5. Facilities Management

The first phase of the study, presented to the Board and public in early July 2003, by consultants representing an agency called Financial Crisis Management Assistance Team (FCMAT), established a baseline rating in each of more than a hundred standards by which the District is measured. Consultants are required to return every six months over the next two years to analyze and evaluate organizational progress in meeting these standards.

The second six-month report has been completed and is now available for public review on the District Web page and hard copies are available for review in the Superintendent's office. The complete report was distributed under separate cover; attached is an executive summary prepared by FCMAT for information and discussion.

POLICY/CODE

Education Code Section 41329.3

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept for Publication and Distribution the Second Six-Month Report by the Financial Crisis Management Assistance Team (FCMAT).

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: January 14, 2004
SUBJECT: Yearly Facilities Plan Modifications

BACKGROUND INFORMATION

On December 17, 2003, the Board directed staff to make changes to the current Facilities Plan. Included in this document is a spreadsheet detailing the proposed modifications. The Board also asked a number of specific questions on December 17th. These are discussed in an attachment to this item.

The first proposed modification is the elimination of planned revenue from BSEP Fund 7. The BUSD Board in the year 2000, included projected revenue from this source when the Board approved the Measure AA and Measure BB preliminary budgets. BSEP Fund 7 has never been a revenue source for the capital funds, but it has jointly funded projects with the Bond, decreasing the need to allocate bond funds for a project.

The second proposed modification is a decrease in planned expenditures for the communication system at Berkeley High School. We are maintaining sufficient budget in this line item to add a camera system to the new building, but the rest of the budget can be reallocated. Most of the savings were reallocated to other needs at BHS, including reserving budget for masterplanning and added budget for furniture in the new building.

The third proposed modification is to make minor reductions in reserve budgets for completed projects. By way of example, we have been carrying a \$4,000 balance for the Washington modernization project completed in the 1990's. We have eliminated this and similar reserves from the attached spreadsheet. These modifications effected a number of sites, but there is no change in scope and no large dollar impact.

We made timing changes for a number of projects including the Child Development projects. The prime financial effect of this change in schedule is that more money must be set aside for inflation.

All projects not yet bid are allocated additional funds to plan for inflation. The District has historically used the Engineering News Record (ENR) building index for the San Francisco Bay Area as our modifier. The ENR no longer tracks this index separately so we have utilized the building

index for the country. While it is not as accurate as our local index, we believe it is the best available indicator. The US building index rose by 3% in the past year. We have included an increase of 3% for all projects not yet bid.

The current plan envisioned bond issuance in December 2004, December 2005, and December 2006. The scheduling changes have delayed a number of projects and thus delayed the need to issue bonds as quickly. The recommended plan includes bond issuance in March 2005, March 2006, and March 2008. The Board will need to authorize any individual issuance.

Another potential financial impact we reviewed was whether to increase the program management line item to improve our plans, re-survey sites for ADA and complete title searches for our properties. At this time we do not think that the program management line needs to increase to accomplish these tasks.

The final financial impact we are proposing is a recommendation to purchase a new delivery vehicle. The current vehicle is too small and the purchase of a larger vehicle will improve efficiency. The cost for a more efficient vehicle is approximately \$45,000.

POLICY/CODE

Board Facilities Plan process consistent with previous years.

FISCAL IMPACT

Minor administrative costs and some printing costs. All cost to be within the Bond Fund. The total available balance would be \$1,217,000, a reduction of \$465,000.

STAFF RECOMMENDATION

Approve the financial items listed above and the allocations included in the attached spreadsheet.

ATTACHMENT TO THE FACILITIES PLAN

The Board asked staff to look at a number of specific matters in developing this year's Facilities Plan. These included:

1. A consideration of a proposal to develop the tennis court site at BHS for parking and/or mixed use;
2. A consideration of the timing of the demolition of the East Campus buildings and a development of a field at this site;
3. An analysis of whether the expenditure of funds to repair/replace the roof at Hillside is money well spent or that an alternate expenditure at this site is more prudent; and
4. Consideration of the cost and timing of performing title search on our properties.

Tennis Court Site at BHS

The idea of building a parking structure at the old tennis court site is not a new one. Before the passage of Measure A, the Berkeley Finance Corporation studied the potential for generating revenue by constructing a parking lot at this site. The masterplan developed in 1993, prior to the removal of the old cafeteria and the seismic retrofit of the G and H building, also suggested a parking structure there. Recently, the Construction Advisory Committee weighed in on this matter, and suggested consideration of increased parking at this location.

There would be numerous advantages to the school if all parking could be removed from the main body of the Berkeley High School site, including increased safety and security, better campus organization, a more cohesive athletic program and better urban planning.

Last year we had hoped to initiate a new masterplan at Berkeley High School to study the south side of the campus. Due to other District commitments and the problems inherent in attempting such an important project with no Principal at the school, that goal was not accomplished. There has been concern expressed by the Construction Committee and some members of the public that a delay may shut the door on opportunities at the tennis court site.

Prior to initiating a masterplan and hiring the consultants who assist in this effort, the District must decide what it desires studied and what are its facilities goals. Included in such a list should be the number (if any) of classrooms, the athletic facilities which can be reasonably be considered (such as weight rooms and tennis courts), and known facility problems (such as aging bleachers and the seismic character of the Old Gymnasium).

The Superintendent, the High School Principal and the facilities staff are committed to developing a program document in the spring of this year. We will carefully consider the idea of relocating all the cars off campus as part of that program document. We think that defining our high school goals should be the first step. When a program document is completed, a consultant can be hired to help develop a masterplan. It is desirable that the masterplan get started before we can consider alternative uses or the surplus of the tennis court site. The following is a probable schedule:

Develop Program Document	January 2004 – March 2004
Board Approval of Program Document	March – April
Interview of masterplanner	April – May
Board Approval of masterplanner	June
Preliminary Space Planning	July – September
Meetings With Site Committee	October 2004 – January 2005
Board Presentation of a Preliminary Plan	February
Environmental Review of the Plan	March – June
Board Adoption of a New Plan	July 2005

Based on the schedule, a decision on potential future uses of the tennis court site could begin as early as October 2004 or as late as February 2005. Given the other priorities of the District at this time, that appears to be the best time to begin further analysis of this site. The Board may consider creating a Surplus Facilities Committee at about the same time.

East Campus Field Development

The planned use for the East Campus site has been an unresolved issue for the District for some years. In the late 1990's, the District decided to build a new Alternative High School across Derby Street, freeing up most of the East Campus facility. Consideration was given in placing the new buildings to provide for the possibility of the closure of Derby Street and the creation of a baseball field. The City of Berkeley undertook an Environmental Impact Report (EIR) to study the environmental implications of such a project. After spending approximately \$100,000, the City did not complete its study and has since dropped the project.

Last year, California Financial Services studied a number of District properties, including the East Campus site. While they made no recommendations about the use of that property, they did provide the Board with information about the potential financial benefit of development of this site.

The School District has vacated much of the East Campus site, but still uses portions for offices (including Child Development), storage (much of

the old BHS furniture is still stored there), rentals (including the City Mental Health Services), some classes (the Independent Study program uses several classrooms part of the time), and restroom facilities (used by our staff and by the Farmer's market on Tuesdays).

The facility itself has been falling down for a number of years. The walkways are dangerous, the infrastructure is poor, and the exterior is rotting. Neighbors have been complaining about the District's buildings and the security of the site. The buildings are also relatively energy inefficient and there has been understandable reluctance by the maintenance and facilities staff to expend very much money on a facility with such an uncertain future.

The current Plan calls for design of this site to commence in the spring of 2004, with construction commencing in the spring of 2005. In reviewing this project, we do not see how the timeline can be accelerated. If the Board is committed to field development at this site, we must wrestle with a number of questions, including:

1. Is the field for BUSD's exclusive use?
2. Is the field for Berkeley High's use or for the District as a whole?
3. What type of security do we need to provide?
4. What is the planned use for the field - practice or games?
5. If games, which type of games?
6. Will there be lights at the field?
7. Will there be restroom facilities?
8. Will there be parking on-site or will there be street parking?
9. How will the site be maintained? Will this require a shift in maintenance staff?
10. Will the site be rented? If so, under what conditions?
11. Where will we relocate the current users?

Some of these issues are internal to the District, but some are required to define the project for environmental review. Until we conduct an Initial Study, we cannot be sure what level of environmental review is required. In order to project the following schedule we have presumed that a Mitigated Negative Declaration is required and that DSA review will be over-the-counter.

Answer the Questions Above	January 2004 - February 2004
Interview Architects/Landscape	March
Board Approval of Designer	March or April
Develop Schematic Design	April - July
Environmental Document	July - October
Approval of Environmental Action	November
Completion of Construction Docs	November - April 2005

Bid Period	April –	June
Demolition and Construction	July –	November 2005

We do not see how we can move much faster, and depending on the answers to some of the questions listed above, we may move slower. We cannot recommend a schedule that is unrealistically aggressive. We recommend that the schedule listed above be the basis of the Facilities Plan.

Hillside School Roof

The District has done very little maintenance and absolutely no deferred maintenance on the Hillside School for at least 20 years. The site is problematic for a number of reasons. A secondary trace of the Hayward Fault is under a portion of the building rendering it unsuitable for K-12 public education. The building also has some seismic problems. It is a historical landmark which will add complexity to any remodeling project. The building is located in a part of town which makes it unsuitable for other District needs such as transportation, maintenance or administration. It appears to be a good candidate for non-District use.

When the Measure AA bond was estimated, we included in that estimate a replacement of all roofs on a 15 –20 year cycle. Money was set aside for Hillside based on this costing model. No other moneys were set aside for the facility. The building has many problems. Replacing the roof will not begin to address all the water incursion problems that presently occur. The District performed a physical survey and estimate of all its K-Adult Schools in 1993-94. No survey was performed at Hillside. It is probably a good idea to perform a building analysis prior to any expenditure on the roof or other building component. That building analysis and estimate can be performed over the next 4-6 months. It may help the Board in any future deliberations about what to do with this facility. We recommend using a portion of the dollars identified for Hillside for this analysis.

Timing and Cost of Title Search

The District has a file cabinet with its titles. No one has been responsible for reviewing the information we possess or searching out missing documents. In this past year, questions have arisen concerning the ownership of one piece of property which could not be resolved without a title search. It is sensible for the District to plan to organize its property files, do title searches on many of its properties, and to create a maintainable system. With that said, we think that doing this task is of lesser importance than organizing our plans and initiating an ADA survey. We believe that this task should be planned for a future year, perhaps as a part of the 2005 Facilities Plan.