

MINUTES, REGULAR MEETING  
Wednesday, January 21, 2004  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

**CALL TO ORDER**

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

**ROLL CALL**

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

Administration: Superintendent Michele Lawrence, Superintendent

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957

No one addressed the Board at this time.

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

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

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\*The Student Director does not attend Closed Session.

Report Closed Session Action

The Board reconvened in Public Session at 7:35 p.m. President Selawsky reported that the Board discussed the following item in Closed Session.

d) Public Employee Discipline/Dismissal/Release

No action was taken.

Approve Agenda

Directors Doran/Rivera and approved unanimously on voice vote:

That the Regular Meeting Agenda of January 21, 2004 is approved.

Approval of Minutes

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

That the Minutes of December 17, 2003 are approved as amended.  
The amendment is as follows:

On page 7, item 3.1-I: Presentation by Educational Services Department on Assessment Data using Multiple Measures, last paragraph should read as follows:

In response to one of the staff's conclusions, Vice President Riddle requested data to compare the achievement of Title I identified students at schools where services were targeted with Title I identified students at schools with school-wide programs.

**PUBLIC TESTIMONY**

Ten speakers addressed the Board.

**REPORTS**

Union Representatives' Reports

Ms. Stephanie Allan, and Mr. Pat Robertson, Local 39 and Mr. Rick Spaid, Local 6192, addressed the Board regarding the District's proposed Financial Recovery Plan.

Superintendent's Report

Superintendent Lawrence announced that there will be a community focused "charette" to discuss a "new" Berkeley Schools Excellence Project Measure, Wednesday, March 17, 2004, 7:00 p.m., in the Berkeley High School Library. She encouraged everyone to attend.

Board Members' Report

Director Issel said she missed last week's Board Meeting because she attended a special education conference. Director Rivera explained that he missed last week's Board Meeting due to a family emergency. He noted and recognized the efforts of the Malcolm X staff and community for coming together after the Malcolm X flood which occurred during winter recess. Director Doran thanked the people for attending tonight's Board Meeting. Vice President Riddle wished the Berkeley High School students the best during finals. She congratulated those seniors who are graduating during mid-year. Vice President Riddle reported on the dance production at Berkeley High School. President Selawsky welcomed back Directors Issel and Rivera. He announced that he will be attending a workshop on the Brown Act on February 20 and 21, 2004. He acknowledged and congratulated Mr. Robert Collier and Mr. Steve Teel, Berkeley High School teachers, for receiving the Close Up Foundation "Linda Myers Chosen Award for Teaching Excellence in Civic Education." He thanked Mr. Collier and Mr. Teel for the work they have done for the students in our District. President Selawsky announced that there will be Community Budget Input sessions on: Wednesday, February 4, 2004, 7 p.m.-7:30 p.m.; Thursday, February 5, 6 p.m.-8 .m. Monday, February 9, 2004, 6 p.m.-8 p.m. and Wednesday, February 18, 2004, 7 p.m.-7:30 p.m.

**CONSENT ITEMS**

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

That the Consent Items are approved.

- 1.1-C: Acceptance of Gifts/Donations
- 2.1-C: Acceptance of Personnel Report
- 3.1-C: Overnight Field Trip Requests
- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts
- 4.2-C: Resolution 03-30: Authorization to Advertise for Bids for the King Middle School Dining Commons Project
- 4.3-C: Approval of Three Landscape Architect Firms for all Berkeley Unified School District K-12 Sites

## **AGENDA REORDER**

### 3.1-I

#### Presentation by Representatives from the Special Education Department

The Board had before it a 48-page report: BERKELEY UNIFIED SCHOOL DISTRICT Special Education Study, written by Dr. Kathleen Gee and Dr. Diane Ketelle.

Mr. Ken Jacopetti, Director of Special Education, gave an overview of the Special Education Department. He discussed the Federal Mandates: Individuals with Disabilities Education Act (IDEA) and the *No Child Left Behind Act*. Mr. Jacopetti explained the IDEA 1997 and 2004 which includes Guaranteed Access to General Education for Students with Special Needs, Measurable Educational Benefit, and Procedural Guarantees. He reported that the *No Child Left Behind Act* component includes Assessments of all students and annual measurable objectives. Mr. Jacopetti reported that the Special Education staff is concentrating on the following focus areas:

- The coordinated Compliance Review Self-Study which includes:
  - Comprehensive and Extensive—all stakeholders, state-trained teams on all sites
  - Meeting legal timelines for assessments and Individualized Education Plans (IEPs)
  - Setting measurable goals and objectives aligned to curriculum
  - Demonstrating educational benefit for students with special needs
- The Berkeley Unified School District Special Education Task Force provides:
  - Hands-on, working teams representing families, administrators, and site staff
  - The Task Force is dedicated to supporting the authentic and systemic change of the District's Special Education Department

3.1-I

Presentation by Representatives from the Special Education Department  
(continued)

Mr. Jacopetti also discussed the Fiscal Crisis and Management Assistance Team (FCMAT) six-month progress report which includes:

- Selected Standards Focused on Special Education
- Curriculum and Instruction
- Identification and Placement of Students
- Least Restrictive Environment
- Individualized Education Plans (IEP's)
- Access to Core Curriculum for all
- Challenging Learning Goals for all

He said staff is engaged in the following District actions:

- Compliance and demonstrated educational benefits
- Implementation of *Best Practices*
- Continuum of all services for all students, pre-school to 22 years of age
- Long-range action plan to facilitate successful inclusion of all students into the general education environment.

Director Issel said she would like to receive a copy of the Special Education budget and have staff "walk" the Board Members through the budget.

Director Rivera said he is very excited that we are moving in this direction. It is a great shift in philosophy. He inquired about the timeline for implementation. Director Rivera expressed his support of the recommendations in the report.

President Selawsky said: "You have my support. This proposal requires a cultural and institutional shift. He said the Board will need more details regarding the implementation.

**AGENDA REORDER**

4.1-A

Proposal by Pacific Gas and Electric and Chevron Texaco to undertake an Energy Efficiency Audit

Mr. Eric D. Smith, Deputy Superintendent, Business and Operations, introduced Mr. Bruce Dickinson, Chevron Energy Solutions and Ms. Lyn Hollyer, PG&E, School Resources Program.

Mr. Smith said that staff has been working with Pacific Gas and Electric and Chevron Energy Solutions on the feasibility of implementing an energy management and efficient plan. Four school sites: Berkeley High School, Willard, Longfellow and King, and the Central Office have been identified as the most viable candidates for the energy management, energy efficiency and renewable energy retrofit program. The Board previously entered into an agreement with CMS Viron Energy Services to perform an energy audit on selected facilities. However, the second phase of the audit was never completed. Since that time, Chevron Energy Solutions has acquired Viron and can render the balance of the energy audit pursuant to the former agreement. It is recommended that Measure BB fund both the initial audit and, if applicable, subsequent work.

Director Issel suggested that the proposal include incentives for students and staff and that the principals should receive a percentage of the savings to be used at their sites.

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

Approval of the proposal by Pacific Gas and Electric and Chevron Texaco to undertake an Energy Efficiency Audit.

2.1-A

Nutrition Services Staffing to accommodate the New Food Court

Ms. Karen Candito, Director, Nutrition Services, recommended that the Board approve these staffing adjustments and approve the elimination and reduction of the following specified classified positions as listed in Resolution 03-24:

- 1.00 FTE Food Services Supervisor
- 0.47 FTE Storekeeper (reduction to 10-months)
- 1.97 FTE Delivery Driver
- 0.87 FTE Food Service Satellite Operator Specialist (12-month position)
- 0.40 FTE Food Service Assistant (12-month position)
- 0.87 FTE Snack Bar Operator

2.1-A

Nutrition Services Staffing to accommodate the New Food Court (continued)

Ms. Candito said the new building at Berkeley High School includes a sizeable food court and student union area, which is anticipated to open sometime in March 2004. In order to utilize the facility to provide a healthy breakfast and lunch as part of a welcoming environment for students, additional staff will be needed. It is intended that the Food Court will feature a variety of home-made dishes offered daily including pastas, rice bowls, burritos, sandwiches, salads and pizza cooked exhibition style. To offset the costs associated with the new High School Food Court, the Nutrition Services Department has taken a close look at the entire department to create a reorganization plan that will contain costs and shift expenditures. The estimated personnel costs for opening the Food Court are approximately \$99,000 for March through June 2004, \$285,000 annually. These increased costs cannot be accommodated without rearrangement, consolidation, and shifting of personnel and positions. Based on industry standards and food service statistics at high schools in like areas, we are anticipating a significant increase in revenues. However, until such revenues are realized, they have not been incorporated into the budget.

Vice President Riddle said she would like for staff to submit a status report to the Board in June regarding the Food Court.

Director Rivera requested that in the future, staff involve our unions earlier in the process.

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

Approval of the staffing adjustments and reorganization of the Nutrition Services Department.

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

2.2-A

Resolution 03-04: Elimination of Specified Classified Positions

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

Approval of Resolution 03-04: Elimination of Specified Classified Positions, as amended. The amendment is in #2. Number 2 now reads:

2. That said reduction by layoff becomes effective no later than 45 days from action on this resolution or March 8, 2004.

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

**AGENDA REORDER**

1.1-CF

Approval of the Revision for the Elementary Student Assignment Plan

Superintendent Lawrence highlighted the New Student Assignment Plan. She said the goal of the new elementary student assignment plan is to integrate schools utilizing (1) parent education level, (2) parent income level and (3) race and ethnicity. Mrs. Lawrence said choice will continue to be an integral part of the student assignment plan and the District is committed to maintaining school sibling priority. She said the District will continue to be divided into three elementary school attendance zones. Mr. Francisco Martinez, Manager, Admissions and Attendance; Ms. Bernadette Cormier, Manager, Transportation and Mr. Bruce Wicinas, Consultant, were in attendance and responded to Board questions and comments.

Vice President Riddle said before the Board takes action on this item, there needs to be ample time for community input. Therefore, she does not want to take action on this item at first reading tonight.

Director Rivera said he likes the fact that we are expanding the term of diversity and including all the factors that impact the achievement of students. He said we will need to explain to the community how this new Elementary Student Assignment Plan works.



1.1-CF

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

Director Issel asked staff to verify the data on page 41 of the Board packet.

At 11:10 p.m., the Board took the following action:

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

To continue the meeting until the meeting is finished.

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

To receive for discussion and information the Student Assignment Administrative Regulations.

1.2-CF

First Reading: Board Policy 65115.0: Student Assignment

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

To accept for first reading and discussion a proposed policy for the establishment of a District Student Assignment System and criteria.

1.3-CF

First Reading on Revised Board Policy 1325.1: Public Art

Director Doran explained that the reason he brought this Revised Board Policy forward is because in the past year, issues raised around creating public art in our schools have created unnecessary controversy among Board members and with our staff. He said these revisions are being presented to help prevent such controversy in the future and address the inadequacies to the present policy that may have created situations that did not produce a smooth, acceptable process for adopting public art for our schools. Director Issel stated her preference for the existing policy.

Motion: Directors Doran/Selawsky and approved 5-0-0-(1)-0 on voice vote:

To table Board Policy 1325.1: Public Art and refer it to the Board Policy Subcommittee for review and recommendation.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky

NOES: None

ABSTAIN: None

EXCUSED: (Student Director Johnson)

ABSENT: None

4.1-I

Receive information on Mandatory Health and Welfare Re-enrollment

Mr. Eric D. Smith, Deputy Superintendent, Business and Operations, said that last fall the District, in consultation with our Broker for Health and Welfare Insurance, initiated a mandatory re-enrollment for employees to establish eligibility for medical insurance. He reported that the reconciliation of the re-enrollment has been completed.

Director Doran inquired about the status of retirees.

Director Issel asked how staff is tracking dependent children of District employees. What proof is required for employees and their dependent children? Also, when dependent children age out do they have the right to continue on the insurance in their own name without going through an underwriter? She requested that staff pursue this possibility and said it might be useful in negotiations.

4.2-I

Governor's State Budget and its impact on BUSD

Mr. Eric D. Smith, Deputy Superintendent, Business and Operations, reviewed the elements of the Governor's budget and the potential impact on the District's budget. He said the specifics of this year's Governor's Budget Proposal for K-12 education will be vitally important for budget planning for 2004-05, as well as for the balance for 2003-04.

**ADJOURNMENT**

President Selawsky declared the Regular Meeting of January 21, 2004, adjourned at 12:30 a.m.

**APPROVED:**

**ATTEST:**

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District

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