

BERKELEY UNIFIED SCHOOL DISTRICT
Office of the Superintendent
2134 Martin Luther 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 21, 2004

Call to Order The Presiding Officer will call the Meeting to Order at 6:00 p.m. The Board will recess to Closed Session at 6:00 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
(1) Superintendent's Evaluation and Contract Revision
- f) Liability Claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

Report Closed Session Action	Motion_____ Second_____ Vote_____	
Approve Agenda	Approve the Regular Meeting Agenda of January 21, 2004	
Approval of Minutes	Approval of the Regular Board of Education Minutes of December 17, 2003 Motion_____ Second_____ Vote_____	1

PUBLIC TESTIMONY

Persons wishing to address the Board should fill out a card located on the table by the door and submit the completed card to the Board Recorder. Speakers will be selected by lottery. The Public Testimony is limited to 30 minutes—3 minutes per speaker. Speakers with the same concerns are encouraged to select a spokesperson to address the Board.

REPORTS Union Representatives' Reports
 Superintendent's Report
 Board Members' Report

CONSENT ITEMS

These items are considered routine and may be enacted by a single motion. Any items needing discussion may be moved to the appropriate section of the agenda upon the request of any member of the Board.

General Services

1.1-C Acceptance of Gifts/ Donations	<u>Staff Recommendation:</u> Accept the gifts/donations to the District or facilities from individuals and/or companies Motion_____ Second_____ Vote_____	13
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Human Resources

2.1-C Acceptance of Personnel Report	<u>Staff Recommendation:</u> Accept Personnel Report 04-02, as submitted. Motion_____ Second_____ Vote_____	14
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Educational Services

3.1-C Overnight Field Trip Requests	<u>Staff Recommendation:</u> Approve the overnight field trip for students consistent with District policies and Instructional programs Motion_____ Second_____ Vote_____	19
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Business Services

4.1-C Approval of Contracts/ Purchase Orders for Services and Contracts	<u>Staff Recommendation:</u> Authorize the Deputy Superintendent and Purchasing Agent to execute Purchase Orders Motion_____ Second_____ Vote_____	20
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4.2-C Resolution 03-30: Authorization to advertise for bids for King Middle Dining Commons Project	<u>Staff Recommendation:</u> Authorize advertisements for bids for King Middle School Dining Commons Project Motion_____ Second_____ Vote_____	23
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4.3-C Approval of Three Landscape Architect Firms for all Berkeley Unified School District K-12 Sites	<u>Staff Recommendation:</u> Approve the landscape architects. Motion_____ Second_____ Vote_____	27
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ACTION ITEMS

Business & Operations

9:30 p.m. 4.1-A Proposal by Pacific Gas and Electric and Chevron Texaco to undertake an Energy Efficiency Audit	<u>Staff Recommendation:</u> Approve Proposal by Pacific Gas and Electric and Chevron Texaco to undertake an Energy Efficiency Audit Motion_____ Second_____ Vote_____	30
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Human Resources

2.1-A Nutrition Services Staffing to accommodate the New Food Court	<u>Staff Recommendation:</u> Approve staffing adjustments and Reorganization of the Nutrition Services Department Motion_____ Second_____ Vote_____	32
2.2-A Resolution 03-04: Elimination of Specified Classified Positions	<u>Staff Recommendation:</u> Approve Resolution 03-24 for the Elimination of Specified Classified Positions Motion_____ Second_____ Vote_____	35

CONFERENCE

These items are submitted for advance planning and to assist the Board in establishing future agenda items. The Board may, however, take action on the following:

General Services

1.1-CF Approval of the Revision of the Elementary Student Assignment Plan	<u>Staff Recommendation:</u> Approve the Revision of the Student Assignment Plan Motion_____ Second_____ Vote_____	38
1.2-CF First Reading: Board Policy 5115.0: Student Assignment	<u>Staff Recommendation:</u> Accept for First Reading Board Policy 5115.0: Student Assignment Motion_____ Second_____ Vote_____	60
1.3-CF First Reading on Revised Board Policy 1325.1: Public Art	<u>Board Member Recommendation:</u> Accept for First Reading Board Policy 1325.1: Public Art Motion_____ Second_____ Vote_____	63

INFORMATION

These items are intended to keep the Board informed on various District business matters, which do not require formal action, by the Board.

Educational Services

8:30 p.m.	<u>Staff Recommendation:</u>	66
3.1-I	Receive for Information and Discussion	
Presentation by	Progress and Improvements for Special	
Representatives	Education	
From the Special		
Education Department		

Business Services

4.1-I	<u>Staff Recommendation:</u>	116
Receive information on	Receive for information.	
Mandatory Health and		
Welfare		
Re-enrollment		
4.2-I	<u>Staff Recommendation:</u>	117
Receive information on the	Receive for information.	
Governor's Proposed		
2004-05 Fiscal Year Budget		

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—3 minutes per speaker.)

ANNOUNCEMENTS:

- Schedule of Board of Education Meetings for 2004:

January 21, 2004
February 4, 2004
February 18, 2004
February 25, 2004—Special Board of Education Meeting
March 20, 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

- Community Budget Information Meetings:

Thursday, February 5, 2004, 6:00 p.m.

Monday, February 9, 2004, 6:00 p.m.

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: Michele Lawrence, Superintendent
FROM: Queen Graham, Executive
DATE: January 21, 2004
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

The Board may accept and utilize on behalf of the District any bequests or gifts of money or property for a purpose deemed to be suitable by the Board.

The following donations have been presented to the District:

1. Brian Patterson, Maintenance Area Supervisor and K. C. Simmons, Manager, 24-Hour Fitness, 2072 Addison, Berkeley, CA 94704: A donation of two racks of ten barbells to the Berkeley High School Athletic and Physical Education Department.
2. Lawrence and Elizabeth Waldron: A donation of \$50.00 to be used in the Hopkins Early Childhood Education Program.

POLICY/CODE

Board Policy DFK/KHE

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept the donations/gifts to the District.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence Superintendent
FROM: Tina Brier, Director, Classified Personnel
 Patricia Calvert, Director, Certificated Personnel
DATE: January 21, 2004
SUBJECT: ACCEPTANCE OF HUMAN RESOURCES REPORT 04-02
 Following is Human Resources Report 04-02 which reports details of personnel assignments, employment, and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>RESIGNATION</u>						
Maria Kersey	Teacher	Berkeley High	General	.40/V-09	1/26/04	
<u>PROBATIONARY TEACHER</u>						
Josephine Balakrishnan	Speech Therapist	Special Education	General	1.00/VII-12	1/12/04	6/11/04
<u>TEMPORARY TEACHER</u>						
Rebecca Hopkirk	Teacher	Thousand Oaks	General	1.00/II-02	1/5/04	5/19/04
Elizabeth Weinstein	Teacher	Thousand Oaks	General	1.00/IV-03	10/21/03	6/11/04
<u>MATERNITY LEAVE OF ABSENCE WITH PAY</u>						
Kimberley Davis	Teacher	Emerson	General	1.00	3/12/04	6/11/04
Kate Haber	Teacher	Berkeley High	General	1.00	12/8/03	5/6/04
Anne Hirose	Teacher	Thousand Oaks	General	1.00	1/5/04	5/19/04
Fatemeh Mizbani	Teacher	Berkeley High	General	1.00	3/12/04	1/14/04
<u>LEAVE OF ABSENCE WITHOUT PAY</u>						
Magi Discoe	Teacher	Berkeley High	General	1.00	8/04	6/05
Christy Smith	Teacher	John Muir	General	.50	1/15/04	6/11/04
Jordan Winer	Teacher	Berkeley High	General	.20	2/1/04	6/11/04
<u>MEDICAL LEAVE OF ABSENCE WITH PAY</u>						
John Johnson	Teacher	Alternative High School	General	1.00	11/21/03	12/19/03
Cheryl Sheppard Tunsell	Teacher	Oxford	General	1.00	11/24/03	1/5/04
<u>PATERNITY LEAVE OF ABSENCE WITH PAY</u>						
Jay Cohen	Teacher	King	General	1.00	2/25/04	4/4/04
Matthew Lipner	Teacher	Thousand Oaks	General	1.00	1/19/04	4/1/04
Joshua Rosen	Teacher	King	General	1.00	2/2/04	2/20/04

CERTIFICATED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>STIPENDS (DISTRICT ARTS TEAM)</u>						
Susan Archuletta	Teacher	Longfellow	Music	NTE \$200	8/27/03	6/10/04
Cristi Billue	Teacher	Emerson	Music	NTE \$200	8/27/03	6/10/04
Bessie Cirtrin	Teacher	LeConte	Music	NTE \$200	8/27/03	6/10/04
Lucinda Daly	Teacher	Berkeley High	Music	NTE \$200	8/27/03	6/10/04
Rita Davies	Teacher	Oxford	Music	NTE \$200	8/27/03	6/10/04
Ruth Dorman	Teacher	Longfellow	Music	NTE \$200	8/27/03	6/10/04
Marina Franco	Teacher	John Muir	Music	NTE \$200	8/27/03	6/10/04
Greg Gomez	Teacher	All District	Music	NTE \$200	8/27/03	6/10/04
Kelly Graham	Teacher	Arts Magnet	Music	NTE \$200	8/27/03	6/10/04
Tamra Kessler	Teacher	Willard	Music	NTE \$200	8/27/03	6/10/04
Joyce Seitz	Teacher	King	Music	NTE \$200	8/27/03	6/10/04
Larry Stefl	Teacher	BAHS	Music	NTE \$200	8/27/03	6/10/04
Sarah Waggoner	Teacher	Malcolm X	Music	NTE \$200	8/27/03	6/10/04
<u>STIPENDS (NATIONAL BOARD)</u>						
Jacob Disston	Teacher	Willard	General	NTE \$1,500	1/1/04	
Susan Katz	Teacher	Cragmont	General	NTE \$1,500	1/1/04	
David Stevens	Teacher	Berkeley High	General	NTE \$1,500	1/1/04	
<u>STIPENDS (BTSA SUPPORT)</u>						
Lynda Arnold	Teacher	Le Conte	BTSA	NTE \$1,200	12/1/03	6/11/04
Jack Ball	Teacher	All District	BTSA	NTE \$3,600	12/1/03	6/11/04
Rebecca Burke	Teacher	King	BTSA	NTE \$1,200	12/1/03	6/11/04
Luis Cobarrubias	Teacher	Thousand Oaks	BTSA	NTE \$1,200	12/1/03	6/11/04
Janey De Witt	Teacher	Berkeley High	BTSA	NTE \$1,200	12/1/03	6/11/04
Jan Goodman	Teacher	King	BTSA	NTE \$1,200	12/1/03	6/11/04
Nancy Mar	Teacher	Cragmont	BTSA	NTE \$1,200	12/1/03	6/11/04
Jeannie Osuna-Macisaac	Teacher	Rosa Parks	BTSA	NTE \$1,200	12/1/03	6/11/04
Charles Pratt	Teacher	Berkeley High	BTSA	NTE \$1,200	12/1/03	6/11/04

CERTIFICATED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
Louise Rosenkrantz	Teacher	Malcolm X	BTSA	NTE \$1,200	12/1/03	6/11/04
Madalyn Theodore	Teacher	Berkeley High	BTSA	NTE \$2,400	12/1/03	6/11/04
Ada Wada	Teacher	King	BTSA	NTE \$2,400	12/1/03	6/11/04
<u>STIPENDS (B-PAR)</u>						
Jan Goodman	Teacher	King	BTSA	NTE \$1,280	12/1/03	6/11/04
<u>STIPENDS (TEACHER IN CHARGE)</u>						
Sara McMickle	Teacher	Alternative High School	Site	\$1923	8/25/03	6/11/04

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>RETIREMENT</u>							
Marsha Dyke	Clerical Assistant III	Early Childhood Ed.				3/11/04	
<u>RESIGNATION</u>							
Leah Abraham	Instructional Assistant	Vera Casey				1/2/04	
Patricia Duwel	Administrative Coordinator	Human Resources				1/9/04	
DomunIQUE Tyler	Instructional Assistant	Vera Casey				12/4/03	
<u>LEAVE OF ABSENCE WITH PAY</u>							
Emmett Moore	Custodian I	Thousand Oaks				12/15/03	1/15/04
<u>PERMANENT</u>							
Emily Davidow	Program Coordinator Extended Day	Emerson	Site Fund	52/5	.80 FTE \$26.17 hr	1/12/04	
Lori Adams	Snack Bar Operator	Longfellow	Cafeteria Fund	34/5	+ .13 FTE \$16.77 hr	1/1/04	
<u>PERMANENT (CORRECTIONS)</u>							
Betty Ladzekpo	Instructional Specialist II	Arts Magnet	Site Fund	58/1	.48 FTE \$24.94 hr	10/1/03	
Betty Ladzekpo	Instructional Specialist II	ECE	Site Fund	58/1	.20 FTE \$24.94 hr	10/1/03	
<u>PROBATIONARY</u>							
Alma Barrios	Instructional Assistant (ECE)	Franklin Pre-School	Site Fund	29/1	.80 FTE \$12.17 hr	12/3/03	6/3/04
Ralph Nelson	Ext. Day Program Assistant Coordinator	Emerson	Site Fund	50/1	.90 FTE \$20.45 hr	1/12/04	3/1/04
Mario Nimnicht	Instructional Tech. (After School)	Cragmont	Site Fund	34/1	.47 FTE \$13.74 hr	1/5/04	9/5/04
Rosa Perez	Instructional Assistant (ECE)	King CDC	Site Fund	29/1	.60 FTE \$12.17 hr	12/3/03	6/3/04
Maria Soria	Instructional Assistant (ECE)	Franklin Pre-School	Site Fund	29/1	.80 FTE \$12.17 hr	12/3/03	6/3/04
Bradley Hilton	Micro Computer Tech	All District	BSEP	52/1	1.0 FTE \$21.48 hr	1/5/04	4/5/04

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>TEMPORARY/HOURLY</u>							
Eric Boddie	Intramural Director	Berkeley High	ASB Fund	N/A	10 hrs/wk \$11.45 hr	12/9/03	6/11/04
Natasha Brown	Noon Director	Rosa Parks	Site Fund	N/A	10 hrs/wk \$11.45 hr	11/1/03	6/11/04
Nanette Dietz	Instructional Assistant Special Education	Berkeley High	Special Ed.	31/1	5.5 hrs/day \$12.77 hr	12/18/03	2/1/04
Kristin Glenchur	Intramural Director	Berkeley High	ASB Fund	N/A	10 hrs/wk \$11.45 hr	12/10/03	6/11/04
Tamera Morgan	Clerical Assistant II	Business Services	General Fund	32/1	NTE 7.5 hrs \$13.10 hr	1/5/04	1/9/04
JoAnn Rivera	Clerical Assistant II	Business Services	General Fund	32/1	NTE 20 hrs \$13.10 hr	12/18/03	1/9/04
<u>STUDENT WORKER</u>							
Mapuwana Moore	Student Worker	Adult School	Site Fund	N/A	20 hrs/wk \$6.75 hr	12/15/03	6/11/04
<u>SUBSTITUTES</u>							
Matilde Andrade	Instructional Assistant Special Education	All District	Special Ed.	31/1	7.5 hrs/day \$12.77 hr	1/1/04	6/11/04
Robert D. Bell	Custodian I	All District	Site Fund	32/1	7.5 hrs/day \$13.10 hr	1/6/04	6/11/04
Tonya Frazier	Instructional Assistant Special Education	All District	Special Ed.	31/1	7.5 hrs/day \$12.77 hr	12/12/04	6/11/04
Vulyncia Graham	Instructional Assistant Special Education	All District	Special Ed.	31/1	7.5 hrs/day \$12.77 hr	1/5/04	6/11/04
Dana Williams	Instructional Assistant Special Education	All District	Special Ed.	31/1	7.5 hrs/day \$12.77 hr	12/15/03	6/11/04
<u>STIPENDS</u>							
Armond Gray	60% Assistant Coach (Boys Basketball)	Berkeley High	Site Fund	N/A	\$1273.80	11/5/03	3/25/04
Jason Smith	Coach (6 th Grade Girls Basketball)	Willard	Site Fund	N/A	\$600.00	11/11/03	12/19/03
Vincent Trahan	80% Assistant Coach (Boys Basketball)	Berkeley High	Site Fund	N/A	\$1698.40	11/5/03	3/25/04

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Neil Smith, Director of Curriculum & Instruction
DATE: January 21, 2004
SUBJECT: Overnight Field Trip Requests

BACKGROUND INFORMATION:

The following overnight field trip requests are being made:

Marin Headlands, January 23-24, 2004

Approve participation of fifty (50) CAS students, three (3) teachers, and three (3) other adults from Berkeley High School on a two-day, one-night retreat to the Marin Headlands. The group is scheduled to depart at 1:00 p.m. on Friday, January 23, and will return at 5:00 p.m. on Saturday, January 24, 2004. The purpose of the trip is to provide students with an opportunity to build community, plan service projects, set academic goals and participate in anti-racism and equity education activities. Students will sleep in gender specific cabins on the grounds. District buses will provide transportation. Fundraising efforts will provide funding of the \$35.00 cost per student. No student will be denied access based on ability to pay. Requested by Matt Huxley, Vice Principal – Berkeley High School.

Sempervirens Outdoor School at Big Basin State Park, June 1-4, 2004

Approve participation of thirty (30) fifth grade students and two (2) teachers from John Muir Elementary school on a four-day, three-night trip to Big Basin State Park. The trip is scheduled June 1 through 4, 2004. This is a capstone experience for the students, supporting the school's focus on environmental education and the school-wide "Life Skills" program. Students will sleep in gender specific cabins on the grounds. District buses will provide transportation. Parent donations and scholarships will provide funds for the \$250.00 cost per student. Requested by Nancy D. Waters, Principal – John Muir Elementary School.

POLICY/CODE:

Education Code, Section 35330 - Excursions and Field Trips
Board policy 6153 – School Sponsored Trips

FISCAL IMPACT:

As indicated above.

STAFF RECOMMENDATION:

Approve the overnight field trip for students consistent with the District Policies and instructional programs.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 21, 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 Time Clock to service Rapid ARC time clock. The cost to be paid will not exceed \$125. To be paid from General Fund Berkeley High School Budget. Requested by Jim Slep.
2. Ratification of contract to Catherine Green, consultant to present workshop "Managing the Multi-Level ESL Class on January 8, 2004. The cost to be paid will not exceed \$250. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.
3. Ratification of contract to Dyslexia Consultants to provide Diagnostic assessment and learning disabilities evaluations for special education student for the period May through October 2003. The cost to be paid will not exceed \$2,400. To be paid from General Fund Special Education Budget. Requested by Ken Jacopetti.
4. Ratification of contract to CASTO for providing recruiting services for Driver Trainer/Field Supervisor position, services rendered on December 16, 2003. The cost to be paid will not exceed \$50. To be paid from Human Resources Budget. Requested by Pat Calvert.
5. Ratification of contract to Julia Robertson for providing enrichment classes for the after school program at King Middle School for the period November 11, 2003 through May 28, 2004. The cost to be paid will not exceed \$2,000. To be paid from King Middle Extended Day Program. Requested by Gerald Herrick.

6. Ratification of contract to Emmanuel Montoya to conduct workshops in mural painting, instruct and assist students in execution of mural at Berkeley High School for the period December 15, 2003 through June 1, 2004. The cost will not exceed \$9,000. To be paid from BHS Donation Budget. Requested by Jim Slemph.
7. Gail Weinstein, consultant to provide CBET Mini Conference on January 24, 2004. The cost will not exceed \$250. To be paid from Adult School Budget. Requested by Margaret Kirkpatrick.
8. Ford Graphics to provide production services for the bidding phase of the Martin Luther King Dining Commons Project. The cost will not exceed \$10,000. To be paid from Measure AA Budget. Requested by Lew Jones.
9. Lifelong Medical Care to provide supplemental service in tutoring, parent outreach to Rosa Parks and Washington Schools' students as required by "No Child Left Behind" for the period January through June 30, 2004. The cost will not exceed \$47,620. To be paid by Title 1 Budget. Requested by Carla Basom.
10. Annette Valentine to provide catering services for State & Federal Programs District Advisory Committee and District English Language Advisory Committee, meeting on February 12, 2004. The cost will not exceed \$1,300. To be paid from State & Federal Projects Budget. Requested by Carla Basom.
11. Increase in contract to Judith A. Colman to provide consultant services to assist with Adult Education cash reconciliation and Budget reconciliation for a maximum of 10 days at a rate of \$55/hour plus mileage, toll and parking for a total amount not to exceed \$4,900. Board approval on January 14, 2004 in the amount of \$17,261.50. The additional time required will increase the cost by \$4,900 for a total amount of \$22,161.50, \$2,500 to be paid from Adult School and \$2,400 to be paid from General Fund Accounting Budgets. Requested by Margaret Kirkpatrick and Song Chin-Bendib.
12. Increase in contract to QSS to provide training sessions as needed dates to be determined for Accounting, Payroll and Data Processing users for FY 2003-04. Training rate @\$1,300 per day plus travel expenses \$300. Board approval on October 15, 2003 in the amount of \$5,000. The additional time required will increase the cost by \$5000 for a total amount of \$10,000. To be paid from General Fund Data Processing Budget. Requested by Song Chin-Bendib.

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: Lew Jones, Director of Facilities
DATE: January 21, 2004
SUBJECT: Approval to Advertise for the King Dining Commons Project

BACKGROUND INFORMATION

In February 2000, the Board approved an architect to begin the design of the King Dining Commons. On September 20, 2000, the Board approved the schematic design. In January, 2002, the design was modified to be a single story rather than a partial three story plan. The architect submitted the plans to DSA in April 2003. We anticipate that the plans will be approved by DSA by the time of the Board Meeting or a few days after.

The project includes two components – a temporary eating area to be in service during construction (the snack bar must be removed to build the dining commons) and the new building. We are still evaluating when to allow the contractor to begin on-site work for the temporary kitchen, however, we are currently planning that such work will begin in May. The demolition of the existing snack bar would begin immediately after school lets out.

The project will includes an alternate to provide the necessary infrastructure to support an expanded kitchen if the Board chooses to have a more complete kitchen in the future. Additional equipment to support an expanded kitchen is not part of the bid, but would need to be added at a later date.

The decision to solicit bids does not determine how the new kitchen will be managed, but does allow for several possibilities. Further discussion will be needed on a future agenda about such issues. If the project is awarded on schedule, the new facility will be ready to open in August 2005.

POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

The project is funded in the Bond budget.

STAFF RECOMMENDATION

Approve the advertisement to solicit bids for this project.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: January 21, 2004
SUBJECT: Approval to Advertise for the King Dining Commons Project

BACKGROUND INFORMATION

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POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

The project is funded in the Bond budget.

STAFF RECOMMENDATION

Approve the advertisement to solicit bids for this project.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 03-30

AUTHORIZATION to ADVERTISE FOR BIDS for KING MIDDLE SCHOOL DINING COMMONS PROJECT

WHEREAS, in the judgment of the Board of Education of the Berkeley Unified School District of Alameda County, it is necessary to secure all labor, materials, equipment, mechanical workmanship, transportation and services required for furnishing and installation of **KING MIDDLE SCHOOL DINING COMMONS PROJECT**, all in accordance with the plans and specifications for the same, Prepared by Berkeley Unified School District, Facilities Planning Office, Berkeley, California, which are on file in the office of said Board and which said plans and specifications are hereby approved and adopted;

NOW, THEREFORE, BE IT RESOLVED that the general prevailing rates of wages as Heretofore ascertained and determined by the Director of the State Department of Industrial Relations in accordance with Labor Code Section 1770 and by said Board shall be the general prevailing rates of per diem wages for each craft or type of worker or mechanic needed to execute this contract; and

BE IT FURTHER RESOLVED, that the Secretary of the Board be and he is hereby authorized to advertise for proposal for the completion of said work in accordance with law by publishing the same in newspapers of general circulation published and circulated in said district; and

BE IT FURTHER RESOLVED, that the Notice to Contractor shall be in form as follows:

Resolution No.03-30
Continue

NOTICE TO CONTRACTORS

NOTICE IS HEREBY GIVEN, that the Board of Education of the Berkeley Unified School of Alameda County hereby calls for sealed proposals to be delivered to the Purchasing Agent of said Board at the Purchasing Office of said Board 1720 Oregon Street, Berkeley, California until **3:00 PM MARCH 10, 2004** at which time and place said bids will be opened for the furnishing of all labor, materials, equipment, mechanical workmanship, transportation and services to be used and employed in the installation of **King Middle School Dining Commons Project, located at 1781 Rose Street, Berkeley, California**, for the Board of Education of the Berkeley Unified School District of Alameda County.

These bids shall be presented in accordance with plans and specifications for said work prepared by Berkeley Unified School District, Facilities Planning Office, 1720 Oregon Street, Berkeley, California 94703, which are on file at the said office of said Board located at above mentioned address.

Bids must be made on bid forms obtained at the said office of the Purchasing Agent, 1720 Oregon Street, and must be signed by the bidder.

The contractor and all subcontractors under him/her must pay all labors, workers and mechanics on said work, or any part thereof, not less than the general prevailing rate of pr diem wages and not less than the general prevailing rate of per diem wages for legal holiday and overtime work for work of a similar character in locality in which the work is performed, to wit; said school district, which per diem wages shall not be less than the stipulated rates contained in a schedule thereof which has been ascertained and determined by the Director of the State Department of Industrial Relations in accordance with Labor Code Section 1770 and by said Board and which is now on file in the office of said Board and by reference incorporated and specified herein and made a part hereof, copies of which are available at said office of said Board, to any interested party upon requested.

Any contractor and his subcontractors shall be bound by said wage scale and shall agree to pay all wages in accordance with said wage schedule.

There will be no fax bids.

Resolution No. 03-30
Continue

Mandatory Job Walk to be held on February 17, 2004 9:00 am to meet at main entrance on Rose Street

The Board reserves the right to reject any and all bids, or any or all items or alternates or proportions of such bids.

First Issue: January 28, 2004
Second Issue: February 4, 2004

Purchase Order No. 040059 – Send Invoice to Purchasing Department, 1720 Oregon Street, Berkeley, California 94703

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 21st day of January, 2004 by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michele Lawrence Superintendent
Secretary of the Board of Education
Of the City of Berkeley and of
Berkeley Unified School District of
Alameda County, State of California

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: January 21, 2004
SUBJECT: Approval of Three Landscape Architect Firms for all BUSD K-12 Sites

BACKGROUND INFORMATION

The Board considered the hiring of three landscape architects for four different projects at its January 14th Meeting. The item was pulled from the Agenda to be placed on for consideration at the next Meeting. Additional information is provided in this document for the Board's consideration.

One of the landscape architect contracts (Willard) is to be funded from Measure AA. The Willard landscape construction project is jointly funded by Measure AA and BSEP Fund 7. A representative Site Committee was created, interviews were conducted and the Committee rated MIG their first choice. After contract negotiations were conducted over the Winter Break, we are prepared to recommend MIG as the landscape architects for this project. We have drafted an aggressive design schedule and will attempt to have a project ready for construction to begin in July.

During the spring of 2003, the Measure BB Committee considered a number of goals. One of the goals expressed strongly by the Committee was to create plans to improve our grounds. Their Plan was presented to the Board in June of 2003. Because the District had many other items on the Agenda, the adoption of a Plan was delayed until October 1, 2003. The Board approved the Maintenance and Grounds Department Measure BB Annual Plan on that date. 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 District does not have landscape architects on its staff. In order to develop designs, we need professional help to examine our sites. The BUSD Board approved a pool of landscape architects. The Construction Committee and the Maintenance Committee were represented in the pre-qualification process.

We are recommending one contract for each of the pre-qualified landscape architects for all K-12 sites that are not currently under design. The approach is to hire the landscape architect, conduct field visits, and meet with the Principal (and perhaps a garden coordinator) twice. The designers are charged with the task of defining small scale improvement and fence replacement. The landscape architects are being hired through the 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 timeline to develop plans is very short. We have until about the second week of February to complete this phase, consider the packaging of improvements, continue into construction documents, complete bidding and be able to implement improvements over the summer.

The planned construction improvement we are requesting the landscape architects to 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 a part of the Fiscal Year 2004 Measure BB Board adopted Plan. 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 architect contracts.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 21, 2004
SUBJECT: Proposal from Chevron Energy Solutions and Pacific Gas and Electric to complete an energy efficiency audit of selected school facilities

BACKGROUND INFORMATION

Staff has been working with Pacific Gas and Electric (PG&E) and Chevron Energy Solutions on the feasibility of implementing an energy management and efficiency plan. Based on the potential for energy savings, four school sites—Berkeley High School, Willard, Longfellow and King—as well as the Central Office have been identified as the most viable candidates for the energy management, energy efficiency and renewable energy retrofit program. However, in order to assess the scope of work, an energy audit must be performed at each site.

The Board previously entered into an agreement with CMS Viron Energy Services (Viron) 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.

In order to complete the audit, report the results to the Board by the May 5th Board meeting, staff is asking the Board to approve this request to move forward with the balance of the audit. Once the audit is completed, the Board can decide whether they wish to proceed with the energy management retrofit over the summer.

Since the energy management and efficiency plan will focus on replacing inefficient, unsafe and dilapidated maintenance components, it is recommended that Measure BB fund both the initial audit and, if applicable, subsequent work. Representatives from PG&E and Chevron Energy Solutions will be present to discuss the proposal in detail.

POLICY/CODE

Government Code Section 4217
FCMAT Facilities Management Standard 8.3

FISCAL IMPACT

\$50,000.00 from Measure BB Funds.

STAFF RECOMMENDATION

To approve proposal from Chevron Energy Solutions and Pacific Gas and Electric to implement an energy efficiency audit of selected school facilities.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Karen Candito, Director Nutrition Services
DATE: January 21, 2004
SUBJECT: Nutrition Services Staffing

BACKGROUND INFORMATION:

On December 17, 2004, the Board considered additional expenses for the new Berkeley High School building. The Superintendent asked that the Board not vote on the recommendation for food service changes until more analysis could be done. This document provides that analysis and includes a consideration of savings that can be realized in the overall Nutrition Services budget to pay for increases at Berkeley High School.

The Board and staff recognize the important connection between a healthy diet and a student's ability to learn and are committed to developing a sound food services program at Berkeley High School. Since the campus has been without adequate food service facilities for quite some time, students regularly leave campus to have lunch in downtown Berkeley and in some cases do not return to school.

The new building at the 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 can not be accommodated without rearrangement, consolidation, and shifting of personnel and positions.

To minimize deficit spending and streamline efficiencies, months have been spent in analyzing current positions, practices, work-day and time allotments, and the overall budget impact.

While many of the personnel reductions and eliminations proposed would have been presented in the District's overall financial recovery plan, they are being presented to the Board in advance to ensure that timelines relating to employee notification and employee rights to transfer and bump into other positions are met and in place by the date of the High School Food Court opening.

Centralized Support Net Reductions

The reorganization plan includes the reduction of 6.06 FTE, which represents 10 persons. The reductions planned are:

1. Reduction of 1.0 FTE Food Service Supervisor in the Nutrition Services office;
2. Reduction of 1.97 FTE Delivery Drivers in the central warehouse;
3. Reduction of .47 FTE Storekeeper in the central warehouse and reduction from 12 to 10 months;
4. Reduction of .87 FTE Satellite Operator Specialist and .40 FTE Food Service Assistant positions by consolidation of the Child Care (West Campus) Program with the Jefferson Central Kitchen.
5. Reduction of 1.0 FTE Senior Food Service Assistant at Jefferson Central Kitchen (position will relocate to Berkeley High School).
6. Reduction of .35 FTE Food Service Assistant (positions will relocate to Berkeley High School).
7. Reduction of .87 FTE Snack Bar Operator at Berkeley High School.
8. Necessary to support the reductions for the year-round Child Care program are the addition of the following summer only positions:
 - a. .27 FTE Nutrition Services Production Operator
 - b. .27 FTE Food Service Assistant
 - c. .33 FTE Delivery Driver

School Site Net Increases

The reorganization plan includes the increase of 8.63 FTE. The changes planned are:

1. Increase of two 0.33 FTE Food Service Assistants at Longfellow due to increased meal participation;
2. Increase of one 0.73 FTE Food Service Assistant at Willard due to increased meal participation;
3. Decrease of one 0.20 FTE Food Service Assistant at King Middle due to implementation of proper time and motion practices;
4. Increase 7.44 FTE at Berkeley High School due to a planned increase in meal participation when the new Food Court opens. These positions are as follows:

- a. 1.00 FTE Nutrition Services Production Operator
- b. 1.00 FTE Senior Food Service Assistant (relocated from Jefferson Central Kitchen)
- c. 2.68 FTE Food Service Assistants (4 employees at .67 FTE each)
- d. 2.65 Food Service Assistants (5 employees at .53 FTE each)
- e. .11 FTE Food Service Assistant

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.

FISCAL IMPACT:

The mid-year increase for fiscal year 2003-2004 is \$ 20,648. The annual increase for fiscal year 2004-2005 is approximately \$10,615.

STAFF RECOMMENDATION:

It is recommended that the Board approve the staffing adjustments and approve the elimination and reduction of specified classified positions found in Resolution No. 03-24 attached hereto.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: January 21, 2004
SUBJECT: Resolution No. 03-24 for Elimination of Specified Classified Positions

BACKGROUND INFORMATION:

Whereas, the Governing Board of the Berkeley Unified School District has determined that the particular kinds of services set forth herein be reduced or discontinued; and

Whereas, it is the opinion of the Board that because of the aforementioned reason it is necessary and in the best interest of the District that the number of permanent classified employees of the District be reduced.

POLICY/CODE:

Education Code Section 45117 states that classified employees may be laid off due to lack of funds or lack of work.

FISCAL IMPACT:

Reduction in employee costs to alleviate budget deficit.

STAFF RECOMMENDATION:

Approve Resolution.

**BEFORE THE GOVERNING BOARD OR THE
BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION No. 03-24**

Elimination of Specified Classified Position for 2003-2004

WHEREAS, due to lack of funds and/or lack of work, the Board of Education of the Berkeley Unified School District hereby finds it necessary to eliminate the positions set forth herein below to the following extent:

- 1.00 FTE Food Services Supervisor
- 0.47 FTE Storekeeper (reduction to 10-month)
- 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

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. That the classified positions specified herein above be eliminated by layoff pursuant to District rules and regulations and applicable provisions of the California Education Code and the current collective bargaining agreement.
2. That said reduction by layoff becomes effective no later than 45 days from action on this resolution or April 8, 2004.
3. That the Superintendent or designee has directed to give a notice of layoff to the affected classified employee and any employee subject to displacement, pursuant to California Education Code Section 45117 and applicable provisions concerning layoff and reemployment in the current collective bargaining agreement.

2.2-A

4. That the affected classified employee laid off pursuant to this resolution shall be eligible for reemployment pursuant to California Education Code Section 453298 and applicable provisions concerning layoff and reemployment in the current collective bargaining agreement, if applicable.

The foregoing Resolution was adopted by the Board of Education of the Berkeley Unified School District on the 21st day of January, 2004 as the same appears of record in my office

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Michele Lawrence, Secretary to the Board of Education of the Berkeley Unified School District, County of Alameda, State of California, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Education of the aforesaid school district as the Board meeting held on the 21st day January, 2004, as the same appears of record in my office.

Michele Lawrence Secretary to the Board of Education
of the Berkeley Unified School District

2.2-A

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: January 21, 2004
SUBJECT: Elementary Student Assignment Plan

BACKGROUND INFORMATION

After more than two years of consideration by a large community task force formed for the purpose of examining the issues around our current student assignment system, the staff is now prepared to present for Board discussion and approval the manner in which we intend to assign students to District Elementary Schools.

In 1968 Berkeley Unified voluntarily integrated all schools. Our commitment to this important and precious legacy continues to be a primary value in our community. Forty years ago, our primary goal was to racially integrate all schools. Although it is indisputable that each student's racial and ethnic background enriches the learning environment of all students, we believe that the recognition and appreciation of the bedrock value of diversity in our schools should be expanded to consider additional factors that enhance the learning environment and recognize other factors contributing to diverse classrooms. These additional factors have independent significance separate and apart from ethnic diversity.

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 parental 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.

Although there may be other components that could be identified as elements that bring diversity to a school, the collection, consistency and unreliability of available data make it impractical to utilize those factors and still ensure a smooth, fair and open process for assigning students to schools of their choice. Thus, as the culmination of several years of work by the Student Assignment Committee directed toward improving and refining our system of K-5 pupil assignment and in line with the recommendations of that Committee, staff now proposes the modifications set forth and described below. After long deliberation and study, we are convinced that utilizing multiple factors will best

insure a rich learning environment in our schools and at the same time reflect the broad diversity of our community. To support this goal, the staff proposes including the following aspects in the new student assignment plan:

Parental Education

Berkeley Unified School District believes that the level of a parent's education is a key indicator of how a student will perform in school. We recognized that students from households whose parents possess college or advanced degrees have more developed literacy and academic skills when they enter school. A 1999 article by the College Board states: "In one large national study, only 5 percent of the eighth graders whose parents did not have a high school degree had achievement test scores in the upper quartile, whereas over half of the students who had at least one parent with a graduate degree scored in the top quartile¹." We know that well educated parents assist their children in succeeding at high academic levels. Such help ranges from reading to their children, assisting with school homework, visiting libraries, hiring private tutors, persuading educators to place their children in advanced courses and visiting colleges and universities that might be well suited for their children's temperament. On other hand, parents with limited resources may lack the necessary skills to provide such level of support².

Moreover, broadening the discussion of parent education level, the renowned sociologist Pierre Bourdieu³ uses the term "capital" beyond its economic conception, to include non-economic forms of capital, specifically cultural and symbolic capital. He contends that different types of capital can be exchanged, acquired, and converted into other forms. The term "cultural capital" represents the accumulation of non-economic forces such as family status, social class, and commitment to education among those components that influence academic success. Bourdieu emphasizes the importance of books, paintings, museums, travel, instruments or exposure to machines (for example computers) in bringing success to a student's future. He argues that educational attainment depends heavily on the cultural capital previously acquired by the subject's family.

Other social reproduction researchers allege that little mobility exists among social classes. Jay MacCleod states: "Several decades of quantitative sociological research have demonstrated that the social class into which one is born has a major influence on where one will end up. Although mobility between classes does take place the overall structure of class relations from

¹ "Reaching the Top: A Report of the National Task Force on Minority High Achievement." The College Board , 1999, p. 9.

² "Reaching the Top: A Report of the National Task Force on Minority High Achievement." The College Board , 1999, p. 15.

³ Bourdieu, Pierre. "Cultural Reproduction and Social Reproduction." *In Power and Ideology in Educaion*. Ed. Jerome Karabel and A. H. Halsey . New York: Oxford University Press, 1977.

one generation to the next remains largely unchanged⁴.” Consequently, a school system must strive to ensure continued equity in its schools, particularly in a community where the economic and parent education levels are so varied and are subject to change relative to housing markets, the State economy and the influence that UC Berkeley exerts in our community.

The academic performance of the student population in Berkeley might serve to illustrate the social reproduction theory. As we study patterns of student performance in Berkeley we find that parent education influences how well students perform in standardized tests. For instance we found that students who live in East Berkeley are more likely to score higher on tests than students who live in West Berkeley. Progressive scholars have argued that cultural values do not necessarily determine behavior or success in life but emerge from social circumstances and life changes and reflect one’s social class. Thus, if some groups’ project limited aspirations or fail to recognize the importance of higher academic achievement it is not because of different cultural values but because of limited opportunities. By including parental educational level in the student assignment process, Berkeley Unified School District seeks to distribute educational “capital” amongst the elementary schools and maximize the educational opportunities for all students. (See parent education map in appendix).

Thus, having schools that only draw students from the neighborhood in which students live could adversely affect both curriculum and the perception of a quality environment. In comparing schools like Rosa Parks against Oxford the schools are close to the desired racial diversity but are very different in their student enrollment relative to parent education and economic levels. Since the State, and now the federal government, are penalizing or labeling schools based on a single test measurements, it is incumbent on our structures to ensure each school has an equal chance to excel on these measurements, since failure to do so can be detrimental to the reputation of the school as a whole.

Parental Income Level

Berkeley Unified School District believes that the economic background of students is of paramount importance. Consequently, we believe that including parental income in our student assignment plan enhances diversity at our schools. Any heavy concentration of poverty in a given school creates inequities because of the inabilities of families to purchase goods and services that can support the learning process. When individual schools have greater access than others to fundraising activities, supportive programs and instructional materials that draw from the financial resources of its parents or neighborhoods this can create conditions of inequity. Consequently, to the extent possible, a school District should attend to those rules and processes that inadvertently create inequitable school environments. Researchers have

⁴MacLeod, Jay. *Ain’t No Makin’ It*. Boulder: Westview Press, 1987, p. 2.

found that a high concentration of poor students in schools is associated with low academic achievement for both poor and wealthy students alike. In "...schools with a 25 percent student poverty rate, both poor and non-poor (sic) youngsters do less well academically than their counterparts in schools with low student poverty rates⁵."

Under the present student testing pressures from national and state governments, schools with a higher concentration of poverty fail to attract well to do families and those students and schools are therefore negatively stigmatized. Conversely, concentration of wealth in a given school provides resources beyond that given to other schools and dramatically affects the equity balance throughout the District moving us further from our goal of creating equity among our schools.

In the City of Berkeley, race and social class have traditionally segregated residential housing patterns. Gary Orfield, a Harvard professor and researcher, contends that when African American and Latino students reside in predominately minority neighborhoods and attend only their neighborhood schools, they are very likely to then attend economically as well as racially segregated schools⁶. Statistics tell us that these minority segregated schools are more likely to experience a higher concentration of poverty. Moreover, students in these schools perform poorly on standardized tests; highly qualified teachers are more difficult to recruit and retain and consequently poverty stricken schools are less likely to offer the rigorous courses required for admission to colleges and universities⁷. The opposite is true for schools whose parents have higher educational levels and greater wealth. Therefore, because of housing patterns in Berkeley this would also mean segregated white schools and segregated minority schools.

Our own data indicate that for the most part student test scores tend to reflect the economic solvency of the parents. As we examined our data we found that affluent children tend to score higher on tests than less affluent students. Addressing these factors in a student assignment plan draws us closer in our goal of creating equity amongst our schools and providing a supportive learning environment for all students. (See parent income map in appendix)

Race and Ethnicity

In addition to the contributions that parent education and family income make in creating school equity, race and ethnicity also promote diversity and equal opportunity in the school community. Thus, Berkeley Unified continues to

⁵ "Reaching the Top: A Report of the National Task Force on Minority High Achievement." The College Board , 1999, p. 14.

⁶ Orfield, Gary and Yun, John T. "Resegregation in American Schools." Cambridge, MA: The Civil Rights Project, June 1999.

⁷ Frankenberg, Erica, Lee, Chungmei and Orfield, Gary. "A Multiracial Society with Segregated School: Are Losing the Dream?" Cambridge, MA: The Civil Rights Project, June 1999.

believe that using a race-conscious student assignment system is crucial to reducing, eliminating and preventing the negative effects of racial isolation while promoting the educational benefits brought by racial diversity. Geoffrey Maruyama and Jose Moreno, researchers for the American Council on Education and American Association of University Professors, in citing Patricia Gurin state:

Gurin suggests that democracy in the United States is characterized by homogeneity and common identity, where people of common backgrounds and beliefs come together, rather than by diversity, where heterogeneity of backgrounds, perspectives, and identities predominate. In the latter type of democracy, groups need to forge alliances that respect competing perspectives... The leaders of today need skills that permit them to work effectively in heterogeneous environments. These skills include perspective-taking, acceptance of differences, willingness and capacity to find commonalities among our differences, acceptance of conflict as normal, conflict resolution, participation in democracy, and interest in the wider social world⁸.

Consequently, because our goal is to teach students how to thrive in a multi-cultural and multi-racial society, our ability to impart these skills in a diverse environment becomes of paramount importance. Students in these environments are more likely to experience “enhanced learning, higher educational and occupational aspirations, and positive social interaction among members of different racial and ethnic backgrounds⁹.” The benefits of diverse environments enrich not only racial and ethnic minorities but white students as well. Patricia Gurin found that white students in racially diverse classrooms were more likely to score higher on complex analytical tests, possess greater intellectual confidence, desire to pursue graduate degrees, understand and appreciate the ideas of others, and were more likely to maintain and pursue friendships across racial and ethnic lines¹⁰.

On June 23, 2003, the United States Supreme Court in *Grutter v. Bollinger*¹¹ held that student diversity is a compelling state interest that can justify the use of race as a plus factor in student admissions. In reviewing the University of Michigan Law School admissions policy the Court ruled that such policy complied with the strict scrutiny test. In upholding the consideration of race to

⁸ *Does Diversity Make a Difference? Three Research Studies on Diversity in College Classrooms*. Washington, DC: American Council on Education and American Association of University Professors. 2000, p. 10.

⁹ Frankenberg, Erica, Lee, Chungmei and Orfield, Gary. “A Multiracial Society with Segregated School: Are Losing the Dream?” Cambridge, MA: The Civil Rights Project, June 1999, p.12.

¹⁰ Gurin, Patricia. “Wood and Sherman: Evidence for the Educational Benefits of Diversity in Higher Education: Response to the Critique by the National Association of Scholars of the Expert Witness Report of Patricia Gurin in *Gratz et al v. Bollinger* and *Grutter v. Bollinger et al.*” 2003, p. 6.

¹¹ *Grutter v. Bollinger*, 123 S. Ct. 2325, 2003.

promote diversity the Court drew on *Brown v. Board of Education* to affirm that education “is the very foundation of good citizenship¹².” The Court further states: “We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to ‘sustaining our political and cultural heritage’ with a fundamental role in maintaining the fabric of society¹³.”

School Equity

One of the justifications for considering the diversity factors in the student assignment plan is the extent to which these factors will contribute to school site equity. One of the measures of success of the student assignment program will be the extent to which schools offer a comparable education to the students enrolled at each site. Of course this does not mean each site must be identical since individual schools assume distinct and unique characteristics. However, each of these distinctive schools will share the equal responsibility of meeting the educational goals for achievement that apply to the District as a whole. In such a learning environment choosing or attending one school rather than another will confer neither significant advantage nor disadvantage to pupils enrolled at any individual site. The establishment and identification of a “base” program required by all schools ensures that equity without diminishing the unique qualities of a given school.

Staff Diversity

Equally important is attaining the goal of a faculty that parallels the diversity represented in the student body. This may be hard to implement for a number of reasons such as the applicant pool, recruitment and outreach, retention problems, etc. Nevertheless, this is an important goal as well as a crucial part of site equity and our employment practices will strive to support this endeavor.

For the reasons mentioned above, the Superintendent and staff recommend the approval of expanding the student assignment system to include the three outlined factors. Should the Board approve these components, the attached document details the mechanics and process that will be used to implement the plan.

POLICY/CODE: Board Resolution 7008

FISCAL IMPACT: None

STAFF RECOMMENDATION: Receive for discussion and information the Student Assignment Administrative Regulations.

¹² *Id.* at 2340

¹³ *Id.*

BERKELEY UNIFIED SCHOOL DISTRICT

ADMINISTRATIVE REGULATIONS

NEW STUDENT ASSIGNMENT PLAN

The goal of the new elementary student assignment plan is to integrate schools by utilizing (i) parent education level, (ii) parent income level and (iii) race and ethnicity. To accomplish this goal, we created a composite diversity map that takes into consideration this three diversity factors. The parent education and parent income diversity factors were developed from data available from the 2000 US Census. The race and ethnicity factor was developed from a multi-year data drawn from the K-5 student population in Berkeley Public Schools. Our assignment lottery will no longer rely upon the actual personal attributes of students. Rather, each student will receive priority based on a composite of attributed diversity characteristics derived from the planning area in which the student lives. The new proposal will continue to utilize certain aspects of the 1995 student assignment plan: parental choice, sibling priority and attendance zones. In addition, the same methodology will be implemented in assigning students to all elementary schools; magnet schools will not use a separate student assignment system as in the past.

Choice

Choice will continue to be an integral part of the student assignment plan. The District will continue to encourage parents to learn about the elementary schools through forums like the kindergarten fair, the school kindergarten nights, school visitation hours and outreach to for profit and non-profit pre-schools. Parents will continue to submit a “parent preference form” where they will rank their school choices as “first choice,” “second choice” and “third choice.” The District will process the parent preference forms in accordance with the parents/guardians’ choices.

Siblings

Berkeley Unified School District is committed to maintaining school sibling priority. Thus, the District will continue to honor such requests to the extent possible based on space availability.

Attendance Zones

The District will continue to be divided into three elementary school attendance zones. Students who reside in a given zone will continue to have priority to the schools in their zones. The District will periodically review the zone boundaries to assess whether because of housing patterns and population changes they continue to provide student diversity and appropriate seating capacity. The zones boundaries are:

The Northwest Zone consists of Jefferson, Rosa Parks Environmental Science Magnet and Thousand Oaks Arts and Technology Magnet.

The Central Zone consists of Berkeley Arts Magnet, Cragmont, Oxford and Washington Communication and Technology Magnet.

The Southeast Zone consists of Emerson, John Muir, LeConte Science Magnet and Malcolm X Arts and Academics Magnet.

Language Programs

Berkeley Unified has determined that there are sound educational and programmatic reasons for instructing students in their native language. Thus, we will make every effort to achieve diversity with regard to parent education level, parent economic level and racial and ethnic diversity in schools with language programs. However, we acknowledge that variations from the desired diversity goals might be necessary in order to meet the curricula objective of the language programs.

Computation of Diversity

In order to devise the composite diversity map, we divided the City of Berkeley into 445 “planning areas.” Since 1990, we have been using this scheme of geographic divisions, which is much smaller than census tracts but larger than city blocks. Typically each planning area is 4 – 8 city blocks. Berkeley Unified School District firmly believes that by including parent educational and parent income levels as well as race and ethnicity in the student assignment process will enhance the educational opportunities for all students. The three diversity composite factors are derived in the following manner:

I. Parent Income Level

The average household income data were taken directly from 2000 Census (See parent income map in appendix). The data are then divided into the following categories:

1. \$4000 - \$26000
2. \$26000 - \$47000
3. \$47000 - \$68000
4. \$68000 - \$89000
5. \$89000 - \$111000
6. \$111000 - \$132000
7. \$132000 - \$153000

II. Parent Education Level

The data are educational averages computed from the 2000 Census (See parent education map in appendix). Each planning area is weighted using the following methodology:

- 1 - Finished grade 8 or less;
- 2 - Did not finish high school;
- 3 - Finished high school;
- 3.5 - Some college or associate degree.
- 4 - Bachelor's degree;
- 5 - Masters or professional degree;
- 6 - Doctorate.

Each educational average yields a decimal number between 1.0 and 6.0. In Berkeley the average varies between 3.0 and 4.6. In order to compute the educational average in each planning area the following formula is applied:

$$\text{“Education Average”} = \frac{\sum \text{over all the above categories (Population of category * Weight per category)}}{\text{Total population}}$$

III. Race and Ethnicity Factor: Percentage of Students of Color

For the purpose of including race and ethnicity as one of multiple diversity factors, we developed a single-numeral measure for race and ethnicity within each planning area (See percent students of color map in appendix). Thus, we represent racial and ethnic diversity as a single percentage, “percent students of color.” We computed this percentage from a multi-year pool of data drawn from the of K-5 student population in Berkeley Public Schools in the following manner:

$$\text{“Percent students of color”} = \frac{100 * \text{Sum students of color population in planning area}}{\text{Total population in planning area}}$$

IV. Composite Diversity Map

The three diversity factors detailed above are then combined to yield an integer “classification” category limited to values 1, 2 and 3 (See composite diversity map in appendix). Because each diversity factor varies in the manner in which it is measured, they must be linearly transformed from these disparate outcome spaces to a common outcome space (a decimal value between 1.0 and 3.9). The three diversity factors are then “mapped” using the following equation:

$$\begin{aligned} \text{Composite Diversity Average} = & \\ & .33 \times (2. + (\text{Parent Income Level} - 34000) / (70000 - 34000)) + \\ & .33 \times (2. + (\text{Parent Education Level} - 3.4) / (4.1 - 3.4)) + \\ & .33 \times (2. + (70 - \text{Percent Students of Color}) / (67 - 30)) \end{aligned}$$

Each category - 1, 2 or 3 - is derived from this “weighted average” by applying two thresholds or “break points” to the decimal value. The breakpoints were determined after multiple experiments and careful considerations. The breakpoints were chosen to divide the city’s K-5 population into desired proportions (the K-5 student population is approximately divided into 55%, 25% and 20%).

Weighed Avg. 1.0 to 2.2 →	Weighted Avg. 2.2 to 3.0 →	Weighted Avg. 3.0 and above →
Category 1	Category 2	Category 3

The following is an example computation of this for three Planning Areas of the Berkeley map. The locations of areas 34, 231 and 239 can be seen on the map that follows.

Planning Area	Average Income	Average Education	Percent Non-white	Diversity Outcome Weighted Average	Composite	Category
34	104753	4.5	10	3.66		3
231	36250	3.4	92	1.78		1
239	47574	4.2	29	2.82		2

Use of Diversity in the Student Assignment Lottery

Utilizing the three composite diversity categories, students will be assigned proportionately to elementary schools. As noted above, the actual personal attributes of students will no longer be relied upon in determining student assignments. Rather, the lottery will give priority based on the attributed diversity characteristics derived from the planning area in which the student lives. Based on his or her attributed diversity characteristics, each student will fall into one of three composite diversity categories. Priority will be given based on these composite diversity categories.

Monitoring

It will continue to be an important administrative function to monitor each school's diversity composite during the enrollment process and through the start of school. After students have indicated their school choice and placed by lottery, it may be necessary, in some instances, to resort to "safety valve" by which we would manually assign a student to his or her alternate choice should there be an imbalance in any of the three factors that is outside the plus or minus 5-10% range of flexibility. We expect to use the "safety valve" method of readjustment very rarely, if at all. We believe that retaining some means of discretionary administrative intervention will ensure that student needs for special programs, staffing variations, school seating capacities or late enrollments are compatible with the student assignment plan.

In October of each year as the District prepares the State required CBEDS report an accompanying document will be included which will inform the Board of each school's diversity balance as an additional means of monitoring the implementation of the Assignment Plan.

Each year in preparation for kindergarten enrollment, sensitivity will need to be given to the analysis of developing trends or significant shifts in housing patterns or community development projects that may alter the makeup of a given planning area. The supporting software allows for modifications should these circumstances occur over time. Staff would then bring to the Board proposed revisions to the plan in order to maintain the policy goals.

Appendix

1. Planning Areas: 1-445
2. Average Parent Education by Planning Area
3. Parent Income by Planning Area
4. Percentage Students of Color by Planning Area
5. Composite Diversity Map: Parent Education, Parent Income, Race/Ethnicity
6. Composite Diversity Outcome: Parent Education, Parent Income, Race/Ethnicity
7. Composite Diversity Outcome: Parent Income
8. Composite Diversity Outcome: Parent Education
9. Composite Diversity Outcome: Race/Ethnicity

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: John T. Selawsky, President
Terry S. Doran, Board Member
DATE: January 21, 2004
SUBJECT: First reading of Revision to Board Policy on Public Art

BACKGROUND INFORMATION:

Our present Board Policy on Public Art was adopted in November, 1995. Since that time, and in particular in the past year, issues raised around creating public art in our schools have created unnecessary controversy among Board members and with our staff. 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. All revisions are in paragraph two and in Capital letters.

POLICY/CODE

Board Policy DFK/KHE

FISCAL IMPACT

None

BOARD MEMBERS RECOMMENDATION:

That the Board of Education accepts for first reading revisions to Public Art Policy.

BERKELEY UNIFIED SCHOOL DISTRICT**PUBLIC ART POLICY**

The Board of Education recognizes that from time to time there will be proposals for incorporating works of art into the buildings of the District. Some works of art, such as paintings, can be accepted and hung by present occupants of a building and discarded or moved out of sight by the next. Other art works, such as murals or large pieces of sculpture, become a permanent part of the school and should have a certain timeless quality because of the many generations of students, parents, and staff members who will study and work in proximity to the art.

Therefore, the Board instructs the Superintendent, when presented with an art proposal for a District building, to establish a Review Board on an as-needed basis for the purpose of approving proposals for murals, tile walls, sculptures, or other works of art to be placed permanently at any Berkeley public school property. Membership should include any, or all, of the following when art proposals come from outside the school community; architects, artists, and/or museum personnel who are not directly involved at a school in question, as well as the principal, parents, teachers, other staff, and students connected to the school. When art proposals come from within the school community, (i.e., the art is created by students or by students, parents, teachers, and staff of that school) the principal, parents, teachers, staff, and students connected to the school, numbers and composition to be determined by the Superintendent, will act as the Review Board. The Review Board will convey its recommendation to the Superintendent and the Board.

Proposals involving permanent architectural enhancement of school district buildings will demonstrate educational and artistic value to receive board approval. Approval will be based on the criteria below. How many of these criteria are applied and how they are weighted will depend upon the nature and scope of the project involved. Applicants will be prepared to document how these criteria are met.

1. The art work will identify the buildings as a student-centered environment. The work will be developmentally appropriate to the students of the school.
2. Projects may be opportunities for students to have a hands-on learning experience. The permanence of a project will be used to bring significance to the contributions of the students.
3. Where feasible, projects should provide staff development or support teacher-directed classroom projects.
4. The public artwork at our schools should be considered in the overall context of the school and will have a sense of inclusiveness and be broadly meaningful to the larger community.
5. The work will compliment the architecture of the building and the physical environment, including form, scale, and materials.
6. The proposed materials will withstand weather, vandalism, and maintenance.
7. Projects will have artistic merit.
8. Applicants will demonstrate appropriate experience and the organizational capacity to carry out the proposed activity and achieve the intended outcome.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Ken Jacopetti, Director of Special Education
DATE: January 21, 2004
SUBJECT: Special Education Presentation

BACKGROUND INFORMATION

This presentation will include an overview of the special education department from federal, state and LEA perspectives. A recent report on the special education department will be presented and discussed. The presentation will conclude with current activities, restructuring efforts and future plans to improve the delivery of special education services in the Berkeley Unified School District.

POLICY/CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Receive for information.

Berkeley Unified School District

Special Education Study

October, 2003

written by:

Dr. Kathleen Gee

And

Dr. Diane Kettle

EXECUTIVE SUMMARY

Background

Berkeley Unified School District (BUSD) is a public school district located in Berkeley, California. Berkeley Unified operates an Early Childhood Program, eleven elementary schools (K-5), three middle schools, one high school and one alternative high school. Total enrollment in the district is approximately 9,109.

Recently the superintendent of Berkeley Unified School District initiated an effort to collect information on special education service delivery in all Berkeley schools. A special education study was conducted in May – June 2003 to assist in strategic planning for the district.

- Primary objectives of this effort:
- 1) Gather information from all school sites on current service delivery.
 - 2) Generate recommendations that could be utilized to strengthen internal organizational structures to support special education service delivery.
 - 3) Identify current areas of strength and areas for focused improvement.

Design of the Special Education Study

Following the initiation of the special education study in Berkeley Unified School District, a six pronged approach was implemented to gather information. The six components were: 1) schools in Berkeley Unified were visited, observations were made, and all school site principals were interviewed; 2) special education teachers, specialists and parents were interviewed; 3) program specialists were interviewed; 4) the *Centralized Assessment Team* was interviewed; 5) special education student files were reviewed; and 6) there was a review of relevant documents.

1. *School Visits* – All schools were visited. Principals were interviewed and time was given to make observations in classrooms. The principal interviews were significant to information gathering and provided much clarification. At some sites vice principals were also interviewed.

2. *Special Education Teachers, Specialists and Parents* – At each site an attempt was made to interview resource and special day class teachers, "full-inclusion" teachers, and general education teachers. Other specialists were interviewed including speech therapists, occupational therapists, adaptive physical education specialists, a workability specialist and counselors. Parents from various school sites with students in special programs were interviewed. An input meeting for Berkeley Unified School District special education parents was also held and several special education task force meetings were attended.
3. *Program Specialists* – Each of the three program specialists were interviewed separately.
4. *Centralized Assessment Team* - The *Centralized Assessment Team* was interviewed including school psychologists, resource teachers and program specialists.
5. *Review of Student Files* – Twenty-four student special education files were randomly reviewed. The file review covered each category of disability and students were selected from each of the fifteen (K-12) Berkeley schools. Pre-school students were also included.
6. *Review of Relevant Documents* – Relevant documents describing the goals, philosophy, mission and values of the Berkeley Unified School District special education service delivery model were reviewed. The Handbook of Procedures and Policies for special education service delivery was reviewed. At school sites documentation of Student Study Team procedures were reviewed when available, and literacy data was reviewed when available.

Study Framework

Inclusion is not a program, but instead it is a systemic philosophy. Schools that deliver effective special education services in the least restrictive environment adopt a systemic inclusive philosophy that focuses on instruction and support vs. distinguishing between which students are included and which ones are not. On the following pages, discussion of issues around inclusivity will be surfaced, and strategies to address those issues will be provided.

Cultivating effective instruction for students with special needs in Berkeley Unified School District will require all stakeholders to feel a sense of ownership in any structural changes made. Such ownership can be a starting place to fostering strong communication.

Highlights of Information Gathered

- Among administrators, teachers, and staff there is a desire to have conversations about up to date practices, have conversations about curricular content and instructional strategies, and to share expertise.
- There are many talented administrators, teachers, related service professionals, and staff employed in Berkeley Unified.
- There is strong interest in improving the services to students with special needs and making BUSD schools inclusive of all children.

Summary of Recommendations

The recommendations listed below may be implemented over a period of one to five years. It is recommended that initiation be taken over the next few months, but any strategic plan that is developed should be evaluated yearly to assure that steady progress and appropriate shifts in direction are made.

This report is organized around five major recommendation areas. These areas are listed below and described more fully in the report. However, the recommendations may dovetail and overlap each other. Therefore, this report should be read as a whole document study in order to obtain the best understanding of issues surfaced.

- I. *Philosophical Shift* – Focusing on inclusion as a systemic philosophy will place new demands on leadership, personnel, service delivery, resources and staff development. A shift in thinking has to occur at every level as the organization moves toward a more inclusive environment. Specifically the district needs to place an emphasis on leadership and the role of leaders in shaping a new district culture. Leaders will need to take responsibility for service delivery, situating services at their sites around the concept of “provision.” Problem solving capacities need to be expanded in order for professionals to discuss issues around students in proactive ways. Leaders at every level will be responsible for holding stakeholders accountable in the delivery of services. A level of thoughtful functioning should grow out of this shift that can give rise to environments that are more considerate to all students.
- II. *Special Education Service Delivery Structure* – This restructuring effort involves the special education service delivery model and focuses on adopting a zone/site-based structure in which school-wide applications of effective

practice apply to all children. Resources are shared and co-mingled. There should be no special day classes and there should be no children labeled "special day" or "full inclusion." Instead, all schools should be, "inclusive," and all students should be assigned to general education classrooms. Students should receive varied levels of intensive supports that may be provided in the general education classroom or in other school and community settings. Supports and services should be linked to student needs and measured outcomes. Secondary students should receive core content instruction from faculty with subject expertise. Special attention should be given to how service delivery in the district is structured, and how such a structure can support student learning. Attention should be given to the lexicon of service delivery, including the descriptors of teacher roles and responsibilities. A strategic plan for movement to this model should be developed in conjunction with the principals, advisory council, program specialists, and representation from each area of service delivery.

In order to enhance current service delivery some significant organizational changes may be necessary. These shifts may have implications for policies and procedures at every school site. Specifically, the district needs a strong leadership team in language and literacy instruction from the elementary through high school levels. Student Study Teams (SST) should operate intensively with a data-base which is utilized effectively. Assessments should become site-based, and functionally relevant to the students' curriculum. School site administrators should supervise Individual Education Plans (IEPs), special education teachers and instructional assistants, and the overall implementation of the program. They, in turn, should be supported by a strong group of program specialists and outside experts who can assist them with program content and effective practices and problem solving.

- III. *Effective Practices* – Providing a curriculum that is meaningful and substantive is critical for all students. There is no one “best way” to instruct all students. Instead, creative, systematic, and data-based instruction delivered within the philosophical framework of inclusivity, will ultimately provide accountable and effective outcomes. This will require re-thinking on the part of both special and general educators, and a re-organization of how their time is utilized at each school site.

- IV. *Staff Development*- Greater inclusivity and the implementation of intensive, systematic instructional practices will require staff development at all levels. Leadership personnel and program supervisors will require opportunities for training, planning, and problem solving with each other (in zone teams) and with their staff. Special education teachers will require training in several areas listed in the report. General education teachers will require training in collaboration with special education teachers, differentiated instruction, and IEPs. Instructional assistants will require training in their new roles as "site and classroom-based" assistants, and in general instructional strategies, and collaboration.
- V. *Strategic Planning* – Like all major initiatives, developing a more inclusive environment requires long-term and short-term planning. The necessary long-term planning will be accomplished through a strategic planning process.

Recommendation I: A Framework and Philosophy for District-wide Effective Supports in Inclusive Schools

Based on our review, the most important recommendation we can make toward the improvement of services for children and youth with disabilities is a serious shift in philosophy of service delivery at all levels and across all school sites. The adoption of an effective, inclusive school philosophy across the district will be a dramatic change for some, and a welcome change for others. The adoption of this philosophy, or framework, described below will impact all other recommendations, including service delivery, organization, and instruction. It will require, in many cases, changes in job descriptions, roles, responsibilities, resource allocation, organizational structure and organizational functioning. The intent of the program changes will require a reallocation of how financial and human resources are utilized, not an increase in the funds required. Fiscal and human resources will be used differently as the service delivery structure changes. Another crucial aspect to these recommendations is the strong and definite link between general and special education. Services to children with disabilities cannot be improved in isolation from general education. A strong general education program is crucial to services for students with disabilities, therefore many of the recommendations in structure, curriculum, and instruction not only affect the general education program, but substantively impact it.

It is important to delineate a framework and rationale for the proposed changes in this report. This will also provide an over-arching vision for the delivery of specialized services to students with disabilities and their families in BUSD. If accepted, this framework will provide the guiding philosophy for service delivery in the district.

IDEA - 1997 made it clear that the general education curriculum and the general education instructional setting is to be considered the norm for all students, and that performance goals for students with disabilities are to be implemented in the general education classroom (the least restrictive environment) unless particular goals and objectives require different settings. If IEP teams choose different settings, they are obligated to show adequate rationale for why a particular goal or objective must be taught outside of the general education classroom.

Since the beginning of special education law (P.L. 94-142), districts, professionals, and families have struggled with the implementation of effective services in the least

restrictive environment (Sailor, W. 2001).. In large part these struggles have stemmed from two primary problems: special education being thought of as a place, rather than a service and support; and, continuums of service being thought of as continuums of placements. This has resulted in student services being equated with “time” in special or general education rather than a clear description of specific supports and interventions which will remediate or compensate for learning challenges (see Halvorsen & Neary, 2000; Sailor et al, 2000 for review). While the intent of the law was to bring services and supports to children, in reality many children have had to leave general education classrooms for special education services.

The question for district leaders becomes how to organize these services and supports so that all children belong, and all children succeed to the best of their ability.

Providing comprehensive, effective special education services in the least restrictive environment is the goal of BUSD. Special education as a field suffers from some adverse circumstances arising from an earlier period in its history when it was believed that separate service structures (from regular education) would produce the most positive educational outcomes for identified students. An artifact of that period has been that today many teachers, both general and special education, and even some families, perceive students with IEPs to be someone else’s responsibility other than the general education teacher’s. There is often a perception that many special education students should be served “elsewhere”. The traditional lexicon of special education tends to reinforce this perception, and works against systems change efforts to achieve educational integration for these students. As in many districts, this is a barrier in BUSD; but it is not insurmountable.

Currently, in BUSD, some students have been labeled "full inclusion" students, some students are "resource," and some are "special day class." These labels have confused service delivery and are indicative of an adult-driven system, instead of a child-centered or individualized model for services. **These labels, along with the lexicon of placement, must be thrown out** because they do not reflect effective services and only hold the district to an old structure.

We believe that the basic assumptions of the following framework reflect the best practices concerning education for students with disabilities. We are aware of no persuasive evidence, using scientific controls, for the efficacy of categorical placements in separate classes for students with disabilities. We are, however, aware of a preponderance of evidence from scientific investigations favoring highly integrated educational opportunities for students with disabilities (see Halvorsen & Sailor, 1990;

Hunt & Goetz, 1997; Hunt, et al. 1994; McGregor & Vogelsberg, 1998; Meyer, 2003; ---- for review). We are also aware of the large body of literature documenting effective instructional strategies, literacy interventions, math interventions, adaptations, modifications, positive behavioral support, and numerous other interventions, which can improve the educational and social outcomes for students with disabilities within inclusive settings. Some of these interventions require individual and small group instruction, some require whole-school change, some require instruction in settings other than the general classroom (see Rainforth & York, 1997; Snell & Brown, 2000; Sugai & Turnbull & Turnbull, 2001; Villa, Thousand, & Nevin, 2003; Wehmeyer, 2002 for review) .

We have chosen the phrase, *Effective Supports in Inclusive Schools*, to capture the underlying assumptions of the approach we are recommending (see also Sailor, 2003). We recommend that the school district as a whole embrace and adopt the following framework.

In an effective, inclusive school model the following assumptions exist:

- All children belong and all children are considered in every leadership, policy, and curricular decision. General education personnel are empowered to engage every student on an equal basis in their classrooms. Special education personnel are primarily focused on designing instructional interventions, teaching strategies, and supports instead of personally trying to arrange for mainstreaming or integration opportunities;
- All students are served at the schools they would attend if non-disabled (except in those situations where the low-incidence of their disability makes it difficult to have a qualified teacher at every possible site);
- All students are general education students although some may be additionally supported from IDEA (and/or other categorical) resources;
- As such, all students are members of a general education class;
- “Class” is a bigger concept than classroom. Students with IEPs may receive portions of their educational program in other integrated environments with some subset of their classmates when some of their educational objectives can be better met outside of the classroom;
- Under this model there are no Special Day Classes. All students with IEPs can receive optimal educational programs within the school or school/community environments including the general education

classroom. This includes students with all ranges and types of disabilities including all levels of severity;

- Schools are data based, decision-making learning organizations. All elements of school reform at individual sites will be coordinated by a team process using program evaluation methods to continually fine-tune the comprehensive school plan;
- Students with IEPs need to be represented at each site in accordance with the natural proportion of such students occurring in the district. All resources at each site need to be utilized to benefit all students recognizing that, for example, some special education supplementary supports and services directly benefit regular education students as well.

In addition the following policies and practices exist in an effective school model:

- Supports and services begin long before the student is referred for special education. There is a recognition that a strong general education service delivery system which is inclusive of all children is the backbone of successful service delivery to students with special needs;
- Student Study Teams teams function in a timely and intensive manner with adequate expertise for problem solving and a data-based system;
- All children, regardless of the severity of their disability, are assigned to their grade level general education classroom (elementary) or set of core classes (secondary) in their zone school. Part of their day might be spent in other settings if these settings are more effective for the achievement of specific IEP goals;
- Some children may need intensive small group or individual instruction to increase their achievement in reading and math; systematic and data-based instructional strategies are utilized with these students while coordinating closely with the general education teacher;
- Some children may have goals which require other settings within the school building which provide specific contexts for functional instruction, such as the locker room, the bathroom, the cafeteria, the hallways, the office, or the library;
- Some children may have goals which require time spent in the community;
- Services and supports are delineated in terms of interventions, strategies, modifications, adaptations, and accommodations with data-based systems for determining effectiveness;
- Positive Behavior Support (PBS) is trained and implemented at all three levels of engagement: school wide applications; targeted group support; and individual support;
- There is close collaboration between general and special education teachers;

- Special education teacher roles and responsibilities are determined by their expertise. They are accountable to their school site, and part of the school team that evaluates effectiveness of the program.

In short, this model uses all school space effectively and efficiently, and deploys all school personnel in such a manner as to provide an effective education to all students regardless of their individual needs for special supports, services and adaptations (Sailor, 2003). It does so in as integrated a manner as possible, pursuant to an inclusive philosophy.

Implementation of this model in BUSD will require several value-based changes and policies:

- School perception of ownership of the process and resultant buy-in from all stakeholders;
- Data based decision-making;
- Assessment of progress, therefore, proceeds as a responsibility of the school. This function is accomplished by having each participating school engage in a formal self-reflection process twice per calendar year;
- *The school site is the center for accountability* with the school principal overseeing assessments, special and general education teachers, instructional assistants, and other related services. The school leadership team in this model is expanded to perform its existing curriculum and instruction functions, take on the realization of effective, inclusive school critical features, and assume the oversight for school-wide positive behavioral support;
- *However, school site accountability and service delivery cannot occur without adequate expertise and support from special education central office personnel and teachers with specialized credentials.* Crucial to the effectiveness of this model is the provision that school site principals and leadership teams will be supported by a responsive and knowledgeable central office team who can provide guidance, support, and training, or determine where to get the support and training needed.

Recommendation II: Changes in Service Delivery Structure which Support an Effective, Inclusive School Model

As BUSD progresses in discussion and action concerning inclusion there are two considerations of importance. First, this sort of change has to address the needs of *all*

students, not just those with disabilities. Inclusion should be about how classrooms and schools can become more accommodating to all learners. Second, over time “inclusion” needs to transform into “school improvement,” because the recommended changes relate to improving general education classrooms, not just services to students with disabilities.

Time needs to be given to the definition and diagnosis of problems in order to create plans for action. It should be acknowledged that institutional values and organizational culture may, at times, converge in ways that contribute to inaccurate definitions of problems. By focusing on problems as unrealized organizational values, needs or opportunities, it may be possible to sort problems into categories which may be useful in problem solving situations as implementation begins.

A. Analysis of Current Service Delivery Structure and Organization

1. Central office organization. As of this date there is a director of special education, and four program supervisors. The program supervisors have administrative duties that are divided by school sites, and in addition they carry district-wide responsibilities related to oversight of assessments, non-public school placements (NPSs), class assignments, and oversight of designated instructional services (DIS) personnel. They are not assigned based on their particular content or age-level expertise. Their duties are dispersed in such a way that it is difficult for them to be responsive to programmatic and instructional concerns. Currently there is no one at the central office level with adequate expertise in the areas of positive behavioral support, severe and low-incidence disabilities including autism, and early childhood. In an effective, inclusive school model, school site principals must be able to rely on a central office staff that is available for problem solving around student supports. Along with the director of special education, the program specialists must understand the district philosophy and service delivery model. The focus of these positions is currently administrative (as noted in their titles as "supervisors") vs. instructional, as in other districts where the positions are program "specialists."

There is confusion between school sites and central office regarding who is responsible for the accountability of service delivery. This can be solved through the recommendations in section B below.

2. Centralized assessment team and school psychologists. BUSD runs a *Centralized Assessment Team* (C.A.T.), that handles all referrals and initial assessments for special education services. This is an unusual arrangement that started in 1996. The negative

impact of this process is a much slower assessment timeline, and disconnected assessments. Because only certain RSP teachers are involved in the C.A.T., students are often assessed by special education teachers who are not located at their school site. Therefore, assessment is not always functional and not connected to the school site curriculum and services. Assessment reports begin to take on a "canned" script, as evidenced from our study of student files.

Many of the principals interviewed, expressed their desire to work closely with one psychologist and their teacher teams to ensure assessments that are timely and effective. While some psychologists and resource teachers support the current model, many of these professionals felt that the assessment process could be improved if it were site-based.

Regardless of the structure, the current backlog of assessments is serious and out of compliance. It must be solved immediately (see FICMAT Report – 3.21). By the end of the summer, the backlog should have been cleared and then new structures can be implemented.

3. SST teams. Some schools have made significant progress in their SST system over the past couple of years. Every principal discussed the SST process at their school. Some elementary schools are further along than others in terms of data collection, systematic evaluation of the supports, and ongoing problem solving. This is strongly connected with the need for data-based reading curriculum and overall accountability in the general education program. Principals and teachers identified the following needs to improve the SST process:

- an individual who is responsible for scheduling meetings, keeping data, etc. at each site;
- the need for more expertise on the SST team: specifically, at least one highly experienced and successful general education teacher should be on the team in addition to the student's current teacher who is struggling, the principal, the parent, and perhaps a resource teacher or psychologist.
- resources and ideas for how to share expertise within the building;
- how to provide supports when students don't qualify for special education;
- strategies for keeping data
- strategies for collaboration in the assessment process when a child is referred;
- ownership over the problems and the services.

4. Location of service delivery and patterns of service delivery. Currently, BUSD is divided into three school zones: north, central, and south. Families of regular education students have the opportunity to choose their child's elementary school within their zone of residence. The north zone includes Thousand Oaks, Rosa Parks, and Jefferson Elementary Schools. The central zone includes Arts Magnet, Cragmont, Oxford, and Washington Elementary Schools. The south zone includes LeConte, Emerson, John Muir, and Malcolm X Elementary Schools. Students in the north zone attend King Middle School and students in the South zone attend Willard Middle School. Longfellow Arts and Technology Middle School is open to all middle school students in the district through application. There is one high school, an alternative high school, and an independent studies program.

Students in BUSD who have been identified with disabilities have a different experience. These students are sometimes served in their choice school within their zone of residence, but not always. There does not seem to be a set of procedures through which school sites or school zones plan for the delivery of supports and services to students with special needs which is consistent across the district. Because special education has been defined as a "program," rather than a "service," students' school sites have been dictated by their "placement." This means that students have sometimes been shifted from one zone to another because a school site does not have a "program."

There has been a history of labeling students as "resource," "SDC-non SH," (meaning students who have been segregated into a special day class, but do not have moderate/severe disabilities), "SDC-SH," and "Full inclusion." While issues related to instructional practices for these students are discussed in the section of this report titled, *Effective Practices*, it is also relevant to discuss several issues related to the organization and structure in this section.

a) Students with the label, "specific learning disability" or "mild mental retardation" or "behaviorally disordered."

Currently in BUSD, a typical example of an IEP for students with these labels describes services as "30-40 minutes of resource support two to three times weekly". The goals on the IEP may reflect deficits in literacy and math; goals may not be provided for other content areas even though the literacy deficits impact student performance in other subjects. The services and supports are not described in terms of the interventions that will take place for the student. In the following year, the IEP shows that services have been increased to three to four times weekly, or one hour, three times weekly, depending

on whether the resource teacher is on site every day or has a paraprofessional who can provide the services. In many instances, when this approach has proven to be ineffective, the next step is to designate the student as "SDC" (Special Day Class). There are a few different reasons why this happens, but the predominant reason is usually behavior.

Interviews with principals, special education and general education teachers, and parents, as well as folder reviews, evidenced that the most common reason a student gets shifted from resource support to a SDC placement was because of conduct.

This can be avoided by training principals, teachers and staff in positive behavior support.

Another pattern that was surfaced for children with these labels, concerned children in 1st, 2nd or 3rd grades. Files and interviews reflect that in these early grades concerns might be raised about a child being behind in reading and/or math. These concerns might come from a parent, a teacher, or family member. If the SST process proved ineffective at solving the problem, the student is then referred for an assessment. If the student does not qualify for special education, the school site, in many cases, has limited strategies for designing supports that could be different from those previously offered, to provide the intensive services the student needs to succeed. At this point, many parents conclude that they should seek outside evaluation and assessment in order to qualify their child for special services. Preventing this will take an active effort to bolster the SST process, working to surface substantive supports for students.

If the student does qualify for special education, it is typically under "specific learning disability," because of being significantly behind grade level in reading and/or math. The IEP team designates "resource support," often for two, three, or four times weekly for a certain number of minutes. The designation of RSP (resource student) seems to preclude the child from other literacy and math resources at some school sites but not others. At this point, the general education teachers assume that special education teaching staff are "handling" the problem. The student is typically pulled out of the classroom for several periods a week for "resource support." This "support" varies from school to school. If the resource support does not prove effective to bring the student's literacy or math up to grade level, sometimes IEP teams retain the student in the same grade for another year. Or, in some cases, at the next IEP the support time is just increased, designating more days or more minutes each day. The IEP does not reflect what changes in strategies will be used, or exactly what the student will be receiving in terms of special education support. After a couple of years of being behind in reading and/or math, often these children begin to show frustration and some begin to have conduct issues, which eventually become noted on the IEP. With a lack of resources in the district to problem

solve regarding support for these students, the IEP team begins to explore the possibility of designating the student as a "Non-SH SDC" student, or they may, in some cases, begin to seek the label of "emotionally disturbed," which brings further segregation. While this pattern is in itself disturbing, equally disturbing is the fact that the IEP teams seem to have no one to turn to in the district with more expertise, nor the direction to seek expertise from outside the district when BUSD faculty are not coming up with solutions. There is one individual from the Alameda County Office of Education that has provided support for challenging behavior, but no district or site level resource was identified. This can be remedied by harnessing expertise that can help problem solve tough cases.

The majority of the students in the “non-SH SDC” classes are African-American males.

Except for students in the communication disabilities SDC class at Cragmont, and the vision and hearing disabilities service programs, the majority of students placed in the "non-SH SDC classes" reflect the pattern described above. Some students have mild developmental disabilities, but there is no difference in how their instruction is provided. In fact, this population (students with mild cognitive/developmental disabilities) is rarely identified or discussed. A review of over 1,000 IEP goals and files completed by Anderson, E. (Unpublished doctoral dissertation, 2003) showed several critical problems which the BUSD leadership should be aware of, including: 1) often language and literacy goals stayed the same year after year for these students; 2) goals were not changed even if they were not met; 3) the goals are primarily language and literacy based, suggesting that deficits in language are being used to identify students as SLD or mildly behaviorally disordered or mildly developmentally delayed. Our own review of files showed similar patterns.

Furthermore, when a student's team has followed the path just described, and there is no "non-SH SDC" class at the student's current school site, the student is transferred to another school where these classes are located, often times across zones. This pattern has created segregated classes of students with conduct disorders who are behind in reading and math located at Rosa Parks, Washington, and Malcolm X Elementary schools. This pattern continues through high school as evidenced in our file review.

Each of the three middle schools have "non-SH SDC" classes, and the high school has four teachers designated in this area. These students, along with many labeled "resource," receive tracked core content classes in English, history, science, biology, government, economics, politics and power, identity and ethnic studies, or social living. Some of

these students may be mainstreamed for one or two periods. The RSP and SDC teachers at the middle schools and high school are responsible for teaching the content standards for secondary coursework in several subject areas in which they may or may not have expertise. Classroom observations and a review of IEPs did not surface the delivery of an individualized instructional design for students in these classes.

The label of "emotionally disturbed" also makes it easier for the district to eventually recommend a non-public school placement (NPS) when the staff cannot find ways to support the student in the current system. From a fiscal standpoint, the use of NPS's is a huge financial drain (see Goldfinger, 2002). Avoiding these placements will require a change in philosophy and service delivery, as well as training and program development. While we acknowledge that there are some students with serious emotional disabilities, they are a low incidence. Creative, district-based supports and services can be developed for many students with mental health challenges.

b) Students with moderate/severe and multiple disabilities, including autism.

Another pattern that has had a negative impact on the organization of services and the delivery of services in the least restrictive environment concerns students with more significant disabilities. Some students, but not all, have been labeled "full inclusion students" and, again, the definition of what that means varies. It seems that in BUSD "full inclusion students" are primarily students with moderate/severe disabilities. While BUSD has had some very strong teachers in the area of moderate/severe disabilities, the services are not consistent across elementary, middle, and high school. Historically, some students have been fortunate enough to have had a very strong teacher in the area of moderate/severe disabilities in elementary or middle school. These students have excellent IEPs and are supported to achieve their goals in general education classes and other environments on the school campus and in the community. Their services, however, are teacher and parent- driven. By teacher-driven, we mean that the expertise and the energy of their teacher is what organizes the service delivery patterns, the adaptations and technology, the access to the general education curriculum, and the parent collaboration. If the special education support teacher that developed their IEPs and designed their services leaves the district or goes out on maternity/paternity leave, their services and supports may not continue because the services are not school-based and there is no district policy or support that guides service delivery. By parent-driven we mean that if the parents of many of the students in "full inclusion" programs had not pushed and advocated, they would most likely have been placed in an SDC class, because there has been no district-wide policy or philosophy for inclusive service delivery. As a result, the

students that are "included" tend to be students whose parents have some access and power.

School site principals may or may not understand how to evaluate services for students with severe disabilities, and there are currently no program supervisors with expertise in moderate/severe or low-incidence disabilities (including autism). As a result, when a child with any of these disabilities presents challenges that the IEP team has difficulty solving (whether the child is "included" or not), there is no one identified within the current organizational structure to provide support and assistance. There *are* other special education teachers within the district, however, who could be utilized if the system was organized to facilitate this type of mentoring. There are also a number of experts in the Bay Area who could provide support, training, and consultation for students with severe disabilities (see Appendix B).

Rather than determining that additional expertise is needed, the previous and current response to these issues has been segregation, which is unfortunate and regressive. Over the past year alone, students with significant disabilities have been placed in an SDC class for moderate-severe disabilities at Longfellow, non-public schools, home schooling, or simply have not received services at all. In addition the district plans to open two more segregated classes. The assumption that students' challenges will go away if they are simply in a more segregated setting is similar to the assumptions made about the "non-SH SDC" students described above. We strongly object to these actions.

Because highly trained teachers in the area of moderate/severe disabilities (including autism) understand that the most effective practices should be provided in inclusive schools, these individuals typically will not accept positions in SDC classrooms. Therefore, the SDC classes for students with these labels are staffed with either non-credentialed individuals or individuals who do not have expertise in how to provide instruction in the least restrictive environment. This is a disservice to students with severe disabilities.

5. Allocation of human resources

Certificated staff. We met many highly qualified and dedicated general and special education teachers in BUSD. The issues and challenges described here are reflective of the system in place, not the individual abilities of teachers.

The current philosophy and service delivery structure separates caseloads for teachers by placement labels of "resource," "full inclusion," "non-SH SDC," and "SDC." Certain school sites have become magnets for certain types of services with segregated classes that have been created for particular categories. At most schools, teachers do not share students across categories and as a result some teachers go between two school sites to serve students in particular categories, making a full load, vs. serving a wider range of students at an individual site. Serving more than one school site is difficult unless there is full collaboration, training, and ownership on site for the delivery of services.

Special education teachers implementing "full inclusion" are not supported at each site by an overall district and school-site policy as evidenced by the varied categories of service delivery. This adds training and advocacy to their roles as teachers as they often have to help with systemic issues in order to provide the services designated on the IEP.

Teachers in SDC classes are quite isolated, as are their students. There is little support for these classrooms in terms of problem solving and strategies, despite the fact that the district has a high level of teacher expertise.

There is wide variation in terms of the ways in which special education teachers are included on teaching teams and other aspects of each school's curricular and instructional decision making. Just as all children in a school must be considered in all decision-making, all teachers, in their various roles, should be included. Teachers at Willard Middle School were taking important steps in the spring of 2003 to analyze their organizational structure and determine ways in which the special education staff could best serve the students. These types of efforts should be supported and evaluated.

Special education faculty at all levels, but especially at the middle, and high school levels are being asked to teach general education core content subjects that they may or may not be qualified to teach. Under the recent "No child Left Behind" federal legislation it is no longer legal to assign the teaching of core content courses to individuals not qualified to teach those exact courses. This is a serious problem, and in our view, a misuse of resources. It takes valuable time away from providing instructional supports, accommodations, and adaptations and often precludes them from collaborating in general education classrooms. It also takes time from providing the direct and intensive instruction that many students need in literacy and math.

The special education program at the high school is a school within-a-school. While some changes have been made in the past couple of years, the segregated nature of the program

and the students is the most glaring example of the problems in special education as students move from elementary through high school. With increasing segregation, dropping attendance, and class failure, the high school provides a picture of how serious the problems are.

Related/D.I.S. services. The district has two adaptive physical education (APE) teachers, two occupational therapists, two occupational therapy assistants, and a number of speech and language therapists. BUSD contracts with private physical therapists in the area for students who require physical therapy. There is no clear written policy for D.I.S. service delivery, yet an integrated related services policy did exist at one time. While best practice indicates the integration of related services into the collaborative team, and the general education curriculum, and some D.I.S. personnel have this training and background, the policy and practice is not clearly delineated. Organizational structures are needed, as well as policies and procedures, which dictate integrated practices and services. There are a number of highly qualified D.I.S. personnel who could provide training and assistance to the special education program if their expertise were tapped. There is a strong desire for closer collaboration and input from D.I.S. personnel that would be very positive for the system.

Instructional assistants. The instructional assistant contract determines the job qualifications and job descriptions. Currently, the job descriptions for instructional assistants are general, and there are levels of differentiation within the union contract. Due to state regulations, requirements for instructional assistants are changing and BUSD is making this known to all assistants. By 2006, all assistants will have to have two years of college or the equivalency as demonstrated through a test or other means.

There is a small amount of district-wide training for instructional assistants. The remainder of the training comes from the special education teacher with whom the assistant works. Instructional assistants are assigned either to classrooms or to individual children. Some assistants are classroom assistants and some are one-to-one assistants for particular students.

The over-reliance on instructional assistants as evidenced in the large number of instructional assistants is a fiscal and programmatic problem. The structure of how they are assigned and supervised has caused numerous problems (Doyle, M. 2002).

Instructional assistant assignment and supervision. Currently, instructional assistants are assigned based on a "bidding process." Without reservation, all principals, special

education teachers, and D.I.S. staff that we spoke with, think this system must be changed. It is one of the issues that came up in every conversation, at every school site. Supervision of instructional assistants, evaluation, training, and assignment should be site-based with support from special education. Instructional assistants are not easily supervised. A serious problem exists in the ability to evaluate instructional assistants, and to terminate their contracts if their services are not satisfactory. In many instances instructional assistants have simply been moved from site to site vs. taking time to follow through and evaluate them and eventually terminate them if their work is unsatisfactory. **The needs of students are being compromised through this process.**

An additional problem has been created by differential pay related to individuals who help students with self-care and specialized health care. And, finally, the contracting of instructional assistants from outside agencies has created serious personnel issues. These individuals receive a different pay scale and are supervised by non-district personnel.

One-to-one instructional assistants. Another artifact of the way in which "full inclusion" has been implemented, without school-wide support, is the over-assignment of one-to-one instructional assistants. BUSD has more one to one assistants than most districts in California. There are several reasons for this situation. Without school-wide training in inclusive schooling, students with moderate/severe disabilities (including multiple disabilities and autism) are often considered to be solely under the supervision of the special education support teacher and the assistants. Without general education and principal ownership of the special education service delivery for these students, the special education support teacher and, often the parents, feel dependent on a special education assistant to provide the support and instruction needed. When the student has a highly skilled special education teacher, the assistant is given specific instructional designs to follow and can often support more than one student and can assist in the general education classroom as well. However, in many instances students with moderate/severe disabilities are left with an instructional assistant who is the primary support person throughout the day. While parents may feel their child needs the one-to-one support, what they are often getting is less time from the special education teacher and less systematic instruction. Including students in general education should not preclude the student from getting systematic and direct instruction as needed, clear modifications and adaptations designed by a special education teacher, and a team approach to service delivery.

Research has shown that the one to one service delivery model with paraprofessionals is not as effective as a school-site based model with supports provided as necessary (Sailor,

2001). Often times one to one assistants prevent the development of peer relationships and the much-needed relationships with the general education staff. While some students with the most severe disabilities do need extra adult support on a regular basis, the adult support does not have to be provided by one single person who stays all day with the student. While individuals providing support need training and time to develop relationships with students, that can still happen in a school-based model. In addition, many supports can be provided by peers more creatively and inclusively.

Our perception is that many parents have requested one to one instructional assistants because they lack confidence in the special education teacher or the service delivery system, and fear that if they do not have that one to one person, their child may not receive services or worse yet, will be neglected. Parents and teaching staff need training in how inclusive services can be provided without the one to one assignment model.

These practices must be changed for effective service delivery to occur for children with special needs. The instructional assistant contract and job descriptions need to be changed; the position assignment process needs to be changed; and, the process for supervision and evaluation needs to be site-based, with support from program specialists.

6. Berkeley Alternative High School. The alternative high school functions, in large part, as a continuation high school. There is one RSP teacher with 18 students at the school. Students with disabilities, like other students at the high school, are referred to the alternative school for various reasons that might include attendance issues, criminal activity/probation, or the IEP team determines that this setting might be more effective than the large comprehensive high school. The same issues exist at the alternative high school regarding students with learning disabilities and mild/moderate disabilities.

Organizationally, the resource teacher at the alternative high school is quite isolated.

7. Early childhood services. BUSD operates an early childhood education program for students who qualify through state regulations. There are child development centers (age 2.9-5 years Old) at Rosa Parks, Franklin, Hopkins, and King. The program also offers extended day care/afterschool programs for Grades K-3 at Rosa parks, Jefferson, LeConte, Malcolm X, Washington, Arts Magnet, and Thousand Oaks. There is a state preschool/parent nursery program half days at Franklin School also.

Special education early childhood services are offered 0-5 years. Infants and toddlers are served in various programs throughout the SELPA. Preschool children (age 2.9-5 years) are served either at Rosa Parks or Hopkins. At the Hopkins preschool there are five students served in "full inclusion" and nine students served in an SDC. At Rosa Parks there are five students in the "full inclusion" program within the general preschool classes, and seven students in the SDC class. It is unclear how some students are labeled "full inclusion" and others SDC. However, it is very clear that the students with the most significant disabilities are located at Rosa Parks in the SDC class, with a non-credentialed teacher.

Only one of the early childhood education special education teachers currently has a credential in special education. There are no goals or guiding frameworks for the early childhood education program. Currently, the person in charge of early childhood programs is not overseeing special education services. One of the program specialists has this role. The services in early childhood are somewhat disjointed, and not especially collaborative. There is no clearly stated vision of early childhood services, no parent training, and no clear plan for transition from preschool to kindergarten.

B. Recommended Service Delivery Structure and Organization

New Service Delivery Structure and Organization

Implementation of an inclusive philosophy of service delivery will require organizational shifts in service delivery practice. This section will present the organizational structure we recommend in keeping with the philosophical framework described in earlier in the report. This infrastructure will support the development of effective, inclusive schools. Bryk and Schneider (2002) in their book, *Trust in Schools*, provide the first evidence directly linking what they call "relational trust" to the long-term academic improvement of schools. They suggest that "relational trust" has four vital signs:

- *Respect*. How do we acknowledge each other in a courteous way? Do we talk and listen to each other? Bryk and Schneider found that respect was fundamental in building trust in schools.
- *Competence*. Can we believe in each other's ability to fulfill our responsibilities effectively? Bryk and Schneider point out that incompetence left unaddressed can corrode school wide trust.

- *Personal regard.* Do we care about each other personally and professionally? Are we will to go beyond our formal roles to fulfill the job?
- *Integrity.* Is it possible to trust that we can put the interests of children first, especially when tough decisions have to be made? Do we keep our word?

Trust becomes the “binding” factor in improving schools. School administrators, teachers, parents, and students all have certain expectations of each other. Ultimately all parties are dependent on each other in order for the organization to move forward. **The development of trust is critical to improving schooling for all children, and ultimately making schools more inclusive makes schools better for all students.** We recommend shifts in service delivery that will require schools and central office personnel to cultivate “relational trust.”

A focus on how professionals talk to each other and how they learn to talk about children will impact problem solving capacity building at school sites. Moving away from a paradigm that views special needs as “problems” will be critical to change. How we discuss issues that arise, the children involved and strategies for assistance matters.

In the new service delivery model roles and responsibilities will shift. The special education managers and the school site principals are highly influential in developing inclusive schools. *An inclusive schooling environment cannot be implemented without the **active support** of mangers and school site principals.* The Board of Education has to be the keeper of the inclusive vision.

Administrative support is very important. School site principals are responsible for setting a tone at a school that is conducive to change and for providing teachers with substantive supports that are necessary to change. Central office administration support is also important. Central office administrators should:

- Support the development of inclusion with parents, school board members and other stakeholders.
- Reallocate resources for the development of inclusive schools, including release time for planning, staff development, and support for visits to model inclusive schools in other districts. One of many goals will be to reduce the approximately 1.8 million dollar expense incurred through non-public school placements.

Keeping students in the district would allow those monies to be reallocated to support students at school sites.

This process will require training and staff development.

- Rethinking traditional ways of conceptualizing funding for special education and regular education that usually frames each as separate: separate budgets, separate supplies, separate curriculum, separate rooms etc. In order to think more creatively around resources it will be necessary for school administrators to break out of that traditional paradigm.
- Reallocating resources has benefits to all students that can come from even the most mundane administrative decision.
- An awareness of unspoken messages that actions and decisions relative to resources can send.

School site principals have to take ownership of special education at their sites. The principal's ownership and participation in improving services will be, perhaps, the most critical factor in implementing successful inclusion.

Focus on leadership. Leadership is at the heart of successfully including all students in the life, culture and community of any of the schools in Berkeley Unified. Some of the attributes needed for effective leadership are:

- Driven by sound knowledge, principles and a belief system focused on inclusion
- Guided by a shared district vision
- Committed to empowering others through the management of human, material and fiscal resources
- Dedicated to leading by example

We cannot over emphasize the importance of working to harness expertise in the implementation of this plan. Individuals with particular areas of expertise need to be identified within and outside the district. Areas to consider in organizing such access to expertise would be positive behavioral support, learning disabilities and moderate/severe disabilities.

d. Reading and literacy leadership team. We recommend the development of a strong reading and literacy leadership team to work with the director of curriculum and instruction and the director of special education. Our recommendations are meant to **add** to the work already being done in the district, not duplicate it. There are already some excellent reading resources in the district and many schools have implemented concerted

efforts in reading and literacy. The purpose of this team is not to replace or create. The literacy team should include both general and special educators, and the purpose would be to make district-wide decisions which would develop and enhance the early literacy programs and the reading programs for children in the upper elementary grades, middle and high school, and create consistency and accountability. There are several highly trained individuals in the district who could serve on this leadership team.

Fostering a climate of open discussion around reading matters. The literacy team needs to “put reading on the table” as a topic for discussion and certain basic skills have to be central to instructional practice at all sites. These discussions will not be program driven, instead, a focus on what children need to know and what teachers need to know to teach them will be central. Open discussions about reading will help marshal expertise already in the district, bring about new learning, and coordinate programs throughout the district.

Since language and literacy is one of the primary reasons why children are being referred to special education, the stakes in this area are high. Data-based, systematic reading models exist and are being used at some school sites. This team should oversee the development of consistent reading and literacy programs at each site, requiring accountable and reflective practices. This team can also provide support to other sites, training, and recommendations for materials and resources.

While expertise exists in the district, data-based implementation varies from site to site. This is an area that all principals have been working on, and providing support and consistency across sites will only increase the effectiveness. Data has to be collected regularly on children in order for responsive teaching to occur. Principals need to assist teachers in acquiring the knowledge they need to keep reading data in their classrooms. In turn, schools must centralize this data so discussions around reading can occur at sites based on real information, instead of opinions about program quality.

Special education teachers and general education teachers need the opportunity to receive training in strategies for that smaller group of children who still struggle to read despite the best efforts of an effective reading program. Allocating resource teacher and special education teacher time to provide intensive instruction for these students is critical. Staff development for resource teachers and special education teachers is recommended across age levels.

e. Special education task force. The current task force should continue, but with a structure, agendas, and clear roles for people involved. Consistent attendance will improve with more organized meetings. The task force should:

- Meet at least twice each semester
- In collaboration with the expert advisory council, oversee the quality management for special education
- Provide input to the director of special education
- Participate in planning parent training
- Assist in staff development planning

f. Create an expert advisory council. This council would consist of district personnel and outside experts in the area of positive behavioral supports, autism, moderate/severe and multiple disabilities, low-incidence disabilities, learning disabilities, SPED administration, and DIS services. Individuals on this council should have philosophies consistent with the BUSD restructuring and the framework described earlier.

Membership on this council should reflect expertise in at least the following areas:

- Family collaboration
- Positive behavioral support
- Moderate/severe disabilities
- Learning disabilities/learning strategies
- Administration

The purpose of this group will be:

- To assist the superintendent and the director of special education, and the leadership cabinet, to keep the vision of this restructuring effort through problem solving, strategizing, and input on best practices in key areas of content and for specific students. To direct these individuals to available outside resources for consultation, training, and IHE collaboration.
- Assist with staff development planning
- Meet regularly as a group to get updates on progress in the district redesign
- To be available to the superintendent and director of special education for consultation and advice on program issues, systems change, and staff development.

This group will be one of the places for program specialists, the special education director, and principals to turn when they need more ideas on how to serve particularly

challenging students, staff development ideas, and assistance with collaborative problem solving.

Suggested participants from within the district:

- Superintendent, director of special education, program specialists
- A teacher with moderate/severe disabilities training, a resource teacher, two principals, an occupational therapist, an adaptive physical education person, speech therapist, an instructional assistant

Suggestions for advisory group members from outside the district are included in Appendix B.

g. Parent advisory group. The parent advisory group would expand the current BSPED parent group to include a wider range of parents of children with special needs. We recommend that this group be given assistance to create co-chairs and a board that would work closely with the director of special education to provide parent education, and training as well as to oversee quality management of services in the district.

2. For elementary and middle schools, we recommend developing a zone model of service delivery:

- Students with special needs are served within their home zone similar to the plan for all students, regardless of disability
- Inclusive school values and strategies for implementation are high priority
- Team philosophy and sharing of expertise and human resources within the zone
- Ownership of all students in the school (no SDC classes)
- Coordination of services across categories
- Supervision of special education staff
- Shared partnerships with other principals within the zone; ability to share expertise, problem solve

3. We recommend the development of a site-based, inclusive service delivery structure. In this section seven areas are addressed: the site based structure, school site leadership teams, supports for school site teams, student study team process, site-based assessment; organizational responsiveness; and materials and supplies.

A School-Site Service Delivery Model includes the following:

- All children are assigned to general education classes, some children receive additional support from IDEA or other categorical programs
- Special education teachers collaborate with the general education teachers to jointly provide instruction; they also provide direct and intensive instruction in areas agreed upon by the IEP in one to one or small group situations
- Special education teachers design modifications and supports for instruction within the general education classroom for all content area subjects, they design and teach learning strategies
- Special education teachers and IEP teams determine whether the student's outcomes/expectations in each area of coursework will be: the same as the non-disabled students; the same but utilizing adaptations for input and output; or different. If the outcomes are different, then specific delineation of the outcomes for each subject area must be on the IEP
- Outcomes for each student are valued and understood, regardless of the severity of the disability
- There is a school-wide positive behavioral support plan and there are class-wide plans for every classroom
- Students with more intensive behavioral challenges have individualized behavioral support plans, they are not grouped with other children who have significant behavioral challenges

School site leadership teams. As stated earlier, in the framework we have proposed, the school site becomes the center for accountability for service delivery. Rather than requiring schools to conform to detailed templates, it is important for principals and teachers at each school site to formulate strategies for implementation of an effective, inclusive schools model utilizing their unique talents and gifts. Staff development and outside expertise should be utilized for both planning and problem solving, but each school must engage in some formal self-reflection process at the beginning and on a regular basis to both own the problem and own the successes as things improve.

Assessment of progress, therefore, would proceed as a responsibility of the site and is accomplished by having each participating school engage in a formal self-reflection process on a regular basis. This process will require analysis of data, staffing, procedures, teaching methods, and policies on a regular basis. Goals, objectives, timelines and measures should be developed at each site, then reviewed and approved by the district leadership team.

In the beginning, establishing data based systems at each site may take some extra time, however, it was our impression that principals and many teachers in the district understand the need for data based decision making and will welcome the opportunity to "dig in" and begin problem solving.

Support for school site leadership teams. As mentioned earlier, the effectiveness of service delivery at each site requires adequate support from the district level. Four types of supports need to be fostered:

- 1) Develop teacher leaders within the district who can provide support and training to other teachers. We had the opportunity to meet many highly skilled teachers within the district whose expertise could be tapped to problem solve and provide leadership. The district reading and literacy leadership team is one example. These individuals can be utilized for district level decision making as well as school site problem solving around individual children.
- 2) Develop a strong program specialist team. Earlier in the report we recommended four program specialists. We use the word specialist vs. supervisor purposefully to indicate that their expertise should be in specific content areas. These four individuals should be available to school site principals and teachers to problem solve particular areas of curriculum and instruction, behavioral challenges, and other issues.
- 3) Develop a strong special education advisory team made up of individuals from within the district and local university faculty. The bay area has numerous resources that can be tapped to provide assistance and advice. In addition these university partnerships can be useful for developing grants and other strategies for federal and state funding sources for staff development. Ongoing partnerships with universities create an ongoing source of new information regarding effective practices.
- 4) Develop a strong parent advisory council. This group should meet with the special education advisory group for certain purposes and also provide additional assistance to the director of special education and school site principals. One key role for this group will be to assist administration at all levels to find ways to develop reliable alliances with families and restore confidence in the system. This group will also help organize parent training.

Student Study Teams. The Student Study Team should be regarded as a process of regular education. Schools should establish clear methods of referring students to the team. The team should consist of an administrator, the classroom teacher, an experienced classroom teacher, a resource or special day class teacher, the child's parent and any other individuals who could help in generating ideas to assist in creating an intervention plan leading to student success.

Steps in the problem solving process need to be broken down: 1) a teacher, parent or any person expresses concern about a child's achievement or behavior; 2) information is gathered; 3) an SST meeting is held and problems are identified by the team; 4) intervention strategies are surfaced; 5) individuals who can assist in implementing the interventions are identified; 6) a specific plan of action is designed; and 7) progress is monitored. A Student Study Team meeting should be held again in a short time to check in on how the child is progressing and how the plan is working. The state department of education provides useful tools for the SST process.

In order for this kind of process to be effective there has to be expertise available to generate classroom strategies and interventions that have not already been tried. Working in teams to solve problems around student learning is essential to organizational learning and should be encouraged by school site principals. ***The Student Study Team should not be used solely to refer students to special education.*** The effectiveness of SST is crucial to the success of many students. Principal leadership teams and the literacy leadership team will want to work closely with the director of special education to co-mingle resources and personnel in order to provide early and intensive intervention to students with learning challenges.

Schools should keep clear data on the Student Study Team process. This data should include, but is not limited to, the total of number of Student Study Team meetings held per year and the number of referrals to special education. This kind of data can provide a window to the effectiveness of the Student Study Team process at a given school.

Some sites are already doing some of what has been mentioned. It is recommended that principals share ideas and expertise in moving the SST process forward at their sites.

Site-based assessment. *In order to improve compliance in the assessment and IEP process, we recommend disbanding the Centralized Assessment Team and moving to site-based assessment and service delivery.* This action would match school psychologists with specific schools. A focus on site-based assessment will assist in integrating

assessments and gathering more information about children from their school sites. Assessments will become more functional and psychologists and resource teachers will be working closely with the same children they assess. School site administrators will have a closer working relationship with the psychologists. Some resource teachers may not have the skills to test children next year. In such cases, accommodations within the zone will have to be made. However, it is recommended that all resource teachers be given training in how to test their students with an understanding that this will be a part of their job responsibilities.

We recommend planning with psychologists and resource teachers to distribute their time in this new arrangement. Psychologists will need space to work at each school site, a planned schedule of how their time is divided between sites, and a close working relationship with each principal. Resource teachers currently on the *Centralized Assessment Team* will have more time to devote on site to direct service, while other resource teachers will need an extra prep period to begin completing assessments. District leadership could study other local school districts to determine how resource teacher time is allotted to direct service and assessments.

Procedurally, the backlog of assessments must be completely caught up before the school year begins in the fall of 2003. *The seriousness of the delays in assessments is not only an issue of compliance, but detrimental to students and teaching teams.*

We also recommend that arrangements be made to formally hire or contract with bilingual psychologists in the most common languages that are required. We also recommend sharing bilingual psychologists with neighboring school districts.

Organizational responsiveness. Developing better communication at all levels of the school district organization will positively impact organizational functioning. Some immediate areas of focus for policy and procedure development are:

- Ensuring that central office and school site secretaries understand the importance of answering phone calls in a courteous and friendly manner.
- Voice mail messages and e-mail should be returned the same day that the message was left. If an individual leaves a message for a central office SPED administrator and does not receive a call back or message answer the same day, there needs to be a clear process used to report the incident to hold the individual accountable.

- School site principals should return voice mail messages and e-mail the same day received. Clear procedures need to be set in place to hold individuals accountable.
- Schools should have clear procedures in place demonstrating how communications are sent to parents.
- Parents should understand how to contact professionals.

Establishing norms of behavior and networks of communication seems critical to developing trust within an organization. When the norm of behavior is to disregard communications, it becomes difficult to establish trust between administrators, regular educators, special educators, parents, students and support service providers.

Materials and supplies. Students who qualify for special education services should have the same books, supplies and other resource materials that students in regular education receive. Many examples were surfaced in our visits to school sites of instances where special education teachers have to copy textbooks, because orders were not placed or were not processed for special education. The procedures for accessing books, materials and supplies need to be clearly stated and access to materials, including textbooks, should not be denied to special education students.

Recommendation III: Delivery of Effective Practices

Developing reliable alliances with parents and families. Perhaps the most crucial element of effective, inclusive schools is the development of reliable alliances with families. Effective practices must have a "goodness of fit" with families. Parents and other family members must be involved in the assessment process, the problem solving, and the determination of valued outcomes for their children.

Restoring confidence in the special education service delivery system will require time, but a number of important things can be done immediately to begin building that confidence (Turnbull & Turnbull, 2001). Some of those things are:

- Provide a clear vision and plan to parents regarding the restructuring and the desired outcomes which is consistently communicated by all staff
- Make it clear that there is recognition of the areas of staff development that are needed and make the plan known to parents
- Provide training and assistance to parents and families

- *Develop a culture of service provision versus service denial*, then work to problem solve service provision with the help of the special education advisory council

Provide staff development to not only work with families who are involved with their child's IEP, but strategies to pull family members into the process and strategies for developing reliable alliances. Provide staff development in person-centered planning, integrated assessment, and collaborative IEP development.

Most of all, family members want to know that their children are being served in a school that wants them, values them and has the expertise to teach them. The increased effectiveness and accountability will be the cornerstone of building confidence.

District and school-site leadership. At all levels of leadership there must be a deep level of understanding of how the new structure will work and a commitment to making it happen. Principals and other district leaders need time to have the conversations with each other to understand the nature of the current problems as well as the strategies for designing solutions.

While site principals do not have to be experts in all areas of special education, they need to know who to turn to when there is a child with disabilities or challenges of which they are unfamiliar. Ownership of all students in the school begins with the belief that all children can learn and all children's outcomes are valuable. Since this model avoids clustering of children by categories (other than children with low-incidence disabilities within zones), school sites will have a more natural proportion of children with learning and mild disabilities, and children with conduct disorders or other behavioral challenges.

Establishing a culture of problem solving. Challenges that are faced by school personnel are problems to be solved. Children and youth are not the challenges. Rather, the challenges are in finding ways to teach and motivate each child, ways to create caring, learning communities and ways to foster the development of each child. While all children are unique, sometimes school site teams will need outside assistance to problem solve. District level leaders should be able to provide the needed expertise or know who to turn to for assistance. We have the technology to teach every child; effective schools access that expertise and problem solve. Ineffective schools blame the child, and turn to segregation for the answer.

Positive behavioral support. One of the primary areas of concern expressed to us by principals, special education teachers, and staff, is methods for working with children and

youth with behavioral challenges who were labeled, "conduct-disordered," "behaviorally disordered," "behavior problems," or "emotionally disturbed."

The most effective, research-based methods for serving children with behavioral challenges have been demonstrated and collected by a national research and training center for positive behavioral support. Over a period of 20 years this federally funded research and training center has developed effective, research-based strategies which are being trained in California and nationally by a number of highly qualified individuals, Universities, and training centers.

The very first area of intensive staff development should be in the area of positive behavioral support. Because we feel so strongly about the need for this training, we have attached several articles delineating what this is, the research base, and how schools across the country are utilizing the strategies (**see Appendix A**).

We recommend school site based staff development for all schools. This would require that every school develop a school wide plan, that every teacher develop a classroom plan, and, that each school site has a teacher with additional training in the development of individual positive behavioral support plans.

We also recommend that one of the program specialist positions be devoted to this area of expertise.

Reading and literacy. We recommend the development of a strong reading and literacy team to work with the director of curriculum and instruction and the director of special education. This team is not meant to duplicate services already organized in the district. The literacy team should include both general and special educators and the purpose would be to develop and enhance the early literacy programs and the reading programs for children in the upper elementary grades, middle and high school. There are some highly competent individuals in the district who could serve on this leadership team.

Since language and literacy is one of the primary reasons why children are being referred to special education, the stakes in this area are high. Data-based, systematic reading models exist and are being used at some school sites. This team should oversee the development of consistent reading and literacy programs at each site, requiring accountable and reflective practices. This team can also provide support to other sites, training, and recommendations for materials and resources.

While expertise exists in the district, data-based implementation varies from site to site. This is an area that all principals have been working on, and providing support and consistency across sites will only increase the effectiveness.

Special education teachers and general education teachers need the opportunity to receive training in strategies for that smaller group of children who still struggle to read despite the best efforts of an effective reading program. Allocating resource teacher and special education teacher time to provide intensive instruction for these students is critical. Staff development for resource teachers and special education teachers is recommended across age levels.

There are outside resources that could serve on the reading team to help with decision-making and suggestions for staff development.

Elementary school special education service delivery. Following the structural model above, best practices indicate that all students are assigned to the schools they would attend if they were non-disabled, within their zone. Similarly, as students are referred and identified for special education services, they stay at their current school site. The exceptions to this are students who need a linguistic community of sign language and/or have low-incidence disabilities such that the district is not yet able to provide a qualified teacher at every school (for example, children with severe and multiple disabilities, children with autism or deaf-blindness). As the district moves to a less categorical model of providing instruction, and teachers take caseloads of students that are more diverse, this will change.

With this re-organization, resource teachers and special education teachers' time will be utilized more effectively for direct instruction and the design of modifications and adaptations. Since assessments will be site-based, the resource teachers will know the school and the curriculum well. Resource teachers and special education teachers who have previously been teaching in the non-SH SDC classes will utilize their time to provide intensive small group and one-to-one instruction in reading, writing, and math both within the general classroom and in other settings. They will not teach other subject areas, but will provide the modifications and adaptations needed to accommodate students with disabilities within the general education classes for all other curricular areas. Clear support plans for each student should be developed. This will require training, as it is clear from IEPs and conversations with teachers and program specialists that many teachers are unfamiliar with these strategies.

Children with specific learning disabilities, or mild cognitive disabilities who need extra support in reading, writing, and/or math should receive early and intensive individualized instruction that is data-based. Ongoing data should be reviewed regularly and if progress is not being made changes in instructional strategies should be problem solved. This individualized instruction can take place in the general education classroom, in small groups, or individually, but should occur during the student's regular reading time and should be closely coordinated with the general education classroom teacher's program. In combination with the literacy recommendations above, this will occur more easily when the school has a clear and definite structure for data-based reading.

Class wide and individual behavioral support plans should be implemented as described above and in Appendix B. Students should be supported by their special education teachers to develop successful strategies for learning with adaptations within the general education curriculum. They should be assisted to understand their learning strategies and assisted to understand their expectations within the curriculum if the outcomes have been modified. Teachers will need training in the determination of outcomes for students with cognitive disabilities. Teams have the following choices within the general curriculum. For each subject area:

- Some students will be expected to understand and accomplish the same expectations as all the other students;
- Some students will be expected to understand the content at the same level as the other students but need adaptations for *input* or adaptations for the way they *output* the information;
- Some students may need the outcomes modified -- this means that the team has decided that the desired outcome for the student's cognitive understanding of the content is different than average grade level work and it must be specified on the IEP as well as clearly delineated for the student, parent, and teacher.
- Some students may be learning related goals within the general education curricular activities but not within the K-5 standards.
- Some students may need alternative integrated activities for certain periods of the day.

Children with developmental and/or multiple disabilities, including severe cognitive disabilities and autism, require teachers with training and expertise that is covered in the California moderate/severe disabilities credential. However, individual teachers may need additional training depending on the teacher preparation program they went through, the needs of individual children they serve, or when they received their credential. Because

new information is developed in the field every year, teachers need the opportunity to update their skills. There is a huge research data-base on the successful inclusion of students with severe disabilities in general education classes. Children with these labels should also be included in our general education classrooms. BUSD already successfully serves many students with severe disabilities at Arts Magnet, Thousand Oaks, and LeConte Elementary schools. One additional school should have a full time teacher with this expertise so that there is not a split between two schools (currently that exists at John Muir and Emerson, where they have a teacher only part-time to serve students with severe disabilities).

Effective, inclusive service delivery to students with moderate/severe disabilities indicates that it is crucial that all children have the following:

- An effective communication system which is designed and implemented by the teaching team - whether non-symbolic or symbolic (Beukelman & Mirenda, 1998; Downing, 1999)
- Clear support plans for every period of the day indicating specific goals to be met within the general education curriculum; alternative activities for times when the team is unable to connect the student to the general activities
- Systematic and data-based instructional plans for goals and objectives
- Opportunities to work on functional and self-care skills designated on the IEP which may require other settings such as the bathroom, the hallways, the library, the cafeteria, a learning center, and the community

Many students with disabilities, of all kinds, need support to develop social relationships and friendships. Simply placing a student in general education does not ensure that positive relationships with children without disabilities will develop. Purposeful facilitation of relationships and assistance to foster the development of friendships is an important task for teachers in inclusive schools. This is another area which will require staff development as has been self-identified by many special education teachers.

Middle school service delivery. There is considerable tracking of students into either resource or special day class sections for many areas of coursework. *This practice will have to cease, if outcomes for students with learning disabilities and mild disabilities are going to improve.*

Many of the same effective practices are necessary at the middle school level that are included above in the elementary section, so they will not be repeated. *Please read the elementary section for needed areas of development.*

In addition, at the middle school level, an understanding of how to design adaptations and modifications within the general education curriculum, which has become more content specific, is crucial. Teams need training and time to determine the most effective use of school time for students with disabilities. Special education staff need to be providing as much direct and intensive instruction as possible. Special education staff also need to specifically determine the outcome levels for core subjects other than reading and math, determine adaptations for input and output, and grading. Special education staff should not be teaching core subject areas that they are not prepared to teach. Instead their time should be spent remediating reading and math, and supporting students within the general education curriculum. Student schedules should be designed according to their needs for intensive instruction and the IEP team will need to problem solve the most effective schedule.

Students with moderate and severe disabilities need the same clear and definite instructional plans defined above. Depending on their family's input and the IEP team, their schedule might be adjusted to enroll in courses that are most useful to the success of IEP goals, not always following the typical middle school schedule.

Staff development in transition planning and futures planning should be provided to middle and high school special education teachers and administrators.

High school service delivery. The high school special education program needs the most staff development, redesign and restructuring. The principal, in conjunction with the director of special education, outside consultants, and the superintendent need to work through the needed changes that will be system-wide.

First, an inclusive school philosophy and structure must be developed. Currently, the special education program runs like a school within a school. Students with disabilities at the high school and the special education staff need to be pulled back into the mainstream of all aspects of high school life. Decision making at all levels must include students with special needs. As the high school moves forward with other whole school reform efforts (for example, the "small schools" initiative), students with disabilities must be included. Whether it is textbook decisions, building and room decisions, or more substantive curricular decisions, students with disabilities must be included and considered.

In an effective, inclusive school model, all high school students with special needs have *active futures planning teams* (Demchak & Greenfield, 2000; Holburn & Viest, 2002)

which engage the student and the family in determining desired outcomes for after high school. This is more than just diplomas or the "desire" to go to college; this planning is serious, intensive, and engaged with clear-cut goals and action plans for how they will be achieved.

Serious consideration should be given to the coursework at the high school. Many students labeled "resource" or "non-SH SDC" are receiving tracked off courses across all subject areas. **This practice of segregation has to cease. The separateness that students have experienced has been detrimental to their educational experience. Students with disabilities must be included in the same content courses as their nondisabled peers with adaptations and instructional supports designed by the special education teacher. This will require general education teachers to understand how to differentiate instruction and it will require new skills on the part of the special education teachers. Students who are behind in literacy and math should receive intensive direct instruction in reading, writing, and math as necessary in very small groups to improve these crucial skills. The amount of time for this type of instruction can be increased by utilizing special education and resource teacher time differently (*freeing them up from teaching tracked off general education coursework*).**

Students working toward a high school diploma should take required subjects in the general education classroom with support from the special education/resource teacher whose job is to design adaptations, modify the outcomes, and develop teaching strategies. This will require training and collaboration on the part of both special and general education teachers (Snell & Janney, 2000; Halvorsen & Neary, 2000).

Grading policies should be developed consistent with the framework of service delivery. All students in special education should have guidance counseling for accessing community colleges, four-year colleges, and other technical training programs. Every student should have a plan.

Students who have cognitive disabilities that preclude them from attaining a high school diploma should have clear transition plans that lead to employment, supported living, and successful futures.

Students with severe disabilities should also be included in general education classes and in all aspects of high school life. They may receive some of their instruction in the community depending on the IEP team's decisions, and some in other parts of the school

building. *The very same requirements discussed under elementary school related to augmentative communication, social relationships, and intensive instruction apply to students at the high school level.*

It must be stated that the current status (June, 2003) of the services to students with severe disabilities at both Longfellow and the high school need immediate attention. In short, training for teachers and staff serving students with moderate/severe disabilities at the middle and high school level is crucial.

The status of the programs for students with learning disabilities and other "mild" disabilities at the high school also require immediate attention. Tracking and segregation from the excellent curricular resources at the high school has created a separate population of students who, as time goes on in high school, rarely have classes with other students who do not have disabilities. Unless they are labeled "full inclusion students," they become separated off, missing the coursework, school activities, and the interactions with nondisabled peers who could provide modeling, friendship, and support.. Students labeled as "full inclusion," however, do not receive an inclusive education as described earlier in the report.

Early childhood education. A visioning process for early childhood needs to begin with outside consultation and expertise. The early childhood education program is crucial to an effective elementary K-3 program. Early intervention has been proven to a most cost-effective strategy. The special education program in early childhood is the crucial place for developing reliable alliances with families, developing support and collaboration. For students with moderate and severe disabilities it is a crucial time for the development of communication, motor, social, and sensory skills.

We recommend that all teachers in the special education early childhood program have special education credentials. A significant amount of staff development should be provided to the teachers and D.I.S. staff working in these programs to ensure optimal results.

We recommend accessing outside expertise to develop an early childhood special education program plan that would provide a vision, policies, and procedures. These outside experts could also assist with staff development and problem solving.

Recommendation IV: Staff Development

In order to build capacity within the organization it is recommended that that effort be focused on staff development and training (see FICMAT Report – 3.22). A district staff development committee could be formed to help identify individuals working within the district with expertise that might be available to give training or provide help or resources in specific types of situations. School sites should also be encouraged to prioritize their training needs. Further, a strategic plan for staff development should be developed to guide training decisions over the next few years.

Staff development should be addressed at every level of organizational functioning. We want to discourage the district from taking the single workshop approach. Most of the training implied in the recommendations in this report would require a commitment of time, energy and resources.

While much training is needed, the investment will be cost effective for the district. Training could result in fewer non-public school placements, fewer law suits, less money spent on outside consultation, and less need for one to one instructional assistants. The staff development plan should be developed with clear outcomes and an action plan for implementation. School site administrators should be involved in developing the staff development plan along with district leaders as part of the strategic planning process. The training of special education staff needs to be planned and implemented in conjunction with regular education training.

Some suggestions for building capacity and staff development are included in Appendix B

Recommendation V: Strategic Planning

As we have indicated in our discussions and meetings with BUSD leadership, a strategic plan outlining specific objectives, activities, and means for evaluation with fiscal and human resource allocation needs to be developed by the leadership cabinet and the school principals. We have made some suggestions below for activities that we consider important in the first year (school year 03/04) as well as some suggestions for follow through. This is *merely a start*, and as indicated in the first year activities under Goal #1, the full strategic plan should be developed as soon as possible.

Under each suggested activity we anticipate that highly specific action planning will be completed by district personnel responsible for implementation.

Goal #1: Develop a philosophy in the district for effective, inclusive service delivery, problem solving, responsive leadership, and accountable practice.

Activities	Year 01	Year 02	Year 03	Year 04	Year 05
1. Provide training and problem solving sessions for the leadership cabinet, all school site leaders, and program specialists to understand and "buy in" to the new philosophy of service delivery.	X				
2. Create a leadership team to work with the superintendent and the director of special education to develop the strategic plan for restructuring and staff development	X				
3. Provide parent training on the redesign plan	X				
4. Monitor the strategic plan and its implementation over time		X	X	X	X
5. Send school site teams to training in June '04 on developing inclusive schools (CSU-Hayward), or provide the same training just for BUSD with a team from each site. (teams include principal, special ed teachers, a few general education teachers, parents, etc.)	X				

Goal #2: Redesign structure of special education service delivery

Activities	Year 01	Year 02	Year 03	Year 04	Year 05
1.Harness district and out of district expertise in specific areas	X	X	X	X	X
2. SSTs					
- mandatory training and planning activities with all principals to agree on consistent practices across sites, resources, and implementation, data-based in place	X				
- ongoing implementation and data collection, regular review	X	X	X	X	X
3. Site-based assessments					
- plan for the move to site-based assessment	X				
- implement		X			
4. Inclusive service delivery structure					
- strategic planning for school sites to "take back" students within their zone, planning for re-allocation of human resources	X	X	X	X	X
- focused training for special education teachers as determined by program needs and school sites	X	X	X	X	X
- focused training for general education teachers as determined by program needs and school sites	X	X	X	X	X
- training and information for families	X	X	X	X	X
- implement new structure in 04/05		X	X	X	X

Goal # 3: Implementation of a data-based, effective inclusive school model

Activities	Year 01	Year 02	Year 03	Year 04	Year 05
1. Develop job descriptions for all personnel related to special education, consistent with the new framework and restructuring.	X	X			
2. Develop staff evaluation procedures which coincide with the district's implementation of the special education framework	X	X			
3. Develop policies and procedures for SST, referral, assessment, and IEP development in a special education manual.	X				
4. Provide training on the policies and procedures for each principal and special education teachers as needed.	X				
5. Develop data collection systems and record keeping/filing systems which will keep BSUD in compliance with IDEA and 504 at both the central office and individual school sites	X	X	X	X	X
6. Determine staff development needs related to effective instruction and implementation of the new structure and provide yearly.	X	X	X	X	X

Epilogue

A report can never capture all that is happening, and like any good story there is more to tell. The district is a dynamic organization and change has no doubt occurred during and following the interviews and observations we conducted in May and June of 2003.

Through conversations with district personnel and the influence such conversations can carry, change has begun in BUSD since we began this effort in April 2003. A Director of Special Education has been appointed. The district has begun conversations with Mental Health to secure more services at school sites to support students with behavioral challenges, and a staff development plan for special educators has been developed.

Although there is much to do, there are already signs of positive change as BUSD moves forward.

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APPENDIX A

Articles on Individual and School-Wide Positive Behavioral Support

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Eric D. Smith
Deputy Superintendent of Business and Operations (CBO)
DATE: January 21, 2004
SUBJECT: Receive information on Mandatory Health and Welfare
Re-enrollment

BACKGROUND INFORMATION

Last fall the District, in consultation with their Broker for health and welfare insurance, initiated a mandatory reenrollment for employees to establish eligibility for medical insurance. The reconciliation of the reenrollment has been completed and representatives from Keenan and Associates will be present to discuss the results.

POLICY/CODE

FCMAT Financial Management Standard 2.2

FISCAL IMPACT

Savings in the hundreds of thousands of dollars.

STAFF RECOMMENDATION

Receive information on Mandatory Health and Welfare Re-enrollment

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM Eric D. Smith, Deputy Superintendent of Business and Operations (CBO)
DATE: January 21, 2004
SUBJECT: Governor's State Budget and its impact on BUSD

BACKGROUND INFORMATION

On January 12, 2004, Governor Arnold Schwarzenegger presented his Budget proposal for 2004-05. 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 of 2003-04.

Deputy Superintendent, Eric D. Smith will review with the Board the elements of the Governor's budget and the potential impact on the District's budget.