

BERKELEY UNIFIED SCHOOL DISTRICT  
MINUTES, REGULAR MEETING  
Wednesday, June 23, 2004  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

ADOPTED MINUTES  
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## **CALL TO ORDER**

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

## **ROLL CALL**

**MEMBERS PRESENT:** President John T. Selawsky  
Vice President Nancy Riddle  
Director 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. No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and 54957 and Education Code Section 49819(c))

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

## **Reconvene in Public Session**

The Board reconvened in Public Session at ? p.m.

## **Report Closed Session Action**

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

- Collective Bargaining

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\*The Student Director does not attend Closed Session.

- Student Discipline

No actions or decisions were made during closed session.

### **Approve Agenda**

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

That the Regular Meeting Agenda of June 23, 2004 is approved as amended. The amendments are:

- Item 4.1-CF was given a time specific slot of 8:30 p.m.
- Move Item 4.2-CF after the 8:30 p.m. time specific item
- Move Item 1.2-A to the Consent Calendar
- Move Items 3.1-CF and 3.2-CF to the Consent Calendar
- Director Doran and Director Rivera asked to make a brief comment during Consent
- Pull Item 3.1-C for additional discussion

### **Approval of Minutes**

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

That the minutes of the June 2 and June 9, 2004 Board of Education Minutes be approved with the following corrections:

- Page 5 of June 2 Board Meeting, Item 1.1-I, should read “the unfunded cost of retirement benefits covered under our district contract”.

## **PUBLIC TESTIMONY**

Several individuals spoke in favor of saving the Vera Casey Center and several others spoke in support of the mini-park at the Franklin school, soon to be the Adult School.

## **REPORTS**

### **Union Representatives' Reports**

No one addressed the Board at this time.

### **Superintendent Report:**

No comments at this time.

### **Board Members' Report:**

Student Director Bradley Johnson – no comment.

Director Issel – no comment.

Director Rivera commented that he attended several graduations and they were all wonderful celebrations. He also attended the BBEI graduation and congratulated the students who will go on to the Laney College biotech program.

Director Doran – no comment.

Director Riddle - no comment.

Director Selawsky commented that it was the first Board meeting after the close of the schools. He wanted to thank the staff who are all putting in extra duty every day to keep the district up and running. He appreciated the effort they all put in.

### **CONSENT CALENDAR:**

Motion: Directors Donan/Rivera and approved unanimously on voice vote.  
That the Consent Calendar be approved as a block except for Items 3.1-C.

#### Comments:

- Director Doran commented on Item 3.2-CF. He asked that whenever we deal with issues about dealing with world languages, we use the term world language and not foreign language.
- Director Rivera commented on Item 3.2-C, BSEP School Enrichment Plans. He wanted to remind the Board and the BSEP Planning and Oversight Committee that the P&O Committee was going to recommend to the Board a process to follow when the Board disagreed with the recommendation from a site.

#### **General Services**

- 1.1-C** Resolution Urging Congress to Fix the No Child Left Behind Act  
The Board cited serious shortcomings in the NCLB Act that undermine the Act's intent to close the achievement gap, assuming that a standardized program will yield success for each student in every state.
- 1.2-C** Annual Plan for Expenditure of BSEP monies for Public Information in FY 2005
- The BSEP Measure provides 1% of its funds annually (approximately \$106,000) for district public information needs. The funds pay for the salary of the Public Information Officer, web site development, district newsletter and other miscellaneous expenses. Addressing the Board were Susan Henderson and Dan Lindheim, representing the BSEP Planning and Oversight Public Information Subcommittee. They submitted an example of tasks the Public Information Office could perform:

#### **Human Resources Items**

- 2.1-C** Acceptance of Personnel Report 04-12, which reports details of personnel assignments, employment, and terminations.

### **Educational Services**

#### **3.2-C BSEP School Enrichment Plans**

### **Business and Operations Items**

- 4.1-C** Approval of Contracts/Purchase Order for Services and Contracts  
The district contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis.
- 4.2-C** Approve Listing of Warrants issued in May 2004 in the amount of \$3,991,785.73.
- 4.3-C** Approve Payroll Warrants Issued in May 2004 from the general fund and restricted funds totaled \$5,182,805.98.
- 4.4-C** Resolution 03-66: Authorized Agents for the District  
When there is a change in administration, signatures and authorized agents for fiscal purposes must be identified and approved. Resolution No. 03-66 is required pursuant to Educational Code Section 42650 to reflect the appointment of Glenston Thompson as the new Deputy Superintendent for BUSD.
- 4.5-C** Resolution 03-67: Accept completion of LeConte re-roofing project  
On May 21, 2003 the Board approved a bid to replace the roof at LeConte School. Although the replacement was accomplished, for the most part, during the summer of 2003, additional items were only completed recently. Staff will file a Notice of Completion with the County and will permit release of retention.
- 4.6-C** Ratification of a bid to the City of Berkeley and Approval to enter into a contract with that agency to provide summer transportation services  
The Transportation Department provided a bid for those services in April 2004. The City awarded the bid to BUSD's Transportation Department.
- 4.7-C** BSEP Revenue Report  
Every year the Berkeley Public Schools Educational Excellence Act of 1994 (BSEP) submits a report of the tax collections projected for the following fiscal year. Projected collections for FY 2005 are expected to yield \$1,0560,000. The revenues are distributed in accordance with the terms of the BSEP measure.
- 1.2-A** Second Reading of Community Relations Board Policies recommended by FCMAT  
Motion: Directors Issel/Riddle and approved unanimously on voice vote.  
The policies and regulations submitted include Board recommendations from the First Reading.

**3.1-CF** Receive Mathematics Textbooks for Adoption Consideration  
Motion: Directors Issel/Riddle and approved unanimously on voice vote.  
Three mathematics textbooks were presented to the Board for adoption. Adoption of these materials is in accordance with Board Policy 6161.1 and Ed Code 60400, 60411, 60420, 60451. It will cost approximately \$28,000 from the Instructional materials Funds to purchase 250 textbooks.

**3.2-CF** Receive World Language Textbooks for Adoption Consideration  
In accordance with state and district timelines, the district scheduled adoption of textbooks in 2003-04 for implementation in 2004-05.  
Adoption of these textbooks is pursuant to Board Policy 6161.1 and Ed Code 60400, 40611, 60420, 60451. It will cost approximately \$52,000 from Instructional Materials Funds to purchase 750 textbooks for the middle schools and Berkeley High.

**Motion: Directors Riddle/Rivera and unanimously approved by voice vote to continue the Board of Education meeting past 11:00 p.m.**

#### ITEMS PULLED FROM THE CONSENT CALENDAR

**3.1-C** Annual Plan for BSEP Music Program funding for FY 2005  
Motion: Directors Riddle/Rivera and approved unanimously on voice vote.

On May 25, 2004 the BSEP Planning and Oversight Committee adopted the Annual Plan for BSEP funding for the district-wide music program. The committee recommendation was to continue the music program as it was structured for the 2003-2004 school year.

#### **ACTION ITEMS:**

##### **General Services**

**1.1-A** Resolution 03-65: Approval to place a Special Tax Measure before the voters in November 2004

Motion: Directors Rivera/Riddle and approved unanimously on voice vote.  
A first reading of a proposed Special Tax was conducted on June 2, 2004. A Second Reading and Public Hearing was held on June 9. After meeting with legal counsel, three modifications were made to the Resolution presented during the June 9 Board meeting:

- Replace “low income senior citizens”: with “very low-income senior citizens, 65 years of age or older” in Item 4Aiii.
- “\$50 for unimproved parcel” has been added in three places: the ballot summary, Section 2 of Resolution 03-65 and Section 4Ai of the full ballot text

- In Item 4Ai of the full ballot text the following definition was added:  
“Unimproved Parcels do not contain buildings or improvements”.

The Superintendent stated that the intention is to approve the Resolution tonight and then get it to the County by deadline. Revenue from the Special Tax will generate approximately \$8.3 million annually to support identified programs in 2005-2006 and 2006-2007 fiscal years.

Director Issel discussed changes to make the language clearer in the abbreviated text of the measure. There was some discussion about whether to change the word “Protecting” with “Preserving” in the title of the measure and the first sentence. The Board decided to keep the word “protect”. The second recommendation for change was the second sentence. “Funds will be used to improve student achievement, reduce class sizes, and enhance libraries, music programs...”

**1.3-A** Administrative recommendation for expenditure of the BSEP Class Size Reduction Fund in FY 2005

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

Director Rivera wanted to bring to the attention again to the Dual Immersion program because it has had combination classes for years. He asked that adding teachers to the dual immersion program to reduce combination classes be given serious consideration.

Director Riddle said she was disappointed that the recommendation did not come from the P&O although they were involved with the discussions. She expressed some reluctance for supporting program diversity for grades 7-12 and not at the elementary level. The Superintendent cautioned that the change would result in needing additional money from the General Fund because not all schools have the same break down of student diversity.

Director Selawsky suggested that the language be changed to give a clearer definition. Define the 6 FTE be defined as reducing class size and that the .16 FTE at middle schools is for enhancement.

The expenditure of BSEP funds for Class Size Reduction is \$5,755,080 for teachers and \$547,920 for Direct Support.

**Business and Operations**

**4.1-A** Schematic Approval for Willard Middle School Modernization Project

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

Board policy requires that schematic designs be approved prior to continuing with the project design. Working with the school site committee, the architectural firm of Baker-Vilar presented schematic designs to the Board. The Site committee had four goals for this renovation:

- improve the Telegraph drop-off area,
- improve staff working areas,
- add student areas for recreation, rainy day activities and counseling,
- improve student spaces in the main classroom building within the quad,
- improve the common areas of buildings (restroom and corridors) along with some landscaping.

The scope of work for this project includes:

- Renovation of the cooking room
- Renovation of the administrative spaces
- New restrooms in the classroom building
- New floor finishes
- Interior painting in the classroom and administration
- Exterior painting of the cafeteria, elective arts and administration building
- Removal of a mural located on the classroom building
- New exterior doors and hardware for the classroom building
- A new entry canopy on the new entry at Telegraph
- New fencing and gates along Stuart Street
- A new fire sprinkler system

Projected cost from Measure AA totals \$3.29 million. That includes some temporary housing to house administration while work is going on. The classroom work can be done in the summer time. The fire sprinkler budget comes from a different line item.

Director Selawsky asked about the timeline which is scheduled for summer 2005. He also asked about community knowledge about painting over the mural. Facilities Director, Lew Jones, said he is not sure exactly how to communicate with the community. Director Selawsky said since it will be painted in summer 2005, he can start agitating about the subject. The Project Manager said the mural was discussed with the Site Committee. The site said it was in disrepair and they want to paint it over. Director Doran clarified that the mural they are talking about is the one facing Stuart Street that was previously painted by students years previously and that a more up-to-date mural might be more appropriate.

**4.2-A Schematic Approval for King Middle School Science Building Modernization Project**

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

Architects Baker-Vilar described it as a renewal project for the Science Building. There will not be too much work done on the exterior. The Maintenance Department is doing a drain test. Most of the work is safety related.

Working with the King site committee, Baker-Vilar presented schematic designs to the Board. Scope of work includes:

- New boiler, heating and ventilation system
- New restrooms
- New floor finishes
- Interior painting
- Repair of dry rot and rebuilding the entry patio
- Interior remodeling to meet fire code
- New chair lift for accessibility
- New exterior doors and hardware
- New telephone and data wiring in the classrooms
- New science casework and fume hoods.

The substantial portion of the work will begin and be completed during summer 2005. The budget from Measure AA will be approximately \$1.1 million. It is currently a little over budget and does not include roof repair, which will probably have to be done.

**4.3-A** Approval of Schematic Design for Berkeley High School C Building and Community Theater Modernization Project

Motion: Directors Rivera/Riddle and approved on voice vote. Director Issel opposed and Student Director Johnson abstained.

YES: 4

NOS: 1

ABSTENTIONS: 1

In February 2004 the Board approved WLC Architects to design facilities improvements at Berkeley High School for the C Building and Community Theater. The school site committee met five times and there was one community meeting. Most of the work is deferred maintenance. The final scope of work was reviewed by the site committee and is recommending that the schematic design be approved.

The scope of work is primarily system replacement/improvement and includes:

- Improvements to the main entry and the addition of a student gallery in C Building
- Remodeling a book storage room in C Building to house a classroom
- Some new student lockers in C Building
- Concealment of utility piping in the C Building corridors on the three main floors by adding suspended panels
- New or substantially upgraded fire alarms in both buildings
- Exterior painting and repair of concrete spalling for both buildings
- Interior painting of C Building and partial interior painting of the Community Theater building
- Some new lighting



- Renovation of all (12) restrooms in C Building, four renovated restrooms in the Community Theater and two new restrooms in the Theater foyer (required for accessibility)
- New flooring in the C Building, the classroom portion of the Community Theater building and the Community Theater
- A new roof in a section of the Theater building
- A new accessibility ramp in the Theater and the replacement of a temporary ramp from the exterior to access the Community Theater
- Required safety work in the Community Theater
- Rune-up of the duct work and fans in the community Theater
- Refurbishing the seats in the Community Theater
- New heating units in C Building classrooms

There was some discussion about whether to create a new entrance for the Theater from Allston Way. Staff reported that in creating a new entrance, there would be loss of classroom space and problems with varying elevations would make entry from Allston Way expensive and problematic. Staff and the architect concluded that better long term program parameters need to be set before additional design work is authorized to create a new entry.

The project will be funded by Measure AA and will cost approximately \$4.99 million dollars (including costs for hazardous material removal). It is about 1% over budget and work will be done during summer of 2005, with some theater work concluded during the fall.

Student Director Johnson said many current and future students will be happy to know that there will be a new heating system in the C Building. Director Issel asked about the wisdom of spending money in a building where the classrooms are undersized. It was discussed that the work needs to be done to make the building as habitable as possible. Director Issel then asked about the lighting in the courtyard outside the C Building. There was discussion that the Maintenance Department could explore repairing the exterior lights. Discussion then ensued about the feasibility of repairing seats in the Community Theater as opposed to putting the money in the classrooms. Seat repairs was one of the priorities of the Site Committee. Most of the work is doing safety, deferred work, and disability work. Director Issel suggested that seat repair be listed as a discretionary item. There was also mention of improving the restroom area underneath the Little Theater. The Site Committee wanted to address other concerns more pressing.

Staff and the architects will revisit the question and bring back information about the issues the Board raised. It does not change the actual scope of work, but will change how the project is bid, to include alternates.

**Business Services**

**4.1-CF** Public Hearing and Discussion of the 2005-2005 Recommended Budget and Assumptions of the Preliminary Budget

The Board opened the public hearing. Director Rivera requested another public hearing on this item next week. There being no public comment, the public hearing was closed.

Fiscal Director, Song Chin-Bendib, presented information to the board about the 2004-2005 preliminary budget. The Superintendent discussed the deficit of the COLA. Director Issel said the deficit is approximately \$30,000. Additional discussion ensued about items about the budget.

Other changes noted: There was almost a 100% increase for unemployment insurance. Will be paying 65% next year, up from approximately 3% the previous year. There was also a discussion about the difference between longevity increase and step increases. Director Issel inquired about the discrepancy between classified and certificated benefits. The rate was set by the state many years ago. There was an inquiry about the relationship between the Recovery Plan and the budget. Each piece has been reviewed and where savings was not realized (such as utility costs and savings from staff reduction). These have been incorporated into the budget and the long-term forecast.

**4.2-CF** Receive and Consider a Proposal from the Franklin neighbors concerning a park in Northeast corner of the school

Motion: Directors Doran/Rivera and approved unanimously on voice vote to accept the staff recommendation to receive the proposal from the Franklin/Adult School Site Committee, create a park in the Northeast corner of the Adult School, and direct the staff to bring back plans given the suggestions made by the Board during discussions.

Superintendent Lawrence said the committee was charged with coming forward with a proposal to use the plot of land that was initially the Kindergarten play area. The committee has worked diligently and included community involvement. The cost is more than the district had hoped to spend. However, there was a genuine effort to work it through. The Board needs to decide about liability issues and long-term maintenance. If the Board votes in favor, staff will go back and modify budgets to cover the cost of the work.

Anticipated budget is approximately \$225,000. If the Board approves the project, funding sources must be identified. Options include: fund raising, BSEP Fund 7, Measure AA or Measure BB.

Director Rivera asked what staff wanted of the Board. The Board is asked to approve the concept of the project and whether staff works within the Phase I plan

and staff will come back to work the numbers. Director Selawsky asked if the community understands that there will be fund raising needed to be done by the community.

Director Selawsky commented that the district has come a long way on this project with the community. He is comfortable with the \$130,000 to \$150,000 range. Beyond that, he would need to know what the impact would be to other projects.

Director Riddle asked about the liability issue. It is similar to those liabilities that are provided for people playing on play yards during non-school hours. The Superintendent said there will be some increase in liability because the park will not be locked up during non-school hours. Director Riddle wanted to make sure that the park is not being given to the community, that the district will retain land rights.

## **INFORMATION**

### **Educational Services**

#### **3.1-I** Monthly School Enrollment Report and Average Daily Attendance Summaries Using information provided from each school site,

Director Issel commented about the loss of revenue, particularly at the high school at the end of school. She spoke with the Superintendent about improving attendance and providing site staff some incentive to improve attendance, such as site discretionary funds. The Superintendent discussed the complexity of doing such an incentive. Director Doran suggested talking with the high school about their plan to improve attendance at the school.

## **BOARD COMMITTEE APPOINTMENTS**

None at this time.

## **ANNOUNCEMENTS:**

### Schedule of Board of Education Meetings for 2004:

June 23, 2004

June 30, 2004 – Special Meeting

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

**EXTENDED PUBLIC TESTIMONY**

There was no Extended Public Testimony at this time.

**ADJOURNMENT**

President Selawsky declared the Regular Meeting of June 23, 2004, adjourned at 12:30 a.m.

**APPROVED:**

**ATTEST:**

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District