

MINUTES, REGULAR MEETING
Wednesday, March 24, 2004
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

CALL TO ORDER

President John T. Selawsky called the meeting to order at 6:03 p.m. and the Board recessed to Closed Session.

ROLL CALL

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

Administration: Superintendent Michele Lawrence, 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 35491.(d), 54956.9(a) and 54957) and Education Code Section 49818(c)

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

*The Student Director does not attend Closed Session.

Report Closed Session Action

The Board reconvened in Public Session at 7:50 p.m. President Selawsky reported that the Board discussed the following items in Closed Session:

b) Consideration of Student Expulsion

No action was taken.

e) Public Employment Appointments

- Superintendent's Evaluation

No action was taken.

Approve Agenda

Directors Rivera/Riddle and approved unanimously on voice vote:

That the Regular Meeting Agenda of March 24, 2004 is approved as amended. The amendments are as follows:

Pull Item 3.1-C, page 62, last paragraph:

“Dick Stoddard Memorial Invitational Golf Tournament, Carson City, Nevada, April 7-8, 2004.

Approve participation of six (6) golf team students and two (2) teachers from Berkeley High School on a two-day, one-night trip to Carson City, Nevada. The group will depart at 7:15 a.m. on Wednesday, April 7, and will return at 7:15 p.m. on Thursday, April 8, 2004. The trip will provide an opportunity for the team to compete against some of the finest teams from other states. Hotel accommodations are at the Best Western Pinion Plaza Motel. Parents will provide funds for the \$124.00 cost per student.

Requested by Thelette A. Bennett, Vice Principal, Berkeley High School.”

Pull Item 4.6-C: Resolution 03-44: Approval of the contract for Krama, Inc., to build the Dining Commons at King Middle School. Superintendent Lawrence said she is appointing Mr. Lew Jones, Director of Facilities, as the Hearing Officer.

Table Item 4.1-A: Reorganization of Business Office

Approval of Agenda (continued)

Items 3.1-A, 3.2-A and 3.3-A are to be acted on as Consent Items.

Approval of Minutes

Approval of the Board of Education Minutes of January 21, 2004; February 4, 2004; February 18, 2004; February 25, 2004; March 3, 2004; March 10, 2004; and March 15, 2004.

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

That the Board of Education Minutes of January 21, 2004; February 18, 2004; February 25, 2004; March 3, 2004; March 10, 2004 and March 15, 2004, are approved.

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

That the Board of Education Minutes of February 4, 2004 are approved.

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

NOES: None

ABSTAIN: Director Rivera (Director Rivera was excused from the February 4, 2004 Board Meeting).

ABSENT: None

PUBLIC TESTIMONY

Five speakers addressed the Board.

REPORTS

Union Representatives' Reports

Ms. Ann Graybeal, Berkeley Council of Classified Employees (BCCE), Local 6192, spoke in opposition to Board Agenda Item 4.1-A: Reorganization of Business Office. Ms. Graybeal requested that union representatives be included in these kinds of discussions before a final decision is made. Ms. Stephanie Allan, Stationary Engineers, Local 39, addressed the Board regarding the proposal to change the duties of maintenance supervisor.

Superintendent's Report

Superintendent Lawrence announced that the Berkeley High School Food Court will open Monday, April 12, 2004. She congratulated the Berkeley Council of Classified Employees (BCCE), Local 9162, for concluding negotiations and thanked BCCE representatives and staff for their hard work on reaching agreement.

Board Members' Reports

Student Director Johnson reported that 95% of the high school students took the exit exam. He expressed his solidarity with the West Contra Costa Unified School District students as they deal with their budget crisis.

Director Issel said the Annual Celebrity Waiter Luncheon sponsored by the Berkeley High School Athletic Fund Committee was a success. She said the BSEP (Berkeley Schools Excellence Project) workshop which was held on March 17, 2004, was very well organized and attended. Director Issel reported on the Mayor's Task Force on Health meeting which included representatives from Alameda County, the University of California, Berkeley, Children's Hospital and many other organizations. She reported that she attended the Special Education Task Force Meeting yesterday and that she will be attending, with a group of parents, the Elk Grove Unified School District to review alternative early intervention programs. Director Issel said she also attended the John Muir *Spelling Bee*. She announced that the Performing Arts Celebration is to be held Sunday, March 28, 2004, 1-4 p.m. She invited everyone to attend.

Director Rivera acknowledged the resignation of "two people who have made positive contributions to our District: Mr. Eric D. Smith, Deputy Superintendent and Mrs. Aiyanna Williams, Risk Management, Workers' Compensation and Health Benefits Supervisor."

Director Doran thanked the speakers who spoke at tonight's Board Meeting. Regarding the Facilities Use Agreement, he said he hopes that a mutually agreeable solution can be reached between the District and the YMCA.

Vice President Riddle congratulated the Berkeley High School Athletic Fund representatives for a successful Celebrity Waiter Luncheon. She said the BSEP workshop was successful. Director Riddle said she attended the Alameda County School Boards Association presentation regarding the *No Child Left Behind Act* and found it to be very informative.

Board Reports (continued)

President Selawsky thanked staff for the BSEP planning process. He announced that there will be another workshop on March 31, 2004. He thanked Mr. Eric D. Smith, Deputy Superintendent and Ms. Aiyanna Williams, Risk Management, Workers' Compensation and Health Benefits Supervisor, for their service to the District. He urged the Superintendent and staff to foster their relationship with the YMCA. President Selawsky thanked Mr. Bruce Wicinas, who produced the play, *West Side Story*, at Longfellow Arts & Technology Middle School. He reported that every performance was sold out. President Selawsky reminded everyone to attend the District's Performing Arts celebration on Sunday, March 28, 2004.

CONSENT ITEMS

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

That the Consent Items are approved.

- 1.1-C: Acceptance of Gifts/Donations
- 2.1-C: Acceptance of Personnel Report
- 3.1-C: Approval of Overnight Field Trip Requests

The last paragraph on page 62 of the Board packet was pulled.

- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts
- 4.2-C: Approve Listing of Warrants issued in February 2004
- 4.3-C: Approve Payroll Warrants made in February 2004
- 4.4-C: Resolution 03-45: Emergency Approval of Remediation Work at Malcolm X School due to a second storm flooding
- 4.5-C: Resolution 03-43: Hopkins Retaining Wall Project
- 4.6-C: Resolution 03-44: Approval of the Contract for Krama, Inc., to build the Dinning Commons at King Middle School

This item was tabled.

- 4.7-C: Approval of Contracts for Project Management Services and Architectural Services for Modernization of Willard Middle School and the King Science Building
- 4.8-C: Liability Claims submitted to the District

CONSENT ITEMS (continued)

- 3.1-A: Proposal for a New Course, The Craft of Argumentative Writing, at Berkeley High School
- 3.2-A: Proposal for an Advanced Placement Studio Art Course, at Berkeley High School
- 3.3-A: Proposal for a New Course, Reading and Writing the Short Story, at Berkeley High School

ACTION ITEMS

1.1-A

Organizational & Student Performance Indicators

Superintendent Lawrence said throughout the course of the year several reports and documents are presented to the Board and the community that are sources of information which can be used to assess the status and conditions of the organization and the students we serve. To improve the accountability to the Board and the community, it serves our interests to make an administrative commitment as to when various documents should be presented for Board review. She said by knowing when such reports are scheduled for presentation, allows advance preparation for Board meeting agendas and future planning.

Superintendent Lawrence said the Organizational & Student Performance Indicators reflect some of the projects that staff are responsible for throughout the year. We are suggesting that the Board look at these and begin to establish benchmarks for our improvements so that these become a part of public record.

Board Members requested that the following items be included:

Director Johnson: Middle school grades.

Director Rivera: Title VII (evaluation reports on special projects);
School safety plan;
Evaluation of grants

Director Issel: Two-Way Immersion
Retention Data
College Admission—Number of students admitted to the University of California system and junior colleges

1.1-A

Organizational & Student Performance Indicators (continued)

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

Approval of the Performance Indicators for 2004-2005, including the additions suggested by Board Members.

2.1-A

Resolution 03-42: Reduction or Elimination of Specified Classified

Superintendent Lawrence explained that the 21st Century Grant which partially supported afterschool programs and services ends this school year. She said staff has submitted a new grant proposal and if approved would provide funding for the next five years. Other funding sources for supporting these positions are being reviewed. Therefore, it is necessary to notify and reduce staff in the Afterschool Program in accordance with legal requirements and timelines under the Education Code and the respective union contracts. Many of the personnel reductions proposed will be reinstated if grant funding is forthcoming.

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

To approve Resolution 03-41: Elimination and reduction of specified classified positions for 2004-2005.

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

NOES: None

ABSTAIN: (Student Director Johnson)

ABSENT: None

AGENDA REORDER

4.5-A

First Reading of Board Policy 3410: Audit Committee

Mr. Eric D. Smith, Deputy Superintendent, Business and Operations, presented this item and responded to Board questions and comments.

Vice President Riddle said the first two paragraphs of the policy on page 122, seem to be very broad and the statements do not match an audit committee's responsibilities. Also, the composition of the committee should be five members.

4.5-A

First Reading of Board Policy 3410: Audit Committee (continued)

Director Rivera asked if the members will be appointed by the Board as a whole or individual Board members will appoint their representative to serve on the committee. And, will the members be elected or appointed by the Board members?

President Selawsky requested that the composition of the committee be clarified.

Director Issel requested that the Audit Committee be aligned with the Facilities Safety and Maintenance Oversight Committee and School Construction Oversight Committee and give it a different number of the 9000 section.

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

Adopt, at First Reading, Board Policy 3410: Audit Committee, as amended, by incorporating Board members' suggestions.

4.2-A

Masterplan for Willard Middle School Landscaping and the Schematic Design for the Willard Middle School Project

Mr. Lew Jones, Director of Facilities, and Ms. Susan McKay, Landscape Architect, MIG, Inc., presented this item. Mr. Jones reviewed the history of this project. He said as part of the Board approved 2004 budget, the Berkeley Schools Excellence Project (BSEP) Fund 7 Plan included a project to improve the landscaping at Willard Middle School. In addition, funds are available in the Measure AA bonds for landscape improvements. The landscape architect was asked to design a masterplan and to design a project that fit within the available construction budget. The construction budget for the project is set at \$360,000. The base bid is estimated at \$367,000. However, the number includes a 15% design contingency.

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

Approval of the Masterplan for Willard Middle School Landscaping and Approval of the Schematic Design for the Willard Middle School Project.

AGENDA REORDER

4.4-A

Public Hearing and Approval of the Five-Year Deferred Maintenance Plan

President Selawsky opened the Public Hearing at 9:30 p.m.

No one addressed the Board regarding the Five-Year Deferred Maintenance Plan.

President Selawsky declared the Public Hearing regarding the Five-Year Deferred Maintenance Plan closed at 9:31 p.m.

Mr. Lew Jones, Director of Facilities, said the Board must have an approved Five-Year Deferred Maintenance Plan to be eligible for Deferred Maintenance funds from the State. The law changed a few years ago and the Board is required to discuss this at “a regularly scheduled public hearing which shall also address the use of deferred maintenance money for the inspection, identification, sampling and analysis of building materials to determine the presence of lead-containing materials and the control, management, and removal of lead-containing materials.”

Mr. Jones said the Deferred Maintenance Fund is a matching fund. The District’s portion of the Deferred Maintenance match is from the Bond.

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

Approval of the Five-Year Deferred Maintenance Plan.

AGENDA REORDER

4.1-CF

Reconsideration of the portion of the Yearly Facilities Plan Modifications which the Board took no action at its January 14, 2004 Board Meeting (Board Item 4.1-A—Attachment A)

Director Doran explained why he feels this is important. He said on January 14, 2004, the Director of Facilities brought to the Board for approval a document titled, “Yearly Facilities Plan Modifications.” This plan included changes to the existing Facilities Plan, spreadsheets detailing the proposed modifications, and an Attachment to the Facilities Plan that outlined solutions to questions raised by Board members during a previous meeting. The Board voted for the main portion of the item but tabled Attachment A. Director Doran suggested a modification of the attachment as detailed below:

1. Pass a resolution separating the tennis courts from the master planning of the South campus area of Berkeley High School and move as rapidly as possible to develop the tennis courts as parking and/or parking and mixed use. “If this proposal is not acceptable to a majority of the Board, then I recommend that the Board keep the initial planning steps together, but direct the administration to do that planning as rapidly as possible, and present a recommendation about the former tennis court site no later than the first Board meeting in October 2004.”
2. Accept the recommendations put forth about East Campus Field development.
3. Commence a process immediately to ascertain the desirability of declaring the Hillside site surplus property.
4. Accept the recommendation on the timing and cost of a title search on our properties.

Director Rivera suggested that the Board wait for the Masterplan and then make a decision regarding these recommendations.

Superintendent Lawrence said we need to bring someone in from the outside and establish the cost for a title search for our existing buildings.

Director Issel said she would like to hear back from the staff on what the best options will be concerning Hillside.

4.1-CF

Reconsideration of the portion of the Yearly Facilities Plan Modifications which the Board took no action at its January 14, 2004 Board Meeting (Board Item 4.1-A—Attachment A) (continued)

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

Approval of #2 and #4:

2. Accept the recommendations put forth about East Campus Field Development, in its present physical size.
4. Accept the recommendation on the timing and cost of a title search on our properties.

The Board agreed, by consensus to revisit items #1 and #3.

4.3-A

Program Assumptions for the Berkeley High School Masterplan

Mr. Lew Jones, Director of Facilities, said the Board approved the Facilities Plan at its meeting of March 10, 2004. One of the important tasks needed to further the Berkeley High School campus goals is to define the remaining space needs at the school. If accepted by the Board, a consultant, skilled in planning and design, can be hired to translate the program into possible physical solutions for the Board's consideration. He said staff is requesting that the Board confine the scope of the consultant's study to specific parameters and program components. This keeps the projects moving forward, focuses the discussions and planning processes in areas most important to the educational process, and defines the scope of work for a consultant.

Director Rivera commented regarding the future of the tennis courts and its potential use.

Director Doran said he wants to see how staff will pick up the obligation for the Fred Lupke Pool if the City of Berkeley does not.

At 11 p.m., the Board voted to extend the meeting.

Motion: Directors Riddle/Doran and approved unanimously to extend the meeting until all business has been concluded.

4.3-A

Program Assumptions for the Berkeley High School Masterplan (continued)

President Selawsky said he agrees regarding the Community Theater. He said his first choice is to maintain the warm water pool in downtown Berkeley. He also said we should be looking at an optimum environment for Berkeley High School.

Vice President Riddle asked, "where did the input come from regarding the parameters?" She said she would like to see the data over the last 20 years regarding student population at Berkeley High School.

Superintendent Lawrence responded that both staff and community provided input regarding the educational parameters.

In addition, various Board members made the following comments:

- Verification is needed based on a plan of 3,000 students.
- Plan for 11,000 square feet of space for a separate classroom building. This should include eight classrooms and should be able to function as a small school.
- Plan for the option if the Community Theater classrooms are not used. This could increase the number of classrooms by four-five. No size was stated by the Board, but probably an additional 6,000 square feet are needed.
- Staff is to ask the City of Berkeley for their needs for a pool/locker room. This shall be used for new and modernization analysis.
- Staff is to have a discussion with the representatives from the City of Berkeley regarding the possibility of moving the warm water pool to West Campus.
- If the Old Gym were removed, is there a possibility of putting in a baseball field on that site?
- Review storage/receiving needs. Space may need to be added for this function
- The track was intended to be listed but was left out.

4.3-A

Program Assumptions for the Berkeley High School Masterplan (continued)

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

Approval of the Program Assumptions for Berkeley High School Masterplan

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

NOES: None

ABSTAIN: Director Issel

ABSENT: None

AGENDA REORDER

4.6-A

Retain Independent Auditors for Fiscal Year 2003-2004

Mr. Eric D. Smith, Deputy Superintendent, Business and Operations, said that Education Code Section 41020(3) requires the governing board to retain an independent auditor by April 1st of each year or have the County Superintendent having jurisdiction over that District, assign an auditor on their behalf.

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

Award contract for Auditors for Fiscal Year 2003-2004 to Vavrinek, Trine, Day and Company.

INFORMATION

1.1-I

Accountability Report Cards

Superintendent Lawrence said this report is the first update of the School Accountability Report Card (SARC) for the 2002-2003 school year. The SARC's have already been given to the principals for review and will now be provided for their school communities, and also, it is available on the District's web-site.

The Board received the 2003 School Accountability Report Cards for information.

3.1-I

CalWORKS and Free and Reduced Price Meals Report

Superintendent Lawrence said annually in March, each district is required to report to the local county office of education the number of students in the attendance area who receive CalWORKS and free or reduced price meals. These numbers are then reported to the United States Department of Education and are used to allocate Title I funds in 2004-05.

The Board received the CalWORKS and Free and Reduced Price Meals Report for information.

3.2-I

Monthly Enrollment and ADA Reports

Superintendent Lawrence said based on information provided from each school site, average daily attendance (ADA) summaries and school enrollment reports are prepared on a monthly basis. During the fifth month of school, December 15-January 23, Berkeley Unified had an enrollment of 8,896 students. This number includes students in non-public schools and home and hospital instruction. She said each day a student is absent results in a loss of \$27.84.

Director Rivera asked if we have compared the actual attendance with our projections. Superintendent Lawrence responded that we are still within budget.

The Board received the Monthly enrollment and ADA Reports for information.

4.1-I

Facilities Construction Plan Update

Mr. Lew Jones, Director of Facilities, said this report is an update of the Facilities Construction Plan approved by the Board on March 10, 2004. Data in the report is current as of March 15, 2004. Projects contained in BSEP Fund 7 have also been included.

ADJOURNMENT

President Selawsky declared the Regular Meeting of March 24, 2004, adjourned at 12 midnight.

APPROVED:

ATTEST

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District