

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, October 20, 2004
Longfellow Middle School Auditorium*
1500 Derby Street
Berkeley, CA 94703

ADOPTED MINUTES
Page 1

CALL TO ORDER

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

ROLL CALL

MEMBERS PRESENT: President John T. Selawsky
Vice President Nancy Riddle
Director Terry S. Doran
Director Shirley Issel
Director Joaquin J. Rivera
Student Director Lily Dorman-Colby†

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
Senior Budget Analyst
- Public Employment Appointment
- Liability Claims
- Property Acquisition

* The meeting was moved to this location due to handicap inaccessibility at the District offices because of an elevator that was inoperable.

† The Student Director does not attend Closed Session.

Reconvene in Public Session

The Board reconvened in Public Session at 7:50 p.m. All members were present.

Report Closed Session Action

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

- Public Employee Discipline/Dismissal/Release
Senior Budget Analyst
- Public Employment Appointment

Motion: Director Issel/Selawsky, and approved unanimously on voice vote:
To dismiss classified employee.

Approve Agenda

Motion: Directors Riddle/Rivera and approved unanimously on voice vote:
That the Regular Meeting Agenda of October 20, 2004 is approved as amended.
The amendments are:

- Superintendent Lawrence drew attention to the following:
 - The missed cover page for Item 4.4C, which was available at the meeting
 - Item 4.3A on the agenda did not list that Series B, D, and F bonds would also be refunded
 - Item 4.6C, on page 63 of the packet, where the date needs to be May 22, 2004 instead of 2003
- that Item 4.3A is moved to the Consent Calendar
- that Item 1.2C is pulled for further clarification

Approve Minutes

Motion: Directors Rivera/Issel and approved unanimously on voice vote:
That the Minutes to the June 23, 2004, June 30, 2004, and October 6, 2004 be approved with the following corrections:

June 23, 2004

- On Page 3 under Consent Calendar, Director Rivera's comments should be amended to read: "He wanted to remind the Board and the BSEP Planning & 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."

June 30, 2004

- On Page 3 under Board Members' Report, under Director Riddle's report, "next summer" should be changed to "this summer."

- On Page 8 under Item 4.1A, Director Rivera's comments should read: "Director Rivera then asked what the district will do to follow up on these recommendations and to review progress throughout the coming year."

October 6, 2004

- On Page 7 under Item 1.3A, Director Riddle's comments should be changed so that they read: "She suggested pulling these items to allow more time for the community to consider them and give input."
- Director Dorman-Colby pointed out that she did not second the Motion at the bottom of Page 7; it has been changed to Director Doran.

TEACHING AND LEARNING PRESENTATION

Middle School Libraries

Alix Friedman-Byrnes, Library Media Technician, and Kristin Collins, teacher, presented an overview of the library program for 6th grade at King Middle School. A handout was given of the typical assignments of the library program. Ms. Friedman-Byrnes emphasized why libraries are essential to learning, noting that the library not only supports the curriculum, which is embedded in the program, but also teaches important research skills that further the independent practice of learning by students. They also pointed out the ongoing need to define a district-wide 6-8 level library program to support curriculum frameworks in all subjects, and that it should be done through collaboration between Library Media Technicians and the content teachers. They also noted the need for professional development for Library Media Technicians and content teachers. Ms. Friedman-Byrnes also spoke about how the library program dovetails very well with the district's focus on literacy as the library advances the literacy of students through these activities, as well as provides equity and access to all students.

PUBLIC TESTIMONY

A union representative for Local 39 stated concerns about Food Services management.

A parent spoke on behalf of a friend, relating an incident between a police officer and a student at a middle school.

The principal of the Berkeley Adult School extended an invitation to all present to the open house at the Adult School on November 5th, a celebration of 93 years of adult education and of life-long learning in Berkeley Unified.

A community member reported on the field organization and mobilization for Measure B and stated that she was optimistic that Measure B will pass.

REPORTS

Union Representatives' Reports

AFT Local #1078, Berkeley Federation of Teachers (BFT) – Barry Fike:

Union president Barry Fike said that he was upset that they have been negotiating with the district for over a year and a half, but was happy with the creation of the Health Benefits Cost and Containment Committee. He also was unhappy to hear about the concerns of Local 39 union members.

Berkeley Council of Classified Employees (BCCE) - Ann Graybeal:

Union president Ann Graybeal emphasized the bilateral nature of the collective bargaining agreement as well as the concerns of the Local 39 members and of the parents and teachers that spoke at the last meeting.

AFL-CIO Local #39 – Lynn Long:

Union president Lynn Long asked the Board to bargain in faith regarding health care premiums and commented on the impasse between Local 39 and the District in contract negotiations. She felt that the District had not convened the Health Benefits Cost and Containment Committee or addressed the issue of rising health care costs in a timely manner.

Superintendent Report:

The Superintendent advised the Board that there were power failures at both Emerson and Cragmont schools for a few hours this week, and that the rain caused no damage at Malcolm X.

Board Members' Report:

Student Director Dorman-Colby

The Student Director reported that it was Spirit Week at Berkeley High School preceding Homecoming. She was happy to hear about the library program earlier in the meeting as she knew that many Oakland schools had lost library support.

Director Issel

Director Issel announced that flu shots are available at Andronico's market on Friday, October 22nd, from 10am-2pm and on November 3rd, from 9am-12pm at the Shattuck location.

Director Rivera

Director Rivera communicated understanding of the issue of benefits costs. It is a national issue that health care is in need of major reform. He said he felt confident that through the Benefits Cost Containment Committee the District will be able to reach some sort of solution. He responded to Ms. Allan, saying that this is a pro-union Board, but that it is also a fiscally responsible Board, and as such must consider all issues.

Director Doran

Director Doran made the following statements on behalf of the Board: It is the Board that directs negotiations and not the administration. The Board recognizes the rising health care costs and the hardships it creates for employees, their families and for the District. The Board was not in a position to arbitrarily change the existing contracts, and was confident that mediation will bring about satisfactory results. The Board would also like to state publicly that they are and have been since last Spring in negotiations with unions on a new contract. The District would like to make it clear that it has a bilateral agreement with its employees right now and is honoring it; they are not in violation of these contracts in relation to payment of medical benefits.

Director Doran also urged everyone to vote on November 2nd, complimenting the school board candidates on their vigorous campaigns and wished them all good luck. He congratulated staff members Karen Candito, Director of Food Services, who won the Grand Prize from the Physician's Committee for Responsible Medicine, and Rick Ayers, a Berkeley High School teacher who is receiving an award from the Berkeley Community Fund. He reminded everyone of the 10th anniversary celebration on Friday of Berkeley Community Media and its joint venture with Berkeley High School.

Director Riddle

Director Riddle thanked the Longfellow staff for their help in setting up tonight's meeting and the community groups and the unions for providing the opportunity to get information about Measure B out into the community. She also thanked Ms. Friedman-Byrnes and Ms. Collins, who are also both members of the BSEP Oversight Committee and have worked hard to provide help with library oversight. She complimented the Superintendent and the school community on a wonderful staff development day and wished the Berkeley High School students a joyous and safe homecoming.

CONSENT CALENDAR:

Motion: Directors Rivera/Riddle and approved unanimously on voice vote:
That the Consent Calendar be approved as a block except for Item 1.2-C.

General Services

1.1-C Acceptance of Gifts/Donations

The Board approved a \$131 donation from Target-Take Charge of Education Program to Cragmont Elementary School.

The Board approved the donation of a Skylark cello to the BUSD Music Program by Barbara Judd.

- 1.3-C** Approval of Proclamation in support of Vista Community College's 30th Anniversary celebration on December 2, 2004 at Ashkenaz
- 1.4-C** Approval of Proclamation in recognition of Peralta Community College District Trustee Darryl Moore
- 1.5-C** Approval of Proclamation in recognition of Peralta Community College District Trustee Susan Duncan

Human Resources Items

- 2.1-C** Approval of Personnel Report #04-18
Reports details of personnel assignments, employment and terminations.

Educational Services

- 3.1-C** Overnight Field Trip Requests
The Board approved overnight field trips to Point Bonita, CA, Colona Outdoor Discovery School, CA, Washington, D.C. and Williamsburg, VA.

Business and Operations Items

- 4.1-C** Approval of Contracts/Purchase Orders for Services Contracts
- 4.2-C** Approval of monthly bill warrants issued in September 2004
- 4.3-C** Approval of payroll payments made in September 2004
- 4.4-C** Authorization to accept the Oxford Playground renovation project as complete
- 4.5-C** Authorization to accept the asphalt installation at Malcolm X, Emerson, LeConte and Longfellow schools as complete
- 4.6-C** Resolution 04-14: Authorization to accept new flooring at Emerson, John Muir, Oxford, and 1810 Hopkins Street as complete
- 4.7-C** Authorization to accept the completion of the Berkeley High Health Center
- 4.8-C** Approval of a contract to hire WLC Architects to design the demolition and new field at East Campus

ITEMS MOVED TO THE CONSENT CALENDAR

4.3-A Approval of Resolution authorizing the administration to proceed with the refunding of the outstanding bond issues mentioned

At 8:52pm, the Board addressed a time-specific item on the agenda, Item 3.4-I, which had been slotted for 8:30pm.

Educational Services

3.4-I Receive report detailing the math scores of Middle School students on the 6th-8th grade math assessment

Neil Smith, Director of Curriculum Services, introduced Heidi Boley, a teacher on special assignment, and Peter Bloomsburgh, Director of Data Processing, who presented a report detailing the partnership with the Noyce Foundation to assess math performance in the middle schools and provide professional development for teachers. Ms. Boley explained that teachers go through a training program before scoring the tests. Ms. Boley showed examples of the student tests and explained the way in which they are scored. She noted that they receive feedback on how the teachers score the test as well as how the students' scores compare to other students.

Mr. Bloomsburgh stated that about 50% of the students met or exceeded the standards and the scores seem to suggest that the curriculum is successful in a comprehensive sense. He used charts to show the way in which student test scores compare to MAC standards and compared MAC and CST standards in scoring below or above in both tests. He demonstrated how they may use MAC data to improve instruction as there is a good fit between MAC and CST tests.

Ms. Boley emphasized the professional development that Noyce provides by giving teachers a closer look at students' understanding. The teachers understand not just that students may not be able to do the problems but why they cannot. She explained, using a flow chart, how this details a process that will be used to improve learning.

Director Issel commented that literature on the achievement gap suggests that math is a gatekeeper course. She said that the kind of professional development, the use of data to drive instruction, and assessment of student knowledge that they were undertaking in this project were the key ingredients to closing achievement gaps and to effective teaching for all students. She spoke of the need to communicate to parents and community members that the District has a plan for student achievement and what is constantly being undertaken to meet this end.

Director Rivera was happy that this presentation targeted middle school performance as middle school score improvement in BUSD has been flat.

He asked Ms. Boley to explain in greater detail the professional development. Ms. Boley explained that the affiliation with the Noyce Foundation has allowed them to send two teams for two consecutive summers to their coaching institute, and that they are using the collaboration time to do professional development by grade level, focusing on content knowledge first, so that teachers understand the standards in relationship to what they are teaching, and secondly on how to look at student work in a way that will improve their instruction.

Director Doran asked what the structure was for teaching math and Ms. Boley explained when algebra is taken and at which grade levels certain curriculum is taught. He asked whether interactive math had been explored, as he felt some districts have gotten better results across the board, particularly regarding achievement gaps, using this approach. Ms. Boley said that they have had discussions about this and the difficulty would be that they would end up having two choices for math, which would have other results such as a greater amount of prep time for the teachers.

Director Riddle asked whether a year from now these tables will be looked at again to see if there has actually been improvement in student performance and Ms. Boley responded yes. The Superintendent cautioned that one would not want to abandon the project if after one year there is no growth in student performance because staff development can take more time than that to take effect.

At 9:37pm, the Board addressed a time-specific item on the agenda, Item 3.1-I, which had been slotted for 9:00pm.

Educational Services

- 3.1-I** Receive for information and discussion the outline and intended formation of a model to bring together community agencies

The Superintendent introduced the Berkeley Integrated Services Network (BISN) as an indication of the partnership that can happen within the community. It is the coalition of the university, city, district, and community agencies working to bring integrated community service into the schools. She recognized Director Issel's work in helping to develop the project and introduced Director of Special Education, Ken Jacopetti.

Mr. Jacopetti introduced Dr. Lisa Warhuus, a consultant, John Martin, Executive Director of the Berkeley Alliance, and Fred Medrano, Director of Health and Human Services for the City.

Dr. Warhuus described how the network emerged and how it has brought about collaboration and cooperation between community service agencies.

While the network is still in the planning phase, they have looked at how services can be delivered in connection with the schools, in order to serve children where they are in their everyday lives, and into developing a service delivery model. They have also supported the District in developing the new SST manual. Dr. Warhuus has also undertaken a financial feasibility study of the possibility of having a health clinic at Healthy Start at Longfellow Middle School. They have also initiated a case conference process at Rosa Parks and Washington schools as a pilot process. Mr. Martin spoke of the Berkeley Alliance's financial contributions and how they reflect their commitment, and Mr. Medrano underscored that while this is a service-rich community, the theme of fragmentation of the services that are available has reemerged and felt this network will address this theme.

President Selawsky thanked the presenters and pledged his support. Student Director Dorman-Colby suggested having students from student government involved and BISN accepted the offer and said that it was always the intention to have youth involved in the process. Director Riddle asked if the effort would intertwine with the strategic planning process of the District and the Superintendent responded that it would. Director Issel thanked the BISN and commented that integrating would be an ongoing process. She also arranged with the Superintendent for a letter on behalf of the District in support of the Health and Human Services proposal that would use the allotment within state tax Measure A for public health nurses within the schools.

The Board then discussed the following time-sensitive item:

General Services

- 1.1-I** Receive for information and discussion the conceptual plans on the process to develop a district-wide Educational Plan.

The Superintendent introduced Jay Nitschke, Communications Consultant, and Professor Norton Grubb. She explained that the District is beginning to develop a plan for an adequacy model for funding and for identification of the essential elements that ought to exist in schools, in preparation for the renewal of BSEP and other funding initiatives coming in 2006. She related the idea of establishing two significant committees: one that would examine educational practices and the other would look at all the available budgetary resources in the District. This would allow for consideration of the resources that are available and how they may be most appropriately spent when decisions are made about programs in light of the educational vision of the District. The goal would be to have this work merge into a roadmap that would establish a comprehensive long-term plan for the District.

Dr. Grubb talked about the interaction between instructional needs and fiscal concerns. He related that it has been difficult to link money to outcome in terms of student performance and stated a need to ask questions about how resources are used in the classroom and at the school level. He said the effort to articulate a new and improved school finance would first ask what is effective from an instructional viewpoint, and then ask how to get the resources to it. He said that this model should also be undertaken on a microcosmic level within the schools so that they may also assess how to meet priorities in specific ways.

The Superintendent described how these two committees would have a third group to give feedback. The Superintendent said the purpose of the presentation was to get feedback from the Board on the process at this point. Directors Doran, Selawsky and Rivera supported the plan.

Director Issel said that she felt it was important not to promise things that they did not have the capacity to deliver and to ask questions about what can be achieved by the school district. Student Director Dorman-Colby suggested inviting students to the committees to allow them to give feedback, specifically in terms of these instructional and programmatic priorities. Director Riddle urged the Board to be active in the process. She encouraged having meetings that are open to the public and that it happen along the way and not just as a reaction.

Motion: Student Director Dorman-Colby/Riddle and unanimously approved on voice vote:

To extend the meeting past 11pm.

ITEMS PULLED FROM THE CONSENT CALENDAR

1.2-C Approval of Resolution supporting Proposition 72 on the November ballot

Motion: Director Doran/Selawsky to approve resolution.

Director Doran explained that the resolution was to support Proposition 72 on the ballot. He felt that the Proposition was not about the District and that the impact on the District would not be insurmountable.

Director Issel asked Director Doran how the District would absorb the extra cost that the proposition would bring, for example, by requiring coverage of dependants over the age of 18. Director Doran responded that the District would absorb it like it absorbs any other state mandate.

Director Issel expressed concerns about the way in which Proposition 72 shifts the burden off of the state for paying for health care for kids and

families through MediCal and Healthy Start and onto employers, that include school districts, and, in this case, offers no provisions for school districts to secure funds for services provided under LEA.

Director Rivera felt that although this Proposition is not perfect, it does move in the right direction towards improving health care in the state. Director Selawsky said that he concurred with Director Rivera.

Vote:

Abstain: Director Riddle, Student Director Dorman-Colby

Nos: Director Issel

Ayes: President Selawsky, Director Rivera, Director Doran

The Motion was approved.

ACTION ITEMS:

Business and Operations Items

4.1-A Approval of Resolution 04-09 for temporary transfer of available fund balances for cash flow purposes

Motion: Directors Riddle/Rivera and approved unanimously on voice vote, with Student Director Dorman-Colby abstaining

Director Riddle asked from which funds money is being borrowed from and what had been borrowed in the past. Deputy Superintendent Thompson answered that it is usually from the Bond fund that usually has cash available, and added that the District does pay interest internally on the loan as long as it is outstanding. He said that they had done it last year and were asking to do so again this year.

4.2-A Receive and adopt the Maintenance and Grounds Department 2004-2005 Measure BB Annual Plan

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

Director Riddle requested that a part of the Maintenance and Grounds Department Annual Plan for 2004-2005 be read into the record. That part reads: "The Facilities Safety and Maintenance Oversight Committee has received, reviewed, studied, edited, commented, and forwards to you with its support the 2004-2005 Measure BB Annual Plan." Director Riddle noted that in the minutes of the Maintenance Committee they suggested that the Board carefully read the plan and goals so that they can answer questions out in the community about how money is being spent. She thanked the staff in the Maintenance Department and the committee for their work.

CONFERENCE

General Services

- 1.1-CF** Receive for discussion the potential implementation timeline for Measure B

The Superintendent asked the Board to recognize publicly that the BSEP Planning and Oversight Committee has accepted taking on the oversight of the expenditures of Measure B should it pass. Director Doran asked if the Superintendent or the Board would be appointing people for this process and the Superintendent responded that the Planning and Oversight Committee would assume the responsibility. Student Director Dorman-Colby asked if students would sit on the P&O committee. President Selawsky responded that it was in the bylaws and was possible for students to sit on the committee and that the site committees appoint members of the district committee.

Motion: Student Director Dorman-Colby/Doran and approved unanimously on voice vote:
To ask the BSEP P&O committee to assume responsibility for the oversight of Measure B.

INFORMATION

Educational Services

- 3.2-I** As part of performance indicators, a report on current class sizes presented by staff

The item was tabled for the next meeting.

- 3.3-I** Receive monthly enrollment and ADA reports

Student Director Dorman-Colby commented that the statistics showed the way in which the new attendance policy may improve student achievement. Director Rivera asked if, since this is the second year that these updates are happening, there could be comparisons made to keep track of improvements.

Business Services

- 4.1-I** Receive the Measure BB and Maintenance quarterly update

- 4.2-I** Receive the Measure BB quarterly financial summary update

- 4.3-I** Receive the Facilities update report

- 4.4-I** Receive the Facilities financial update report

4.5-I Receive the Accessibility report

Student Director Dorman-Colby asked if the C building roof had been replaced and Director of Facilities Lew Jones responded that it had been replaced several years ago and that the problem with the leaks she mentioned may have been with the windows or gutter overflow.

BOARD COMMITTEE APPOINTMENTS

Student Director Dorman-Colby appointed Robert Reynolds to the Facilities, Safety and Maintenance Oversight Committee.

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony at this time.

ANNOUNCEMENTS:

Schedule of Board of Education Meetings for 2004:

November 17, 2004

December 8, 2004

December 15, 2004

ADJOURNMENT

President Selawsky declared the Regular Meeting of October 20, 2004, adjourned at 11:46 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District