

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, September 22, 2004
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

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
- Public Employment Appointment
- Liability Claims
- Property Acquisition

Reconvene in Public Session

The Board reconvened in Public Session at 7:40 p.m.

Report Closed Session Action

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

*The Student Director does not attend Closed Session.

- Conference with Legal Counsel – Existing Litigation
- Collective Bargaining
- Public Employee Appointment

No action was taken during closed session.

Approve Agenda

Directors Rivera/Riddle and approved unanimously on voice vote:

That the Regular Meeting Agenda of September 22, 2004 is approved as amended.

The amendments are:

- that Items 3.2-C and 3.4-C are pulled for further clarification.
- that Item 2.,1-A and 3.1-CF are added to the Consent Calendar

Approve Minutes

Directors Rivera/Doran and approved as amended unanimously on voice vote:

That the Minutes of August 25, September 1 and September 13 be approved with the following corrections:

Minutes for the Board meeting of August 25, 2004

Director Issel requested that on Page 8 the text “English Language students” be changed to “English Language Learners”.

Director Riddle requested that the language on Page 11 about traffic lights be changed so that the sentence reads: “Working with the City’s Traffic Engineering and Traffic Safety Departments, no turn on red lights between school hours was instituted at Willard.”

Minutes for the Board meeting of September 1, 2004

Director Issel requested that on Page 16, in the section about the Reading Recovery program (third paragraph), the word “survival” is replaced with “professional”.

Director Selawsky requested that on Page 18, the word “Department” be changed to “Office” for the County Office of Education reference.

Minutes for the Board meeting of September 13, 2004

Director Rivera requested that language be added to the fourth bullet on Page 24 so that the sentence reads: “Director Issel requested that the administration first makes sure the overtime policy is being implemented before it takes other steps...”

Director Riddle had two changes on Page 25. In the fourth paragraph, first bullet, the last sentence now will read: “Staff suggested setting up a separate budget code in the books in order to capture the difference between the initial estimate and an updated estimate at each interim.”

The last bullet/ last sentence be changed to read: "This means a loss to the district from services charged to BB, BSEP, and other funds and grants."

Director Riddle also had a change to Page 26. She requested that another bullet be added to read: "The 2004-2005 budget and multiple year projections currently assume no increase for teachers and staff and that this, of course, is of great concern."

TEACHING AND LEARNING PRESENTATION

Early Childhood Education Program

Background

Early Childhood Education Principal, John Santoro, began the presentation by stressing the importance of preschool for the continued educational success of a student. Santoro related that according to former California State Superintendent Delaine Eastin, most brain development begins before the age of five. For this reason, the BUSD Early Childhood Education program focuses on academics to better prepare children for Kindergarten. The program also helps assimilate children into a classroom environment, prepares them with appropriate social skills for their age level, and provides for the inclusion of students with special needs.

Currently the ECE program has 715 students – 350 in preschool and 365 in the After School program. There are 26 preschool teachers, 13 after school teachers, and 50 instructional assistants. Principal Santoro then introduced a teacher from the Franklin preschool, Sandy Farmer, and University of California professor, Alice Klein.

Math Study – How It Relates to the Classroom

Sandy Farmer commented that in recent years literacy has been the educational focus for the preschool program and that math had not received the same amount of attention. However, the Berkeley's ECE program is participating with UC Berkeley and limited schools across the country in a new math study. Within the study, math is taught in a sequential way, building upon student skills, presenting activities weekly, allowing for computer instruction during the week, and involving the parents with homework that correlates to what is being taught in the classroom.

University of California at Berkeley Professor Alice Klein is one of the principal investigators on the math research project. The project is a four-year, longitudinal study about the effects of implementing a math program at the pre-Kindergarten level. Early results are quite promising. It takes place in classrooms in California and New York. At the implementation level, there is collaboration between investigators at UC and investigators at the State University of New York and the University at Buffalo. The study is funded by the United States Department of Education.

The study will be looking at short-term effects (before and after Pre-K year). As part of the US Department of Education's commitment to the program, all control teachers are trained to effectively teach mathematics to preschool children. Teachers participate in workshops in addition to on site training every two weeks. The study also tracks long-term effects, following children into Kindergarten to assess their improvement. The collaborators want to make a case with the US Department of Education that it is important to continually support math programs such as these.

PUBLIC TESTIMONY

David Kirwin – lead trades worker at Berkeley High School. He spoke about his appreciation to the Nutritional Services staff (William Harris and Alan Limon – Jefferson) who were so helpful at BHS during the summer break. He was especially grateful to make note of these contributions during Food Service Appreciation Week. Mr. Harris and Mr. Limon spent the summer working with district maintenance workers at BHS.

Robert Reynolds – Berkeley High School student. He expressed his strong opposition to Item 3.4-C (middle school after school funding). Reynolds did not feel it is in the best interest of Berkeley students. He asked the Board to reconsider this Item.

Sophie Litschwartz – Youth Commission member. She also expressed opposition to Item 3.4-C. She said many families will not be able to pay and will not be able to take advantage of the after school program. She asked the Board to see this program as an investment in the future as students become the leaders of tomorrow.

REPORTS

Union Representatives' Reports

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

The union representative noted BCCE's appreciation to the Board for its hard work and public service. However, she wanted to point out what she called a serious matter because she felt the classified employee contract was not being honored. Further, she felt that the classified employee environment is divisive. She asked the Board to take notice.

No other union representatives addressed the Board at this time.

Committee Reports

No one addressed the Board at this time.

Superintendent Report:

Superintendent Lawrence congratulated the City of Berkeley for being recognized as the number one teen friendly city and pointed out that many students and staff participated in the press conference. Some of the recognition was due to the services offered through the Berkeley High School Health Center (collaboration between the City Department of Health and the school district). Berkeley surpassed other cities based on 16 varying criteria of how it supports teens. Having a Student Director was one example of that.

The Superintendent then publicly invited the BCCE union representative to meet with her, stating that this was the first time she had heard BCCE's concerns. The Superintendent hopes to have a dialogue and reach a resolution as soon as possible.

Board Members' Report:

Student Director Dorman-Colby

The Student Director commented about the press conference, which she did attend, saying it was fun to hear what fellow students had to say about the Health Center programs. Peer health advisors visit classrooms at Berkeley High and talk about sex, sexually transmitted diseases and contraception. She pointed out that Berkeley has the lowest pregnancy rate of any other city in California.

Director Issel

Director Issel said she attended the Oxford Elementary School back to school night and noted that it was well attended. She also thanked the Berkeley Public Education Foundation for its tradition of hosting a principals' reception, giving special thanks to Judith and Stanley Lubman for hosting the reception. Director Issel pointed out that October 6 is the deadline for Foundation grant applications. On Monday, September 27, the Foundation will hold a workshop to support the application process.

Director Rivera

Director Rivera congratulated the whole community for the recognition it received that day. He pointed out that the accomplishment was due to past administrations as well as the current City administration, other community organizations, and the school district. He was also glad to hear that the Superintendent will meet with BCCE representation because the Board wants to have a good relationship with all its employees, particularly classified employees who received the brunt of budget cuts over the past years.

Director Doran

Director Doran pointed out that he attended the Berkeley High School Parent Teacher Student Association (PTSA) meeting on September 9. During that meeting there was a lively discussion about academic choice. He said the Board originally adopted academic choice in the spring of 2001 and requested that the Board begin

an analysis and discussion of academic choice based on data and assessment. Director Doran also pointed out that he voted against the item in 2001 because he did not think staff had not clearly defined how such a program could be implemented effectively. He felt it was incumbent on staff to come back to the Board to state how and when they would achieve the originally stated goals and further hoped the current Board would be instrumental in providing guidance.

Director Riddle

Director Riddle attended Thousand Oaks and Jefferson Elementary Schools back to school night. She said it was nice to go back and visit the school where her children attended. She thanked parents and the community for supporting the *How Berkeley Can You Be* event. She also thanked the PTA Council for its beginning of the year reception and said they have a fabulous executive board that is getting off to a good start. Almost all the schools were represented. She also offered congratulations to Berkeley on its teen friendly award. She said although more needs to be done for the city's teenage children, it is nice to celebrate successes.

Director Selawsky

Director Selawsky said that he did not have anything to add to what was already said.

CONSENT CALENDAR:

Motion: Directors Riddle/Rivera and approved unanimously on voice vote.
That the Consent Calendar be approved as a block except for Items 3.2-C and 3.4-C.

General Services

1.1-C Resolution 04-08 in support of Walk to School and Work Day
The Resolution supports students and staff walking to school or work on October 6, 2004. It also designates each subsequent first Wednesday of the month as Walk to School and Work Day.

1.2-C Application to CIF for Multi-Schools Team Status for 2004-05 for Berkeley High School
The California Interscholastic Federation (CIF) requires that each year school district governing Boards indicate their multi-school team status. This provides opportunities for 9-12th graders to participate in a variety of sports activities, pursuant to Education Code 58500.

Human Resources Items

2.1-C Approval of Human Resources Report 04-16
This report details personnel assignments, employment, and terminations.

Educational Services

3.1-C Overnight Field Trip Requests

- Pursuant to Education Code, Section 35330 (excursions and field trips) and Board Policy 6153 (school sponsored trips) overnight field trip requests are authorized by the Board.

3.3-C Approval of Adult Basic Skills Benchmarks for 2003-2004 Pursuant to Adult Education and Family Literacy Act P.L. 105-220, Berkeley Adult School is required to submit yearly summaries of student achievement as measured by standardized tests and by the number of high school graduates to fulfill both state and federal requirements. The federal grant to support educational services and data collection is approximately \$457,425. These funds are used for staff development, books, materials and teachers.

Business and Operations Items

4.1-C Approval of Contracts/Purchase Orders for Service Contracts in excess of Fifteen Thousand Dollars

The District contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis. These contracts are pursuant to Public Contract Code 20111 and Board Policy DJED.

4.2-C Approve listing of Warrants issued in August 2004 Pursuant to Educational Code Section 41010 ET Seq., each month the District writes checks to vendors for services provided and goods received. The checks are drawn on both the general fund and restricted funds. The total warrants issued for August 2004 is \$4,080,028.21.

4.3-C Approve issuance of Payroll Warrants for employee services for August 2004

Pursuant to Educational Code 41010 ET Seq. payroll warrants issued for employee services are made monthly. The payroll warrants issued for August 2004 totaled \$4,560,247.61.

4.4-C Resolution 04-06 – GANN Limit Appropriation Computation Education Code Sections 1629 and 14132 specify that by September 30 each year, county office and district governing Boards shall adopt a resolution identifying their estimated appropriations limits for the current year and their actual appropriations limit for the preceding year. The GANN Limit calculation does not have any affect on District funding.

- 4.5-C** Resolution 04-07 – New lawns project at Malcolm X School
This item was previously discussed in a September 1, 2004 Board item. Four bids were received to refurbish the Malcolm X School lawns. Pursuant to California Public Contract Code 20110-20118, the bid was awarded to Pagni Construction for \$30,400 from Measure BB.
- 4.6-C** Approval of the application for Federal Facilities Funds through the Head Start Collaborative
The District's Child Development Program is eligible to apply for Head Start Funds for all three of its main child development sites.
- 4.7-C** Approval of insurance broker for the administration of health benefits and consultant services
Pursuant to Labor Code 3700 and the FCMAT Personnel Management Standard 11.8, the District received four Request for Proposals (RFP) for health benefit brokerage related services. The Benefit Cost Containment Committee reviewed all RFPs and recommends the selection of Driver Alliant Insurance Services, Inc. for a period of three years for a fee of \$78,000.

Human Resources

- 2.1-A** Approve and authorize the hiring of a part-time Program Assistant to oversee the University of California Berkeley Work Study Program
Pursuant to Education Code 45109, the District hires UC Work Study tutors to support a variety of academic programs at school sites. Approximately, 60 UC Work Study Tutors will be hired this year. The cost to hire a part-time Program Assistant is approximately \$25,000.

Educational Services

- 3.1-CF** Receive new editions of textbooks for adoption consideration
Pursuant to Board Policy 6161.1 and Ed Code 60400, 60411, 60420, 60451 the Board is required to adopt textbooks for grades 9-12 in order to use funds from the State Instructional Materials Funding Program to purchase them.

ITEMS PULLED FROM THE CONSENT CALENDAR

- 3.2-C** New non-public school placement for Special Education students
Motion: Directors Rivera/Issel and approved unanimously on voice vote.

Pursuant to Board Policy DJB and Education Codes 56365(a), 56361(e), and 56366, six Special Education students will be

placed in non-public schools. Four students will be placed for the full year at a total cost of \$121,045 and a fifth student will be placed from October 2004 through February 2005 for a cost of \$7,097.

Director Riddle asked that when referring to the students, the term “child” or “student” be used instead of “young man”. Director Selawsky pointed out that the daily rate stated for the fourth student listed implied 218 “days” rather than “weeks”.

Director Issel asked about the practice of using the student’s date of birth rather than just listing them as student #1, #2, etc. Director Riddle said she found it helpful to have the date of birth to put the placement in context.

Superintendent Lawrence explained that this is a standard format and that listing a birth date does not identify the individual students. She will discuss with staff about another way to identify students in these reports.

- 3.4-C** Approval of middle school Extended Day Program Fee
Motion: Riddle/Doran. The original motion was not voted on because the item was tabled.

Student Director Dorman-Colby expressed her objection to the fee schedule saying that she is worried many students will not be able to participate because of the fees. Even with the partial scholarship provision, it is still a hardship for many families. The Student Director was especially concerned about first generation college bound students because parents of these children may not think it is worth the expense of having tutoring. She also expressed concern for students who go home to an empty house and do not get assistance with homework. While she recognized that the district could not provide total funding, she asked to explore ways to find scholarships for even those students not in the lowest range, so that everyone can participate in program.

There was a discussion about whether costs could be decreased if the program was only offered three of four days a week instead of five. It was pointed out that in order to receive the grant funding, extended day programs must be offered five days a week. Director Selawsky said he had some of the same concerns about fees. Looking at family yearly income, the yearly after school fee is significant for these families. He also pointed out that the policy code for this item is incorrect.

Extended discussion ensued about the importance of the program and different solutions for providing financial solutions without the program suffering. Superintendent Lawrence did point out that parents are notified that no one is excluded because of money. Ways to better communicate this message to students and families was then discussed. The Superintendent did state that although it is the prerogative of the Board to designate the expenditure of monies, she will not recommend using General Fund money for the After School Program.

There was also discussion about how the program is trying to do a better job of tying after school activities and tutoring to support the student's academic needs.

Motion: Directors Dorman-Colby/Selawsky moved to table the item.
Unanimously passed by voice vote.

ACTION ITEMS:

Moved to Consent Calendar

CONFERENCE

General Services

1.1-CF Accept for First Reading the BUSD Integrated Nutrition Education Physical Activity Policy

Motion: Doran/Rivera and passed unanimously with amendments by voice vote.

Director Issel inquired whether the text on page 81 about BUSD's education mission to include the health of the entire community was old or new language. The Superintendent said it was new language. Director Issel remarked that this language is not in BUSD's adopted mission statement. Director Rivera requested adding "Part of" and "includes improving" to the first sentence. The new text would read "Part of the educational mission of the Berkeley Unified School District (BUSD) includes..."

There was some discussion about the definition of environmental restoration and core communities. The Superintendent explained that environmental restoration referred to recycling, agriculture or anything that helped to restore the environment. The intention of "core communities" was to create an education curriculum that would create a healthier community.

Director Riddle asked to change the phrase in the last sentence of the fourth paragraph on Page 81 from “creating core communities” to “strengthening core communities”.

1.2-CF Accept for First Reading the BUSD Food Policy

Motion: Rivera/Doran and passed by voice vote. Director Riddle abstained.

AYES: 5

NOS: 0

ABSTENTIONS: 1

The policy was conceived and drafted by a committee of both staff and community members with support of the Integrated Policy for Nutrition Education, Physical Activity and Food.

Director Issel asked if the district currently made breakfast and lunch available for all students as indicated in item #2 of the policy. The Superintendent commented that the intent of that statement is that no child will go hungry while at school. This means that the school provides for a nutritious breakfast or lunch food item for all children. Director Issel asked if this was possible financially.

Eric Weaver, longtime CNAC member, said that the committee and the district’s food director feel that a child that is hungry is at risk for educational failure or for disruptive behavior. There is a distinction between the district having to provide a full-blown meal and having food for hungry children to eat. The District is committed to offering nutritional food, available on an emergency basis. Most teachers or principals who identify children that are hungry need a procedure to follow so that something can be done to help the children. Director Issel commented that what Mr. Weaver explained is not what the printed policy says.

There was then a lengthy discussion about genetically modified foods and whether organic food could be integrated into the total food program. The Superintendent pointed out that the same language was in the previous food policy. Director Issel commented that it is unsound to have things in a policy that cannot be implemented.

Mr. Weaver said the committee was not wedded to the current wording of the policy as long as the goal is accomplished. He said the committee used most of the preexisting language of the old food policy, except for the addition of hydrogenated oils in item #4. Research is showing that hydrogenated oil is one of the worst food additives and that the accumulated effect causes

serious health issues. He did concede that it is difficult to eliminate genetically modified foods. Overall, the committee wanted to draft a policy that would provide guidelines for improved student health and would also allow the District some flexibility for future issues.

Director Issel asked to add "seek to" to the fifth line of item #4. Director Rivera asked to add the work "known" before genetically modified foods in the same item number. The new sentence will read: "The plan shall seek to eliminate potential harmful food additives and processes, such as bovine growth hormones, irradiation, hydrogenated oils, and known genetically modified foods."

Director Rivera asked that the policy, especially Items #6 and #7 be communicated and discussed with all employee groups and PTAs. The Superintendent said that the policy has already been discussed with principals, but that more far-reaching outreach can be done. Mr. Weaver suggested that the presentation given by Children's Hospital be made available to employees and parent groups so that they can understand children's health issues are nearly at a crisis level.

Director Issel asked if the committee could provide recipes for alternative healthy snacks. She further asked that PTAs come up with healthy snack alternatives for events and fundraisers. Mr. Weaver said the BUSD food service director will come up with food related fund raising ideas, such as selling crates of apples, and where to order these items.

Director Issel commented that what the district staff and parents model sends a profound message to children about what is healthy. However, the district also has to be balanced and be sensitive to existing traditions.

1.3-CF Accept for First Reading the BUSD Physical Education Policy Motion: Rivera/Doran and passed by voice vote. Student Director Dorman-Colby abstained.

This policy was conceived and drafted by a committee of both staff and community members in connection with the comprehensive Food and Nutrition policy.

AYES: 5

NOS: 0

ABSTENTIONS: 1

Director Issel commented that she has the same problem she always has with the physical education (PE) policy. She said that Berkeley High has students that engage in very vigorous activities such as dance, Akido, or marshal arts. These do not qualify, under CIF, for a sport. She would like staff to develop an alternative list of what qualifies for a vigorous exercise.

Director Selawsky explained that this policy follows the state education code. Director Doran commented that PE is not only supposed to be vigorous exercise, but also educational. He suggested that the District needs a program that provides education about physical activity that students can take with them the rest of their lives to have good physical health. This policy minimally touches on it. He suggested that at some future time staff the Board have an opportunity to explore what the physical education program is, particularly at the high school. BHS currently has a policy that students do not have to participate in PE class if they participate in after school sports such as football.

Issel offered language: page 87 under exemptions, paragraph 2 after 2. Superintendent or his/her designee.

Director Doran commented that the policy did not contradict graduation requirements at BHS. Further, the committee that put it together included one retired PE teacher and the language could be kept as it reads now. Other language could be developed in a future time with a committee.

Director Riddle inquired whether the Board had the same discussion about exemptions a year and a half ago. At that time, Berkeley High School administration developed a better exemption policy that was much broader than what was offered at this meeting. The Superintendent explained that the interaction from a year and a half ago was about graduation requirements and not this policy. The Superintendent further explained that the exemptions used in the policy were taken out of the education code. However, if the exemption language is confusing, it could be taken out because the graduation requirement policy addresses that issue.

Directors Riddle and Issel expressed that would be their preference. Director Doran said he wanted to think about it more and decide at the next Board meeting.

Approve continuance of Board of Education Meeting

Motion: Directors Dorman-Colby/Doran to continue the Regularly Scheduled Board of Education meeting of September 22, 2004 beyond 11:00 PM until necessary to conclude business. The motion passed, with Director Issel opposing it.

AYES: 5
NOS: 1
ABSTENTIONS: 0

1.4-CF Accept for First Reading the BUSD Environmental Education Policy

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

This policy was conceived and drafted by a committee of both staff and community members in connection with the comprehensive Food and Nutrition policy. Director Selawsky asked to include additional language about energy to the fourth paragraph on Page 91. The sentence would read: "The Board encourages staff to integrate garden, nutrition education, cooking and eating experiences, and energy and renewable energy experiences into the curriculum for math, science, social studies and language arts at all grade levels.

Student Director Dorman-Colby said the high school student cafeteria has great recycle bins. Although there are signs on the bins nobody has been informed about how to use them. She requested that staff provide students with some informational or educational materials.

Educational Services

3.2-CF Accept the Federal grant to support small learning communities at Berkeley High School

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

Although the Board did not approve the application for a federal grant to support Small Learning Communities (SLC) last spring, subsequently Berkeley High School did receive the grant and is now requesting the Board to accept funding. Staff explained that there are contradictions between the grant proposal and BUSD's SLC Guiding Principles. According to the grantor, these contradictions are not substantive. However, because local misunderstandings might ensue, staff made the following clarifications pending approval:

- The phrase "wall-to-wall small learning communities" is used throughout the application. BHS has no plan to develop wall-to-wall small learning communities. In fact, it would go

against the goal of Board approved Small School Initiatives of having one-half of BHS students in small schools by Fall 2005 while the other half are in the larger comprehensive school.

There was discussion about the intent of the 50-50 split between students in small schools and the comprehensive school. Because the 50-50 split is a goal and not mandated, the Board did not feel it needed to enforce a perfect ratio between the two programs.

Director Issel wanted the record to show that the Board did not approve the grant. Perhaps Principal Slemph was referring to the Board approving an Memorandum of Understanding with BayCES. This is the Board's first opportunity to accept this grant.

Director Riddle did not think the original grant application reflected the intent of the Board or the district, but the description in the Board packet does a better job of defining the SLC. She wanted to approve the grant with this understanding in the record to clarify the Board's position.

The Superintendent stated that to keep the Board's integrity, she had requested this better clarification in the language. She also wanted the grantor to understand fully the Board's intent. BHS Vice Principal Huxley contacted the grantor to communicate the school's qualifications to the document. The Board was informed a review team will be visiting from the government to monitor the grant implementation.

Director Issel asked for clarification about the amount of the grant. BHS will receive \$500,000 spread out over a period of three years.

INFORMATION

Educational Services

- 3.1-I** Receive and review the 2004 Accountability Progress Report The 2004 Accountability Progress Reports for schools and the district provide information about their current progress on the state Academic Performance Index (API) for the 2004-04 reporting cycle and on the federal 2004 Adequate Yearly Progress (AYP).

AYP Information

Director of Curriculum and Instruction Neil Smith and Manager of State and Federal Programs, Carla Basom, presented information to the Board. Staff first provided a definition of the AYP. The AYP does not measure growth. There are up to 46 targets to be met. If a school meets 45 of the 46, the school still has not met its yearly progress. More specifically, for a school to meet its yearly progress, its:

- Student participation rate must be 95% or more
- The percent must be proficient in annual measurable objectives
- Must use an additional indicator such as the API
- The graduation rate is also considered [Must have a 2004 graduation rate of at least 82.8% or show a one year improvement of at least 0.1% or a two year improvement of at least 0.2%]

These four indicators measure progress toward proficiency. All four need to be met for AYP progress. All BUSD schools met the required student participation percentage with the exception of Longfellow, which had a 94% school wide participation rate in math. Most schools also met the required participation rate for each significant subgroup.

Seven of the 16 schools did not make the 95% participation rate for all subgroups (50 students or more that make up 15% of total population or a group of 100 students). In all seven of the schools, African American students did not meet the participation rate. At six of the seven schools economically disadvantaged students did not meet the participation rate. Board members publicly noted that student participation in testing is voluntary. The state allows for parents to legally opt out of having their children take the test. The federal government counts participation of students against a school's overall proficiency rating and thus impacts the AYP. The Superintendent commented that it was important to note that when schools did not meet the 95% rating, it meant only a small amount of students. Staff reiterated that only one child could throw off the percentages and keep a school from reaching its proficiency rating. By the 2013-2014 school year, all schools must be 100% proficient.

Staff noted that the federal requirements are not identical to state requirements and that meeting the AYP criteria is not the same as meeting school API targets under the California accountability system.

API Information

The API measures academic performance and growth and emphasizes standards-based assessments as the primary measures of students' academic achievement. State tests include the California Standards Tests (CSTs), the California High School Exit Exam (CAHSEE), and the California Alternate Performance Assessment (CAPA). CAPA is a standards based assessment for students with significant cognitive disabilities who are unable to take the CST. Points are weighted and a school is given points for moving students from the lowest level. The State expects 5% growth per year.

All schools are showing academic progress. Staff indicated that rather than looking at one year's progress, what needs to be studied is how schools are improving over time. Some schools may drop or plateau, but overall the elementary schools have shown marked student improvement over the past five years.

The Superintendent discussed the importance of highlighting the consistency of growth BUSD schools have shown. She noted that this growth occurred over the years when schools were experiencing facility renovations, class size increases, rotation of teachers from school to school, classified lay-offs, and changes in school and district administration. Yet we have seen consistent improvement in schools.

State and Federal Differences

While recognizing the intention of NCLB, the Superintendent cautioned that the community cannot get bogged down by looking at NCLB indicators only. It is important to view yearly improvement over time. A discussion ensued about the differences between the federal NCLB approach and the state system when viewing student progress. The state system encourages growth and rewards progress. The NCLB approach is more punitive. For example, while schools may have shown growth, not meeting its participation rate keeps a school from meeting its AYP and thus being designated as a Program Improvement School. Parents are given the option of leaving a Program Improvement School.

Director Rivera noted that it was interesting that Cragmont is in year 2 of program improvement, yet it made 100 points in progress and is close to the state API goal. He suggested sending a letter to parents to help them understand the labeling.

There was some discussion about state tests. Director Riddle asked whether there is a chance to make up tests. Staff said

there was. The California standards test has make up days for all school levels and the CAHSEE make up days are in May.

Staff noted that when the State of California was determining where to set the academic bar, the decision was to go with a higher level. Other states have lowered the bar to meet NCLB requirements. The State determines the level of proficiency, not the federal government.

Next Steps

Director Riddle commented that it was not acceptable that African American students at Washington school are only 9% at/or above proficient in English Language Arts. The achievement gap is still staring us in the face. She expected that all this data would be used by schools when developing their site plans. Staff said that schools are working on their site plans now and that they should be before the Board in October. The API scores come out in October when the state releases detailed API information. Every subgroup will have a score at that time.

Director Rivera said that one of the reasons he had been critical of school plans last spring is that he felt they failed to address a lot of these issues and how to help groups that were not making progress. Schools need to make sure every group is making progress. He would like to see if the subgroups are moving in the right direction or whether they are remaining static. The district needs to look at where student progress starts and where it is moving. The goal is for everyone to be proficient.

Business Services

- 4.1-I** Receive and review information regarding the Facilities Plan Update
Staff provides quarterly updates to the Facilities Construction Plan adopted by the Board in March 2004. The report includes updates of all active construction projects. Director Selawsky commented his only concern was that Malcolm X had experienced two severe floods. He questioned whether staff had plans in place to deal with the flooding problem as the rainy season starts is only a couple months away. Staff is developing a more formalized emergency plan for this year.

- 4.2-I** Receive and review information regarding the Facilities Construction Plan Financial update
This report includes all expenditures and income up to unaudited actuals of June 2004. The report noted a decrease in income of \$936 and an increase in expenditures of \$952,363. Director Selawsky questioned where the money came from for

these increases. Staff noted that most of it came from available balance.

BOARD COMMITTEE APPOINTMENTS

None at this time.

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony at this time.

ANNOUNCEMENTS:

Schedule of Board of Education Meetings for 2004:

- October 6, 2004
- October 20, 2004
- November 3, 2004
- November 17, 2004
- December 1, 2004
- December 15, 2004

ADJOURNMENT

President Selawsky declared the Special Meeting of September 1, 2004, adjourned at 11:23 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District