

**BERKELEY UNIFIED SCHOOL DISTRICT**

**OFFICIAL, BUT UNADOPTED**

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**MINUTES, REGULAR MEETING**

Wednesday, January 19, 2005  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

**CALL TO ORDER**

President Nancy Riddle called the meeting to order at 6:00 p.m. There being no public to address the Board at this time, the Board recessed to Closed Session.

**ROLL CALL:**

Members Present:	President Nancy Riddle Vice President Terry S. Doran Director John T. Selawsky 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

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and 54957) and Education Code 4, Section 48918(c)

- a) Conference with Legal Counsel – Existing Litigation
- b) Consideration of Student Expulsion
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment Appointment  
Superintendent Contract Renewal
- f) Liability Claims
- g) Property Acquisition

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

The Board reconvened in Public Session at 7:40 p.m. President Riddle reported that in Closed Session the Board discussed the following: Existing Litigation, Collective Bargaining, and Public Employment Appointment. There were no actions taken and nothing to report from Closed Session.

### **APPROVE AGENDA**

Motion: Directors Dorman-Colby/Issel and approved unanimously on voice vote:

That the agenda is approved as amended. The amendments are to pull, for further clarification, items 3.2-C and 4.4-C and to move 2.1A to Consent.

### **TEACHING AND LEARNING PRESENTATION:**

Josie Gerst and students from Martin Luther King, Jr. Middle School spoke about developing a school culture that focused on health and wellness. Working through the school lunch initiative, students learn about healthy eating habits and general wellness practices. Through this program health and wellness information is also connected with the math curriculum.

Mrs. Jackson, grandparent of a King Middle School student, has been working with the program and previously presented nutrition information during back to school night. Her presentation discussed the importance of eating five servings of fruits and vegetables daily. She reported that the students are embracing the concept.

Since King students begin each day with an advisory period, nutrition and wellness information is passed out to students during the advisory class. Many of the students have been collecting data about nutrition and they presented it to the Board. Artriana Newell, presented data from a survey she conducted, then charted the data to determine how many fruits and vegetables students eat every day.

Director Doran asked that the Minutes reflect that Josie Gerst's name was spelled incorrectly in the agenda.

### **PUBLIC TESTIMONY**

Nine speakers addressed the Board.

### **REPORTS**

#### **Union Representatives' Report**

No one addressed the Board at this time.

#### **Superintendent's Report**

Superintendent Lawrence advised the Board that the first community resource meeting had been held earlier in the week. She also reported that the Berkeley High School (BHS) Health Center is having its grand opening on February 3 from 4:00 to 8:00 PM. She noted that Berkeley High has one of the few existing

high school health centers in the country. The Health Center has been a good partnership between the city and school district.

### **Board Members' Reports**

**Student Director Dorman-Colby** – Said that the role of the Student Director can be frustrating because she has access to data that indicates that as student needs become greater the District continues to battle with dwindling budgets. She said further that she is disheartened to know that there are special education and disadvantaged students who have not been able to do well in the District because of limited resources. It is her hope to help other students with special needs to succeed. She felt it is the role of the Board to make sure all students can succeed.

**Director Issel** – said that like Student Director Dorman-Colby what brings her to the Board is a desire to help all students succeed.

**Director Selawsky** – Appointed Rio Bauce to the Youth Commission. He also announced that next Tuesday, January 26, Ken Hall will be speaking at the BHS Library @ 7:00 p.m. The public is invited.

**Director Rivera** – No report at this time.

**Vice President Doran** – Requested that the Superintendent provide the Board with a roster of the people participating in the resource meeting. The Superintendent said the information is on the district web site.

**President Riddle** – No report at this time.

### **CONSENT ITEMS**

Motion: Directors Rivera/Selawsky and approved unanimously on voice vote to approve all Consent Items, with the exception of 2.1-C, 3.2-C and 4.4-C and to approve Action Item 2.1-A as a Consent Item.

#### **Personnel Services**

**2.1-C** Acceptance of Personnel Report #05-02 which reports details of personnel assignments, employment, and terminations.

**2.1-A** Pursuant to Education Code 45109, the Board is asked to approve reorganization of the Early Childhood Education (ECE) Program to add a 1.0 Accounting Technician to its department. This additional position would handle parent fees and billing, state and federal attendance reports (ADA), food reports, billing of expenditures and

review of program budgets. Fiscal impact for this requested position is \$57,381, funded by restricted ECE funds.

### **Educational Services**

**3.1-C** Section 1127 of the No Child Left Behind Act (NCLB) allows school districts to carry over no more than 15% of their Title I allocations for any fiscal year. In order to keep more than 15% carryover in the Title I budget, the district must submit a waiver approved by the local board. The waiver includes BUSD's plan to use the excess carryover funds (\$110,099) for district wide staff development. Closer monitoring will occur to ensure carryovers are reduced in the future.

**3.2-C** Approval of the 2004-2005 Consolidated Application for funding categorical programs, Part II. The application is due no later than January 30, 2005 to the State Department of Education. The district Advisory Committee and the District English Learner Advisory Committee have reviewed the plan and had an opportunity to advise in the preparation of the application.

Motion: Directors Dorman-Colby/Selawsky and approved unanimously on voice vote.

### **Business Services**

**4.1-C** Pursuant to Contract Code 20111 and Board Policy DJED, the Board approves Contracts and Purchase Orders with Consultants or Independent Contractors.

**4.2-C** Pursuant to Educational Code Section 41010 ET Seq the Board approves checks to vendors for services provided and goods received. The December 2004 monthly warrants totaled \$3,439,962.01, taken from various funds.

**4.3-C** Pursuant to Education Code 21010 ET Seq the Board approves the issuance of payroll warrants for employee services. Warrants for the month of December 2004 totaled \$5,093,449.92, taken from various funds.

**4.4-C** Approve an increase in the amount in the Worker's Compensation Trust Fund account to cover projected worker's compensation claims against the fund for the period covering October 1, 2004 through March 31, 2005. The increase of \$56,000 to the fund will raise the self-insurance fund ceiling to \$128,850.76. This is in pursuant to Education Code Section 17565-17592.5 and Labor Code of the State of California 3700 to 3705.

Director Riddle asked if this meant that some of the savings the district was hoping for would materialize. Staff said that this year shows a savings compared to last year. Director Riddle asked if this was more of a procedural request. Staff answered affirmatively.

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

## **ACTION ITEMS**

### **Business Services**

**4.1-A** Approve the creation of a Surplus Facilities Committee and refer the Hillside property to that Committee for its consideration.

Director Selawsky asked if forming a committee to surplus property committed the district to actually having to surplus property. Staff said it did not. There was some discussion about whether other property could be surplussed by this committee. Several Board members voiced concern that neighbors adjacent to any property being considered for surplus be given the opportunity to join the committee or address the committee and Board. The Board decided to maintain the original intent of the item to form a committee to discuss the Hillside property surplus issue only.

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

**4.2-A** According to FCMAT Financial Management Standard 6.2, the Board is asked to approve the revised budget development timelines for fiscal year 2005-2006.

Director Riddle had two concerns: (1) to institutionalize a public review for revisions made after the state budget is adopted; and (2) to incorporate oversight committees into this process. Staff voiced concerns about the timing issue as oversight committees do not always approve their budgets in time to be part of a scheduled budget review process by the Board. Superintendent Lawrence recommended postponing the vote until she can talk with staff about readjusting timelines.

Motion: Directors Doran/Rivera moved to TABLE this item. It was approved unanimously on voice vote.

## **CONFERENCE**

### **Educational Services**

**3.1-CF** Request for authorization for a small school proposal at BHS for a School of Social Justice and Ecology (SSJE).

This proposal already was reviewed by the shared governance and school site committees. If approved, the design team for this small

school will continue to work hard to prepare for implementation of the program.

BHS Vice Principal Mark Wolfe introduced presenters and design team members that were present at the meeting: Joel Hildebrandt (teacher), Deborah Godner (teacher), Gina Wooley (parent), George Palen (teacher), Scott Rasmussen (student), Barbara Chan (teacher), Kathy Dervin (parent), Jennifer Dieges (teacher on leave), Gerry Baird (special education teacher), and Melissa Quilter (parent).

BHS teacher Joel Hildebrandt pointed out the key features of the proposed small school: (1) personalized, interconnected, engaging learning environment; (2) inspiring, relevant, challenging curriculum; and (3) support for staff, family, and community. Student outcomes will integrate classroom learning with real world experiences. The strength of the school is the science program and an opportunity for students to view the world critically.

Gina Wooley – spoke about Student Support and Family Partnerships. It is the team's desire and responsibility to design a school with a substantial and sustainable support system. It will include advisories, internships, student governance, tutoring (Cal-RISE, Y-Scholars, others), interventions, and vertical families (upperclass student mentors). There is a strong commitment to valuing diversity. The program will do outreach such as that followed by MetWest (modeled in Oakland): a personalized learning plan, family and student agreements, regular and frequent communication to home, and parent/family participation.

The small school will practice a culture of respect and cooperation. Service learning (internal and external) will also be practiced and there will be three levels for tutoring and mentoring within the small school and the larger school.

Director Riddle reminded the Board that 3.1-CF is a conference item and they may consider taking action on it tonight. Director Issel asked about the graduation standard being higher in this small school than for the rest of the school and wondered how they will deal with the discrepancy. Principal Slempp said they have not yet discussed it; however, the higher graduation standard would not keep the SSJE students from graduating if they meet the larger school requirements. Principal Slempp explained that this small school is talking about belief systems and what can be expected from students, pointing out that students only go as high as they are expected. Staff

also pointed out that students would be constantly monitored and evaluated about how well each student is meeting goals.

Director Riddle asked about meeting demographics as stated on Page 9 of the report. She suggested that the staff reflects the entire population at BHS. The design team clarified that is what they intended. Riddle also asked about core or block scheduling and wondered if they had thought about the negative consequences for the rest of the school. Principal Slempe said staff will work to make sure small schools stay whole while devising a plan to passport students out to larger school electives without much impact to larger school students. He said this issue makes the puzzle more complicated, but not impossible.

Director Riddle asked about class size issues, asking why ten students are being added during the sophomore year. Staff explained that it is designed to keep freshman seminars as low as possible. There will be some flux from year to year with students leaving the small school program and new students coming in who have the option of attending SSJE. Staff will monitor class sizes from year to year.

Director Riddle was impressed with the school's leadership focus, saying it is a wonderful life school to teach students that leadership has to be learned and honed and practiced.

Student Director Dorman-Colby suggested that other small schools could consider adopting school advisories and ask teachers to monitor student success.

MOTION: Doran/Selawsky and unanimously approved by voice vote.

Board took a five minute break at 10:30 p.m.

## **INFORMATION**

### **General Services**

- 1.1-I** Revised Board of Education meeting schedule for 2005.  
February 2  
February 16  
March 2  
March 9  
April 6  
April 20

May 11  
May 25  
June 8  
June 22  
June 29  
August 24  
September 7  
September 14  
September 21  
October 5  
October 19  
November 2  
November 16  
December 7 – organizational meeting  
December 14 – tentative

Director Doran noted that the new calendar of Board meetings cancels the previously scheduled March 16 meeting.

**After taking a five minute break, the Board came back into session at 10:35 p.m.**

### **Educational Services**

**3.1-I** Presentation on assessment of data which combines results from several student assessments to produce overall measure of student achievement.

Educational Services staff presented an overview of the district's assessment results using Multiple Measures, an analysis combining the results from several student assessments to produce an overall measure of student achievements. The Multiple Measures included classroom grades, writing assessments, CAT6 and SABE results, California Standards Tests, DRA/QRI, and district-developed tests. The use of Multiple Measures reduces the errors associated with using a single test as an indicator of student achievement. In accordance with district goals, have set very high standards.

After the data was presented, Superintendent Lawrence suggested the district begin to differentiate the multiple measures. This would help staff review the relevance of each test on its own to help draw conclusions about test trends. This could help staff develop appropriately needed programs.

There was some discussion about existing support programs by grade level. There was also some discussion about standardized test scores at the high school.

Conclusions of the discussion indicated that programs that address student achievement should:

- be evaluated with data,
- assessment tools to measure the education of the “whole child” should be developed and implemented,
- teachers must have access to data and professional development to use the information to improve instruction,
- valuing the use of data to improve student learning must become a part of the district culture,
- all BUSD staff must establish high standards of learning that they expect all students to achieve.

Director Rivera asked about the use of the data, suggesting that teachers not only get the data but that they know how to analyze the data to drive instruction. He also asked what is being done to make sure test results are part of our culture. He suggested using the data and analysis to help drive school site plans. Staff explained that school principals and site councils are being presented with this data so have information before writing their school site plans. Superintendent Lawrence said staff is working toward getting an accurate measurement of every student so that it can begin to diagnose where the deficiencies are and provide necessary resources to each student.

Director Rivera observed that, according to the data, some schools have higher proficiency levels than others. He asked if principals are sharing best practices so sites can learn from each other. Neil Smith explained that each Monthly Principal Meeting meeting begins with a discussion about best practices. In addition, principals visit each other's schools.

There was some discussion about having matched data for multiple years so that the Board can better assess whether the district is making progress, getting static or moving backward. Staff is seeking more assistance and expertise to help analyze the data and bring some consistency to the measurements.

**MOTION: Directors Dorman-Colby/Selawsky moved to extend the meeting past 11:00 till concluded. The Motion passed by unanimous voice vote.**

**3.2-I** Presentation on Special Education student characteristics, achievement, enrollment, fiscal implications and conclusions.

Ken Jacopetti introduced Amy Buster, Special Education Manager, and Will Bove, BHS psychologist. The primary focus of the presentation was to review student characteristics and data of students involved in Special Education.

After data was present, staff discussed the need for early intervention, explaining that it is the direction the district is moving so that students are helped before being referred to special education. There is a direct correlation to not serving kids before they get to special education and students staying in the special education program for many school years. If students enter as resource students, the achievement gap continues to grow. The district needs to look at how it spends general education dollars so that more resources can be provided for early intervention and special education can be used for students that really need that program.

Superintendent clarified that students who truly need special education the district supports putting them in the program. But theorizes that the incline of special education students over the past few years are in direct result to the declining resources at schools for general education. For example, schools do not have behavior modification programs or counseling. Money from general fund that could be invested in the child at the front end goes to special education. The Superintendent proposed moving some of that money into early intervention. Said with a 0.1% exit rate (as compared to the state expectation of 6.5%), a child in BUSD is labeled a special education student all of his or her school life.

Three BUSD schools have volunteered for pilot special education programs (BHS, Willard and Cragmont and representatives from each school explained program components).

Superintendent Lawrence applauded these three schools and said it should be our moral imperative that students be placed in the least restrictive environment.

**3.3-I**

**Interdistrict permit report**

Per School Board Policy 5117 and Education Code 52317, BUSD accepts students with valid permits as “continuing” students as long as the students are in good standing and on a “space available” basis at the K-8 grades. BHS, Alternative High School and Independent Study have been closed to permits since 2001-2002 school year. Currently, there are 327 permits.

Superintendent Lawrence said that she will provide caregiver information and the data from last year's interdistrict permits. Director Selawsky said the report before them did not include all the schools. He wants to review a complete list. Superintendent Lawrence will check on it.

**EXTENDED PUBLIC TESTIMONY**

No one addressed the Board at this time.

**ADJOURNMENT**

President Riddle declared the Regular Meeting of January 19, 2005, adjourned at 12:05 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