

BERKELEY UNIFIED SCHOOL DISTRICT  
MINUTES, REGULAR MEETING  
Wednesday, May 11, 2005  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

**ADOPTED MINUTES**

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**CALL TO ORDER**

President Nancy Riddle called the meeting to order at 5:30 p.m. and 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. 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: Reassignment of Categorically Funded Teachers
- Public Employment Appointment
- Liability Claims
- Property Acquisition

**Call to Order of Public Session**

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\* The Student Director does not attend Closed Session.

The Board reconvened in Public Session at 7:37pm. All members were present at this time.

### **Report Closed Session Action**

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

- Collective Bargaining
- Public Employee Discipline/Dismissal/Release  
Reassignment of Categorically Funded Teachers

Motion: Directors Selawsky/Rivera and approved unanimously on voice vote:  
To approve sending reassignment letters to categorically funded teachers.

Note: The Student Director does not vote on closed session items.

### **Approve Agenda**

**Motion:** Directors Rivera/Doran and approved unanimously on voice vote:  
That the Regular Meeting Agenda of May 11, 2005 is approved as amended. The amendments are:

- Item 3.2C is pulled for recognition
- Item 3.1C is pulled for discussion

## **TEACHING AND LEARNING PRESENTATION**

### **Three Year Progress Report for Longfellow Middle School**

Principal Rebecca Cheung and Vice Principal Gene Nakamura became the administrators of Longfellow Middle School three years ago and as such presented a progress report on the improvements at Longfellow. Principal Cheung noted that Longfellow's Academic Performance Index ranking this past year is 10 (the highest ranking possible). In the past few years it has consistently been 8 or above. Other academic accomplishments include:

- Increased focus and higher expectations on teaching and learning,
- Improved climate for student learning,
- Stabilized office staff and the addition of a bilingual clerk to improve parent communication,
- Hired highly qualified teachers who better fit the curriculum at Longfellow,
- Improved staff training (district GLAD trained and diversity and math ed project and TELS project where science and technology are integrated ),
- Improved technology in the school,
- Added an academic counselor,
- Added a school case manager for students, parents and staff,
- Improved school business by reducing number of part-time staff,
- Improved elective offerings:

- \* Added drama and computer programs.
- \* Added academic support for student produced magazine
- Reformed special education inclusion,
- Instituted career day and career week so middle school students can look forward to their careers,
- Improved Longfellow's relationship with Berkeley High School,
- Added the Writers Coach Connection (a volunteer writing mentor program) that has improved writing instruction, and
- Added a healthy street fair for school community and neighborhood to come together to work on nutrition for students and families.

Longfellow has also made strides in many other areas which continue to further opportunities for students to learn, improve, grow and prepare for their future.

### **PUBLIC TESTIMONY**

Several people gave public testimony on the following items:

- Extend BHS Library hours to 8PM or whatever can be done within budget
- Teacher support for better wages and health benefits
- South of Bancroft project planning – particularly warm water pool
- Senate Constitutional Amendment 8 – surplus property

### **Facility Safety Maintenance Oversight Committee – Measure BB**

Bill Flounders, Chair, discussed 3 items:

- Since January 2004 committee functioning and communication with maintenance director have been good.
- Need Board to fulfill responsibilities to appoint people to committee. Eleven members constitute a full committee. Currently, there are only six appointments.
- The Committee felt the Board had disregarded its recommendations for spending Measure BB money.

### **BSEP Planning & Oversight Committee**

There was a change in the Fund 6 subcommittee structure in recommending how to spend the money. This year the administrative recommendation was processed through principal meetings and then reviewed by the subcommittee. The school sites agreed with the proposals and the P&O accepted the subcommittee proposal.

The P&O and the Fund 7 subcommittee recommendations for future funding would like a more rigorous procedure to ensure more equitable funding by sites. One of the suggestions is for sites to submit a written bid.

The P&O Committee approved as a group funding for libraries through Measure B monies.

## **REPORTS**

### **Union Representatives' Reports:**

No reports at this time.

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

Superintendent Lawrence reported that panel interviews for school principal selections were taking place. She will interview the finalists next week. Recommendations should go before the Board on May 25<sup>th</sup>. The Superintendent also reported that BFT negotiations are continuing. Because of the limited budget situation, the process has been slower, but negotiations are moving along in a positive direction.

### **Board Members' Reports:**

Student Director Dorman-Colby stated she is still very concerned about BFTs *work to rule*. Students she has talked with feel they have been affected negatively by work to rule. Student grades are going down and junior's entrance to the UC system is being jeopardized. She cited several class examples. She also stated that students are collaborating about what could be done to make up for the learning that was lost. One suggestion was for students to sign a petition that supports the teachers in their efforts, but urges them to come back to work or students will walk out the last period of the day to show teachers it hurts to get walked out on. Students selected the last period so that the district does not lose any ADA.

Director Issel reserved her comments for later.

Vice President Doran addressed the request during public comments asking the Board to lobby Sacramento. He stated that the Board will continue to lobby and work with anyone at the State level who can help improve education. He also commented that the Board and the negotiating team are working closer with teachers to resolve the BFT contract. He pointed out that there have been marathon sessions and that no one has walked away.

Director Rivera thanked the Berkeley Public Education Foundation and the community for their generous contributions during the Foundation luncheon the previous week. He also commented that the Board will not be able to attend the May 25<sup>th</sup> rally to Sacramento because there is a school board meeting that day. However, the Board will continue to lobby Sacramento and support future events. He also commented on the teacher negotiations and felt positive that they are getting closer to a resolution and that they will work together for the goal of educating students.

Director Selawsky had no comments at this time.

President Riddle also thanked the Education Foundation for their luncheon, saying it was a pleasure to be in a room with such ardent supporters of BUSD schools. She also complimented BHS on their spring musical and BHS swim team who came in 2<sup>nd</sup>. She ended her comments by thanking the PTA Council for their statewide efforts on behalf of BUSD students.

### **CONSENT CALENDAR:**

**Motion:** Directors Rivera/Doran and approved unanimously on voice vote:  
That the Consent Calendar be approved as a block except for Items 1.2C and 4.3C.

#### **General Services**

**1.1-C** Acceptance of the Board Resolution in Support of the Senate Constitutional Amendment No. 8  
Senate Constitutional Amendment 8 allows local school districts to approve a local parcel tax with a 55 percent majority rather than the current two-thirds majority requirement. SCA 8 requires a two-thirds approval vote of the State Senate, a two-thirds approval vote of the State Assembly, and a majority vote of the voters in order to amend the state constitution.

**1.3-C** Acceptance of Gift/Donations  
The Board accepted a gift to the Visual & Performing Arts Office/Music Department of 32 violin cases, 8 violin bows, two instruments bags and strings valued at \$900 from Ifshin Violins.

#### **Human Resources Items**

**2.1-C** Acceptance of Personnel Report #05-09  
Reports details of personnel assignments, employment and terminations.

#### **Educational Services**

**3.1-C** Overnight Field Trip Requests  
The Board approved an overnight field trip to Morelia, Michoacan Mexico from June 30 to July 21, 2005 for 13 CAS students, 1 teacher and 3 other adults from Berkeley High School. Fund raising efforts and scholarships provide the \$2,614 cost per student.

**3.2-C** Approval of New Non-Public School Placement for Special Education Student

This non-public school placement to the Seneca Center is for one student for 109 days. The fiscal impact to the General Fund is \$16,459.

**Business and Operations Items**

**4.1-C** Approval of Contracts/Purchase Orders for Services Contracts

**4.2-C** Review Monthly Investment Reports for December 2004 through March 2005.

Government Code Section 53646 requires the Board to review and approve the District's investments in accordance with the Board's adopted investment policy.

**4.3-C** Authorize BUSD to be added to AB952 (Coto) Sale of Surplus Property  
If AB952 is signed into law, it will provide a three-year window of opportunity for BUSD to dispose of any surplus property and the revenue received to be used for one time only Unrestricted General Fund expenditures.

**4.4-C** Approve New Workers Compensation Rate Increase Effective July 1 through June 20, 2006  
A new self-insurance rate of 4.147% for Workers Compensation across all funds is proposed to help liquidate the incurred but not reported liabilities. The fiscal impact from Restricted and Unrestricted funds is \$575,301.

**4.5-C** Award the Playground Renovations Bid for King CDC and Franklin Parent Nursery  
California Department of Education awarded BUSD a \$62,950 grant to renovate the Franklin Parent Nursery and King Child Development playgrounds. Supplemental monies from Head Start Funds were added. The bid was awarded to HMPS Construction for \$65,231.

**4.6-C** Approve Re-advertisement to Solicit Bids for Berkeley High School Community Theater and C Building  
The Board previously approved solicitation of these bids on March 9, 2005. However, access compliance from the Division of State Architect was delayed necessitating a delay to allow contractors more time to bid the modifications required by that agency.

**4.7-C** Approve Re-advertisement to Solicit Bids for the Modernization of Willard Middle School A & C Buildings

The bid date was modified to accommodate several contractors who had conflicting bids due on the same date.

**4.8-C** Award the Modernization Bid for Berkeley High School Community Theater and C Building

The recommended award to Arntz Builders is \$5,811,000., with an inflation budget reserve of \$316,000. The recommended award is approximately \$25,000 over the planned budget for this project.

**4.9-C** Approve the Advertisement to Solicit Bids for the Roof at Oxford School

The project is funded within the Deferred Maintenance Plan.

**4.10-C** Approve the Advertisement to Solicit Bids for Malcolm X Flood Protection

Per California Public Contract Code 20110-20118, staff is required to notify the Board when bids are being solicited. The plan will help protect Malcolm X from storm sewer system flooding by minimizing flooding in the interior courtyard. This project is part of the Board approved Facilities Plan.

**4.11-C** Approve the Advertisement to Solicit Bids for Curb Appeal Projects at Various Sites

ITEMS PULLED FROM THE CONSENT CALENDAR

**General Services**

**1.2-C** Acceptance of Board Resolution in Recognition of PG&Es Contributions to BUSD Schools

The Pacific Gas and Electric Company's Solar Schools Program has furnished funds and materials that enable hands-on lessons and experiments in the area of energy and solar power in Berkeley schools.

**Moved:** Selawsky/Doran and approved unanimously.

Introduced Tom Guarino and Hal Aranson (teacher who works in solar energy). PG&E said that this project is something to celebrate and cheer. Berkeley was a great place to kick this off. It seems to be an incubator for good ideas that reverberate around the country.

**Business and Operations**

**4.3-C** Authorize BUSD be added to AB952 (Coto) Sale of Surplus Property

**Motion:** Directors Selawsky/Doran and approved on the vote:

Ayes: Directors Riddle, Selawsky, Rivera, Doran and Student Director Dorman-Colby

Noes: Director Issel

Abstain: none

Director Issel pulled the item because it allows BUSD to place proceeds of any sale of surplus property on a one time basis into the general fund. Currently the law provides that surplus goes back into maintenance funds. The Superintendent explained that there is no presumption that the district will sell surplus property; it just provides for some board flexibility and supports Assemblywoman Coto.

Director Issel commented that as a trustee for the district, she feels it is important to conserve and enhance district resources. She further stated that any money generated from the sale of a property should be reinvested in either property or a facility that students will always have.

Director Rivera disagreed because it is important to have flexibility as to how to use money. This item does not force the Board to decide right now which way it wants to go. Because of the tough financial situation faced during the last few years, it is good to have the flexibility.

Director Riddle said this item just provides for an option at this time,

At this time, the Board addressed a time-specific Action item:

**General Services**

**4.1-A** Approve the concepts contained in the BHS South of Bancroft Plan for the purpose of the initial study and further investigation of certain portions of that plan

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

To approve the BHS South of Bancroft Plan.

Director of Facilities, Lew Jones and SMWM planner, Lisa Pagnazzo addressed the Board. The community outreach process for improving the property south of Bancroft began in 2002 and staff worked to ensure all stakeholders were fully involved. The district hosted four large community workshops of parents, neighbors, staff, therapy pool users and advocates (approximately 40 people attended each); There was some discussion about the phasing and complexity of the project.

Staff explained that the Board needed to decide on three steps: (1) Board should not make a final decision on plan. Just need to approve study; (2) continue talks with City about retrofitting existing building or building a new warm water pool; (3) explore with potential partners to build a parking structure across the street. Even if the Board took action tonight and then approved the initial study (when completed), the project completion is



already pushing into the end of the decade. There are areas of the project which the City has to resolve also.

Director Doran felt planners attempted to be as inclusive as possible. He hopes that members of the community, whose particular issues are not included in plan, understand that all attempts were made to satisfy all the needs of all the people and this was the closest to a consensus that he observed. He is also aware that there are many challenges, especially around the warm water pool (which is a community issue) and asks that the Board not pass anything that takes any permanent position on the pool until the City has completed its study. He acknowledges that the existing pool has a very limited life in its present condition (according to the City); possibly less than the time it will take to find a solution to the pool. He noted that the school district has built every pool in the city, but did not have the funds to maintain the pools and the City took them over. The City is now in a position where they are curtailing use of all pools. These are challenges that have no solutions that he can see and we will need to collaborate with the City to find solutions that support the desires of the community.

Director Rivera questioned proposed campus uses in the report that showed 4-6 tennis courts. It was explained that there was some discussion to place tennis courts on top of a proposed parking structure. It was pulled from the plan because it complicated further an otherwise complicated site. Staff explained that the final plan did not provide for tennis courts.

Student Director Dorman-Colby felt there might be the same conflicts that there were with the baseball fields. She asked how the Board will not repeat history and will learn from what was done previously. Staff explained that the Board is not being asked to approve a plan at this time, but to approve the study so environmental work can move forward.

Director Selawsky pointed out that the Board was not obligating themselves to anything. It will come back to the Board who recognizes the need for a warm water pool at the current site, but costs seem to have doubled since the original estimates. Staff explained there is a substantial increase in size because it would be removed from the location where locker rooms and restroom facilities are available. This will necessitate adding dedicated restroom facilities. The City will have to go through its own exercise of making the decision about what is needed. Director Selawsky wanted to make sure the City and community understands that the district is in no position to make up for the warm water pool shortfall.

Other Board comments included their approval for the following suggestions:

- opening up the main campus by moving onsite parking to offsite parking,
- cleaning up Channing side,
- providing dedicated space in the new building for storage.

There was some discussion about increasing the number of seats in the football stadium, the lighting study, number of athletic lockers proposed, need for additional dance space, providing an entrance to receive shipments, and possibility of providing for a regulation baseball diamond.

Director Riddle asked if there was enough money for all the phases. Staff stated the money will be tight. One way to cover all the costs would be to divert money from other projects such as replacing the field. The majority of money associated with Bancroft is improving the grade of paving and sidewalk, partly for safety and partly to make connection between field and campus green. Staff said there are also utilities that run under the area that makes it a public easement. Director Riddle pointed out that the new facility is not just for student athletes but also for students who take physical education. New facilities will also provide for a way to try to improve the overall educational program.

## **ACTION ITEMS:**

### **General Services**

**1.1-A** Approve the Expenditure Reduction Plan to improve the Unrestricted General Fund Reserves and Fund Balance

**Motion:** Directors Selawsky/Issel and approved unanimously as amended for reducing numbers 1-6 only for a total of \$903,180 over two years.

The Superintendent made the Board aware that new budget cuts are likely to happen by the end of the year and into the summer. This item is a first attempt at budget reductions in the Unrestricted General Fund. There was some discussion about Measure BB costs. It was suggested that the Board move forward on number 1-6 on the list and further review numbers 7-11 on the list.

Items 1-6 include transferring costs from the Unrestricted General Fund to the following:

- Transferring professional development “buy back” days from Unrestricted General Fund to Title I & II
- eliminate specified classified positions from the Unrestricted General Fund and the Special Education Fund (total 13.8 FTE)
- transferring 0.3 FTE BAHS counselor from Unrestricted General Fund to Title I
- transferring Testing & Assessment expense from the General Fund to Title II

- transferring 0.15 FTE BHS V.P. expense from Unrestricted General Fund to GATE budget
- eliminating 0.35 FTE of Home/Hospital position

**Business Services**

**4.2-A** Accept the BSEP P&O Committee Recommendation for Library Staffing from Measure B Funds in FY 2005-06

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

The Student Director commented that during public testimony someone asked to extend library hours at Berkeley High School. Director Riddle said that this item recommends two library media teachers at BHS, allowing for flexible staff hours and extended library hours. However, the item does not specify the exact hours.

**4.3-A** Accept the BSEP P&O Committee Recommendation for the Expenditure of the BSEP Educational Fund in FY 2005-06

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

**4.4-A** Accept the BSEP P&O Committee Recommendation for the Expenditure of the BSEP Building Maintenance and Security Fund in FY 2005-06

**Motion:** Selawsky/Rivera and approved unanimously on voice vote, with Student Director abstaining.

CONFERENCE ITEMS

General Services

**1.1-CF** Accept and Approve the Second reading of the Board Bylaws

**Motion:** Directors Issel/Doran and approved unanimously on voice vote, with Student Director abstaining.

The Board asked that future Board meeting minutes reflect a reference to the page and item number. Director Issel corrected numbering of the Board bylaws as they were listed in the packet. There were two listings for 9000.4. The second one was changed to 9000.5.

9000 – Role of the Board: Legal Status and Responsibilities

**Motion:** Director Doran/Selawsky and approved unanimously on voice vote, with the Student Director abstaining.

9005 – Governance Standards

**Motion:** Directors Issel/Rivera and approved unanimously on voice vote, with the Student Director abstaining.

Director Rivera asked about references and the Superintendent recommended pulling all references so there was no cross checking. The policy will not be affected by pulling the references.

#### 9010 – Public Statements

**Motion:** Directors Issel/Doran and approved unanimously, with the Student Director abstaining.

#### 9100 – Organization

**Motion:** Directors Rivera/Issel to approve Option 2 and approved by vote

Ayes: Directors Riddle, Selawsky, Rivera, Issel

No: Director Doran

Abstain: Student Director Dorman-Colby

There was extensive discussion about which option was most appropriate and which one would institutionalize the long-standing tradition of selecting Board officers. Director Selawsky suggested changing the wording of Option 1. However, the Board conceded that Option 2 was the most concise and simple and that institutionalizing the tradition was not necessary. Option 2 would allow future Boards to either follow the tradition or select officers in their own way to ensure the two most competent people are elected as Board president and vice president.

#### 9124 – Attorney

**Motion:** Directors Selawsky/Issel and approved unanimously by voice vote, with the Student Director abstaining.

#### 9200 – Limits of Board Members Authority

**Motion:** Directors Rivera/Selawsky and approved unanimously by voice vote, with the Student Director abstaining.

There were some clarifications about the previous edits on this item. Director Issel explained that in Paragraph 2 a sentence was struck. That sentence used to read: “unless agreed to as a Board as a whole, individual members...”

There was some discussion that Paragraph 3 suggested that individual Board members would need to notify the Superintendent prior to volunteering in their child’s school. Board members and staff felt this was not practical. That is why the wording was changed. It used to read: “The Board member should inform the Superintendent or his/her designee before volunteering.”

9310 – Policy Manual

**Motion:** Directors Selawsky/Rivera approved by voice vote, with the Student Director abstaining.

9321 – Closed Session Purposes and Agendas

**Motion:** Directors Selawsky/Rivera approved by voice vote, with the Student Director abstaining.

There was some concern about the legality of numbers 1-4 on page 110. The Superintendent checked out the numbered items with legal representation. It was determined that there was no conflict with it as written (according to the provision of government code).

There was some discussion about the Real Property Negotiator section. Director Rivera thought the name of the representative had to be specified. The Superintendent said that if there are conversations with a real estate agent (if other than the Superintendent), you do have to put name the person. However, the policy already states that.

9321.1 – Closed Session Actions and Reports

**Motion:** Directors Selawsky/Rivera approved by voice vote, with the Student Director abstaining.

The language regarding accessibility issues in the second paragraph should add the following phrase: “and the location is accessible” at the end of the paragraph.

**MOTION** to extend the meeting past 11:00 p.m.: Student Director Dorman-Colby/Director Selawsky and approved unanimously by voice vote.

## **INFORMATION**

### **Educational Services**

**3.1-I** Review the 2004-2005 Student Assignment Plan Report

K class has been first class with new assignment policy. The Board wanted to see the free and reduced lunch figures and Director Rivera suggested that with the new plan the racial balance has remained the same and the socio-economic balance has become more equitable. The Superintendent will have staff provide the Board with more information on free reduced meal data.

**3.2-I** Review the Monthly School Enrollment and Average Daily Attendance Summaries

The Student Director compared some BHS ADA figures to last year, noting that ADA increased in December increased but decreased by February. She wondered if this fluctuation was normal. The BHS principal had previously explained to the Superintendent that he felt work to rule had some negative affect on attendance. The Student

Director then asked if staff could also check to see if the new absence policy was having a negative affect on attendance and wondered if any drop outs had occurred because of this.

Director Riddle asked if there had been any change in special day class attendance. The Superintendent said she would have staff check the data.

**Business Services**

**4.1-I** Discuss and Review the Information in Regards to Direct and Indirect Cost Changes for Fiscal Year 2004-2005 and 2005-2006

**ACTION**

Approval of Board meeting Minutes of April 20, 2005

MOTION: Directors Selawsky/Rivera approved, with the Student Director abstaining.

There were no corrections or additions to the minutes.

**EXTENDED PUBLIC TESTIMONY**

There was no Extended Public Testimony.

**ANNOUNCEMENTS**

Calendar for Meetings of the Board of Education:

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

**ADJOURNMENT**

President Riddle declared the Regular Meeting of May 11, 2005, adjourned at 11:16 pm.

**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