

**Berkeley Unified School District  
Office of the Superintendent  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180  
Phone: (510) 644-6206 Fax: (510) 540-5358**

**SPECIAL MEETING OF THE BOARD OF EDUCATION – AGENDA\***

Wednesday, May 24, 2006

Call to Order            The Presiding Officer will call the Special Board of Education Meeting to order at **5:30 p.m.**, recess to Closed Session at **5:35 p.m.** and convene the Special Board meeting by **7:30 p.m.**

Roll Call

Members Present:    President Terry S. Doran  
                            Vice President Joaquin Rivera  
                            Director Shirley Issel  
                            Director John Selawsky  
                            Director Nancy Riddle  
                            Student Director Teal Miller

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 Section 49819(c)

- a) Conference with Legal Counsel – Existing Litigation/Anticipated
- b) Consideration of Student Expulsions  
**Student Case No. 0506-44-062890**  
**Student Case No. 0506-51-010195**  
**Student Case No. 0506-52-101596**
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal /Release/Evaluation
- e) Public Employment /Appointment
- f) Liability Claims
- g) Property Acquisition

\* Board agenda posted on District website: [www.berkeley.k12.ca.us](http://www.berkeley.k12.ca.us)

\*\* The Student Director does not attend Closed Session

***The Berkeley Unified School District intends to provide reasonable accommodations in accordance with the Americans with Disabilities Act of 1990. If a special accommodation is desired, please call the Superintendent's Office 48 hours prior to the meeting at 510-644-6206***

Approve Agenda

Approve the Special Meeting Agenda of  
May 24, 2006

**PUBLIC TESTIMONY**

Persons wishing to address the Board should fill out a card located on the table by the door and submit the completed card to the Board Recorder. Speakers will be selected by lottery. The Public Testimony is limited to 30 minutes – 3 minutes per speaker. Speakers with the same concerns are encouraged to select a spokesperson to address the Board.

Union Representatives' Reports  
Committee Reports  
Superintendent's Report  
Board Members' Reports

**CONSENT ITEMS**

These items are considered routine and may be enacted by a single motion. Any items needing discussion may be moved to the appropriate section of the agenda upon the request of any member of the Board.

	<b>Page</b>
<u>General Services</u>	
1.1-C Resolution No. 05-61 Approve Resolution	<u>Staff Recommendation:</u> Approve Resolution No. 05-61 in support of AB 2065 -School Library Content Standards <b>5</b>
1.2-C Resolution No. 05-62 Approve Resolution	<u>Staff Recommendation:</u> Approve Resolution No. 05-62 in support of AB 2540 -School Library Equitable Access to Digital Education Resources <b>8</b>

**ACTION ITEMS**

These items are presented for action at this time. Some may have been reviewed at a previous meeting.

**Open Public Hearing**

**Motion** \_\_\_\_\_ **Second** \_\_\_\_\_ **Approve** \_\_\_\_\_

**Close Public Hearing**

**Motion** \_\_\_\_\_ **Second** \_\_\_\_\_ **Approve** \_\_\_\_\_

**CONFERENCE ITEMS**

These items are submitted for advance planning and to assist the Board in establishing future agenda items. The Board may, however, take action.

General Services

**11**

1.1-CF

Recommendation for Components of Proposed Parcel Tax Measure

Staff Recommendation:

Discuss and consider the Superintendent’s Recommendation for the Proposed Parcel Tax Measure

**INFORMATION ITEMS**

These items are intended to keep the Board informed on various District business matters, which do not require action, by the Board.

Business Services

**28**

4.1-I

May Revise to the State Budget

Staff Recommendation:

Staff will review a PowerPoint presentation of the May Revise and its impact on the development of the District’s 1006-07 Fiscal Year Budget

**EXTENDED PUBLIC TESTIMONY**

The Board may elect to extend public testimony after discussion

**ANNOUNCEMENTS**

**Schedule of Board of Education Meetings for 2006:**

June 7	September 13 – <b>Special Meeting</b>
June 21	September 20
June 28	October 4
July 5 – <b>tentative</b>	October 18
August 23	November 1
September 6	November 15
	December 6
	December 13

**ADJOURNMENT**

**Board of Education Meetings are broadcast live on KPFB/FM 89.3  
Berkeley Government Access Channel 33**

Guidelines for Speakers

You are invited to participate in Meetings of the Board of Education and make your views known at these meetings.

**WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR A NON-AGENDA ITEM:**  
Please fill in a **REQUEST TO ADDRESS THE BOARD OF EDUCATION CARD** (located on the side of the Speaker's stand) and give it to the Board Recorder. Speakers will be selected by lottery. Your card must be submitted before the Presiding Officer calls for **PUBLIC TESTIMONY**.

You will be called to speak by the Presiding Officer.  
A Speaker has three minutes in which to make his/her remarks.

Any subject related to the District or its educational programs is welcome at the Board of Education Meetings. **However, we respectfully ask that matters pertaining to individual employees of the Berkeley Unified School District be discussed in private. There is an established procedure for making such complaints.** You may obtain information about this procedure from a school or from the Superintendent's Office.

**BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** May 24, 2006  
**SUBJECT:** Resolution No. 05-61 in Support of Assembly Bill 2065 –  
School Library Content Standards

**BACKGROUND INFORMATION**

This bill would require the Superintendent of Public Instruction to develop and the State Board of Education to adopt school library content standards. Further, and in part, it allows the library content standards to be implemented by school districts in order to develop school library and information technology programs.

**POLICY/CODE**

None

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

Approve Resolution No.05-61 in Support of Assembly Bill 2065

**BEFORE THE GOVERNING BOARD OR THE  
BERKELEY UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 05-61**

**In support of Assembly Bill 2065  
School Library Content Standards**

**WHEREAS**, the State of California Department of Education has developed content standards for curriculum areas and grade levels, which have been adopted by the California State Board of Education;

**WHEREAS**, California has adopted no statewide standards for school libraries;

**WHEREAS**, every other state has adopted standards or has regional school library accreditation standards or both;

**WHEREAS**, current national research shows that strong school libraries contribute to student achievement and higher test scores;

**WHEREAS**, statewide standards will provide a guide for districts and schools to follow in order to plan, build and strengthen their school libraries;

**WHEREAS**, statewide standards will serve as a guide for collaboration between classroom teachers and library media teachers to develop school library programs that are integral to teaching and learning; and

**THEREFORE, BE IT FURTHER RESOLVED** that the Berkeley Unified School District Board of Education supports Assembly Bill 2065, sponsored by Assembly Member Carol Lui, to authorize the California State Board of Education to adopt school library content standards pursuant to recommendations developed by the Superintendent of Public Instruction.

**PASSED AND ADOPTED** by the Board of Education of the Berkeley Unified School District on the 24th day of May, 2006.

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Michele Lawrence, Secretary to the Board of Education of the Berkeley Unified School District, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Board of Education of the aforesaid school district as the Board meeting held on the 24<sup>th</sup> day of May, 2006.

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Michele Lawrence Secretary to the Board of Education  
of the Berkeley Unified School District

## **Assumptions for Modeling a Renewal of the BSEP and Measure B Tax Measures**

In formulating the new measure it is necessary to develop financial assumptions to project costs over the course of the measure and to formulate program models. It needs to be stated, so there are no future misunderstandings, that although programmatic assumptions are needed to calculate the percentage distributions of funds for programs in the new measure, the programs ultimately implemented may look different from the projected cost models.

It is reasonable to assume any number of events including School Board actions, changes in state mandates, changes in student enrollment, etc. could precipitate a change in the staffing model from those outlined in these assumptions. Assumptions are needed to give an educated estimate of costs for planning purposes, but do not diminish the ability to shift specific program components in future years if necessary.

Final implementation decisions, including staffing models, will be made during the budget and school planning processes of every school year.

### **OVERARCHING ASSUMPTIONS**

1. The term of the measure is 10 years.
2. The income for the new measure is based on the combined income of BSEP and Measure B for FY 07.
3. The square foot costs (improved and unimproved) are figured on a split roll per the same ratio which exists under *Measure B of 2004* tax.
4. There will be a low income senior exemption. No exact estimate is possible on the loss of revenue due to this provision.
5. The measure shall be inflated annually at the State statutory COLA. This COLA will need to be applied every year, including the first year of the passage of the measure.
6. The County Treasurer deducts exactly 1.7% of the revenue, per State Code. Based on the 2007 rates, the revenue that will be transferred from the County Treasurer to the District is estimated to be \$19.68 million.
7. Enrollment will be flat over the course of the measure (a figure of 8,900 K-12 + 350 Pre-K was used). Independent Study, NPS, Home/Hospital and adult school students were not included in the calculations.
8. Any changes in employee contract provisions, such as release time changes, are not included.
9. The average teacher's total compensation is estimated at \$80,000 for Fiscal Year 2007.
10. The costs of classified employees' compensation are calculated at the top (E) step.
11. A direct support rate is charged for all classrooms being used to accommodate class size reduction teachers. That rate is budgeted at \$3,000 per classroom per year. This is the same method as currently followed with BSEP/B class size reduction.



12. The indirect support rate is budgeted at 7% against all expenditures in each category. This rate is included in the figures listed below.

**IMPLEMENTATION**  
**(2% OFF THE TOP; APPROXIMATELY \$400,000)**

The implementation office fills a number of needs.

1. One Public Information Officer
2. One Special Project Manager
3. One part time clerical support (0.5 FTE)
4. Contracts for translation, web support, and Accountability Report Card, postage and printing for the A+ News and other newsletters

**CLASS SIZE REDUCTION**  
**(66%; APPROXIMATELY \$12.7 MILLION)**

1. The General Fund, including the State CSR dollars, supports class size reduction at 34:1 K-5; and 36:1 6-12.
2. The K-3 is budgeted at a resultant average class size of 19:1
3. The 4-6 grades are budgeted at a resultant average class size of 26:1
4. The 7-12 grades are budgeted at a resultant average class size of 27.5:1
5. The Alternative High School classes are budgeted at a resultant average class size of 18:1
6. The costs of six additional teachers are added for program diversity in the secondary schools. Three District-wide teachers are included in the formula.
7. The cost for counseling services is based on the cost of four counselors for the middle schools.

**EXCELLENCE PROGRAM**  
**(25%; APPROXIMATELY \$4.8 MILLION)**

The excellence program has four sub funds. Each are described below:

Site Discretionary Funds (41%; Approximately \$2 million)

Site Discretionary Funds are calculated at \$200 per pupil for Prek-12 students (8,900+350).

Libraries (29%; Approximately \$1.4 million)

The library staff is budgeted at what currently exists in FY05-06. All certificated teaching staff (excluding the Coordinator) are funded five additional work days each year. There is \$15 per preK-12 student per year budgeted for books (8,900+350).

Music and VAPA (25%; Approximately \$1.2 million)

1. The music staff is budgeted at what currently exists in FY05-06, along with filling the vacant choral positions in the middle school.
2. The Coordinator position is fully funded at 1.0 FTE.
3. An additional amount \$270,000 will be available for instrument repair and replacement and visual and performing art programs.

Outreach (5%; Approximately \$0.2 million)

Outreach includes three full time outreach staff members to service the District as a whole.

**PROFESSIONAL DEVELOPMENT MODEL  
(9%; APPROXIMATELY \$1.7 MILLION)**

There are three components in this fund.

Professional Development \$660,000

1. A half time coordinator of staff development who will be responsible to organize and possibly provide some professional development for teachers and administrators.
2. Five teachers (calculated at the average compensation) released from the classroom to coach their peers.
3. An allowance of 8 hours per teacher per year to participate in professional development workshops in the summer, on Saturdays or after school.
4. A contract with outside organizations to provide training and support for teachers, through vendors such as U.C., ACOE, and private consultants (e.g., GLAD, Noyce, DataWise, Making Math Real).

Program Evaluation and Instructional Assessment \$425,000

5. A 1.0 FTE Evaluation Director
6. A 1.0 FTE Evaluation clerical support (10 months)
7. A 1.0 FTE Evaluation technician
8. One day of substitute time for half the teachers each year
9. Evaluation software and contracts

Technology to Support Teaching and Learning \$645,000

10. Six technology technicians, one of whom works 12 months.
11. Computer repair and replacement budget of \$23/student.

# **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** May 24th, 2006  
**SUBJECT:** Final Recommendation for Components of Proposed Parcel Tax Measure

## **BACKGROUND INFORMATION**

I presented to the Board on April 26, 2006, my initial conceptual thoughts and recommendations regarding a proposed tax measure designed to replace the two existing measures, BSEP and Measure B. A subsequent draft came forward based on input from the Board and community on May 17, 2006. At that meeting I was provided additional feedback regarding the Board's thoughts on concepts or language they felt should be added.

Specifically, I added language to give the schools more flexibility to use classroom teacher allocations to support programs or deliver staff development provided such use did not hamper the resultant class-size goals. I also made an attempt to modify the fiscal emergency language with the intent of making it more difficult to call for such an emergency, but still provide a future Board the safeguard needed for financial solvency. There are other changes to the ballot text that I felt gave clarification, or were advised by the attorney to modify, but these did not make significant conceptual changes from the original version.

Again, a reminder that while we want to make our measure attractive to the voters, the importance of any tax measure under consideration should be done with the thought of its relationship to the system as a whole and to its importance of being a vehicle to systematically raise the quality of the educational experience for all students.

While I do not necessarily expect the Board to take action at tonight's meeting, we are fast approaching the deadline for submission to the County for filing. Therefore, discussion and editing of language should occur so that staff can make the corrections and prepare documents, including a "Declaration Resolution" for formal and final vote no later than the June 21, 2006 Board meeting.

I would also like to take the opportunity to thank so many of our community participants, especially the BSEP Planning and Oversight Committee, who were willing to voice their opinions and consider the measures implications for the health of our students and the stability of our District systems.

**POLICY/CODE**

By the California Constitution, Article XIII A, section 4 and Government Code section 50075 et seq., school districts are authorized, upon approval of 2/3rds of the electorate, to levy qualified special taxes on property in the District for the purposes of providing quality educational programs in the District and other lawful purposes of the District.

**FISCAL IMPACT**

If a tax is approved by the voters, additional revenue of \$19.6 million annually would be available to support the identified programs for ten years beginning in the 2007-08 fiscal year.

**STAFF RECOMMENDATION**

Discuss, approve or give direction to staff for modifications to the ballot language text of a proposed new measure.



**FULL BALLOT TEXT OF MEASURE \_\_\_\_\_**

The following is the full ballot text of the proposition to be presented to the voters by the Berkeley Unified School District in the ballot pamphlet:

**“Title to Be Determined -- Act of 2006”**

*To support quality public education, shall Berkeley Unified School District replace two annual special taxes expiring in 2007 with one annual special tax for 10 years at 22.80¢/sq.ft. for residential buildings, 34.36¢/sq.ft. for commercial and other buildings and \$50 for unimproved parcels with annual cost-of-living adjustments? Funds shall continue to be used for designated purposes, including class size reduction, school libraries, music programs, teacher training, and academic support. Independent monitoring committees will oversee use of funds.*

**1. TITLE AND PURPOSE**

**“Title to Be Determined-- Act of 2006”**

The revenues raised by this Measure are to be used to improve the educational achievement of Berkeley’s public school students by providing quality educational programs.

**2. ALLOCATION OF FUNDS**

Available Revenues raised by this Measure are to be allocated to the following purposes and shall be deposited in restricted accounts for these purposes:

- Smaller class sizes, expanded course offerings, and counseling.....66%
- Programs to Enhance Student Learning, including school site programs, school libraries, music, visual and performing arts, and parent outreach programs.....25%
- Professional development and educational program evaluation.....9%

**3. DEFINITION OF PURPOSES**

**A. Smaller class sizes, expanded course offerings, and academic counselors**

- i. Sixty six percent (66%) of the Available Revenues of this Measure shall be dedicated annually to Reducing Class Sizes

at all K-12 schools, expanding course offerings at all secondary schools, and providing counseling services at each of the District's middle schools, in ways that may not be achieved solely through support by the District's General Fund.

ii. The goals for the class sizes to be achieved with these revenues are District-wide Average Class Sizes of 26:1 for the elementary schools and 28:1 for the secondary schools, and 18:1 for continuation high school and other secondary opportunity programs. Average class sizes in the K-3 grades shall be reduced to 20:1 as long as state class size reduction funds are provided for that purpose at a level not less than currently funded by the State. Additional teachers may be added to allow expanded course offerings or for program support in schools in so far as the funds permit and resultant class sizes meet the goals stated above. Alternative methods to reduce class sizes in a particular year may be adopted by the School Governance Council and implemented as approved by the Board of Education.

iii. The reduced Average Class Sizes shall be maintained throughout the duration of the Measure except in the case of a "Severe Fiscal Emergency" as defined in Section 6 of this Measure.

iv. The revenues dedicated to these purposes may be spent for all costs attendant to them, including operational and professional development costs, and other costs associated with the opening or maintaining of classrooms to reduce class sizes.

**B. Programs to Enhance Student Learning**

Twenty five percent (25%) of the Available Revenues generated by this Measure shall be dedicated annually to providing programs designed to improve the academic proficiency of all students through effective instruction, a challenging and engaging curriculum, and addressing the needs of the whole child. Revenues from this Measure may support all costs attendant to providing these services, including operational costs. These revenues shall be allocated as follows:

**i. School Discretionary Funds**

Forty one percent (41%) of the revenues dedicated to School Discretionary Funds shall be allocated annually to each K-12 school on a per pupil basis and a separate allocation to



existing district preschools. The School Governance Council (as described in Section 5Bii below) shall develop recommendations to allocate these revenues for the personnel, services and materials required to deliver effective activities leading to improved student performance.

The school's Site Plan, including the proposed expenditure of the school's discretionary funds, shall be presented annually to the Board of Education and shall be implemented as adopted by the Board of Education.

Revenues may be used for, but are not restricted to, the personnel, materials and services required to deliver such programs as arts and sciences instruction, academic tutoring and counseling, athletics and student activities, and before and after school programs.

**ii. School Libraries, Music, Visual and Performing Arts, and Parent Outreach Programs.**

Revenues dedicated to Programs to Enhance Student Learning shall be allocated annually to the following District-wide programs:

**(a) School Libraries:** Twenty nine (29%) of revenues dedicated to the Programs to Enhance Student Learning shall be allocated annually to provide student access to quality school libraries which shall be maintained by providing library staff to operate the District's K-12 school and other specialized libraries, and by allocating revenues for books, materials and equipment for the school libraries.

**(b) Music and Visual and Performing Arts Programs:** Twenty five percent (25%) of the revenues dedicated to the Programs to Enhance Student Learning shall be allocated annually to providing quality instructional programs in music and the visual and performing arts for elementary and middle school students. Revenues may be used for, but are not restricted to, providing qualified teachers and staff, professional development in the arts, musical instruments and instructional materials and equipment necessary to conduct these programs.

**(c) Parent Outreach Services:** Five percent (5%) of the revenues dedicated to the Programs to Enhance Student Learning shall be allocated annually for a variety of services to support the families of Berkeley's public school students by

providing parent education and promoting greater parent involvement in their children's education.

**(d) Flexibility of Funds**

To maintain quality programs with the revenues available for these three purposes, up to ten percent (10%) of the allocations for these District-wide programs (School Libraries, Music and Visual and Performing Arts Programs, and Parent Outreach Services) may be redistributed by the District among these purposes provided no purpose receives more than 15% over its designated allocation in any given year.

**C. Professional Development, Educational Program Evaluation, and Technology for Schools**

Nine percent (9%) of the Available Revenues of this Measure shall be dedicated to providing professional development for the District's teachers and staff, to assessing the effectiveness of the District's educational programs for improving student achievement, and to providing and maintaining computers and technology in schools. All costs attendant to providing these services shall be authorized.

**4. THE TAX LEVY**

**A. Tax Base**

- i. The Special Tax shall be levied on the Square Footage of all Improvements, including all Buildings and Structures, on Parcels of taxable real property in the Berkeley Unified School District, except where the Improvements are otherwise exempt from taxation.

The tax levied shall be at the rate of 22.80 cents/square foot on all Improvements on Residential Parcels, 34.36 cents/square foot on all Improvements on Commercial, Industrial, and Institutional Parcels and \$50/parcel on Unimproved Parcels.

- ii. The tax base shall be as described in the Berkeley Municipal Code Section 7.56.020 which defines and delimits the parameters of the square footage applications, and which is incorporated by reference herein. Current definitions of the terms "Buildings," "Improvements," "Parcels," "Square Footage," and "Unimproved Parcels" pursuant to the Berkeley Municipal Code are provided in Section 6 of this Measure. In the event of the expiration of this

Municipal Code for any reason, the same definitions shall continue to apply as the basis for this Special Tax. In the event of the modification of any Berkeley Municipal Code definition or term that applies to this Special Tax, the definition or term as modified shall apply to the basis for this Special Tax.

- iii. An exemption may be granted annually on any single family residential Parcel or multi-family dwelling unit owned and occupied by one or more very low-income senior citizens, upon annual application to the City of Berkeley for such exemption. To be eligible for such exemption, the senior citizen must be 65 years of age or older as of July 1 of any applicable tax year, and must meet the very low-income qualifications of Berkeley Municipal Code Section 7.56.035, which is incorporated by reference herein. In the event of expiration of Municipal Code Section 7.56.035 for any reason, the same qualification criteria shall continue to apply to this exemption.
- iv. With respect to all general property tax matters within its jurisdiction, the Alameda County Tax Assessor shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the Special Tax, a District administrative review panel shall make all necessary final determinations, and that decision shall be final and binding.

**B. Term**

The term of this Measure shall be 10 years. The Measure shall be operative immediately upon passage. The tax shall be levied beginning in the 2007-2008 tax year and shall continue each year thereafter for ten years. Any proceeds from this Special Tax not spent during those fiscal years may be spent on all authorized purposes until exhausted.

**C. Cost-of-Living Adjustment**

Each year, commencing with the 2007-08 tax year, the first year of assessment, and thereafter, the rates imposed by this Special Tax may be increased by a cost-of-living adjustment equal to the annual percentage increase of the State of California statutory inflation adjustment as defined in

Education Code Section 42238.1(b) which is incorporated by reference herein.

Any increase in funds raised by this Measure due to the cost-of-living adjustments set forth in this Section shall be allocated proportionally among the Measure's purposes in accordance with Section 2 of this Measure.

**D. Constitutional Spending Limit**

Pursuant to Article XIII B of the California Constitution and applicable laws, the appropriations limit of the District shall be increased periodically by the amount collected by the levy of this Special Tax.

**E. Savings Clause**

The provisions of this Measure shall not apply to any person, association, or corporation or to any property as to whom or which it is beyond the power of the District to impose the tax herein provided. The Board of Education hereby declares, and the voters by approving this measure concur, that every sentence, clause, section, and part of this Measure has independent value and the Board of Education and the voters would have adopted each provision hereof regardless of every other provision hereof. If any sentence, clause, section, or part of this Measure or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, or part of this Measure and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this Measure. It is hereby declared to be the intention of the Board of Education and of the electorate that this Measure would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof, not been included.

**5. ACCOUNTABILITY PROVISIONS**

**A. Separate Account**

Proceeds of this Special Tax shall be deposited into an account which shall be kept separate and apart from other accounts in the District and shall be applied only to the respective purposes in the percentages specified in Section 2.

**B. Participation in Planning and Oversight of Special Tax Funds**

**i. District-wide Committee.**

A District-wide Planning and Oversight Committee, composed of parents, residents, or community members representing all school sites, shall be established to be advisory to the District, and, in accordance with bylaws adopted by the Board of Education, shall:

- present recommendations to the Board of Education about the annual expenditure plans for the revenues generated by this Measure;
- provide communication among school sites to enhance their effective use of the revenues provided by this Measure; and,
- review District compliance with the terms of this Measure.

**ii. School Governance Council.**

A School Governance Council, consisting of the school's Principal, and representatives of its teachers, staff and parents, shall be established at each K-12 school site in accordance with California law, policies, and by-laws adopted by the Board of Education. Each School Governance Council shall develop a School Site Plan which shall be focused on improving student learning and shall direct the revenues from section 3.B.i. of this Measure to implement the Board-approved School Site Plan. At Berkeley High School, a separate committee, composed of students, staff and parents will make recommendations for expenditures allocated from this measure to the School Governance Council.

The District shall make available regularly to the Principal and the School Governance Council revenue and expenditure reports to enable the School Governance Council to prepare its School Site Plan.

**C. Financial Oversight**

The District shall make available to the Planning and Oversight Committee and the general public, updated revenue and expenditure reports of the proceeds of this Special Tax at least four times annually: before adoption of the District's

annual budget, concurrently with the State-required interim reports, and with the annual report on the Measure (“Annual Report”).

The Annual Report shall display the revenues generated by this Measure and the expenditures of the revenues as of the year’s financial “closing,” and shall include a report on the status of projects funded by the revenues. This report shall be organized to display clearly how the expenditures relate to the purposes of this Measure.

The Annual Report shall be delivered to the Planning and Oversight Committee no later than November 1 following the closing of the fiscal year. The Planning and Oversight Committee shall review the Annual Report and report to the Board of Education on the District’s compliance with the conditions of this Measure by February 1.

**D. Independent Auditor's Report and Audit Committee.**

Each year, an independent auditor retained by the District shall review District records to determine that funds generated by this Measure have been allocated and expended in compliance with the provisions of this Measure, including:

- that the funds raised by this Measure have been allocated to the respective purposes in the percentages specified in Section 2.
- that the funds raised by this Measure have been spent for purposes specified in Section 3, subdivisions A-C.
- that other provisions of this Measure have been satisfied.

The audit shall be conducted in accordance with generally accepted accounting principles, the Standards and Procedures for Audits of California K-12 Local Educational Agencies, and this Measure.

Subsequent to issuance of the Auditor's Report, the District’s Audit Committee, as established by the Board of Education, shall review the Auditor’s Report.

**E. Civil Remedies Available at Law**

The above provisions are in addition to civil remedies available at law for assuring compliance with the terms of this Measure.

**6. Definitions**

For purposes of this Measure, the following terms shall be defined as set forth below.

- A. “Available Revenues” shall mean the amount of money provided by this Measure after deduction of authorized collection charges by the county or city for collection of the tax and two percent (2%) of Special Tax revenues for public information, translation services for District families and support of the Planning and Oversight Committee.
- B. “Average Class Size” shall mean the District-wide average of the enrollment at each grade level in all K-12 classrooms, excluding physical education.

The formula for determining the number of teachers (FTE’s) in grades 6-12, to meet the Average Class Size objectives shall be: student enrollment x 6 class periods per day/per student, divided by 5 teaching periods, divided by Average Class Size objective.

- C. In accordance with Berkeley Municipal Code Section 7.56.020, subdivision A, which is incorporated by reference herein, “Building” means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person or property of any kind. The word “building” includes the word “structure.”
- D. In accordance with Berkeley Municipal Code section 7.56.020, subdivision F, which is incorporated by reference herein, “Improvements” mean all buildings or structures erected or affixed to the land.
- E. Operational costs are all costs of operating relevant District programs to accomplish the Measure’s purposes and include but are not limited to personnel, materials, equipment, technology, facilities, maintenance and administrative costs. Administrative costs incurred in implementing this Measure shall be paid from the proceeds of this Measure at the

District's Indirect Cost Rate authorized by the California Department of Education.

- F.** In accordance with Berkeley Municipal Code Section 7.56.020, subdivision I, which is incorporated by reference herein, "Parcel" means a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.
- G.** "Reducing Class Sizes" shall mean that the revenues allocated under Section 3A of this Measure shall be spent to reduce class sizes, below the staffing ratios supported by the District's unrestricted general fund.
- H.** "Severe Fiscal Emergency" can only be declared by the Board of Education with no less than a 4/5 vote, when

  - (a) The Board of Education determines the District's Interim Financial Report to be "Qualified" or "Negative" pursuant to AB 1200 and AB 2756, and the Alameda County Office of Education concurs with this determination; or
  - (b) The Alameda County Office of Education has "Disapproved" the District's annual budget, or has "Certified" the District's Interim Financial Report as "Qualified" or "Negative."
- I.** In accordance with Berkeley Municipal Code Section 7.56.020, subdivision G, "Square Footage" means the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

  - 1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
  - 2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios



which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.

3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designated or used as sales, display, storage, service or production areas.
- J.** In accordance with Berkeley Municipal Code Section 7.56.020, subdivision H, which is incorporated by reference herein, “Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- K.** “Unimproved Parcel” means a taxable Parcel that does not contain Buildings or other Improvements.

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Board of Education  
**FROM:** Michele Lawrence, Superintendent  
**DATE:** May 24, 2006  
**SUBJECT:** Resolution No. 05-62 in Support of Assembly Bill 2540 –  
School Library Equitable Access to Digital Education  
Resources

### **BACKGROUND INFORMATION**

This Assembly Bill establishes the California School Library Equitable Access to Digital Resources and Online School Database Program, an online database for use by the school libraries of public elementary and secondary schools. It requires upon appropriation of funding in the annual Budget Act the Superintendent to convene an Online Database Advisory Committee consisting of school library professionals to assist in developing an online database selection process. Further, it requires the State Department of Education to create an Internet web site that contains access to all online databases purchased subscriptions and other school library resources that are appropriate for research and general use by elementary and secondary pupils, teachers and family members.

### **POLICY/CODE**

None

### **FISCAL IMPACT**

None

### **STAFF RECOMMENDATION**

Approve Resolution No.05-62 in Support of Assembly Bill 2540

**BEFORE THE GOVERNING BOARD OR THE  
BERKELEY UNIFIED SCHOOL DISTRICT  
RESOLUTION No. 05-62**

**In support of Assembly Bill 2540  
School Library Equitable Access to Digital Education Resources**

**WHEREAS**, Access to reliable and safe online resources have become an essential component of research in school libraries;

**WHEREAS**, students in 42 percent of California school libraries have no access to high quality online magazines and databases;

**WHEREAS**, forty-seven states provide *all* their K-12 students access to rich collections of electronic resources;

**AND, WHEREAS**, Internet safety for students has become an issue of paramount importance;

**AND, WHEREAS**, equitable access for students across all geographic, socio-economic and ability groups depends on a statewide purchase;

**AND, WHEREAS**, proprietary online magazines, newspapers and databases are available only by subscription;

**AND, WHEREAS**, students who continue their education beyond high school require training and experience, provided by a library media teacher, in the use of online databases to be successful researchers in college;

**AND, WHEREAS**, online databases expand the collection of a school library far beyond what is possible to be housed physically in a library;

**AND, WHEREAS**, online databases with remote access provide availability to reliable information from school libraries, classrooms and homes 24 hours/day and 7 days/week;

**AND, WHEREAS**, states with similar plans have documented improved student achievement; and

**THEREFORE, BE IT RESOLVED** that the Berkeley Unified School District Board of Education supports Assembly Bill 2540, sponsored by Assembly Member Loni Hancock, to allocate funds for subscriptions to a core collection of safe, high quality online magazines and databases for *all* California students in public school libraries, K-12.

**PASSED AND ADOPTED** by the Board of Education of the Berkeley Unified School District on the 24th day of May, 2006.

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Michele Lawrence, Secretary to the Board of Education of the Berkeley Unified School District, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Board of Education of the aforesaid school district as the Board meeting held on the 24<sup>th</sup> day of May, 2006.

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Michele Lawrence Secretary to the Board of Education  
of the Berkeley Unified School District

## **BERKELEY UNIFIED SCHOOL DISTRICT**

**TO:** Michele Lawrence, Superintendent  
**FROM:** Eric D. Smith, Deputy Superintendent  
**DATE:** May 24, 2006  
**SUBJECT:** May Revise to the State Budget

### **BACKGROUND INFORMATION**

On May 12, 2006 the Governor released the May revision to the budget he originally proposed in January of this year. The May Revise represents a significant milestone during the budget development process as the Governor's *revised* estimates directly affect the development of our budget.

Staff will review the May Revise and its impact on the development of the District's 2006-07 fiscal year budget.