

**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**

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

Wednesday, March 30, 2011

Call to Order The Presiding Officer will call the Meeting to Order at 6:00 p.m., recess to Closed Session, and begin regular Board Meeting agenda by 7:30 p.m.

Roll Call

Members Present:

Beatriz Leyva-Cutler, President
John T. Selawsky, Vice President/Clerk
Karen Hemphill, Director
Leah Wilson, Director
Josh Daniels, Director
Lias Djili - Student Director

Administration:

Superintendent William Huyett, Secretary
Javetta Cleveland, Deputy Superintendent
Neil Smith, Assistant Superintendent of Educational Services
Delia Ruiz, Assistant Superintendent of Human Resources

The Board will recess into closed session under the authority of the Brown Act (including but not limited to Government Code section 54954.5, 54956.8, 54956.9, 54957, 54957.6, as well as Education Code section 35146). Under Government Code section 54954.3, members of the public may address the board on an item on the closed session agenda, before closed session.

- a) Conference with Legal Counsel – Existing Litigation/Anticipated
- b) Consideration of Student Expulsions
Student Case No. #1011-21-042897
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal /Release/Evaluation
- e) Public Employment /Appointment
- f) Liability Claims
- g) Property Acquisition & Disposal - REALM
- h) Superintendent's Evaluation

* Board agenda posted on District website: 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

REGULAR MEETING AGENDA

CALL TO ORDER

Report Closed Session actions

Approve Special Meeting Agenda of March 30, 2011

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 45 minutes – 3 minutes per speaker. Speakers with the same concerns are encouraged to select a spokesperson to address the Board.

Union Representatives' Reports

ACTION ITEMS

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

Human Resources:

Open Public Hearing at 8:00 p.m. Close Public Hearing

2.1-A
Amended Initial Proposal for a
Successor Agreement with BCCE

Staff Recommendation:
Allow public review and
comment, approve the request
negotiate, and direct staff to
establish parameters to negotiate
with BCCE.

6

Open Public Hearing at 8:02 p.m. Close Public Hearing

2.2-A
Joint Initial Proposal of the Berkeley
Unified School District and the
Professional and Technical Engineers,
Local 21, for the 2011-2012 School Year

Staff Recommendation:
Allow public review and comment,
approve the request to negotiate,
and direct staff to establish
parameters to negotiate a successor
agreement

9

Open Public Hearing at 8:04 p.m. Close Public Hearing

2.3-A Joint Initial Proposal of the Berkeley Unified School District and the Union of Berkeley Administrators for the 2011-2012 School Year	<u>Staff Recommendation:</u> Allow public review and comment, approve the request to negotiate, and direct staff to establish parameters to negotiate a successor agreement	10
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INFORMATION ITEMS

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

General Services

1.1-I Response to Weapons on Campus	<u>Staff Recommendation:</u> Receive for information	11
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Business Services

4.1-I Staff Proposed Budget Reductions	<u>Staff Recommendation:</u> Receive information on staff proposed budget reductions	13
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SUPERINTENDENT AND BOARD MEMBER COMMENTS

EXTENDED PUBLIC TESTIMONY

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**) and give it to the Board Secretary. 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.

BOARD OF EDUCATION MEETING DATES FOR 2011

April 13*	June 8	September 21
April 27	June 22	October 12
May 11	June 29 – tentative	October 26
May 25	August 24	November 9
	September 14*	November 16*
		December 14

Berkeley Unified School District Mission:

The Mission of the Berkeley Unified School District is to enable and inspire our diverse student body to achieve academic excellence and make positive contributions to our world.

Berkeley Unified School District Vision:

Our Students are curious and creative learners who succeed through personal initiative and sustained effort to reach high academic goals. They are critical thinkers who seek knowledge and possess technological competence and collaborative skills. Our students embrace diversity, act responsibly, and contribute to our community.

Our Educators believe that all students can meet or exceed rigorous academic standards. Teachers, staff, and administrators together form a rich professional learning community where all are supported to hone our professional craft and improve our effectiveness. Through the examination of our instructional practices and data, we adjust our teaching and operational systems in order to continuously improve. We are responsible in the stewardship of our fiscal resources and fair and equitable in their distribution.

Our Families and Community are integral to the success of our students and schools. Families are active, engaged partners in their child's education who give valued input and participate in making important decisions about our academic and enrichment programs. Our diverse community is passionate about equitable educational outcomes for all students. Our civic and community organizations partner with us to promote family engagement and the well-being and success of our students.

Our Schools are vital centers of community life enriched by the diversity of our city and welcoming to all families. Each classroom offers engaging and culturally relevant curriculum that builds on students' interests and abilities. Student needs, as identified by regular assessment, inform our teaching and guide appropriate and effective intervention services. We offer an enriched learning environment and a comprehensive system of supports to address the needs of the whole child.

Values and Beliefs of Berkeley Unified School District:

- Students are our priority.
- We take pride in our diversity.
- We hold high expectations for ourselves and our students.
- We treat each other with respect and act with integrity.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: March 30, 2011
SUBJECT: Amended Initial Proposal for a Successor Agreement with BCCE

BACKGROUND INFORMATION

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated and providing members of the public an opportunity to express their views.

Attached hereto and presented for public review and comment is an *amended* initial proposal for a successor agreement with the Berkeley Council of Classified Employees (BCCE). The existing Agreement had not been reviewed by legal counsel in its entirety in the past few years. There is a need to revise existing language to conform to legal mandates, as well as to allow for linguistic alignment throughout the Agreement as we have begun to propose revisions to the other Articles previously "sunshined".

The "sunshine" of this *amended* initial bargaining proposal must be made public before collective bargaining can begin.

POLICY/CODE

California Government Code Section 3547
Board Policy 4143.1
Board Policy 4243.1

FISCAL IMPACT

Unknown at this time

STAFF RECOMMENDATION

Allow public review and comment, approve the request to negotiate, and direct staff to establish parameters to negotiate with BCCE.



Amended
Initial Proposal for a Successor Agreement
from the Berkeley Unified School District to the Berkeley Council of Classified Employees
March 30, 2011

The District had previously sunshined the following articles on February 9, 2011:

Article 4: Organizational Rights

Modify, as appropriate, to: (1) comply with current law, and (2) reflect current practices.

Article 7: Performance Review

Modify to enhance the process and quality of the reviews.

Articles 8 and 9: Salaries and Compensation and Benefits

Negotiate fair and equitable adjustments to total compensation, consistent with our District's ability to pay now and in the future, in light of the economy.

Article 10: Work Day/Work Year

Modify to ensure that the needs of students and programs are met.

Article 11: Leaves

Ensure that current contract provisions comply with current law and reflect current practices (e.g. FMLA and union leave) The District also has an interest in negotiating cost-saving measures.

Article 12: Holidays

Modify, as appropriate, to: (1) comply with current law, and (2) reflect current practices.

Article 14: Layoffs

Modify, as appropriate, to: (1) comply with current law, and (2) reflect current practices.

Article 16: Grievance Procedure

Modify to increase collaborative problem-solving with an overall goal of prompt, proper and equitable solutions.

Article 17: Transfer

Modify the timeline and processes to ensure that the needs of students and programs are met.

Article 18: Promotion

Modify to ensure that the most qualified candidates are selected.

Article 19: Recess Assignments

Modify to ensure that the needs of students and programs are met.

Article 21: Training

Modify to focus on enhancing performance in present assignments.

Article 22: Definitions

Amend as appropriate and modify the length of the probationary period.

Article 23: Term of Agreement and Reopeners

The District has an interest in entering into a new three-year agreement with 2010/2011 being closed and limited reopeners in 2011/2012 and 2012/2013.

Appendices, Memoranda of Understanding and Addendum:

Review all existing – including those that are attached to the Agreement. Assess current viability and either: (1) incorporate into the contract, (2) delete/abolish, or (3) continue as appendices.

The District will also present proposals regarding the following:

Article 1: Agreement:

Amend terms of the agreement and ensure language conformance

Articles 2: Recognition:

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 3::Management Rights

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 5: Non-Discrimination

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 6: Employee Rights

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 13: Safety

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 15: Disciplinary Action and Appeal

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 20: Equipment

Assess current viability and either revise or delete/abolish

Article 24: Non-Strike Clause

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 25: Savings Clause

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

Article 26: Completion of Agreement

Modify, as appropriate, to comply with current law, reflect current practices, and conform to contract language

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: March 30, 2011
RE: Joint Initial Proposal of the Berkeley Unified School District and the Professional and Technical Engineers, Local 21, for the 2011-2012 School Year

BACKGROUND INFORMATION:

The term of the latest collective bargaining agreement between the Berkeley Unified School District and the Professional and Technical Engineers, Local 21, expires June 30, 2011.

Joint Initial Proposal

The District and the Union present for **public hearing**, the following joint initial proposal for negotiations covering the 2011-2012 school year. This “Sunshine” of the initial bargaining proposal must be made public before collective bargaining can begin.

The terms and conditions set forth in the current Collective Bargaining Agreement (“Agreement”) between the parties shall remain in full force and effect except as specifically provided below:

Article 1 Term: Amend language to extend the term (duration) of the current Agreement by one year to result in a new term of July 1, 2008 through June 30, 2012.

Article 8 Compensation: Negotiate fair and equitable adjustments to total compensation, consistent with our district’s ability to pay in light of the economy.

The parties specifically propose to maintain any language that allows or requires reopener negotiations on specific subjects and/or under specific circumstances during the term of the Agreement, such as but not limited to those in Article 28 (Savings Clause) and 26 (Reopeners).

POLICY/CODE

Government Code Section 3547
Board Policy 4143.1 and 4243.1

FISCAL IMPACT

None

STAFF RECOMMENDATION

Allow public review and comment, approve the request to negotiate, and direct staff to establish parameters to negotiate a successor agreement.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: March 30, 2011
RE: Joint Initial Proposal of the Berkeley Unified School District and The Union of Berkeley Administrators, for the 2011-2012 School Year

BACKGROUND INFORMATION:

The term of the latest collective bargaining agreement between the Berkeley Unified School District and The Union of Berkeley Administrators expires June 30, 2011.

Joint Initial Proposal

The District and the Union present the following joint initial proposal for negotiations covering the 2011-2012 school year. This “Sunshine” of the initial bargaining proposal must be made public before collective bargaining can begin.

The terms and conditions set forth in the current Collective Bargaining Agreement (“Agreement”) between the parties shall remain in full force and effect except as specifically provided below:

Article 1 Agreement:

Amend the language to extend the term to June 30, 2012.

Articles 12 and 13: Work Year and Compensation: Negotiate fair and equitable adjustments to total compensation and work year, consistent with our district’s ability to pay in light of the economy

Article 15 Expiration of Contract and Reopeners:

Amend language to:

- Extend the term (duration) of the current Agreement by one year to result in a new term through June 30, 2012. (15.1)
- Start the meet and negotiate process for the Successor Agreement on or before April 15, 2012. (15.2)
- Submit Initial Proposals to the other party in writing by April 10, 2012. (15.3)

The parties specifically propose to maintain any language that allows or requires reopener negotiations on specific subjects and/or under specific circumstances during the term of the Agreement, such as but not limited to those in Article 14 (Savings Clause).

POLICY/CODE

Government Code Section 3547 and Board Policy 4143.1 and 4243.1

FISCAL IMPACT

None

STAFF RECOMMENDATION

Allow public review and comment, approve the request to negotiate, and direct staff to establish parameters to negotiate a successor agreement.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
Susan Craig, Ed.D., Director, Student Services
DATE: March 30, 2011
SUBJECT: Response to Weapons on Campus

BACKGROUND INFORMATION

This special Board meeting tonight has been called in response to the four recent incidents regarding firearms at Berkeley high schools; three of the incidents have occurred at Berkeley High School, and one incident occurred at B-Tech. These incidents are of serious concern to the District and the community of Berkeley. Ensuring the safety of BUSD students and staff is of paramount importance to all of us. Therefore, the District and the high school administration have responded with several measures to be implemented as soon as possible to address the issue of weapons on school campuses and ensure safety at BUSD schools.

District and site administrators have initiated the following steps:

- Berkeley High School Principal held a school-wide staff meeting on Thursday, March 24, to discuss recent events, talk to staff about this plan and their roles, and review school safety procedures.
- Administrators at Berkeley High School are meeting with all students in their history classes this week to explain rules and consequences of weapons on campus, explain the dangers of weapons, and explain how students can confidentially report information about weapons on campus and other dangerous situations at school.
- Focus groups with students have been scheduled for this week to learn from students the possible reasons students are bringing guns and weapons into campus. The focus groups are being led by select Berkeley High School staff to allow students the opportunity to express their concerns.
- An anonymous tip telephone hotline to report weapons on campus - 1-866-SPEAK UP - has been created and publicized to students and parents; a text message option will soon be added.
- Two additional Safety Officers have been added at Berkeley High School until Spring Break, and they will continue after Spring Break if warranted. Safety Officers are providing hourly patrols of bathrooms and other out of the way areas on campus.

- An additional Safety Officer was added to B-Tech approximately one month ago for the remainder of the school year.
- Administrative support has been added to Berkeley High School on a temporary basis for the remainder of the school year specifically to implement these proactive steps to reduce weapons on campus.
- The Berkeley Police Department is meeting with Berkeley High School and District staff to assist with student education regarding safety and consequences, assist with parent information regarding safety issues, and review the role of the School Resource Officer on campus.
- Berkeley High School and District staff held a Parent Forum on Monday evening, March 28, to address concerns and discuss steps being taken to prevent further incidents of guns on campus. Speakers at the forum included Berkeley Police Department's Sergeant Louis and Pastor Michael McBride.

Staff intends to review these steps and discuss this issue with the Board.

POLICY/CODE

Board Policy 5131.7

FISCAL IMPACT:

Approximately \$47,500 for additional staff as indicated above

STAFF RECOMMENDATION

Receive for information.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
Susan Craig, Ed.D., Director, Student Services
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Staff intends to review these steps and discuss this issue with the Board.

POLICY/CODE

Board Policy 5131.7

FISCAL IMPACT:

Approximately \$47,500 for additional staff as indicated above

STAFF RECOMMENDATION

Receive for information.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 30, 2011
SUBJECT: Staff Proposed Budget Cuts

BACKGROUND INFORMATION

This report is to inform the Board of Education of staff recommendations for proposed budget reductions for Fiscal Year 2011-2012. These recommendations are not final and are not being presented to the Board for action. The proposed recommendations have been presented to the Superintendent's Budget Advisory Committee. The Superintendent will consider input from the Committee and present final recommendations to the Board for formal action in May 2011.

Based on the Governor's proposed budget reductions, BUSD will need to cover a reduction in Unrestricted General Fund revenue of \$700,000 for Fiscal Year 2011-2012. There could be changes to the proposed budget in the Governor's May Revision or the final state budget. The changes this year could significantly increase the proposed reduction to education. In anticipation of the Governor's proposed extension of taxes failing a second set of reductions, Scenario B is also presented to the Board for information. This reduction of \$3.65 million is based on a loss of \$349 per student from the revenue limit. Within Scenario B, there are two options that utilize different mixtures of class size increase, furlough days and a reduction in 4th and 5th grade preparation time. Scenario B includes all reductions listed in Scenario A.

The attached summary report contains staff recommendations for reducing Unrestricted General Fund expenditures by \$700,000 for Scenario A and \$3.65 million for Scenario B.

STAFF RECOMMENDATION

Receive information on staff proposed budget reductions

Staff Proposed Reductions by Department - Scenario A

Department	Category	Staff Recommendation
Adult School Staffing Reductions	Adult School charge additional fees/reduce programs (Scenario A) BSEP pay for 5.5 FTE ULSS staff (Scenario A)	225,000 475,000
	TOTAL	\$700,000

Staff Proposed Reductions by Department - Scenario B

Department	Category	Staff Recommendation
District-wide	Reduction in Meals for the Needy Transfer to Food Services	100,000
	Reduce BHS Graduation Costs	20,000
	Charge full cost for Fingerprinting Reduction in Cell Phone Cost	25,000 10,000
Adult School	Adult School charge additional fees/reduce programs (Scenario A)	225,000
	Make Adult Offsite Classes pay for themselves	130,000
	Eliminate subsidy for Inner City Services (ICS)	80,000
	Additional Adult School Budget Reductions	600,000
Staffing Reductions and Transfers	BSEP pay for 5.5 FTE ULSS staff (Scenario A)	475,000
	Eliminate Mechanics Supervisor in Transportation	85,000
	Measure BB to pay for Network Engineer	35,000
	LEARNS/BEARS to pay for Custodians	50,000
	SUB-TOTAL BUDGET REDUCTIONS	\$1,835,000
OPTION B-1	4 Furlough days for all staff - See Note A	\$1,200,000
	Increase Secondary Class Size from 28:1 to 29:1, using parcel tax funds to reduce the general fund share of class size reduction (7.0 FTE)	\$600,000
TOTAL OPTION B-1		\$1,800,000
OPTION B-2	Increase Secondary Class Size from 28:1 to 30:1, using parcel tax funds to reduce the general fund share of class size reduction (15.2FTE)	\$1,300,000
	Reduce release time for Grades 4 & 5 Teachers (eliminate 2 out of 5 periods weekly) - See Note B	\$200,000
	1 Furlough day for all staff - See Note A	\$300,000
TOTAL OPTION B-2		\$1,800,000
TOTAL WITH OPTION B-1 OR B-2		\$3,635,000

(A) Requires negotiation with all bargaining units. **(B)** Requires negotiation for FY 2012-2013