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**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 – MEETING AGENDA*
Wednesday, May 25, 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. 1011-24 -011194
- c) Collective Bargaining
- d)Public Employee
Discipline/Dismissal/Release/Evaluation/Appointment/Reassignment
- e)Liability Claims
- f)Property Acquisition & Disposal

* 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 Regular Meeting Agenda of May 25, 2011

RECOGNITION

Kim Laurance and Hilary Mitchell, Washington Elementary teachers, for their leadership in addressing issues of equity

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

Lifelines Presentation by Pastor Michael McBride with Stewart Wakeling and Koshland group

P&O Committee statement on BSEP Class Size Reduction funds

CONSENT CALENDAR

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.

Human Resources

2.1-C Personnel Recommendations	<u>Staff Recommendation:</u> Accept Personnel Report No. 5-25-11	11
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Educational Services

3.1-C CTE Longfellow Middle School Grant for 2011-12 School Year	<u>Staff Recommendation:</u> Approve CTE Longfellow Middle School Grant for 2011-12 School Year	12
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3.2-C Approval of Overnight Field Trips	<u>Staff Recommendation:</u> Approve the overnight field trips consistent with District policies and instructional programs	14
3.3-C Approval of BSEP Measure A Funds for Visual and Performing Arts (VAPA) in FY 2011-12	<u>Staff Recommendation:</u> Approve the proposal for BSEP/Measure A funds for the Visual and Performing Arts Programs in FY 2011-2012	16
3.4-C Approval of BSEP/Measure A Funds for the Library Program in FY 2011-12	<u>Staff Recommendation:</u> Approve the proposal for BSEP Measure A Funds for the Library program in FY 2011-12	22
3.5-C Approval of Expenditure of BSEP Measure A Funds for Class Size Reduction in FY 2011-12	<u>Staff Recommendation:</u> Approve the expenditure of BSEP Measure A Funds for Class Size Reduction in FY 2011-12	28
<u>Business Services</u>		
4.1-C Approval of Contracts and Purchase Orders	<u>Staff Recommendation:</u> Authorize the Deputy Superintendent and/or Purchasing Agent to approve contracts and purchase orders	37
4.2-C Approval of Listing of Warrants Issued in April 2011	<u>Staff Recommendation:</u> Approve the listing of warrants issued in April 2011	39
4.3-C Approval of Payroll Warrants Issued in April 2011	<u>Staff Recommendation:</u> Approve payroll warrants issued in April 2011	41
4.4-C Intra-Budget Year End Transfers	<u>Staff Recommendation:</u> Approve Resolution No. 11-59 to make year-end transfers with the approval of the Alameda County Office of Education	43
4.5-C Memorandum of Understanding Between Berkeley Adult School and The Bread Project	<u>Staff Recommendation:</u> Approve the Berkeley Adult School/The Bread Project Memorandum of Understanding	46

4.6-C
Approval of Increases to Master Contracts for one non public school and one non public agency

Staff Recommendation:
Approve and authorize increases to the Master Contracts for Bayhill High School (non public school) and Center for Education of Infant Deaf (CEID), a non public agency **55**

ACTION ITEMS

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

Human Resources:

2.1-A
Resolution to Eliminate or Reduce Certain Classified Positions

Staff Recommendation:
Approve Resolution to eliminate or reduce certain classified positions **56**

Educational Services:

3.1-A
Proposal for a Two-Way Immersion Working Group to Plan the Consolidation of TWI at One Site

Staff Recommendation:
Approve the proposal for a Two-Way Immersion Working Group to plan the consolidation of TWI at one site **58**

INFORMATION ITEMS

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

Educational Services

3.1-I
Board Policy and Administrative Regulation for Seal of Bi-literacy

Staff Recommendation:
Accept Board Policy and Administrative Regulation for Seal of Bi-literacy as First Reading **61**

3.2-I
Board Policy for Translation

Staff Recommendation:
Accept Board Policy for Translation as First Reading **64**

3.3-I
Progress Report on Work to Eliminate Weapons at Berkeley High School

Staff Recommendation:
Accept Progress Report on Work to Eliminate Weapons at Berkeley High School for Information **66**

Business Services

4.1-I Superintendent's Proposed Budget Reductions	<u>Staff Recommendation:</u> Receive the Superintendent's proposed budget reductions to balance budget for fiscal year 2011- 2012 for information	68
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Facilities

5.1-I Extension of the Date for Bid Opening at Hillside School	<u>Staff Recommendation:</u> Receive extension of the date for bid opening at Hillside School for information	71
5.2-I Facilities Plan Update	<u>Staff Recommendation:</u> Receive facilities plan update as information	72

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

June 1 – Study Session	September 21
June 8	October 12
June 22	October 26
June 29 – tentative	November 9
August 24	November 16*
September 14*	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.

District Goals 2010 – 2013

I. Curriculum & Instruction: Increase the academic achievement of all students through effective instruction, a challenging and engaging curriculum, and aligned assessments.

A.Pre-K: Prepare pre-school children for success in elementary school by providing age-appropriate curriculum and instruction that nurture and develop children's academic, social, emotional and physical well-being.

B.ELA and Math Instruction: Prepare all students for continued success in English Language Arts and Mathematics by providing high quality instruction geared to student needs including appropriate modifications and accommodations.

C.English Language Development: Provide direct instruction in English Language Development to ensure that every English Learner gains at least one English language proficiency level each year.

D.Evaluation and Assessment: Use data from multiple measures to monitor student progress, guide instruction and evaluate the effectiveness of our programs, and share this information with the staff, the Board and the community.

II.Strategies to Promote Student Success: Implement strategies to engage students in their learning and interventions to eliminate barriers to student success.

A.Student Engagement: Address the needs of the whole child by engaging students in the visual and performing arts, physical education and athletics, career and technical education, and gardening and cooking programs.

B.ULSS / RTI²: Implement a continuum of academic, behavioral, and/or other intervention strategies through the Universal Learning Support System (ULSS), as ULSS is the district's model of Response to Intervention and Instruction (RtI²).

C.Positive Behavior Support: Develop and utilize a positive behavior system as well as prevention and intervention programs for specific behaviors that impede student success, such as alcohol and drug use and abuse, truancy, expressions of extreme anger, and repeated suspendable offenses.

D.Disproportionality: Reduce the disproportionate racial representation of students suspended or expelled and students identified for Special Education services.

E.Educational Options for Secondary School Students: Develop engaging and innovative educational options for secondary students, including career technical education.

F. Extended Learning Opportunities: Provide students with academic enrichment and supervised activities that complement the classroom curriculum beyond the traditional school day.

G. Transitions: Improve transitions for students as they move from pre-school to kindergarten, from elementary to middle school, from middle to high school, and from high school to post-secondary as well as the transitions from Special Education and English Learner status to the mainstream.

III. Family/Community Engagement: Establish partnerships with our families and community to increase academic success for all students.

A. Family Engagement Framework: Develop greater family involvement in the schools and the community by adopting a framework that offers multiple ways for parents to partner with educators to ensure their children's success in school.

B. Family Leadership & Advocacy Training: Strengthen parents' capacity to be effective leaders in their schools and the community and advocates for their children by providing parent trainings and forums in formats that honor the cultures and languages of our community.

C. Family Advisory Council: Support the City and the Berkeley Alliance in establishing a representative Family Advisory Council to ensure parent input in the development and evaluation of the 2020 Vision projects.

D. Communication: Engage and inform our staff, families, and key partners by developing and implementing a comprehensive communications plan.

IV. Cultural & Linguistic Relevance: Ensure that all systems are culturally and linguistically responsive to the needs of our students and their families.

A. Culture and Climate of District and Schools: Ensure that all schools and departments welcome and support all our students and their families by prioritizing a focus on equity at each site, ensuring customer friendly service, and providing language access, all supported by district policy.

B. Recruit and Retain Teachers and Administrators of Color: Develop and invest in prospective and current teachers and administrators of color by identifying career pathways and establishing networking, mentoring and other support systems.

C. Professional Development: Create a culturally and linguistically responsive climate throughout the district through focused professional development.

V. Resources: Generate and equitably allocate resources for programs and services that enable every student to succeed.

A. Efficient Use of Resources: Improve and streamline District wide systems, services and operations through the use of enhanced tools and technology that will provide additional time and resources to meet current and future student needs.

B.Parcel Tax and Bond Revenues: Provide the best possible education for all students by effectively utilizing local parcel tax and bond revenues.

C.Partnerships: Maximize public and private resources to support greater student success by strengthening partnerships with the City, the Berkeley Alliance, the Berkeley Public Education Foundation, U.C. Berkeley, and other stakeholders.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: May 25, 2011
SUBJECT: APPROVAL OF HUMAN RESOURCES REPORT 5.25.11
 The following is submitted for review and acceptance.

CERTIFICATED EMPLOYEES						
Name	Classification (Temporary, Probationary or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>SEPARATIONS</u>						
Serene McCabe	Permanent	Speech Therapist	1.0	Special Ed.	6/17/11	
Katherine Roberts	Permanent	Teacher	1.0	Washington	7/29/11	
Miranda Thorman	Permanent	Teacher	1.0	BHS	6/17/11	
<u>LEAVES</u>						
Katherine Roberts	Permanent	Teacher	1.0	Washington	3/16/11	6/17/11
<u>NEW HIRES</u>						
Anna Brown	Temporary	Teacher	.40	BHS	2/15/11	6/17/11
<u>CHANGES</u>						
Deborah Garcia	FTE .40	4/22/11				
				<u>PRIOR REPORT INFORMATION</u>		<u>BOARD REPORT DATE</u>
				Deborah Garcia-D' Angelo, FTE .40 4/20/11	5/11/11	

CLASSIFIED EMPLOYEES						
Name	Classification (Limited Term, Provisional, Temporary, Probationary, or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>NEW HIRES OR REHIRES</u>						
Roland Anderson	Limited Term	Micro Computer Tech.	200 total hours	Technology	2/1/11	6/30/11
Stephanie Bastos	Limited Term	Instructional Specialist (Dance)	3hrs/week	Arts Magnet	3/25/11	5/27/11
Travis Dennis	Limited Term	School Safety Officer	464 total hours	BHS	3/23/11	6/17/11
Wilbert Essex	Probationary	School Bus Driver	.80	Transportation	5/3/11	1/12/12
Joyce Moore	Probationary	Instructional Specialist (Garden)	.20	B-Tech	3/15/11	11/28/11
Robert Sanders	Limited Term	School Safety Officer	464 total hours	Longfellow	3/23/11	6/17/11

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
Susan Craig, Director of Student Services
DATE: May 25, 2011
SUBJECT: Longfellow Arts and Technology Middle School SB 70 Middle Grades
Career Technical Education and Career Pathways Grant Application

BACKGROUND INFORMATION

Longfellow Middle School has submitted an application for the SB 70 Middle Grades Career Technical Education (CTE) and Career Pathways Grant. The total funding requested for the 2011-2012 school year is \$150,000, which includes \$55,000 for personnel costs, \$66,800 for equipment and supplies, \$15,000 for professional development, and \$13,200 for indirect costs.

If awarded, the grant will fund a pilot after-school elective class titled “Exploring California’s Future Careers.” The class will introduce students to careers in four expanding areas: (1) green technology, (2) engineering/robotics, (3) health and biotechnology, and (4) multimedia/information technology. The class is being designed for an enrollment of 30 eighth grade students each year.

Staff from Berkeley High School and Longfellow will collaborate in developing the “Exploring California’s Future Careers” curriculum as the course is intended to tie in with career pathways in three of Berkeley High School’s small learning communities: Green Academy, Community Partnership Academy, and Communication Arts and Sciences. Opportunities for field trips and access to community resource activities which are currently available for Berkeley High School students will be expanded to include Longfellow Middle School students. The successes and limitations of the course will be assessed and evaluated by a panel of educators at the end of the 2011-2012 school year.

At this point, the Board is being asked to approve the application. If Longfellow is awarded the grant, it will be presented to the Board again to allow the Board to accept the grant.

POLICY/CODE

SB 70

DISTRICT GOAL

II. E. Educational Options for Secondary School Students: Develop engaging and innovative educational options for secondary students, including career technical education.

FISCAL IMPACT

\$150,000 in grant funding to develop a CTE strand at Longfellow

STAFF RECOMMENDATION

Approve the grant application for a CTE program “Exploring California’s Future Careers” at Longfellow Middle School.

Appendix C

SB 70 Middle Grades Career Technical Education and Career Pathways Grant

2010–11 Application

Budget

APPLICANT	BERKELEY UNIFIED SCHOOL DISTRICT		
ADDRESS	2145 MARTIN LUTHER KING, JR WAY BERKELEY, CA 94704		
FUNDING REQUEST	\$150,000.		
AUTHORIZED AGENT	JAVETTA CLEVELAND		
	(510)644-8593 JAVETTA_CLEVELAND@BERKELEY.K12.CA.US		
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EXPENDITURE CODES/BUDGET CATEGORIES	MATCHING FUNDS	GRANT FUNDS	TOTAL FUNDS
1000 CERTIFICATED SALARIES	\$17,800.00	\$45,000.00	\$62,800.00
2000 CLASSIFIED SALARIES	\$8000.00	\$3200.00	\$11,200.00
3000 EMPLOYEE BENEFITS	\$4902.00	\$6800.00	\$11,702.00
4000 BOOKS AND SUPPLIES	\$5000.00	\$35,500.00	\$40,500.00
5000 SERVICES AND OTHER OPERATING EXPENDITURES (OTHER THAN TRAVEL EXPENDITURES)	\$500.00		\$500.00
5200 TRAVEL AND CONFERENCES		\$15,000.00	\$15,000.00
6000 CAPITAL OUTLAY		\$31,000.00	\$31,000.00
7000 INDIRECT CHARGES (CDE APPROVED RATES APPLY)		\$13,500.00	13,500.00
<hr/>			
TOTALS	\$35,702.	\$150,000.	\$186,202.00
SIGNATURE	SIGNATURE OF AUTHORIZED AGENT		
	DATE SIGNED		

Appendix D

SB 70 Middle Grades Career Technical Education and Career Pathways Grant

2010–11 Application

Budget Narrative

See Expenditure Code Descriptions and Budget Narrative Examples (Appendix E) when completing this form. Appendix E also contains a link to CDE's Indirect Cost information.

APPLICANT	BERKELEY UNIFIED SCHOOL DISTRICT LONGFELLOW ARTS AND TECHNOLOGY MIDDLE SCHOOL
ADDRESS	@145 MARTIN LUTHER KING, JR WAY BERKELEY, CA 94704
FUNDING REQUEST	\$150,000.00
AUTHORIZED AGENT	JAVETTA CLEVELAND
	(510) 644—8593 JAVETTA_CLEVELAND@BERKELEY.K12.CA.US

GRANT FUNDS

EXPENDITURE CODES	EXPLANATION OF EXPENDITURE	GRANT FUNDS
1000	2 .20 FTE TEACHER, 80 HOURS OF TEACHER CURRICULUM DEVELOPMENT AND COLLABORATION, 20 SUB DAYS	\$45,000.00
2000	2 HOURLY LAB ASSISTANT 5 HOURS PER WEEK - \$16.PER HOUR	\$3,200.00
3000	19% OF WAGES EARNED (RETIREMENT AND HEALTH AND WELFARE)	\$6800.00
4000	ADOBE SOFTWARE, LEGO MINDSTORM (8 PACK), ROBOTICS PARTS, PHYSIOLOGY PROBEWARE BUNNDS, SPHYGMOMANOMETERS, STETHOSCOPES, THERMOMETERS, MICROSCOPES, LABWARE, ENVIROMENTAL SCIENCE PROBEWARE BUNDLES, SOLAR KITS, ENGINEERING BUILDING DESIGN MATERIALS, EXTERNAL MICROPHONE, BATTERY PACKS, SD CARDS, TRIPODS, POWERSTRIPS, PRINTER INK, PHOTO PAPER, PAPER, DREAMWEAVER, IWORKS, FINAL CUT SOFTWARE	\$35,000.00
5000		
5200	CONFERENCES(HEALTH SCIENCE EDUCATOR'S INSTITUTE, CUE, GREEN PATHWAYS) TEAM OF THREE TO CONFERENCES, FIELDTRIPS (PIXAR, CHILDRENS HOSPITAL OAKLAND, HALL OF HEALTH, THE TECH MUSEUM, LAWRENCE HALL OF SCIENCE, BERKELEY CITY COLLEGE	\$15,000.00
6000	12 MACMINI S WITH MONITOR, 2 IMAC, 3 PRINTERS , 2 VIDEO CAMERAS, 30 NETBOOKS, 4 36 INCH FLAT SCREEN MONITORS, 2 DIGITAL PROJECTORS, 2 DOCUMENT CAMERAS,	\$31,800.00
7000	9%	13,500.00

TOTALS		\$150,000.
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Appendix D
(Continued)

**SB 70 Middle Grades Career Technical Education
and Career Pathways Grant**

2010–11 Application

Budget Narrative

MATCHING FUNDS

EXPENDITURE CODES	EXPLANATION OF EXPENDITURE	MATCHING FUNDS
1000	PRINCIPAL .10 ACADEMIC COUNSELOR .10	\$10,000. \$7800.
2000	SECRETARY .10 EXTENDED DAY PROGRAM COORDINATOR .10	\$4000. \$4000.
3000	FRINGE (RETIREMENT AND HEALTH AND WELFARE) FOR THE ABOVE EMPLOYEES	\$4902
4000	PAPER, PENS, PENCILS, NOTEBOOKS, CDW'S , MARKERS, WHITEBOARDS, HAND SOAP, PAPERTOWELS,	\$5000.
5000	CAREER LOCKER DISTRICT LIICENSE	\$500.
5200		
6000		
7000		
TOTALS		\$36,202.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: May 25, 2011
SUBJECT: Overnight Field Trip Requests

BACKGROUND INFORMATION

The following overnight field trip requests are being made:

U.S. Rowing Youth National Championships, Oak Ridge, Tennessee, June 8 – 12, 2011.

Approve participation of five (5) students, two (2) teachers, and four (4) other adults from Berkeley High School's Crew team on a four-day, three-night field trip to the U.S. Rowing Youth National Championships, Oak Ridge, Tennessee. The group will travel via commercial airline and depart on June 8 at 5:00 a.m., and return at 12:00 a.m. on June 12, 2011. Parents will transport their student to and from the airport. The purpose of this trip is for the Varsity Boys Crew Team from Berkeley High School to compete in the National Championships. The team will stay at the Comfort Suites Hotel in Knoxville, Tennessee, and will be supervised by coaches and parent chaperones. The \$500 cost per student is being paid by parent donations. No student will be denied access based on inability to pay. Requested by Paquale Scuderi, B.H.S. Vice Principal.

Tilden Regional Park, Berkeley, CA, June 8 – 9, 2011.

Approve participation of one-hundred-sixty (160) second and third grade students, eight (8) teachers, and twenty (20) other adults on a two-day, one-night field trip to Tilden Regional Park. The group will depart Thousand Oaks at 10:00 a.m. on Thursday, June 2, and return on Friday, June 3, at 2:00 p.m. BUSD will provide transportation. Students will learn about the lifestyles of Berkeley's earliest inhabitants, study animal habitats, and the solar system. Students sleep outdoors in supervised, gender specific areas of the camp. The cost of \$15 per student will be paid from a PTA grant, and parent donations. No student will be denied access based on inability to pay. Requested by Julianna Sikes, Thousand Oaks Principal.

Anthony Chabot Regional Park, Oakland, CA, June 10 - 11, 2011.

Approve participation of fifty (50) B.H.S. English Learner Newcomers, two (2) teachers, and three (3) other adults on a two-day, one-night field trip to the Puma Point Group Camp at Anthony Chabot Regional Park. Parents will drop students off at the campsite between 5:00 and 7:00 p.m. on June 10, and pick students up between 11:00 a.m., and 12:00 p.m. on June 11, 2011. The trip will allow English Learner Newcomer Immigrants

to experience camping for the first time. Students will work on effective communication and collaboration. Students will sleep supervised in gender specific tents. The cost of \$99 per student will be funded by BHS Development Grant funds for English Learners. No student will be denied access based on inability to pay. Requested by Pasquale Scuderi, B.H.S. Principal.

DISTRICT GOAL

II. F. - Extended Learning Opportunities: Provide students with academic enrichment and supervised activities that complement the classroom curriculum beyond the traditional school day.

POLICY/CODE

Education Code, Section 35330
Board policy 6153

FISCAL IMPACT

As indicated above.

STAFF RECOMMENDATION

Approve the overnight field trips consistent with the District Policies and instructional programs.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent for Educational Services and Suzanne McCulloch, Visual & Performing Arts Coordinator
DATE: May 25, 2011
SUBJECT: Recommendation for expenditure of funds from the *Berkeley Public Schools Educational Excellence Act of 2006* (Measure A of 2006) for the Visual and Performing Arts Programs in 2011-12

BACKGROUND INFORMATION:

The Berkeley Public Schools Educational Excellence Act of 2006 (Measure A of 2006) allocates 6.25% of the available revenues annually to:

Providing quality instructional programs in music and the visual 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, services and equipment necessary to conduct these programs. (Section 3.B.ii.b)

The Annual Plan for the expenditure of the BSEP/ Measure A monies to support the Visual and Performing Arts Program (VAPA) in 2011-12 was discussed by the VAPA Subcommittee from January through March, 2011. The VAPA Plan was presented to the BSEP Planning and Oversight Committee on April 26, 2011, and adopted by the Committee on May 10, 2011.

BSEP/Measure A funds will provide for the continuation of the grades 4-8 instrumental and choral music program and also for support for arts instruction and professional development in arts integration in the elementary and middle schools.

Music Staffing

\$1,178,100

In the 2011-12 school year, third grade students will continue to receive music instruction once each week during release time; the 1.44 FTE is supported by the General Fund. The instructional focus is on ear training, rhythm and note reading using Orff pitched percussion instruments, recorders, and the voice.

Fourth and fifth grade students receive music instruction twice per week during two of the five release periods of the classroom teachers, funded by the BSEP/Measure A music budget. Four types of instruction are delivered—strings (orchestra), woodwinds and brass (band), percussion and choral music—by providing three music teachers for the prep period of every two classroom teachers (4.24 FTE total) Several additional music teachers may be assigned for 4th and 5th grades as needed to provide an optimal learning environment and to allow for grade level groupings where there are combination classes (4.4 FTE). (The total number of classes for the 2011-12

school year may need to be altered when school opens based on variances in enrollment.)

Enrollment in music classes at the middle schools grew by slightly more than 100 students in 2010-11. A total of 665 students choose between 6th Grade Band, 7th-8th grade Band, Orchestra and Chorus. Classes are held five days a week, usually zero period Jazz Band and Modern Music are after school electives four days a week at King (2.40 FTE). In 2010-11 a sixth grade Orchestra class was added at King and Band students at Willard had the option of joining the Jazz Band three days a week. In 2011-12 there will be one Orchestra at King, grades 6-8, and three bands zero period to accommodate the large number of students who have signed up for Band. Jazz Band will continue at the three middle schools. 34% of middle school students participate in music.

The total FTE calculation is:

- Music Teachers, grades 4-8, 11.04 FTE
- District Program Supervisor, 1.0 FTE
- Music Library Technician, 1.0 FTE
- Music Tutors and Instructional Specialists for middle school sectionals (hourly) 2 IS and 4 tutors = approx. \$7,000
- Substitutes for Cazadero, Berkeley Symphony and other events = approx \$6,000

Total = 12.04 FTE certificated staff; 1.0 FTE classified staff; hrly = \$1,261,365

Reserve for personnel variance, 3% = \$35,000

Professional Development: Arts Anchor Schools \$95,500

Recognizing that quality professional development has a lasting impact on the quality of teaching, the VAPA plan supports arts integration modeling and coaching in the classroom for elementary teachers at the Arts Anchor schools. Teachers at the Arts Anchor schools design the professional development focus as a team and work with an arts provider (e.g. MOCHA) or a certificated arts teacher to plan integrated arts curriculum. The teaching-artist or certificated teacher models classroom teaching of the art form and coaches the classroom teachers in teaching and integrating the art form (dance, theater, visual arts, or music). Teams meet regularly as a group and with the arts provider to discuss and refine integrated curriculum with the goal of deeper learning and understanding for all students.

Classroom teachers value modeling and coaching professional development because the teaching artist becomes part of the Arts Anchor team, collaborating with the classroom teachers on writing curriculum and designing arts integrated units of study. Coaching strengthens the teacher's skills as it provides a one-on-one opportunity for reflection and support. For example, at Berkeley Arts Magnet, teachers have been working with a teaching artist from

MOCHA (Museum of Children's Art). In addition to model teaching and coaching, the teaching artist provided professional development and community building for the whole staff and a family art night.

Principals and teachers report a new level of confidence among classroom teachers in undertaking arts integration on their own. Classroom teachers eagerly choose curriculum and an art focus for the year. Dance and class plays have become "something we do at this school" and student displays throughout the school express the "student as artist" vision. Nine K-5 schools and one middle school participated in the Arts Anchor Program in 2010-11. All plan to continue in 2011-12.

During the 2010-11 school year, additional professional development was provided for K-8 visual arts teachers and K-12 music teachers on district wide staff development days. Music teachers participated in workshops with Sarah Noll (teaching singing to large groups) and Bruce Munson (using Sibelius music editing software). Visual arts teachers collaborated on planning a sequential curriculum and developing assessment rubrics. Dance teachers shared curriculum and arts integration strategies. In 2011-12, we are recommending that professional development for 22 K-8 arts teachers continue to be provided on staff development days. Music teachers are able to enroll in summer Orff certification courses.

Performing Arts Teachers for the Middle Schools **\$30,000**

In 2009-10 funds for middle school arts were made available from BSEP Expanded Course Offering monies, .40 FTE for King, .20 FTE each for Longfellow and Willard. In April 2011 the drama, dance and music teachers at King supported by this funding collaborated on a production of *Macbeth*. Willard continued an after school drama production class and Longfellow supported the zero period Modern Music class.

In the 2010-11 school year, an additional \$30,000 in the VAPA budget was available to be divided among the three middle schools to expand performing arts courses in dance and choral music. The following after school classes were supported: King, dance production class; Longfellow, Jazz Band; Willard, Latin Music, dance and chorus classes.

Instruments and Instructional Materials **\$93,000**

Berkeley is one of the few California school districts to loan instruments to music students so that students of all financial levels have equal access to the program. In addition, students are supplied with music method books and workbooks, recorders, reeds, strings, all instrument accessories and sheet music, while classrooms are provided with music stands, music carts and storage units. Instruments are repaired as needed and new ones purchased to replace those that are beyond repair.

We continue to upgrade the music library collection to help students develop as musicians. As the number of students enrolled in music classes continues to grow at the middle schools (where one new class will be added) so does the need for additional instruments, repairs and instructional materials. As the students become more proficient, there is a need for more sophisticated instruments.

Included in this category is \$2,000 per middle school for drama production materials.

Mileage for Music Teachers \$8,000

All of the elementary and middle school teachers travel between three or four schools a day and five to seven schools during the course of the week. Itinerant teachers are allowed to request reimbursement for the miles traveled between schools. Middle school teachers understand the tremendous educational opportunity provided by participation in local band and orchestra festivals. Students play for adjudicators who give the band or orchestra a score with comments. In addition guest conductors work with the ensembles in clinics. The registrations fees are covered and teachers raise funds for the buses to transport students.

Making Learning Visible \$6,100

As a partner in the Alameda County Office of Education ALLIANCE for Arts Learning Leadership, BUSD participates in March IS Art Education Month each year. These monies are to support the Performing Arts Showcase, the Youth Arts Festival and the Arts Bus, presenting the talents and accomplishments for our students.

In January, two bus loads of Berkeley High School performing arts students travel to all three middle schools in one day, presenting a 50 minute sampler of the dance, drama, vocal and instrumental music and visual arts opportunities at Berkeley High School to the eighth grade students (who will soon be registering for their ninth grade classes at BHS). Experiencing the many options available for participation in the arts at the BHS supports students in their transition from middle school to high school.

Each March, as a component of March IS Arts Education Month, the VAPA Department presents the Performing Arts Showcase, an afternoon of grades 5-12 music at the Berkeley Community Theater. In March of 2011 over 550 students participated in Chorus, Orchestra and Band ensembles by grade level. An enthusiastic audience of over 2000 cheered the student musicians. Teachers are paid hourly for weekend rehearsal and performance time.

Collaborative Partnerships and Additional Support \$10,400

BUSD is fortunate to have the support of strong local arts organizations with which there are on-going partnerships providing participatory opportunities for our students. In 2010-11 all eleven elementary schools took part in the three

stage program with the Berkeley Symphony Orchestra. Fifth graders and middle school students traveled to Cazadero Performing Arts Camp for a “Jumpstart” retreat. Teachers attended workshops and had guest artists visit their classes in conjunction with “School Time Performances” at Cal Performances. This budget includes \$10,000 to support the Berkeley Symphony Orchestra program at the eleven K-5 schools and \$400 to support Cal Performances in the classroom workshops.

Additional Support for Arts Programs in BUSD

The Berkeley Public Education Foundation traditionally supports a number of arts projects proposed by individual teachers at all grade levels. School Governance Councils also have funded arts teachers and projects at several schools, and most school PTAs have provided arts funding. In 2010-11, four elementary schools used their first and/or second grades release time for music instruction and three other elementary schools provided singing classes with instructional specialists. Four elementary schools had part time certificated visual arts teachers and two elementary schools had a certificated dance teacher. New dance electives were added at King, a Jazz Band was added at Longfellow and a chorus and dance class were added at Willard.

The Music Connection (TMC) is a University of California at Berkeley student club, formed in 2006 to provide tutors for BUSD music classes during and after school. During the music release classes TMC students assist the music teachers by working with individuals and small groups of students on technique and as chamber groups. After school 85 TMC volunteers are working at 10 elementary schools and Willard middle school offering individual lessons, small ensemble work and theory instructions. In addition, TMC arranges Cal Band and Orchestra Nights for the fifth graders and middle school students where students participate in the rehearsal playing music at a comfortable level. TMC raises all necessary funds. Parents and students alike have been thrilled with the musical progress students have made while participating in TMC classes.

Budget Summary

BSEP/Measure A Allocation for FY 2011-12	1,418,700
Projected 2010-11 Carryover	380,000
Total BSEP Resources	1,798,700

Projected Expenditures

Music Teacher, Admin & Clerical Staffing	800,600
Music Teacher transfer for GF Release Time	360,000
Other Salary Expense (Tutors and Subs)	17,500
Instruments & Instructional Materials	93,000
Professional Development	95,500
Middle School Performing Arts	30,000
Teacher Travel/Mileage Reimbursements	8,000
Performing Arts Showcase, Arts Bus	6,100
Collaborative Partnerships	10,400
Reserve for Personnel Variance	35,000
Indirect Cost of 6.7%	97,600
Total Expenditures	1,553,700

Revenue and Carryover Less Expenditures **245,000**

An unallocated reserve of \$245,000 to use in future years is projected at the end of FY 2012.

POLICY/CODE

Berkeley Public Schools Educational Excellence Act of 2006 (Measure A) Section 3Bii(b).

DISTRICT GOAL

II-A – Student Engagement: Address the needs of the whole child by engaging students in the visual and performing arts, physical education and athletics, career and technical education, and gardening and cooking programs.

FISCAL IMPACT

Projected expenditure of \$1,418,700 from the BSEP/Measure A VAPA fund and up to \$380,000 of monies carried over from FY 2010-11.

STAFF RECOMMENDATION

Approve the recommendation for the expenditure of BSEP/Measure A funds for the Visual and Performing Arts Programs in FY 2011-2012.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent for Educational Services
and Becca Todd, District Library Coordinator
DATE: May 25, 2011
RE: Recommendation 1 for the Annual Plan for the expenditure of
BSEP/Measure A funds for the Library Program in FY 2011-12

BACKGROUND INFORMATION:

The *Berkeley Schools Educational Excellence Act of 2006* (Measure A of 2006) allocates 7.25% of the available revenues 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, services and equipment for the school libraries.”

BSEP/Measure A funds provide the backbone for library staffing and resources throughout the Berkeley school system. Addressing every student’s academic and independent reading needs with a wide range of books, online resources and integrated programming is at the core of our mission. The library lens of the 2020 Vision strengthens our commitment to developing 21st century skilled thinkers and learners throughout the entire Berkeley school community.

During this past year, under the leadership of the District Library Coordinator, Becca Todd, the “Friends of the BUSD Libraries” committee which includes teachers, parents, BUSD and City of Berkeley library staff and community members, met bimonthly to discuss and support BUSD’s library program. This proposal for the expenditure of the BSEP Library funds in FY 2011-12 was presented to the BSEP Planning and Oversight Committee on April 26, 2011, and adopted by the Committee on May 10, 2011.

BUDGET RECOMMENDATIONS FOR FY 2011-2012

Personnel **\$1,326,200**

****The staffing section is the same as 2010-2011, with increases due to salary increases. (last year \$1,314,000)***

Staffing \$ 1,321,200

Recognizing the integral role that school libraries play in our children’s education, the *Berkeley Public Schools Educational Excellence Act of 2006*

continues the successful stabilization of library staffing which began with monies from *Measure B of 2004*. This has allowed a consistent level of service and support in each of our school libraries. This staffing model shown below is the same as in FY 2010-11 and all positions are currently occupied.

- District Library Coordinator, 1 @ 1.0 FTE
- BHS Teacher Librarians, 2 @ 1.0 FTE/each
- B-Tech Teacher Librarian, 1 @ .60 FTE
- Middle School Teacher Librarians, 3 @ 1.0 FTE/each
- Middle School Library Media Technicians:
 - King 1 @ .80 FTE, Longfellow and Willard 2 @ .53 FTE/each
- Elementary School Library Media Technicians, 11 @ .80 FTE/each
- District-wide Central Media Library Technician, 1 @ .80 FTE
- BHS Library Media Technician, 1 @ .80 FTE

Total = 6.6 FTE certificated staff; 12.26 FTE classified staff

Summer Extended Day Library Program \$5,000

Building on the success of the summer school library program of the previous two years, we would continue staffing the library with a BUSD Library Technician at both BEARS/EDC summer school sites (Malcolm X and Thousand Oaks) for ten hours per week at each site, a total of twenty hours per week for five weeks. This program supports our focus on literacy, and yields strong results by mitigating severe “summer slide”. The Library Media Technicians would provide library visits and book circulation for the EDC students and staff.

Professional Development and Extra Duty Hours \$18,500

****The Professional Development section includes “extra duty hours” which are not included in the monthly positions outlined above.***

Professional Development and Extra Duty

Our staff is able to engage in districtwide professional development initiatives to address the needs of specific populations of students such as English Language Learners, low-achieving students, and GATE students. Sometimes these sessions occur outside of the work day hence extra duty hours are required, and/or there is funding in place for credentialed staff but not classified staff.

School library staff participates in District, regional and statewide workshops and conferences to strengthen their instructional and managerial skills and to stay abreast of developing instructional technologies. Some of the workshops we participate in include: San Mateo County Office of Education Library Staff Summer Training Program; California School Library

Association (CSLA) annual conference and regional workshops; CUE (Computer Using Educators); Internet Librarian Conference; SFPL workshops. The District Library Coordinator also provides ongoing staff development and trainings, including the implementation of AB 307 about Internet Safety and Ethics, and maintains the Library Handbook wiki. This year, the conversion to a new library and textbook automation system will necessitate an additional day of training.

In addition to these general professional development sessions, there are three areas of extra duty hours allotted for specific programmatic reasons:

Preschool: The Book Bag IAs will have three training sessions a year to support the early literacy book-lending program at our three preschools, fostering language development and enjoyment of reading.

Elementary: Two extra duty days at the start of the school year for the Elementary Library Technicians allows them to be participants in the whole school initiatives that are developed during the staff meetings prior to the student start up of the school year, enabling them to better tailor their library collections and programs to the needs at each school site.

Middle School Textbook Management: To provide some supplemental support for textbook management which has become additional work at the middle school level, two extra duty days at the beginning of the school year, one at the end, and the equivalent of two extra duty days spread out over the first and last week of school (i.e. adding one hour per day to the work day) are proposed for this year's plan for the Middle School Library Technicians. The amount of time and resource allocation will be monitored to assess how much encroachment on the regular library program the textbook management is having.

Collection and Resource Development

\$158,400

****The Collection and Resource Development allocation is the same as in 2010-2011, with the inclusion of the every-other-year additional funding for the Spanish collections at the bilingual and TWI schools.***

School Library Collections

\$152,200 (FY 11 \$149,100)

Libraries need to provide print and digital resources for a broad range of reading levels and be aligned with content and information literacy standards to promote students' access to the materials they need for research and free reading. An allotment of \$15 per pupil for library books and materials is proposed for FY 2011-12. The allocation for the continued development of the district's audio-visual collection of the Central Media Library is proposed to continue at \$6,000, which will be applied to

expanding our streaming video and ebook selections as we transition to a more virtual model. This is the same level of funding as FY 2010-11.

Two Way Immersion and Bilingual Programs \$6,200 (*same as two years ago*)

An additional allocation of \$200 per Two Way Immersion (TWI) or bilingual classroom is proposed for the school libraries at those sites which offer these programs. The libraries of the schools that host the TWI or Bilingual programs have an increased demand to serve the academic learning as well as free reading needs of their students in both Spanish and English.

Information Literacy and Access **\$37,600**

Information Literacy and Universal Access \$30,000
(FY 11 \$15,000 + \$3,000)

The district's Library Program is converting its library and textbook automation system to a fully web-based, integrated system called Insignia Software. There is an initial conversion fee, the Library portion of which is reflected here, but the annual renewal cost is half that of our current system, Alexandria, so in the subsequent 4 years a substantial savings will be experienced. [\$8,000 for renewal vs \$18,000]

World Book and TeachingBooks \$7,600

The Library Program also provides instructional resources for students and TeachingBooks.net. These digital resources, which are available to the entire PreK-12 student body and their families, have yearly subscription fees for maintenance.

Online Webpages cost included in Staffing section

BUSD Library Services maintains a web page of central services for staff and families at <http://berkeley.net/library-services> which provides links for home access to our electronic resources. The School Libraries web page links to each of the individual school sites at <http://berkeley.net/school-libraries>. All of the library collections of the K-12 schools and the Central Media Library are searchable online. Each of those libraries maintains virtual library web pages guiding students to additional resources appropriate for their studies.

Technology Upgrades **\$26,000**

Technology Upgrades

An ongoing cycle of maintenance and upgrade of the network of computers and other equipment needed to keep our libraries responsive to patrons' needs is coordinated in conjunction with the Technology Department. We are

also bringing a more consistent instructional capacity (LCD projector, document camera, projection cart, speakers, screen) to each library as an additional component.

Library Services

\$4,500

Central Library Office

Ongoing needs such as preparation of Author Study materials, support for the African American Read In, posters for the California Young Reader Medal, brochures, materials for professional development, reading promotions, and in-town transportation costs for visiting authors, are most efficiently handled in the District Library Coordinator’s office.

BSEP/Measure A Allocation for FY 2012	\$1,645,600
Estimated FY 11 Carryover	526,000
TOTAL AVAILABLE REVENUE	\$2,171,600
EXPENDITURES	
Library Staffing, (including summer)	1,326,200
Professional Development (includes extra duty, middle schl textbook mgmt)	18,500
Collection & Resource Development	158,400
Information Literacy and Access	37,600
Technololgy Upgrades	26,000
Library Office	4,500
Reserve for Personnel Variance (estimated @ 3%)	39,500
Indirect Cost @ 6.7%	108,000
TOTAL EXPENDITURES	\$1,748,700
Difference (projected reserve)	422,900**

*All budget figures rounded to the nearest hundred.

**Library monies remaining from Measure B of 2004 were used for 2010-11 library expenses, allowing for the establishment of this reserve. To maintain the current library staffing model, these monies must be reserved for print and digital books, technology, and other library/literacy programs, as staffing costs will continue to rise over the years, whereas the BSEP tax revenue is relatively static.

POLICY/CODE

Berkeley Public Schools Educational Excellence Act of 2006 (Measure A)
Section 3Bii(a)

DISTRICT GOAL

V-B – Resources – Parcel Tax and Bond Revenues: Provide the best possible education for all students by effectively utilizing local parcel tax and bond revenues.

FISCAL IMPACT

Projected expenditures of \$1,645,600 from the BSEP/Measure A Library fund and up to \$526,000 of monies carried over from FY 2010-11.

STAFF RECOMMENDATION

Approve the recommendation for the expenditure of BSEP/Measure A funds for the Library Program in FY 2011-12.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: William Huyett, Superintendent
DATE: May 25, 2011
SUBJECT: Recommendation for the Expenditure of the BSEP Class Size Reduction Fund in FY 2011-12

Sixty six percent of the revenues raised by the BSEP Measure are allocated to “Smaller Class Sizes, Expanded Course Offerings, and School Counseling Services.” (This is known as the BSEP CSR Fund.)

The BSEP statute states, in part, that the purpose of the BSEP CSR Fund is as follows:

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.

The following recommendation for the expenditures of the BSEP CSR fund in the 2011-12 school year to achieve the class size ratios stipulated in the BSEP Measure was presented to the BSEP Planning and Oversight Committee on March 8, 2011, and was approved by the Committee on May 10, 2011.

Class Size Reduction Staffing Ratios in the 2011-12 School Year

The recommendation for the 2011-2012 school year is to maintain the same staffing ratio for the classrooms as in 2010-11, a ratio of 20:1 for the K-3 grades, 26:1 for 4th & 5th grades, and 28:1 for grades 6 thru 12. This can be achieved by using General Fund monies to establish a ratio of 34:1 for the K-5 grades and 36:1 in grades 6-12, and using BSEP CSR funds to “buy down” the pupil-teacher ratios to those lower class sizes.

This calculation results in a total of 439.07 classroom teachers projected to be necessary to staff the K-12 classrooms at these ratios, of which BSEP would fund 133.83 teachers (including the associated release time). To meet these targeted class size reduction goals, the projected expense to the BSEP CSR funds would be \$12,077,800.

The attached “Teacher Template” details this recommendation (Appendix 1)

This recommendation is based on the following assumptions:

- Enrollment of K-12 students projected at 9,328.
- Total average compensation (includes salary and employer paid fringe benefits) of classroom teachers projected at \$85,700.

- General Fund revenue projected based on the Governor’s revised budget of May 16, 2011.
- Continued State funding for the K-3 Class Size Reduction Program.
- BSEP revenue for the CSR fund in FY 2011-2012 is projected at \$14,981,000.

After the class size goals are achieved, as detailed in the BSEP statute, CSR monies may be used for “expanded course offerings,” “counseling services” at each of the District’s middle schools, and “program support.”

We believe that it is reasonable to use monies from the BSEP CSR fund’s Unallocated Reserve in an amount of \$200,000 to \$250,000 annually, as has been our practice in the past three years, to fund these other purposes of the BSEP CSR fund. With that goal in mind, we make the following recommendations:

Expanded Course Offerings (ECO)

- **5.0 FTE classroom teachers** for ECO classes at Berkeley High School.
- **1.6 FTE classroom teachers** for ECO classes at the three Middle Schools

Projected expense: \$595,650

This recommendation for FY 12 represents a reduction of 1.4 FTE for BHS ECO classes from the level of 2010-11, because an analysis of these “0/7th” period classes demonstrated that their enrollment and attendance does not warrant the more generous allocation of the current school year.

The FTE allocated to the middle schools for ECO classes is the same as this school year (2010-11).

The specific ECO courses are to be determined based on criteria identified by the BSEP P&O Committee in 2009-10, and amended in 2010-11, (see Appendix 2). The Superintendent will continue to monitor the use of ECO classes to assure that these classes meet these criteria and intended use.

Counseling Services at each Middle School

The **4.2 FTE counselors** at the middle schools: 1.0 FTE at Longfellow, 1.2 FTE at Willard, and 2.0 at King.

This change from the 2010-11 allocation is an additional 0.2 FTE at Willard. Changing enrollments at the Middle Schools necessitated an examination of the traditional equal allocation of Longfellow and Willard. The Administration has determined that counselors should be allocated as follows: 2.0 FTE for 900 students (as in King’s current enrollment), with adjustments of 0.2 FTE per 90 students below that (810, 720, 630, 540). Willard, with a projected enrollment of 591 in FY 12 will receive an extra 0.2 FTE counselor allocation.

If Willard's enrollment should climb to 630 pupils in FY 12, the school will be entitled to a further 0.2 FTE (to 1.4 FTE counselors).

Projected expense: \$359,500

Program Support

My recommendation is for BSEP CSR monies to fund 13.3 FTE Program Support teachers in the next school year as follows:

- **5.5 FTE ULSS (Universal Learning Support System) teachers** for 11 elementary schools (.5 FTE for intervention at each elementary school)
- **3.8 FTE middle school math teachers** to lower average class size from 28:1 to 20:1 in Algebra and pre-Algebra classes at all three middle schools.
- **1.8 FTE elementary school teachers** for a .5 FTE allocation (plus .10 FTE prep time for each teacher) to each of three schools: Cragmont, LeConte and Rosa Parks to provide grade-specific time for students in 3/4 or 4/5 combination classes.
- **2.2 FTE elementary school Literacy Coaches/Teachers** (.2 FTE for each elementary school).

This recommendation reduces support for Literacy Coaches from 3.85 FTE (.35 FTE per site out of .45 FTE) to 2.2 FTE (.20 FTE per site) for each elementary school. Some additional funding for the elementary school Literacy Coaches has been allocated from the BSEP Professional Development fund to maintain the current BSEP "central" funded total of .45 FTE per site.

FTE funds to support lowered class size for middle school math are based on enrollment and are subject to change as enrollment numbers are finalized. It is anticipated that there will be small changes to the final FTE required due to growing enrollment at Willard Middle School.

Additionally, in a change from prior years, it is recommended that an *average* rather than *absolute* class size goal be used for middle school algebra classes. This change will allow the schools the flexibility to best accommodate student needs in a given year (e.g. double period math, small group work, etc.).

The 1.0 FTE for BHS "Life Academy" teacher is eliminated in this recommendation.

Projected expense: \$1,170,300

CSR Reserve

An extremely important consideration in developing my recommendation for expenditure of the BSEP CSR Fund is the need to maintain an appropriate reserve in the CSR fund. It is critical that the District be able to maintain the class size reduction goals stipulated in the Measure through the duration of the BSEP Measure. (The Measure is set to expire at the end of FY 2017.)

The Class Size Reduction planning document is attached (**Appendix 1: Teacher Template as of April 19, 2011**). The estimated budget for FY 2011-12 to achieve this recommended staffing model is below. (This budget is based on the Governor’s May budget revision, which seeks to protect K-12 education from further cuts in state funding.)

Estimated CSR Budget for FY 2011-12 (as of 4/26/11)

Revenue Allocation 14,981,000

Expenditure Budget

Interfund Transfers to General Fund
for Classroom Teachers

Classroom Teachers	11,468,900
Illness Substitutes	224,900
Direct Support	384,000
Expanded Course Offerings (6.6 FTE)	595,650
Certificated Counselors Salaries (4.2 FTE)	359,500
Program Support (13.3 FTE)	1,170,300
Indirect Costs	951,618

Total Expenditure Budget 15,154,868

Net Increase/(Decrease) in Fund Balance (173,868)

Projected Beginning Fund Balance, July 1, 2011 1,209,398

Net Increase (Decrease) in Fund Balance (173,868)

Projected Ending Fund Balance, June 30, 2012 1,035,530

POLICY/CODE

Berkeley Public Schools Educational Excellence Act of 2006 (Measure A) Section 3A.

DISTRICT GOAL

V-B – Resources - Parcel Tax and Bond Revenues: Provide the best possible education for all students by effectively utilizing local parcel tax and bond revenues.

FISCAL IMPACT

Projected expenditure of \$14,981,000 from the BSEP/Measure A Class Size fund and up to \$173,868 of monies carried over from FY 2010-11.

STAFF RECOMMENDATION

Approve the recommendation for the expenditure of BSEP/Measure A Class Size Reduction funds to achieve the student/teacher ratios stipulated in Measure A of 2006.

Appendix 2

Guidelines for interpreting the Berkeley Public Schools Educational Excellence Act of 2006 (Measure A of 2006) Class Size Reduction section regarding “Priorities” for Class Size Reduction funds and definition of “Expanded Course Offerings”*

Each of the statutes since the inception of the Berkeley Public Schools Educational Excellence Program (BSEP) (Measure H of 1986, Measures B of 1994 and 2004 and, currently, Measure A of 2006) has called for an additional allocation of teachers to secondary schools above those required to achieve class size reduction goals. These additional teachers have been to allow students to have a wider diversity of course offerings than could be achieved solely through the use of the District's General Fund for class size reduction. Specifically, this has meant that students could take more than six periods per day without increasing the average class sizes during the regular school day.¹

A review of recommendations from prior BSEP Planning & Oversight Committees demonstrates that this additional allocation of teachers to the secondary schools for additional classes outside the regular school day has been a strongly held value of the P&O Committee. Over the years, there has been considerable variation in the number of additional teachers allocated for expanded course offerings, ranging from a high of 13 FTE² to several years when there were no additional teachers allocated due to budget constraints. Even in times of restricted BSEP budgets, however, this value has been expressed, and the language in Measure A of 2006 which specifies “expanded course offerings” as a high priority after the class size goals are met, reflects the continued importance of this allocation.

Berkeley High School has had some number of additional teachers for expanded course offerings since the beginning of the BSEP program (Measure H of 1986), whereas the middle schools have received a small allocation in only two or three of the years since 2001 including this school year. The expanded course offerings have included a variety of subjects such as: Jazz Ensemble, Orchestra, Drama, the Jacket, English "backup" class and, especially since 2003-04, additional science labs at BHS.

As the BUSD administration and the BSEP Planning & Oversight Committee consider the use of BSEP Class Size Reduction Funds annually, it is necessary for there to be an accepted, common understanding of the uses of teachers allocated to provide “expanded course offerings.” After considerable discussion about the nuances of the language in Measure A of 2006, the BSEP

¹The staffing allocation to secondary school is based on students taking six periods while the teachers teach five periods per day. thus if students take more than six periods the average class sizes are increased throughout the school.)

² FTE = Full Time Equivalent.

Appendix 2

Planning and Oversight Committee has approved and recommends that the Board of Education adopt the following guidelines for the allocation of “expanded course offerings”:

- That the teachers allocated to provide expanded course offerings will allow a number students to take a seventh period; ³
- That the assignment of teachers for expanded course offerings will be based upon the needs of students at each school.
- That subjects offered as expanded course offerings may include, but are not limited to, music, drama, enhanced science and technology, languages, technical education and other subjects;
- That the subject matter, as well as timing of classes to be offered with the additional FTE for expanded course offerings is to be the prerogative of each school’s site administration, in consultation with the School Governance Council;
- That the additional teachers are not to be used to purposefully lower class size for specific courses;
- **That, in the case of a single course with multiple sections, there be a targeted minimum enrollment of 20 students per section.** Added 5-10-11
- That any teacher allocated to provide expanded course offerings, like all classroom teachers funded from the BSEP Class Size Reduction fund, must be assigned to classroom instruction, and may not be used for non-classroom duties such as administration, activities coordination or counseling.

The P&O Committee further requests that the Administration monitor the assignment of teachers funded from the BSEP allocation for “expanded course offerings” and report these findings annually to the BSEP P&O Committee and the Board of Education.

³ Analyzing the number of students taking a 7th class would provide confirmation that the funds have been appropriately spent.

BERKELEY UNIFIED SCHOOL DISTRICT
CLASS SIZE REDUCTION FTE PLANNING DOCUMENT
FY 2011-12 BUDGET ADOPTION (version April 19, 2011)

GRADE LEVEL	TOTAL ENROLLMENT BY GRADE	GENERAL FUND * CLASS SIZE FTE	Meas. A CSR FTE	Necessary FTE	Meas. A CSR FTE
ELEMENTARY SCHOOL					
	STUDENTS	34 :1	20 :1		
Kindergarten	691	20.32	14.23	0.45	
Grade 1	679	19.97	13.98		
- Release Time		0.80	0.56		
Grade 2	715	21.03	14.72		
- Release Time		0.84	0.59		
Grade 3	703	20.68	14.47		
- Release Time		0.83	0.58		
1-3 Adjustments				0.68	
		34 :1	26 :1		
Grade 4	678	19.94	6.14		
- Release Time **		3.99	1.23		
Grade 5	579	17.03	5.24		
- Release Time **		3.41	1.05		
4-5 Adjustments				2.58	
K-5 TOTAL		128.84	72.79	3.71	76.50
		34 :1	18 :1		
Grade K-5 Special Day Class	23	0.68	0.60	0.00	0.60
Release time Special Day Class		0.14	0.12	0.28	0.40
MIDDLE SCHOOL					
		36 :1	28 :1		
Grade 6	581	16.14	4.61		
- Release Time		3.23	0.92		
Grade 6 Necessary Adjustments				0.30	
		36 :1	28 :1		
Grade 7	692	23.07	6.59		
Grade 8	658	21.93	6.27		
Grade 7-8 Adjustments				0.14	
6-8 TOTAL		64.37	18.39	0.44	18.83
		34 :1	18 :1		
Grade 6-8 Special Day Class	26	0.92	0.81		0.81
Release time Special Day Class		0.18	0.16	0.24	0.40
HIGH SCHOOL ***					
		36 :1	28 :1		
Grade 9	722	24.08	6.88		
Grade 10	802	26.72	7.64		
Grade 11	823	27.44	7.84		
Grade 12	761	25.37	7.24		29.60
		36 :1	18 :1		
Grade 9-12 Special Day Class	45	1.50	1.50		1.50
B-Tech	150	5.00	5.00		5.00
Grade 9-12 Adjustments				0.19	0.19
TOTAL 9-12		110.11	36.10	0.19	36.29
TOTALS					
Elementary School	4,068	119.65	69.38	3.71	77.50
- Release Time		10.01	4.13	0.28	
Middle School	1,957	62.06	18.28	0.44	20.04
- Release Time		3.41	1.08	0.24	
High School	3,303	110.11	36.10	0.19	36.29
	9,328	305.24	128.97	4.86	133.83
BSEP/MEAS A PROJECTED EXPENSE FOR CSR					
FTE Ave Compensation	85,700		\$11,052,700	\$416,200	\$11,468,900
Sub Ave Compensation	\$1,680		\$216,700	\$8,200	\$224,900
Direct Support	\$2,870		\$370,100	\$13,900	\$384,000
Preliminary Measure A Transfer	90,250		\$11,639,500	\$438,300	\$12,077,800

* State K-3 CSR Revenue \$2.7 million (projected)

** Two fifths of General Fund release time is for music paid from the BSEP Measure A VAPA Budget

*** Based on Average Enrollment

BERKELEY UNIFIED SCHOOL DISTRICT
CLASS SIZE REDUCTION FTE PLANNING DOCUMENT
FY 2011-12 BUDGET ADOPTION (version April 19, 2011)

	<u>FTE</u>	<u>2011-12 Budget</u>
FTE based on CSR Formula	128.97	\$11,639,500
Necessary FTE to achieve class size ratios	<u>4.86</u>	<u>438,300</u>
Transfer from BSEP to GF for CSR	<u>133.83</u>	<u>\$12,077,800</u>
Discretionary		
Expanded Course Offerings - BHS and Middle Schools (including Subs and Direct Support)	6.60	595,650
Middle School Counseling Services	4.20	359,500
Program Support	13.30	1,170,300
Total Discretionary	<u>24.10</u>	<u>\$2,125,450</u>
Total projected BSEP/Measure A expense	<u>157.93</u>	<u>\$ 14,203,250.00</u>

NOTE: Excludes NPS (67), Home & Hospital (15), and Independent Study & Home Schooling (129)

DETAIL OF COUNSELING SERVICES AND PROGRAM SUPPORT

Middle School Counseling Services:			
Willard	1.0 FTE	1.2	102,700
Longfellow	1.0 FTE	1	85,600
King	2.0 FTE	2	171,200
Total Counselors		<u>4.2</u>	<u>359,500</u>
Program Support in Priority Order			
Literacy Coaches	2.2 FTE	2.2	218,900
Willard (M.S. Math)	1.0 FTE	1	85,700
Longfellow (M.S. Math)	1.0 FTE	1	85,700
King (M.S. Math)	1.8 FTE	1.8	154,300
3/4/5 Combos	1.8 FTE	1.8	154,300
Life Academy at BHS	0.0 FTE	0	0
ULSS teachers		5.5	471,400
Total Program Support		<u>13.3</u>	<u>1,170,300</u>

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 25, 2011
SUBJECT: Approval of Contracts/Purchase Orders for Services
Contracts

BACKGROUND INFORMATION

The District contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis. The following contract services are requested. Expenditures are within budget.

1. Regents of the University of California on behalf of the Cal Corps Public Service Center to provide after-school tutors to students in literacy and language arts at Le Conte, Malcolm X and Emerson Schools for the 2011SY. The cost will not exceed \$12,750. To be paid from After-School Parent Paid, 21st Century Community LEARNS and Title I. Requested by Emily Nathan.
2. RGA Environmental to provide the federally required tri-annual AHERA (asbestos) inspection of all BUSD sites. The cost will not exceed \$27,000. To be paid from General Fund. Requested by Lew Jones.
3. Testing Engineers, Inc. to provide testing services for the Jefferson Elementary School two classroom project. The cost will not exceed \$15,000. To be paid from the Measure AA Bond. Requested by Lew Jones.
4. Increase in contract, PO 110880, to Educational Testing Service to provide G.E.D. test scoring services for Berkeley Adult School. The Board approved \$12,000 on September 15, 2010. The additional contract amount will increase the cost by \$5,000 for a total amount of \$17,000. To be paid from Adult Education Fund. Requested by Burr Guthrie.
5. Increase in contract, PO 111280, to Terrance Carter to provide supervisory services for barber students at the B-Tech LEARNS community BarberQ event. The Board approved \$10,080 on November 10, 2010. The additional contract amount will increase the cost by \$500 for a total amount of \$10,580. To be paid from 21st Century Community LEARNS. Requested by Emily Nathan.

DISTRICT GOAL

Generate and equitably allocate resources for programs and services that enable every student to succeed.

POLICY/CODE

Public Contract Code: 20111

Board Policy 3310

STAFF RECOMMENDATION

Approve the contracts with Consultants or Independent Contractors as submitted.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 25, 2011
SUBJECT: Approve Listing of Warrants issued in April 2011

BACKGROUND INFORMATION

Each month the District writes several checks to vendors for services provided and goods received. The checks are written against both the Restricted and Unrestricted General Fund. The summaries of warrants for the month of April 2011 are attached for the Board's review.

DISTRICT GOAL

Generate and equitably allocate resources for programs and services that enable every student to succeed.

POLICY/CODE

Educational Code Section 41010 et seq.

FISCAL IMPACT

\$3,347,688.69 for the month of April 2011 from various funds.

STAFF RECOMMENDATION

Approve the monthly bill warrant lists for the month of April 2011.

BERKELEY UNIFIED SCHOOL DISTRICT

District Bill Warrants - Accounting Department

APRIL 2011

FUNDS	AMOUNT
GENERAL FUND	\$1,451,945.17
MEASURE BB FUND	\$155,282.93
TRANS FUND	\$3,498.73
SCHOOL ENRICHMENT FUNDS	\$118,559.29
ADULT FUND	\$37,471.58
CHILD DEVELOPMENT FUND	\$22,445.71
CAFETERIA FUND	\$172,099.91
DEFERRED MAINTENANCE FUND	\$0.00
MEASURE A (BOND FUND)	\$220,925.64
SELF INSURANCE FUND	\$13,662.84
PAYROLL/BENEFITS CLEARING	\$1,151,796.89
TOTAL DISTRICT BILL WARRANTS	<u>\$3,347,688.69</u>

Approved By :

PAULINE E. FOLLANSBEE
DIRECTOR OF FISCAL SERVICES

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 25, 2011
SUBJECT: Receive and Approve Information on the Issuance of Payroll Warrants for Employee Services for April 2011.

BACKGROUND INFORMATION

On a regular basis, the Board receives information on the total amount paid employees during a month. The attached represents a summary of pay warrants from various funds for the month of April 2011.

DISTRICT GOAL

Generate and equitably allocate resources for programs and services that enable every student to succeed.

POLICY/CODE

Educational Code 41010 et seq.

FISCAL IMPACT

\$6,483,414.82 for April 2011 from various funds.

STAFF RECOMMENDATION

Approve payroll payments made in April 2011.

BERKELEY UNIFIED SCHOOL DISTRICT
DISTRICT PAYROLL – ACCOUNTING DEPARTMENT
April 2011

<u>COMPUTER GENERATED</u>	<u>AMOUNTS</u>
GENERAL FUND	\$5,111,533.31
MEASURE BB FUND	\$182,105.05
BSEP MEASURE A	\$515,054.20
ADULT FUND	\$288,880.04
CAFETERIA FUND	\$118,665.57
CHILD DEVELOPMENT	\$237,215.41
MEASURE A+AA (BOND FUND)	\$15,265.50
SELF INS. FUND	\$14,695.74
TOTALS	\$6,483,414.82

APPROVED BY: _____
Pauline Follansbee, CPA
Director of Fiscal Services

May 25, 2011

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 25, 2011
SUBJECT: Approval of Resolution for Intra-Budget Year-End Transfers

BACKGROUND INFORMATION

During the District's yearend closing process, fiscal services staff ensures that expenditures for major objects (1000, 2000, etc) do not exceed budget by making the appropriate budget transfer between object codes. The California Education Code requires that budget transfers between major objects be approved by the Governing Board. It has been customary for the Board to grant staff the authority to make these transfers at year-end closing without obtaining approval for each individual transfer. These transfers will be within the current budget and will not include using funds from the District reserves without bringing forward a specific board item requesting the use of reserves for approval.

Staff will provide the Board will a report in September that includes the effects of any transfers made as part of the presentation of the Unaudited Actuals (closed books) the Board.

The education codes related to budget approvals required by the Governing Board are listed below:

42600. The total amount budgeted as the proposed expenditure of the school district for each major classification of school district expenditures listed in the school district budget forms prescribed by the Superintendent of Public Instruction shall be the maximum amount which may be expended for that classification of expenditures for the school year. Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education, when filed with the county superintendent of schools and the county auditor, or by written resolution of the board of trustees of any school district not governed by a board of education, when approved by the county superintendent of schools and filed with the county auditor. A resolution providing for the transfers specified in this section shall be approved by a majority vote of the members of the governing board. Nothing in this section shall be construed as affecting Sections 42204 and 85112.

42601. At the close of any school year a school district may, with the approval of the governing board, identify and request the county superintendent of schools to make the transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification or classifications, or balance any expenditure classifications of the budget of the district for that school year as necessary to permit the payment of obligations of the district incurred during that school year. For each elementary, high school, and unified school district that, during the preceding school year, had an average daily attendance less than the level, as appropriate, specified in subdivision (a) of Section 41301, the county superintendent of schools, with the consent of the governing board of the school district, may identify and make the transfers, and shall so notify the districts.

42602. Notwithstanding the provisions of Sections 42600 and 42610 or any provision of this code to the contrary, the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year from any source.

DISTRICT GOAL

Resources: Generate and equitably allocate resources for programs and services that enable every student to succeed.

POLICY/CODE

Education Code Sections 42600, 42601, and 42602

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve Resolution 11-59, giving staff approval to make year-end transfers within the budget for Fiscal Year 2010-2011.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO.11-59

FOR INTRA-BUDGET TRANSFERS AT THE CLOSE OF SCHOOL YEAR 2010-2011

IT IS RESOLVED AND ORDERED by the Berkeley Unified School District Governing Board that pursuant to Education Code Section 3916, 42600, 42601 and 42602, delegate authority to the Deputy Superintendent (CBO) to make transfers between designated fund balance or the unappropriated fund balance and any expenditure classification or classification of the budget of the district for that school year as necessary to permit the payment of obligations of the district incurred during school year 2010-2011.

PASSED AND ADOPTED by the Governing Board on May 25, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John T. Selawsky
Clerk, Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: May 25, 2011
SUBJECT: Memorandum of Understanding between Berkeley Adult School and The Bread Project

BACKGROUND INFORMATION

The Bread Project is a non-profit organization that promotes economic self-sufficiency by providing the hardest to serve population with culinary job training and job referral assistance. The Bread Project serves individuals who have one or more barriers to employment, such as homelessness, low income, lack of a work history, gaps in employment, limited English fluency, criminal records, and histories of substance abuse, among other characteristics. Since the first classes in 2001, The Bread Project has trained 700 people and, to date, has achieved an 86% graduation rate, 78% employment rate, and an 83% one-year job retention rate. The Bread Project has also received many awards for its innovative work, including commendations from the Berkeley Community Fund, Alameda County Social Services, Sustainable San Mateo County, the Boards of Supervisors for San Francisco and Alameda Counties, the Mayors of Berkeley and San Francisco, the California State Legislature, and the U.S. Congress. The Bread Project has been in partnership with Berkeley Adult School since 2003.

Berkeley Adult School (BAS) is requesting Board approval to reauthorize the continuing MOU with The Bread Project to deliver a culinary cooking and baking program that prepares students for employment in the Industry Sector: Hospitality, Tourism and Recreation and the Career Pathway: Food and Beverage Preparation Specialist.

BAS will provide teachers and classrooms to deliver a State approved curriculum leading students to gain employment in the hospitality industry.

DISTRICT GOAL

V. Generate and equitably allocate resources for programs and services that enable every student to succeed.

POLICY/CODE

Education Code 51041, 51056 and 52579
Carl D. Perkins Career and Technical Education Improvement Act of 2006
P.L. 109-270

FISCAL IMPACT

Approximately \$85,000 annually in teacher hourly pay and benefits. The Bread Project will collect student fees from students enrolled in the program and pay the District a \$75 registration fee for each student who completes orientation. The certificated instructors assigned to the program are employees of the District only and are not employees of The Bread Project. Salaries and

benefits for staff administering The Bread Project program, supplies and other costs will be paid for by The Bread Project in accordance with amounts established in the MOU.

STAFF RECOMMENDATION

Approve the Berkeley Adult School / The Bread Project Memorandum of Understanding.

Berkeley Unified School District

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is dated this ___ day of June 2011, by and between Berkeley Unified School District hereinafter referred to as BUSD and The Bread Project hereinafter referred to as “Contractor” whose place of business is 1701 San Pablo Avenue, Berkeley, CA 94702 and 1555 Park Avenue, Unit B, Emeryville, CA 94608, for Professional Services.

This Memorandum of Understanding represents the services which Contractor will provide to the BUSD at Berkeley Adult School, 1701 San Pablo Avenue, Berkeley, CA 94702 during the 2011-2012 school year.

ARTICLE I: DESCRIPTION OF THE CONTRACTING AGENCY – Contractor

The Bread Project is a California nonprofit 501c3 public benefit corporation that trains low-income and unemployed people in the skills needed for entry-level commercial baking and cooking positions. In addition, The Bread Project staff helps students find and retain jobs in the food industry.

All the services outlined below relate only to services in which The Bread Project is involved and memorialize the manner in which The Bread Project has operated since 2003.

ARTICLE II: STATEMENT OF SERVICES TO BE PROVIDED

1. CONTRACTOR shall be responsible for student recruitment and interviewing and providing counseling, job placement and follow-up support services at no charge to the DISTRICT.
2. CONTRACTOR shall provide cleaning of kitchen, office, classroom, and service area.
3. CONTRACTOR shall reimburse the DISTRICT for the use of custodians under the employ of the DISTRICT for any custodial services at the school during times the school is not open.
4. CONTRACTOR shall be responsible for repair or replacement of broken or damaged equipment when such damage results from use of the equipment for purposes not within the scope of CONTRACTORS Food Service Training Program as part of the Career Technical Education Program.
5. CONTRACTOR shall be responsible for all food products offered for sale at the school.
6. CONTRACTOR shall be responsible for providing all cooking and baking ingredients necessary for the proper functioning of CONTRACTOR’S Food Service Training as part of the Career Technical Education Program.
7. CONTRACTOR shall be the owner of any and all food products created during The Bread Project as part of the Career Technical Education Program.
8. All food products created during CONTRACTOR’S Food Service Training courses may be sold in the cafeteria designated by DISTRICT. CONTRACTOR shall be entitled to all proceeds from the sale of food products sold in the designated cafeteria. CONTRACTOR shall be responsible for all aspects of the operation of the designated cafeteria including money management and cash register.
9. CONTRACTOR shall be responsible for the identification and recruitment of potential instructors for CONTRACTORS Food Service Training Program as part of the Career Technical Education Program.
10. CONTRACTOR understands and agrees that certificated teachers perform the tasks normally associated with teaching a course at Berkeley Adult School, including but not limited to: completing and submitting student attendance data in a timely manner, completing and submitting student completion data in a timely manner, issuing completion certificates in a timely manner, attending scheduled staff department meetings (optional), attending Berkeley Adult School professional development meetings and submitting curriculum materials in a timely manner. Non-certificated teachers are employees of the CONTRACTOR and are not subject to the above requirements.
11. The CONTRACTOR assumes all liability for instructional assistants, volunteers, or other personnel to assist in the instructional process and agrees that all said personnel shall work under the immediate supervision of the certificated adult education teacher or the Directors of The Bread Project during the time the classes are in session.
12. CONTRACTOR agrees to enroll a minimum of 60 adult students throughout one school year. There will be seven entry points for enrollment throughout the year.
13. CONTRACTOR agrees that for the hours the instructors are assigned by the Berkeley Unified School District, matters of discipline, grievances, and other terms of employment will be governed solely by Berkeley Unified School District personnel.

Berkeley Unified School District
MEMORANDUM OF UNDERSTANDING

14. CONTRACTOR agrees that all students enrolled in CONTRACTOR'S Food Service Training program are students of Berkeley Adult School. All matters pertaining to student discipline action for violating Berkeley Adult School classroom policies and procedures, DISTRICT Board Policy or California Education Code will be governed solely by Berkeley Unified School District administrative personnel.
15. DISTRICT, together with the CONTRACTOR shall agree upon criteria for admission to classes and minimum requirements for continued participation.
16. CONTRACTOR agrees that there must be at least one certificated adult education teacher present during each hour of instruction that is assigned to teachers paid by Berkeley Unified School District.
17. CONTRACTOR understands and agrees that the DISTRICT is the sole authority to interview, hire, observe, evaluate and supervise certificated teachers in accordance with DISTRICT Board policy, collective bargaining agreements and the California Department of Education provisions, regulations, policies and practices. This may include periodic classroom visits, evaluations and observations within previously stated agreements and regulations.
18. CONTRACTOR understands and agrees that no certificated instructor may work more than 17.5 hours per week without the written consent of a DISTRICT administrator.
19. CONTRACTOR understands and agrees that the DISTRICT is the sole authority to review and approve course content, outlines and curriculum.
20. CONTRACTOR shall furnish the DISTRICT with available data related to student placement and employment.

ARTICLE III: TERM OF SERVICES

Contractor shall commence work on September 6, 2011. Work to be completed by June 30, 2012.

ARTICLE IV: REQUIREMENTS OF THE BUSD

To support the delivery of quality educational services to students and the school, as part of this MOU, the BUSD agrees to the following:

1. DISTRICT shall provide the services of instructors for The Bread Project Career Technical Education Program for 35 hours per week for 9 weeks with seven overlapping instructional sessions to be scheduled per year to meet the educational needs of the students. All classes shall be conducted during normal business hours, typically from 8:00 am to 3:30 pm, Monday through Friday. Additional teaching hours may be provided by The Bread Project staff to instruct students in job readiness, life skills, and computer skills. Sessions shall be scheduled by the DISTRICT in collaboration with CONTRACTOR.
2. DISTRICT instructors shall be responsible for providing appropriate instruction in accordance with the standards set by the State Department of Education, the BERKELEY Unified School District, and the Berkeley Adult School.
3. DISTRICT shall be responsible for making available its kitchen area and refuse pick-up service.
4. DISTRICT shall provide office, classroom and kitchen space of its choosing to CONTRACTOR.
5. DISTRICT shall be responsible for making available a computer lab in the afternoon for two hours per week to allow CONTRACTOR to assist students with online job search and basic computer skills.
6. DISTRICT shall be responsible for providing telephone, internet, water and electrical services.
7. DISTRICT shall furnish two desks and one filing cabinet in the office space allocated to the CONTRACTOR.
8. DISTRICT shall be responsible for furnishing existing equipment and repairing any existing equipment as specified by CONTRACTOR at the kitchen provided by DISTRICT.
9. DISTRICT shall be responsible for repair or replacement of broken or damaged equipment during preparation for or implementation resulting from normal "wear and tear" as a result of the Food Service Training Program.
10. DISTRICT shall allow CONTRACTOR to invite guest speakers and visitors to the kitchen facility. CONTRACTOR shall follow all District procedures regarding outside visitors to district facilities.
11. Adult education instructors employed by the DISTRICT and assigned to the program will receive the appropriate rate of pay and any benefits as bargained for by their "employee representatives" provided by the DISTRICT on the DISTRICT expense. Adult education instructors employed by the DISTRICT and assigned to the program are covered under the Workers' Compensation Insurance provided by the DISTRICT on the DISTRICT expense.

Berkeley Unified School District
MEMORANDUM OF UNDERSTANDING

ARTICLE V: TECHNICAL DIRECTION

Performance of the work under this MOU shall be subject to the direction of BUSD Principal/Manager: Burr Guthrie.

ARTICLE VI: FINGERPRINTING AND TB CLEARANCE

Education Code 45125.1 and 49406 and California Assembly Bill 346 indicate that employees of entities providing services on a school site must have a tuberculosis clearance and be fingerprinted by the California Department of Justice and FBI for a criminal records check and found not to have been convicted of a serious or violent felony. Accordingly, in the event that this MOU may involve contact with BUSD pupils, the Contractor shall comply with the provisions of Education Code section 45125.1 and California Assembly Bill 346 regarding the submission of employee fingerprints to the California Department of Justice and the FBI and the completion of criminal background investigations of its employees. The Contractor shall not permit any employee to have any contact with BUSD pupils until such time as the Contractor has verified in writing to the governing board of BUSD that the employee has not been convicted of a felony, as defined in Education Code section 45125.1. The Contractor's responsibility shall extend to all of its employees, subcontractors, agents, and all employees or agents of subcontractors regardless of whether those individuals are paid or unpaid, concurrently employed by BUSD, or acting as independent Contractors of the **Contractor**. Verification of compliance with this section and the Criminal Background Investigation Certification that may be required with this MOU, shall be provided in writing to **BUSD** prior to each individual's commencement of employment or performing any portion of the Services and prior to permitting contact with any student.

Contractor expressly agrees that: (1) Contractor and all of Contractor's employees working on the school site must submit or have submitted fingerprints in a manner authorized by the Department of Justice and FBI, together with the requisite fee as set forth in Education Code section 45125.1; (2) Contractor shall not permit any employee to come in contact with pupils until the Department of Justice and FBI have ascertained that the employee has not been convicted of a serious or violent felony. Contractor is required to fulfill these requirements at its own expense; (3) Contractor certifies herein that none of its employees who may come in contact with pupils have been convicted of a serious or violent felony.

INITIALS OF Contractor _____

ARTICLE VII: INSURANCE

- a) The Contractor shall procure and maintain at all times it performs any portion of the Services the following insurance with minimum limits equal to the amount indicated below.
 - i) **Commercial General Liability and Automobile Liability Insurance.** Commercial General Liability Insurance and Automobile Liability Insurance that shall protect the Contractor, the District, and the State from all claims of bodily injury, property damage, personal injury, death, advertising injury, and medical payments arising performing any portion of the Services. (Form CG 0001 and CA 0001) Commercial General Liability insurance shall include contractual liability, products liability, completed operations and broad form property damage coverage.
 - ii) **Workers' Compensation and Employers' Liability Insurance.** Workers' Compensation Insurance and Employers' Liability Insurance for all of its employees performing any portion of the Services. In accordance with provisions of section 3700 of the California Labor Code, the Contractor shall be required to secure workers' compensation coverage for its employees. If any class of employee or employees engaged in performing any portion of the Services under this MOU are not protected under the Workers' Compensation Statute, adequate insurance coverage for the protection of any employee(s) not otherwise protected must be obtained before any of those employee(s) commence performing any portion of the Services.

**Berkeley Unified School District
MEMORANDUM OF UNDERSTANDING**

Type of Coverage	Minimum Requirement
Commercial General Liability Insurance , including Bodily Injury, Personal Injury, Property Damage, Contractual Liability, Products Liability, Completed Operations and Broad Form Property Damage, Advertising Injury, and Medical Payments Each Occurrence General Aggregate	\$ 1,000,000 \$ 2,000,000
Automobile Liability Insurance - Any Auto Each Occurrence General Aggregate	\$ 1,000,000 \$ 1,000,000
Workers Compensation	Statutory Limits
Employer's Liability	\$ 1,000,000

- b) **Proof of Carriage of Insurance.** The Contractor shall not commence performing any portion of the Services until all required insurance has been obtained and certificates indicating the required coverage's have been delivered in duplicate to the District and approved by the District. Certificates and insurance policies shall include the following:
- i) A clause stating: "This policy shall not be canceled or reduced in required limits of liability or amounts of insurance until notice has been mailed to the District, stating date of cancellation or reduction. Date of cancellation or reduction shall not be less than thirty (30) days after date of mailing notice."
 - ii) Language stating in particular those insured, extent of insurance, location and operation to which insurance applies, expiration date, to whom cancellation and reduction notice will be sent, and length of notice period.
 - iii) An endorsement stating that the District and the State and their agents, representatives, employees, trustees, officers, consultants, and volunteers are named additional insured under all policies except Workers' Compensation Insurance, and Employers' Liability Insurance. An endorsement shall also state that Contractor's insurance policies shall be primary to any insurance or self-insurance maintained by District.
 - iv) All policies shall be written on an occurrence form.
- c) **Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the District.

ARTICLE VIII: DEFENSE AND INDEMNIFICATION

Contractor agrees to defend, indemnify and hold harmless BUSD, its Board, trustees, officers, agents, employees and volunteers from all claims, including active and passive claims, losses, costs, attorney fees and expenses arising out of any liability or claim of liability for personal injury, bodily injury to persons or death, contractual liability and damage to property sustained or claimed to have been sustained arising out of activities of the Contractor or its sub-Contractors, and any other person, firm or corporation furnishing or supplying services, materials or supplies in conjunction with the services of the Contractor, whether authorized by this MOU or not. Contractor further agrees to waive all rights of subrogation against BUSD. The provisions of this article do not apply to any damage or losses caused solely by the negligence or willful misconduct of BUSD or any of its agents or employees.

ARTICLE IX: COMPENSATION FOR SERVICES

- a) The BUSD agrees to pay Contractor a total of \$0 for the services described above. Complete the chart below to provide justification for the total contract cost. List of the description of services, the number of staff providing services, hourly rates, and cost of materials to be provided.

**Berkeley Unified School District
MEMORANDUM OF UNDERSTANDING**

Contract Cost Justification for MOU				
# staff / presenters	Description of services to be provided	Hourly/Daily Rate or cost	Qty	Total
1	Daniel McCarthy	\$34.57		\$
1	Suzy Quennville-Orpin	\$ 36.18		\$
	Total salary (including benefits, curriculum development, et al			\$65,576.83
Description of materials provided by Contractor (i.e., binders, workbooks, CDs/DVDs, etc.)		Cost	Qty	Total
		\$		\$
		\$		\$
If needed, provide additional detail justification below.			Total :	\$
<p>1) Salaries and benefits for staff administering and managing the Bread Project program at BAS (including: 100% Cafe Managers, 50% Executive Director, 50% Senior Program Manager, 50% Program Assistant, 50% Student Recruiter, 50% Development Director, 50% Accountant)</p> <p>2) Program Supplies (ingredients, Cafe supplies, towel and chef jacket cleaning service, books, equipment, small cooking and baking tools, graduation supplies/gifts for students)</p> <p>3) Student Support (transportation support, safety and sanitation certification through City of Berkeley)</p> <p>4) Program Advertisement & Communication (printing, travel, cell phones, website administration, postage etc.)</p> <p>5) Fundraising (grants from foundations, corporations, and government as well as contributions from individual donors)</p> <p>6) Office Supplies</p> <p>7) Insurance (liability, auto, directors & officers insurance)</p> <p>8) Audit & Tax Prep.</p>				

- b) The CONTRACTOR will collect fees from the students and agrees to pay the DISTRICT a \$75 registration fee for each student who completes orientation and enrolls in the program.
- c) The certificated instructors assigned to the program are employees of the DISTRICT only and are not employees of The Bread Project. Therefore, The Bread Project is not responsible for compensating the certified instructors employed by the DISTRICT for their services.
- d) The Contractor shall maintain accurate records of costs incurred in performance of this MOU and shall make such records available to the BUSD upon request.

ARTICLE X: TERMINATION

- a) **For Cause:** BUSD may terminate this MOU upon giving of written notice of intention to terminate for cause. Cause shall include:
 - i) material violation of this MOU by the Contractor; or
 - ii) any act by Contractor exposing BUSD to liability to others for personal injury or property damage; or
 - iii) Contractor is adjudged a bankrupt, Contractor makes a general assignment for the benefit of creditors or a receiver is appointed on account of Contractor's insolvency.
 BUSD may secure the required services from another Contractor. If the expense, fees, and/or costs to BUSD exceeds the cost of providing the service pursuant to this MOU, the Contractor shall immediately pay the excess expense, fees, and/or costs to BUSD upon the receipt of BUSD's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to BUSD.
- b) **Without Cause:** This agreement can be terminated at any time, with or without reason, by either party with at least thirty (30) days' written notice. .
- c) **Upon Termination: Contractor** shall provide BUSD with all documents produced maintained or collected

Berkeley Unified School District
MEMORANDUM OF UNDERSTANDING

by Contractor pursuant to this MOU, whether or not such documents are final or draft documents.

ARTICLE XI: PRIOR AGREEMENTS

This MOU represents the sole agreement between BUSD and the Contractor with respect to the scope of services described herein. Any prior understanding or agreements, written or oral, between BUSD and the Contractor are superseded by this MOU. This MOU may be amended or modified only by a written instrument executed by both parties.

ARTICLE XII: SEVERABILITY

The invalidity or unenforceability of any one or more of the provisions of this MOU shall in no way affect the validity or enforceability of any of the other provisions hereof, and any provision that is prohibited by or under the laws of any jurisdiction shall be ineffective in such jurisdiction only to the extent of such prohibition and shall not invalidate or in anywise affect the other provisions hereof.

ARTICLE XIII: ALTERNATIVE DISPUTE RESOLUTION

In the event of dispute about any invoice or the quality of work of the “CONTRACTOR”, the “BUSD” and “CONTRACTOR” agree to mediate such a dispute before a mutually agreed-upon mediator or a dispute resolution service.

ARTICLE XIV: COMPLIANCE WITH LAWS

Contractor shall observe and comply with all rules and regulations of the governing board of BUSD and all federal, state, and local laws, ordinances and regulations. Contractor shall give all notices required by any law, ordinance, rule and regulation bearing on conduct of the Work as indicated or specified. If Contractor observes that any of the Work required by this MOU is at variance with any such laws, ordinance, rules or regulations, Contractor shall notify BUSD, in writing, and, at the sole option of BUSD, any necessary changes to the scope of the Work shall be made and this MOU shall be appropriately amended in writing, or this MOU shall be terminated effective upon Contractor’s receipt of a written termination notice from BUSD. If Contractor performs any work that is in violation of any laws, ordinances, rules or regulations, without first notifying BUSD of the violation, Contractor shall bear all costs arising there from.

ARTICLE XV: COPYRIGHT

Any written product produced as a result of this MOU shall be a work for hire and shall be the property of BUSD.

ARTICLE XVI: AMBIGUITY

The parties to this agreement, and each of them, hereby represent that the language contained herein is to be construed as jointly proposed and jointly accepted, and in the event of any subsequent determination of ambiguity, all parties shall be treated as equally responsible for such ambiguity

ARTICLE XVII: ASSIGNMENT

Without the prior written consent of BUSD, this MOU is not assignable by the Contractor, either in whole or in part.

ARTICLE XVIII: GOVERNING LAW

The validity of this MOU and any of its terms or provisions as well as the rights and duties of the parties hereunder shall be governed by the laws of the state of California. Venue for all litigation relative to the formation, interpretation, and performance of this MOU shall be in Alameda County, California.

**Berkeley Unified School District
MEMORANDUM OF UNDERSTANDING**

CONTRACTOR

Contractor / Agency Name: _____

Address: _____

Contractor's Contact Person: _____

Title: _____

Telephone: _____ **e-mail:** _____

Signature: _____ **Date:** _____

BERKELEY UNIFIED SCHOOL DISTRICT

By Superintendent / Deputy: _____

Signature: _____ **Date:** _____

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Education Services
A. Kay Altizer, Executive Director, Special Education Services
DATE: May 25, 2011
SUBJECT: Request Approval to Increase Contracts for CEID and Bayhill High School

BACKGROUND INFORMATION

The mandate for Special Education is to provide supports and service to assist students in accessing their education.

Center for Education of Infant Deaf (CEID) (a nonpublic agency)

Staff is requesting additional funding of \$24,751 to cover two new students. The Board approved the contract for tuition for CEID on August 4, 2010 in the amount of \$131,019. The new total for CEID is \$155,770.

Bayhill High School (a nonpublic school)

Staff is requesting additional funding of \$54,936 for the enrollment of an additional student. The Board originally approved the contract for Bayhill High School on August 18, 2010 \$90,911. The new total for Bayhill HS for 2010-11 is \$145,847.

DISTRICT GOAL

Resources: Generate and equitably allocate resources for programs and services that enable every student to succeed.

POLICY/CODE

Education Code 49423.5

FISCAL IMPACT

An increase of \$79,687 combined for CEID and Bayhill High School will be funded by the Special Education Budget.

STAFF RECOMMENDATION

Approve increases to the contracts with CEID and Bayhill High School for 2010-2011 School Year.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: May 25, 2011
SUBJECT: Resolution No. 11-50 to Eliminate or Reduce Specified Classified Positions

BACKGROUND INFORMATION

Due to reductions in revenues in general, categorical and restricted funds and the tenuous and precarious nature of school district financing and state and federal funding, a number of classified positions in the District will be eliminated or reduced because of lack of work or lack of funds.

In light of Education Code requirements, it is necessary for the Governing Board to set forth and act on these eliminations or reductions of classified positions so that each employee affected can be timely notified as prescribed by law and the collective bargaining agreement. Because of the shifting of and limitations in funding sources, as well as the increase in personnel costs without monies to cover those costs, these positions are being eliminated or reduced.

We regret the hardship this notification process places on employees and the uncertainty of their future employment status.

POLICY/CODE

Education Code Section 45117 states that classified employees may be laid off due to lack of funds or lack of work.

DISTRICT GOAL

V – A – Efficient Use of Resources

FISCAL IMPACT

Reduction in employee costs

STAFF RECOMMENDATION

Approve the Resolution.

**BOARD OF EDUCATION OF THE
BERKELEY UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

In the Matter of the Elimination or Reduction of Positions in the Classified Service)
) **RESOLUTION NO. 11-50**
)
) RESOLUTION TO LAY OFF
) CLASSIFIED EMPLOYEES

WHEREAS, due to lack of work and/or lack of funds in the Berkeley Unified School District, the Board of Education hereby finds it necessary and in the best interest of the District to eliminate or reduce the full-time equivalent (FTE) of the classified services as specified below:

NOW, THEREFORE, BE IT RESOLVED that as of the close of business **July 15, 2011**, the classified positions set forth above shall be discontinued to the extent herein above set forth.

POSITION	SITE	FTE	
Budget Analyst	Adult School	0.5	Vacancy
Student Assignment Project Manager	Student Welfare	1.0	
Instructional Technician, LEARNS	LeConte	0.53	
Instructional Technician, LEARNS	Thousand Oaks	0.70	
Instructional Technician, LEARNS	Washington	0.20	
Instructional Technician, LEARNS	Washington	0.20	
Instructional Technician, LEARNS	Washington	0.06	Reducing Vacancy
Instructional Technician, LEARNS (PM Session)	BAM	0.23	
Instructional Technician, LEARNS (AM Session)	BAM	0.06	(AM Overstaffed)
Instructional Technician, LEARNS (AM Session)	BAM	0.16	(AM Overstaffed)
Instructional Technician, LEARNS	Longfellow	0.47	
Instructional Technician, LEARNS	Willard	0.07	Reducing Vacancy
Instructional Technician, LEARNS	King	0.43	
Instructional Technician, LEARNS	John Muir	0.53	
Instructional Technician, LEARNS	John Muir	0.43	
Instructional Technician, LEARNS	John Muir	0.43	
		4.50	
Extended Day Program Coordinator, LEARNS	John Muir	0.90	
Extended Day Program Coordinator, LEARNS	Willard	0.20	
		1.10	

BE IT FURTHER RESOLVED that the Superintendent or his designee is authorized and directed to give notices of lay-off to all affected employees not later than 45 days prior to the effective date of the lay-off as set forth above.

The foregoing Resolution was **passed and adopted** at a meeting of the Board of Education on **May 25, 2011** by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

 Clerk, Board of Education
 BERKELEY UNIFIED SCHOOL DISTRICT

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: May 25, 2011
SUBJECT: Proposal for a Two Way Immersion Working Group to Plan the Consolidation of TWI at One Site

BACKGROUND INFORMATION

At the last meeting, the Board received a copy of a study of the District's elementary school Two Way Immersion (TWI) Program, titled *English Learners and the Achievement Gap: Effectively Implementing Two-Way Immersion in Berkeley*. After a brief discussion about the study, the Board requested staff to present a proposal addressing the recommendation that the District consolidate the TWI elementary programs at one site.

The following excerpt from Marialena Rivera's study outlines the benefits of consolidation.

As long as BUSD continues to operate TWI strands at three separate elementary schools that are not staffed with bilingual resource teachers, BUSD cannot hope to realize the gains that are possible from a well implemented TWI model. I recommend that the District move with all deliberate speed to consolidate the TWI elementary programs at one school site. The benefits to creating one language immersion school outweigh the costs. On April 14, 2011, District staff, school administrators, and teachers attended a Focus Group to discuss the benefits of and barriers to creating one language immersion school in BUSD. The benefits below are summarized from that conversation and represent many, but not all, of the arguments for consolidation. Consolidation would likely:

- Focus and consolidate resources, including the concentration of bilingual staffing and the pooling of expertise in second language acquisition in the District in order to support a robust program
- Increase student achievement – by consolidating the TWI program at one elementary school the District could implement a true 90:10 model (due to bilingual staffing), which has been shown to lead to increased academic outcomes for all students in the program
- Lead to the creation of coherent curriculum and strategies
- Make it easier to organize professional development focused on TWI
- Empower the Latino community in Berkeley

- Create a showcase for the District
- Make it easier to conduct TWI outreach
- Improve intervention and support for Spanish speaking students, including more focused ELD groups
- Improve staff morale and camaraderie amongst students and staff – instead of having two strands that compete with and misunderstand each other, all staff at the school would have a clear identity and unified purpose
- Facilitate transition to secondary level for students
- Make it easier for the TWI program to be bicultural and set both languages on equal footing

The report also notes, “While there are numerous benefits to creating one language immersion school, there are multiple issues the District will need to address moving forward.” Here are some of the challenges that must be addressed in order for the District to be successful in consolidating the TWI programs.

- Staff needs to outline the overall district plan for English Learners with the consolidation of the TWI programs at one site as a component of this plan.
- The location of the TWI magnet school must be determined. Housing the program near the largest number of Spanish-speaking families will make it more attractive to these families. However, locating the magnet at Rosa Parks will bring students from other zones into the Northwest zone, which is already unable to meet the needs of its current population.
- The process and timing of the implementation need to be determined and then orchestrated carefully so as to ensure the success of the new school and the continued success of the two schools that will lose TWI programs.
- Issues of staff selection and assignment will need to be negotiated with certificated and classified unions.
- Procedures for student selection will have to be established and publicized for both Kindergarten and grades 1 through 5.
- Staff will need to calculate additional transportation costs since a number of students may need to be bused out of zone.
- Staff will also need to anticipate the impact of a single TWI school on the student assignment system and the diversity balance at the elementary schools.
- Members of the Thousand Oaks community need to be included with representatives from the TWI schools in the process, as Thousand Oaks also has a Spanish language program.

According to the study, the District should now establish a TWI School Working Group to address these and other related issues if the Board would like to proceed in consolidating TWI at one school.

Staff is recommending that the Board authorize the formation of this Working Group, indicating its intent to open a K-5 TWI Magnet School.

POLICY /CODE

None

DISTRICT GOAL

IV. Cultural and Linguistic Relevance: Ensure that all systems are culturally and linguistically responsive to the needs of our students and their families.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the formation of a TWI School Working Group to plan the consolidation of TWI at one site.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent Educational Services
DATE: May 25, 2011
SUBJECT: Board Policy and Administrative Regulation 5126.1: Awards for Achievement - Seal of Biliteracy

BACKGROUND INFORMATION

Education Code 44015 authorizes the Governing Board to give awards to students for excellence. Under the authority of this law, the Board is mandated to adopt rules and regulations implementing an awards program before any awards are presented. Board Policy and Administrative Regulation 5126.1, which support the Seal of Biliteracy award, are being presented at this time for review. They will be brought to the Board again on June 8, 2011 for approval.

The proposed Board Policy and Administrative Regulation have been reviewed by the Board Policy Subcommittee. A copy of each has been included.

POLICY/CODE

Education Code 44015

DISTRICT GOAL

II. Strategies to Promote Student Success: Implement strategies to engage students in their learning and interventions to eliminate barriers to student success.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept Board Policy and Administrative Regulation 5126.1 Awards for Achievement – Seal of Biliteracy for a first reading.

Berkeley USD

Administrative Regulation

Awards for Achievement – Seal of Biliteracy

AR 5126.1

Students

The Superintendent or designee shall award the Seal of Biliteracy to qualified students who:

1. Submit an application for this recognition;
2. Meet all district and state criteria for receiving a high school diploma, including completing all English requirements and passing the CAHSEE in English;
3. Earn a minimum grade point average of 2.00, when considering all coursework;
4. Demonstrate proficiency in one or more languages other than English, by fulfilling at least one of the following requirements:
 - a) Receive a passing score of 3 or higher on the Advanced Placement examination in a language other than English;
 - b) Receive a score of 5 or higher on an International Baccalaureate examination for a foreign language;
 - c) Score proficient on the SAT II World Language Subject Test;
 - d) Successfully complete a district approved one-year Advanced Placement course of study in a foreign language or one-year course for Native Speakers of a language other than English;
 - e) Pass a foreign government approved language examination and receive a certificate of competency for that language from the authorizing governmental agency; or
 - f) Pass a district approved test of the language.

The seal shall be affixed to the diploma in recognition of the student's accomplishments in linguistic proficiency and cultural literacy in one or more languages other than English.

Adopted:
Berkeley, California

Berkeley Unified School District

Board Policy

Board Policy 5126.1

Awards for Achievement – Seal of Biliteracy

Education Code 44015 authorizes the Governing Board to give awards to students for “excellence.” Before any awards are given under the authority of this law, the Board is mandated to adopt rules and regulations implementing the awards program.

In order to recognize and encourage linguistic proficiency and cultural literacy, the district shall present a Seal of Biliteracy award to each graduating high school student who demonstrates proficiency in speaking, reading, and writing in one or more languages in addition to English.

The Superintendent or designee shall approve applications for the award based on a review of student qualifications in accordance with district-established criteria.

The School Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievements in academic, extracurricular, or community service activities. In addition to the Seal of Biliteracy, to recognize and encourage the pursuit of proficiency in English and another language, the district shall present bilingual and biliteracy pathway awards at the end of elementary, middle, and high school.

Student awards may include verbal recognition at a public ceremony plus a letter, certificate, trophy, transcript notation, gift, and/or plaque.

Adopted:
Berkeley, California

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: May 25, 2011
SUBJECT: Board Policy 1100.1 Translation

BACKGROUND INFORMATION

The proposed Board Policy on translation, which is attached, expresses the District's commitment to provide access to District information in languages other than English. The Administrative Regulation that will accompany and further define this proposed Board Policy is still being developed.

POLICY/CODE

Education Code 48985
Assembly Bill 680

DISTRICT GOAL

IV. Cultural and Linguistic Relevance: Ensure that all systems are culturally and linguistically responsive to the needs of our students and their families.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept Board Policy 1100.1 – Translation for first reading

Berkeley Unified School District

Board Policy

BP 1100.1

Translation

The Governing Board realizes the legal and ethical responsibilities of the district and school sites to provide notifications to parents in native languages as often as is possible. It also recognizes that the ability to provide translation is critical to improving parent and community outreach.

For more than 25 years, *EC* Section 48985 has required that when 15 percent or more of the students enrolled in a public school speak a single primary language other than English, the school must send home parental notifications in both English and the primary language. In 2006, AB680 revised the wording of the Education Code to read:

If 15 percent or more of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.

In order to ensure compliance with EC 48985 and AB680, the Superintendent or designee shall monitor language spoken within the district and school sites in relation to the fifteen percent threshold for required translations. The Superintendent or designee shall also work at a district and site level to identify available funding to support this requirement.

The Superintendent or designee shall report annually on the percent of students speaking languages other than English at the district and school site level to monitor the translation requirements.

Approved:

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
Susan Craig, Ed.D., Director, Student Services
DATE: May 25, 2011
SUBJECT: Update Regarding Responses to Weapons Found on the
Berkeley High School Campus

BACKGROUND INFORMATION

Staff is presenting a progress report on the steps being taken to address the recent incidents involving Berkeley High School and B-Tech students in possession of firearms in order to update the Board and the community. Ensuring the safety of BUSD students and staff continues to be of paramount importance.

The following steps have been implemented recently in response to the issue of weapons at school.

Safety Committee

The Superintendent's Ad Hoc Safety Committee met on April 13, April 27, and May 11 and will continue to meet every other week until the end of the school year. There are approximately 15 participants including BHS and B-Tech staff, BHS parents and students, and District staff. The safety committee is reviewing the following suggested action items regarding safety and will make recommendations for the Board in June: uniforms for security staff, gun/violence prevention education, electronic devices, procedures for visitors to campus, security staffing, identification badges, student dress codes, and limited open campus.

External Safety Assessment

School safety consultant, Al Bahn of EduSafe Associates, completed a campus walk-through at Berkeley High School on April 19 and at B-Tech on May 10. Mr. Bahn will attend the Ad Hoc Safety Committee meeting on May 25 to review his preliminary findings with the committee. Staff and students are currently participating in safety surveys as a part of the safety evaluation. Mr. Bahn's final analysis and report will be presented to the Board in June.

Student Education and Input

Focus groups with students were scheduled for May 19 and 20 to ask why students are bringing guns and weapons into campus. The focus groups will be led by Berkeley High School staff and community members with the purpose to give students the opportunity to express their concerns in a confidential setting. Two Berkeley High School

students are participating on the Superintendent's Ad Hoc Safety Committee and are providing valuable insights from the students' perspective.

Safety Training for BHS and B-Tech staff by Berkeley Police

The Berkeley Police Department is scheduled to provide training for BHS and B-Tech Administrators and Safety Officers on May 25 regarding emergency communication and search and seizure protocols.

Enhanced Procedures for Building Security

BHS Administration has taken several recent steps to enhance security on the campus. The gate on Allston Way between the Little Theater and the H Building is now kept locked all day. Safety Officers and Administrators are stationed at every entrance in the morning prior to the start of the school day and again at the end of the lunch period. The gate between the Community Theater and the Administration Building has been repaired. BHS Administration intends to move all classes from the portable buildings at Washington School onto the main campus in the fall depending upon available space and enrollment.

Programs to Prevent and Reduce Bullying and Violence

Central Office staff has researched potential programs to prevent and reduce bullying and violence and has selected one that has been presented to the BHS Principal. A representative from the program has been asked to present the program to the Ad Hoc Safety Committee for consideration. If approved, the program will be implemented in the fall 2011.

Safety Conference

Four representatives from Central Office and BHS Administration will attend the Safe Schools Conference in Los Angeles in August that includes workshops on bullying and cyber bullying, gang prevention and intervention, drop-out prevention, alcohol and other drugs, and crisis response.

POLICY/CODE

Board Policy 5131.7

DISTRICT GOAL

II-C - Positive Behavior Support

FISCAL IMPACT:

None

STAFF RECOMMENDATION

Receive the Update Regarding Responses to Weapons for information.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 25, 2011
SUBJECT: Superintendent's Proposed Budget Reductions

IMPACT OF GOVERNOR'S MAY REVISIONS

The Governor released May Revisions of his January Budget proposal. The May Revision included the recognition of \$2.8 billion in additional revenue for 2010-11 and \$3.5 billion for 2011-12. This new revenue is being used to eliminate \$2.1 billion of deferred payments from the State to school districts. The Governor recognized that school districts have borne a disproportionate share of cuts during the past few years and all cuts-budget would require a suspension of Proposition 98, which he was not willing to do.

The bottom line is the revenue that Districts will receive based on average daily attendance (ADA) will be roughly flat for next school year. The good news is that the District does not have to make draconian cuts at this time as anticipated. The bad news is that the Governor cautions against expectations that this new revenue erases the Budget problem by pointing out that the ongoing structural deficits continue. To balance the budget, the Governor assumes extension of the higher tax levels.

Although, the District revenue will remain relatively flat next year, the District still has an anticipated structural deficit of approximately \$.7 million due to the following:

- The District has relied on one-time federal stimulus funds of \$3.5 million this year and will only have \$1.7 million next year.
- The District made cuts last year to offset state budget cut of \$2.4 million and the state budget cut never materialized. Only \$.7 million of the District cuts were restored.
- The District has to cover increased costs for step and column, increased health benefits costs for classified employees that are below the District's subsidy, and inflation costs.
- The District also has a projected reduction in revenue limit due to loss of enrollment to a new charter school

Staff, the Superintendent's Budget Advisory Committee and the Superintendent are in agreement and have proposed the attached recommended budget reductions to address the \$.7 million deficit. However, there is a difference of opinion on how the savings will be used if the proposed changes in the adult education program exceed their

target of \$90,000. The Superintendent's Budget Advisory Committee, based on a split vote of 7-6, recommends that any additional savings be transferred to the general fund. Staff recommend that any additional savings be transferred to the general fund and be targeted for Career Technical Education (CTE) programs throughout the District. The Superintendent supports the staff recommendation.

In addition to the attached recommendations, the Superintendent's Budget Advisory Committee requested that Staff research and considers the following proposed budget reductions:

- Investigate charging for parking at BHS tennis courts on weekends and nights.
- Establish minimum class sizes at Berkeley Adult School in which classes will not be offered or must be consolidated.

DISTRICT GOAL

V. Resources: Generate and equitably allocate resources for programs and services that enable every student to succeed.

STAFF RECOMMENDATION

Receive the Superintendent's proposed budget reductions to balance budget for fiscal year 2011-2012 for information.

Proposed Budget Reductions				
Department	Category	Staff Recommendation	Committee Recommendation	Superintendent's Recommendation
Adult School	Adult School charge additional fees/Restructure Inner City Services (A)	90,000	90,000	90,000
Staffing Reductions	BSEP pay for 5.5 FTE ULSS staff	475,000	475,000	475,000
Nutrition Services	Reduce the transfer of Meals for the Needy funding to Food Services	100,000	100,000	100,000
Facilities	Measure BB to pay for .3 FTE of a Network Engineer position	35,000	35,000	35,000
	TOTAL	\$700,000	\$700,000	\$700,000
<p>(A)- Increase fees for ESL program from \$30 to \$45 and Review other course fees on the basis of competitiveness and set new fees. When setting new fees, issues of access, should be considered; not all courses can sustain a fee increase. In addition reduce .5 FTE Budget Analyst .</p>				

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 25, 2011
SUBJECT: Information Concerning the Sale of Hillside School

BACKGROUND INFORMATION

On March 23, 2011, the Board approved marketing the Hillside property for sale. Bids were to be received on June 8th in open session as is required by the Code. A recommended qualified bidder was to be considered by the Board on June 22nd. Counsel informed staff that the Board must act on a sale within 10 days of receipt of bids. As the month of June had no Board meeting scheduled between June 8th and June 22nd, BUSD could have risked a potential challenge to the sale if the dates were not modified. With the advice of counsel, staff extended the bid opening from June 8th until June 22nd. The Board can consider an award at its meeting of June 29th.

DISTRICT GOAL

Goal 5. Generate and equitably allocate resources.

POLICY/CODE

Education Code 17464 and 17485 et seq. and Government Code 54220 et seq.

FISCAL IMPACT

No implications to the extension of the bid date.

STAFF RECOMMENDATION

Accept the revised bid date for public information.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 25, 2011
SUBJECT: Facilities Plan Update

BACKGROUND INFORMATION

This report is an update of the Facilities Construction Plan approved by the Board on March 10, 2010 and as amended on September 22, 2010 and April 27, 2011. Data in this report is current as of May 17, 2011. This report includes updates of all active construction projects. Maintenance projects are detailed in the Maintenance Quarterly Reports.

ELEMENTARY SCHOOLS

Emerson

Project Type: Solar
Status: Bid
Completion Date: October 2011
Changes since last report: DSA approved the project. Bids are due on May 24th. There were two job walks conducted and there are twelve plan holders.

LeConte

Project Type: Electrical Service
Status: Pre-Design
Completion Date: September 2012
Changes since last report: On hold. We will re-start the project in the summer.

Oxford

Project Type: Flooring
Status: Award
Completion Date: September 2011
Changes since last report: The job walk was held and bids were received. The low bid is below estimate. The low bidder will be recommended to the Board for approval on June 8th.

BAM

Project Type: Electrical Service
Status: Pre-Design
Completion Date: September 2012
Changes since last report: On hold. We will re-start the project in the summer.

Jefferson

Project Type: Two Classroom Construction
Status: Construction
Completion Date: October 2011
Changes since last report: The Board awarded the contract and the contractor began work. The kitchen has been cleared out and the multi-purpose temporary wall has been constructed. Per the contract, the classrooms will be done by opening of school, but the kitchen and the restrooms may be done after school opens.

Project Type: Addition and Modernization
Status: Pre-Design
Completion Date: April 2014
Changes since last report: Architect interviews are scheduled for a project to add classrooms and to partially modernize the school.

Rosa Parks

Project Type: Solar
Status: Design
Completion Date: March 2012
Changes since last report: The designer is having difficulty getting DSA approval for a new solar project. The delays will push the project into completion later in the year, but we are hoping that the tradeoff will be a quicker installation and additional energy output.

MIDDLE SCHOOLS

KING

Project Type: Media Center Roof
Status: Construction
Completion Date: September 2011
Changes since last report: The Board awarded the project on May 11th. The contractor has been sent his Notice of Award.

Project Type: Gymnasium Roof
Status: Construction
Completion Date: September 2011
Changes since last report: The Board awarded the project on May 11th. The contractor has been sent his Notice of Award.

Project Type: Science Boiler
Status: Bid
Completion Date: October 2011
Changes since last report: DSA approved the project. Fourteen contractors attended the job walk. Bids were received on May 17th. The low bid is below estimate. The low bidder will be recommended to the Board for approval on June 8th.

HIGH SCHOOLS

BERKELEY HIGH

Project Type: Bleachers
Status: Construction
Completion Date: February 2012
Changes since last report: The walls are still being formed and the rebar is being installed. The first concrete pour of the walls is planned for the week of May 16th.

Project Type: New Classrooms and Gym
Status: Permit
Completion Date: November 2013
Changes since last report: The estimate and the constructability review were completed.

Project Type: Donahue Gymnasium Roof
Status: Construction
Completion Date: September 2011
Changes since last report: The Board awarded the project on May 11th. The contractor has been sent his Notice of Award.

Project Type: Community Theater Accessibility
Status: Bid
Completion Date: November 2011
Changes since last report: The project is still being reviewed by DSA. If DSA does not approve the project soon, the project may not be successfully awarded before the Board goes on summer break.

WEST CAMPUS

Project Type: Rehabilitated Buildings
Status: Construction
Completion Date: January 2012
Changes since last report: The micropile installation is still underway. Welding has begun on the 2nd and 3rd floors. The roofing has begun.

Project Type: Board Room
Status: Design
Completion Date: September 2012
Changes since last report: A third meeting was held with the City on May 16th. The construction document estimate has been received and is being reviewed by the District and the City. The project has been submitted to DSA.

Project Type: Charter School
Status: Pre-Design
Completion Date: August 2013
Changes since last report: Architect interviews are scheduled for a project to improve the old administration space at West Campus.

DERBY FIELD

Project Type: Improve Field
Status: Pre-Design
Completion Date: February 2013
Changes since last report: Architect interviews are scheduled for a project to build a baseball field, basketball court and other amenities at the Derby site.

DISTRICT-WIDE

Project Type: Furniture Replacement
Status: Purchase
Completion Date: September 2011
Changes since last report: The orders will be placed in early June. Facilities is coordinating with Education Services to determine which grade levels classes were added to which sites. Some of these changes will require new furniture.

The Board approved a construction project plan.

The District approved a pre-qualified list of architects.

The District approved initiating discussions with the labor unions on a Project Labor Agreement.

The first meeting of the new Construction Committee was held.

The District is revising its architect contract.

The District is soliciting proposals for project management/construction management services.