

**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, December 12, 2012

Call to Order Leah Wilson, Presiding Officer, will call the Meeting to Order at **7:30 p.m.**

Roll Call

Members Present:

Judy Appel, Director
Josh Daniels, Director
Karen Hemphill, Director
Beatriz Leyva-Cutler, Director
Leah Wilson, Director
Juliette Mueller, Student Director

Administration: Javetta Cleveland, Co-Superintendent
Neil Smith, Co-Superintendent
Delia Ruiz, Assistant Superintendent of Human Resources

Swearing in of Newly Elected Board Members by City Clerk

The Board will recess into closed session after the public meeting has been completed 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 – Proposed Settlement Agreement
- b) Consideration of Student Expulsions
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal /Release/Evaluation
- e) Public Employment /Appointment
- f) Liability Claims
- g) Property Acquisition & Disposal
- h) Superintendent's Evaluation

* Board agenda posted on District website: www.berkeley.k12.ca.us

** The Student Director does not attend Closed Session

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

YEARLY ORGANIZATIONAL REQUIREMENTS

Election of Officers:

- Item 1.1-0 – President
- Item 1.2-0 - Vice President
- Item 1.3-0 –Clerk
- Item 1.3-0- Secretary

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Item 1.4-0 Approve Board of Education Meeting Schedule for 2013	11
Item 1.5.0 Board of Education Appointments Approve each Board member's selection to serve on a Community Advisory Committee	13
Item 1.6-0 Board of Education Appointments Approve each Board member's selection to serve on various Board Committees and Commissions	15
Item 1.7-0 Board of Education Assignments Approve each Board member's selection for "Adopt-A-School" assignments	20

REGULAR MEETING AGENDA

Report Closed Session actions

Approve Regular Meeting Agenda of December 12, 2012

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.

COMMITTEE REPORT

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

APPROVE 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 Human Resources Report	<u>Staff Recommendation:</u> Approve Human Resources Report 12.12.12	22
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Educational Services

3.1-C Approval of Overnight Field Trip Requests	<u>Staff Recommendation:</u> Approve the overnight field trip requests consistent with District policies and instructional programs	25
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3.2-C Acceptance of Positive School Climate Grant from Alameda County	<u>Staff Recommendation:</u> Approve acceptance of Positive School Climate Grant from Alameda County	27
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Business Services

4.1-C Approval of Contracts and Purchase Orders	<u>Staff Recommendation:</u> Authorize the Purchasing Manager or Deputy Superintendent to execute contracts and purchase orders	29
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4.2-C Acceptance of Gifts and Donations	<u>Staff Recommendation:</u> Accept the donations and gifts to the District and request staff to extend letters of appreciation	31
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4.3-C Resolution No. 13-027 to Apply for Grant Funds from BAAQMD to Replace Compressed Natural Gas Fuel Tanks on School Buses	<u>Staff Recommendation:</u> Approve Resolution No. 13-027 to Apply for Grant Funds from BAAQMD to Replace Compressed Natural Gas Fuel Tanks on School Buses	33
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Facilities

5.1-C		37
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Approval to Accept the Accessibility Project at the Berkeley Community Theatre	<u>Staff Recommendation:</u> Accept the accessibility project at the Berkeley Community Theatre	
5.2-C Approval to Accept the Turf Replacement Project King Middle School	<u>Staff Recommendation:</u> Accept the turf replacement project at King Middle School	39
5.3-C Approval of Van Pelt Construction Services to Manage Two Projects	<u>Staff Recommendation:</u> Approve Van Pelt Construction services to manage two projects	41

ACTION ITEMS

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

General Services

1.1-A Request to Solicit Proposals from Superintendent Search Firms	<u>Staff Recommendation:</u> Direct staff to request proposals from Superintendent search firms	42
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Educational Services

3.1-A Proposal for a Teacher on Special Assignment to Coordinate Services for Students Qualifying for McKinney-Vento Services	<u>Staff Recommendation:</u> Approve proposal for a Teacher on Special Assignment to coordinate services for students qualifying for McKinney-Vento support	50
3.2-A Plan to Accelerate the Achievement of African American Students	<u>Staff Recommendation:</u> Approve plan to accelerate the achievement of African American students	52

Business Services

4.1-A Refunding of General Obligation Bonds – Resolution No. 13-026	<u>Staff Recommendation:</u> Approve Resolution No. 13-026 allowing the administration to proceed with the refunding of “Series A” General Obligation Bonds	54
4.2-A Certification of First Interim Report for the Period Ending October 31, 2012	<u>Staff Recommendation:</u> Approve the positive certification of the First Interim Report (under separate cover)	87

4.3-A Proceeds from Sale of Surplus Property	<u>Staff Recommendation:</u> Authorize staff to develop a one-time expenditure plan for the proceeds from the sale of surplus property	89
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Facilities

5.1-A Yearly Review of Facilities Allocations	<u>Staff Recommendation:</u> Approve facilities allocations	91
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INFORMATION ITEMS

These items are intended to keep the Board informed on various District business matters, which do not require action by the Board. No staff presentations are planned unless noted below.

Facilities

5.1-I Berkeley High School Facilities Update	<u>Staff Recommendation:</u> Receive Berkeley High School facilities update for information	93
5.2-I First Interim FY 2012-2013 BB Financial Update	<u>Staff Recommendation:</u> Receive First Interim 2012-2013 BB Financial Report that updates BB expenditures from July 1, 2012 through October 31, 2012 for information	95
5.3-I Facilities Plan Update	<u>Staff Recommendation:</u> Receive Facilities Plan update for information	98

ADDITIONAL ACTION ITEMS

- Approve Board of Education Minutes: 11-14-12
- Approve Board of Education Minutes: 11-28-12

EXTENDED PUBLIC TESTIMONY

RECESS TO CLOSED SESSION

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.

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: Board of Education
FROM: Javetta Cleveland and Neil Smith, Co- Superintendents
DATE: December 12, 2012
SUBJECT: Proposed 2013 Board Meeting Schedule

BACKGROUND INFORMATION

This proposed Board meeting schedule for 2013 has been reviewed with respect to religious holidays, major school events and state holidays and there appears to be no scheduling conflict.

POLICY CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the proposed 2013 Board meeting schedule.

Berkeley Unified School District
Proposed Board of Education Meeting Schedule

January 9

January 16 – Study Session

January 23

February 13

February 20 – Study Session

February 27

March 13

March 20 – Study Session

March 27

April 10

April 17 – Study Session

April 24

May 8

May 15 – Study Session

May 22

June 12

June 19 – Study Session

June 26

NO JULY MEETING

August 21

September 11

September 18 – Study Session

September 25

October 9

October 16 – Study Session

October 23

November 13

November 20 – Study Session

December 11 – **organizational**

Berkeley Unified School District
Brown Act and Community Advisory Committee Meetings
2012-13 Meeting Dates, Times and Locations

Committee/Commission Meeting	Date/Day	Time	Location	Contact
ACSBA	1-17-13, 2-21-13, 4-18-13	7:00 p.m.	313 W. Winton, Hayward And other locations	Mike.mcmahon@yahoo.com
Audit	Varies	4:00 p.m.	Superintendent's Conference Room	Gerri Morgan- 644-8593 geraldinemorgan@berkeley.net
Board Policy Subcommittee	Varies	Varies	Superintendent's Conference Room	Deborah Turner- 644-8764 deborahturner@berkeley.net
BSEP Planning & Oversight	1 st or 3 rd Tue	7:00	Malcolm X Library	Mary Hurlbert - 644-8717 maryhurlbert@berkeley.net natashabeery@berkeley.net
BTSA	1-18-13 4-19-13	8:30-11:30	ACOE, Rm. 142 Newark Unified	Julianna Sikes jsikes@berkeley.net
Budget Advisory Committee	Varies	Varies	Oregon Street	Geraldine Morgan- 644-8593 geraldinemorgan@berkeley.net
Community Arts Team (formerly Berkeley Arts in Education)	TBD	TBD	TBD	Suzanne McCulloch - 644-8772 suzannemcculloch@berkeley.net

Committee/Commission Meeting	Date/Day	Time	Location	Contact
Construction Bond – Measure I	Varies	6:00	Oregon Street - small conference room	Chanita Stevenson– 644-6066 chanitastevenson@berkeley.net
DAC and DELAC	2 nd Tue	6:00-7:30	Longfellow Library	Christina Faulkner 644-6202 christinafaulkner@berkeley.net
Equity	Varies	4:00-5:30	2020 Bonar, Suite 126	Charity DeMarto 644-8991 charitydamarto@berkeley.net
Facilities, Safety & Maintenance	1 st Thu	5:45-7:15	Oregon Street – small conference room	Gayle Brandt – 644-6250 gaylebrandt@berkeley.net
Peace & Justice Commission	1 st Mon	7:00 p.m.	N. Berkeley Senior Ctr., 1901 Hearst Staff	Eric Brenman, 981-5114 EBrenman@CityofBerkeley.info
PTA Council		6:30 p.m.	Oregon Street	Patricia Mok, Secretary patriciamok@gmail.com
2020 Design Team	3 rd Thu	9:00-11:00	Superintendent’s Conference Room	Pamela Harrison-Small - 644-8916 pharrison-small@berkeleyalliance.org
2 x 2	Quarterly - Varies	Varies	City Hall, Redwood Room, 6 th Floor	Deborah Turner 644-8764 deborahturner@berkeley.net Yvette Gan – 981-7004 yvg2@cityofberkeley.info
Youth Commission	2 nd Mon	6:30 p.m.	MLK Youth Center, 1730 Oregon Street	Michael Smith , 981-6671 MSmith@ci.berkeley.ca.us

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Javetta Cleveland and Neil Smith, Co-Superintendents
DATE: December 12, 2012
SUBJECT: Berkeley Unified School District Board of Education
Representatives to Community Advisory and Board
Committees for 2013

BACKGROUND INFORMATION

Appointments to Board Committees are being presented tonight for approval and adoption.

Board participation on various committees serves to create and maintain a relationship between the District and the community while supporting Board policies and mutual objectives.

The District's Community Advisory Committees ensure that stakeholder groups have a voice in the educational decisions that shape the culture of our District.

We ask the Board to reaffirm their previous commitments or choose new committees upon which to serve for 2013.

POLICY CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve each Board member's commitment to service on a community advisory committee and Board committees for 2013.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Javetta Cleveland and Neil Smith, Co-Superintendents
DATE: December 12, 2012
SUBJECT: Berkeley Unified School District Board of Education
Representatives to Board Committees for 2013

BACKGROUND INFORMATION

Board participation on various committees serves to create and maintain a relationship between the District and the community while supporting Board policies and mutual objectives. We ask the Board to reaffirm their previous commitment to a specific committee or select another committee on which to serve for 2013.

POLICY CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve each Board member's committee selection.

Berkeley Unified School District

Board of Education

Brown Act Committee Appointments
2013

Committee	Composition	2012 Board Member	2012 Appointee	2013 Board Member	2013 Appointee
Audit	3 members appointed by Board (1 term ends 2012 – 2 end 2013)	Leyva-Cutler Selawsky	Isiah Roter Dan Lindheim – ends 2012 Elizabeth Snowden		
Construction Oversight (Measure I)	7 members appointed by Board	None	Stephanie Allan Nicolie Bolster-Ott Carl Bridgers David Goldin Allen Nudel Susi Marzuola Eric Weaver		
Facilities, Safety & Maintenance Oversight	All Board, one BUSD appointee 2 Supt. appointees	Leyva-Cutler Selawsky Hemphill Wilson Daniels Mueller Board Supt (2)	Frederico Castillo vacant Rick Carr Catherine Lazio vacant vacant David Shiver vacant vacant		

Committee	Composition	2012 Board Member	2012 Appointee	2013 Board Member	2013 Appointee
Peace & Justice Commission	All Board	Leyva-Cutler Selawsky Hemphill Wilson Daniels Mueller	Noah Sochet-Khabir Phoebe Ann Sorgen Luis Daniel Rueda Nuha Masri vacant Or Gozal		
Youth Commission	Each Board member plus 3 Board appointments	Leyva-Cutler Daniels Selawsky Wilson Mueller Hemphill Board Board Board	Monica Tamayo Camilla Fenn Isaac Brown Celia Ettinger vacant vacant Andrew Daniels Julian Paris Morgan Quinnolyn Yates		

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Javetta Cleveland and Neil Smith, Co-Superintendents
DATE: December 12, 2012
SUBJECT: Adopt-A-School Assignments

BACKGROUND INFORMATION

For review and approval are the Board of Education's Adopt-A-School Assignments for 2013. Each year members of the Board divide among themselves schools to "adopt" and this better provides a link between the Board and the school's community. The Board President will solicit volunteers for such assignments.

POLICY CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve the Adopt-A-School Assignments for 2013.

Berkeley Unified School District
Board of Education
Proposed 2013 Adopt-A-School Assignments

2012 Assignments

Selawsky	Leyva-Cutler	Hemphill	Wilson	Daniels
Oxford	Thousand	Washington	BAM	LeConte
Malcolm X	Oaks	John Muir	Jefferson	Emerson
Berkeley Adult	Cragmont	Longfellow	King	Willard
Ind. Studies		BHS	BHS	BHS
	Rosa Parks	B-Tech		B-Tech
	ECE			

2013 Assignments

Wilson	Appel	Hemphill	Leyva-Cutler	Daniels

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: December 12, 2012
DISTRICT GOAL: V: Efficient Use of Resources
SUBJECT: APPROVAL OF HUMAN RESOURCES REPORT 12.12.12
 The following is submitted for review and acceptance.

CERTIFICATED EMPLOYEES						
Name	Classification (Temporary, Probationary or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>LEAVES</u>						
Ana Delgado	Probationary	Teacher	1.0	Arts Magnet	08/27/12	12/21/12
Kristen Delgado	Permanent	Teacher	1.0	Rosa Parks	08/29/12	11/30/12
Dagny Dingman	Permanent	Teacher	1.0	Berkeley High	08/27/12	12/03/12
Aryn Faur	Permanent	Teacher	.40	Longfellow	10/24/12	01/28/13
Susan Gatt	Permanent	Teacher	1.0	Rosa Parks	08/27/12	12/17/12
Mathew Glaser	Permanent	Teacher	1.0	Berkeley High	04/27/12	09/28/12
Valerie Gutwirth	Permanent	Teacher	.16	John Muir	08/29/12	06/14/13
Michael Hammond	Permanent	Teacher	1.0	VAPA	08/27/12	12/21/12
Julianna Jones	Permanent	Teacher	1.0	Longfellow	08/27/12	01/15/13
Rachel Manandhar	Permanent	Teacher	1.0	King	10/29/12	03/22/13
Zohra Richardson	Permanent	Counselor	1.0	Berkeley High	08/27/12	01/22/13
Sarita Trujillo	Permanent	Teacher	1.0	King	11/26/12	04/29/13
Timothy Zolezzi	Permanent	Teacher	1.0	Berkeley High	11/26/12	01/24/13
Mallorie Baron	Permanent	Teacher	1.0	Washington	11/19/12	06/14/13

CLASSIFIED EMPLOYEES

Name	Classification (Limited Term, Provisional, Temporary, Probationary, or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>LEAVES</u>						
Jacqueline Brown-Cunningham	Permanent	School Safety Officer	1.0	Longfellow	12/03/12	01/04/13
Devyne Coleman	Permanent	Custodian II	1.0	Emerson	11/20/12	03/04/13
Cathi Hackbarth	Permanent	Administrative Coordinator	1.0	Special Education	10/25/12	12/10/12
Gina Jackson-Morning	Permanent	Food Service Satellite Operator	.87	Malcolm X	08/27/12	11/04/12
Rita McIntyre	Permanent	Secondary Schools Production Operator	.93	Willard	11/26/12	11/30/12
Paula Phillips	Permanent	Administrative Assistant	1.0	BEARS	10/22/12	12/31/12
Leah Sokolofski-Burstein	Permanent	CNN Program Supervisor	1.0	California Nutrition Network	10/25/12	02/26/13
Belinda Williams	Permanent	Instructional Technician	.53	Le Conte	10/29/12	12/07/12
Vanessa Williams-Bell	Permanent	Instructional Technician	.53	Malcolm X	08/27/12	12/10/12
Kevin Younger	Permanent	Payroll Technician	1.0	Payroll	09/25/12	11/16/12
Kevin Younger	Permanent	Payroll Technician	1.0	Payroll	11/29/12	11/30/12
<u>NEW HIRES OR REHIRES</u>						
Maribel Coss-Perez	Permanent	Instructional Assistant, Bilingual	.40	Thousand Oaks	11/01/12	
Ronnie Douglas	Probationary	Food Service Assistant	1.0	Nutrition Services	11/01/12	*
Lupe Fuentes-Reyna	Permanent	School Service Assistant	.87	Thousand Oaks	11/01/12	
Takisha Gibson	Probationary	Instructional Assistant, Special Ed., Attendant	.60	Hopkins	11/01/12	*
Hermena Hamilton	Probationary	Food Service Assistant	.73	King/John Muir	11/01/12	*
Rachel Larson	Probationary	Instructional Assistant, Special Ed., Attendant	.80	Berkeley High	10/01/12	*
Jason Lewis	Probationary	Custodian I	1.0	Berkeley High	11/13/12	*
Marielle Martinez	Probationary	Instructional Technician	.53	Emerson	11/05/12	*
Joseph Oduah	Probationary	Instructional Technician	.47	Malcolm X	11/02/12	*
Richelle Porter	Probationary	Instructional Technician	.40	Arts Magnet	11/08/12	*

CLASSIFIED EMPLOYEES

Name	Classification (Limited Term, Provisional, Temporary, Probationary, or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>NEW HIRES OR REHIRES (continued)</u>						
Amanda Richmond	Probationary	Instructional Assistant, Special Ed., Attendant	.80	Berkeley High	10/19/12	*
Anita Thompson	Permanent	Instructional Assistant, Special Ed., Attendant	.80	Arts Magnet	10/01/12	
Douglas Zaebst	Probationary	Instructional Technician	.47	Willard	11/16/12	*
<u>NEW ASSIGNMENT</u>						
Marcia Anthenien	Permanent	Instructional Assistant, ECE	.80	Franklin Preschool	11/01/12	
Stefan Gibson	Permanent	Custodian I	1.0	Maintenance	11/05/12	
Grace Perry	Permanent	Instructional Assistant, ECE	.60	Malcolm X	10/01/12	
Kayla Robinson	Permanent	Instructional Assistant, Special Ed., Attendant	.60	King CDC	11/07/11	
Lisa Vories	Permanent	Instructional Assistant, ECE	.80	Franklin, CDC	11/01/12	
<u>SEPARATIONS</u>						
Lisa Morris	Permanent	Instructional Assistant, ECE	.80	Willard	10/31/12	
*Upon completion of six work months						

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Christina Faulkner, Director, Curriculum and Instruction
DATE: December 12, 2012
SUBJECT: Overnight Field Trip Requests

BACKGROUND INFORMATION

The following overnight field trip requests are being made:

Sempervirens Outdoor School, Boulder Creek, CA, February 4 - 8, 2013

Approve participation of ninety fifth grade students, and five teachers from Berkeley Arts Magnet Elementary School on a five-day, four-night field trip to Sempervirens Outdoor School, which provides a staff of trained adults to work with student groups. The group will depart Berkeley Arts Magnet Elementary at 9:30 a.m. on Monday, February 4, and return at 1:30 p.m. on Friday, February 8, 2013. Students will participate in hands-on standards-based science and field work. BUSD will provide transportation. Students will sleep in gender specific cabins on the grounds. The cost of \$284 per student will be paid by PTA, fundraising and parent donations. No student will be denied access based on inability to pay. Requested by Kristin Collins, Berkeley Arts Magnet Principal.

Fort Mason Center, San Francisco, CA February 7-8, 2013.

Approve participation of twenty-eight fourth grade students, one teacher, and six other adults from Washington Elementary on a two-day, one-night field trip to Fort Mason Center in San Francisco. The group will depart Washington Elementary at 8:15 a.m. on Thursday, February 7, and return at 4:00 p.m. on Friday, February 8, 2013. Students will participate in the Gold Rush Program through the San Francisco Maritime Museum, which supports Social Studies curriculum for 4th grade. Students will visit the San Francisco Aquarium on Friday, before their return to Washington. Students will sleep in gender specific dormitories at the San Francisco Youth Hostel at Fort Mason. Students will utilize BART and MUNI to and from the event. A BPEF Grant, PTA Grant, and parent donations will provide for the cost of \$79 per student. No student will be denied access based on inability to pay. Requested by Rita Kimball, Washington Principal.

California Boys Tennis Classic, Fresno, CA, February 28 – March 2, 2013

Approve participation for fifteen students, two teachers, and four other adults from Berkeley High School's Boys Varsity Tennis Team, on a three-day, two-night field trip to compete in the California Boys Tennis Classic in Fresno, CA. Students will stay in supervised rooms at the Quality Inn in Fresno. Students will travel with volunteer parent drivers to and directly home from the event. Parents will submit a "Notification of Adults Driving

Private Vehicles” as required by Resolution 04-65. The cost of \$100 per student will be paid from the Berkeley Athletic Fund and parent donations. One day of substitute coverage for one teacher will be paid from BHS site funds. No student will be denied access based on inability to pay. Requested by Pasqual Scuderi, B.H.S. Principal.

Pigeon Pt. Lighthouse Hostel, Pescadero, CA, February 20 – 22, 2013, and March 13 – 15, 2013

Approve participation of sixty-two fifth grade students, three teachers, and ten other adults from Malcolm X Elementary School on a three-day, two-night field trip to the Pigeon Point Lighthouse. There will be two trips and approximately half the group will attend each one. The first group departs Malcolm X Elementary at 8:20 a.m. on Wednesday, February 20, and returns at 3:30 p.m. on Friday, February 22, 2013. The second group departs Malcolm X Elementary at 8:20 a.m. on Wednesday, March 13, and returns at 3:30 p.m. on Friday, March 15, 2013. This field trip incorporates hands-on standards-based science and field work with community building. Students will sleep in gender specific, hostel style cabins on the grounds. District buses provide transportation. The cost of \$300 per student will be paid by parent and PTA donations. No student will be denied access based on inability to pay. Requested by Alex Hunt, Malcolm X 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 35330
Board policy 6153

FISCAL IMPACT

As indicated above.

STAFF RECOMMENDATION

Approve the overnight field trips.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Susan Craig, Director, Student Services
DATE: December 12, 2012
SUBJECT: Positive School Climate Grant

BACKGROUND INFORMATION

The District has been awarded a Positive School Climate Grant for the remainder of the 2012-2013 school year in the amount of \$22,195 from Alameda County Behavioral Health Care Services. The Positive School Climate Grant will enable Berkeley High School (BHS) to build internal capacity to prevent problem behaviors and reduce racial disproportionality in disciplinary action while providing universal and targeted support to high risk students.

Case Management for Identified High Risk BHS Students

The program will include case management for identified high risk youth who have received three or more disciplinary referrals. Case management will be provided, through a partnership with LifeLong Medical, by a Marriage and Family Therapist in Training (MFTT) and will include both one-on-one and small group support. The support will include restorative justice (RJ) conversations and circles, anger management strategies, and alcohol, tobacco, and other drug (ATOD) prevention and intervention support. The MFTT will participate in professional development to enhance his capacity to provide student and staff support. In addition to the use of RJ practices, curricula that will be used to support student case management include Project Towards No Drug Use and Miss Representation.

Professional Development in Restorative Justice Practices

Weekly study sessions for teachers in the use of restorative justice (RJ) practices at school will be facilitated by the MFTT. The MFTT will also provide consultation and coaching for staff on a voluntary basis.

Olweus Bullying Prevention Program

Berkeley High School's Intervention Coordinator/Counselor holds certification as an Olweus Bullying Prevention Program Trainer of Trainers. As the next step in the roll-out of the Olweus program at BHS, every student will be asked to take the Olweus survey. The Olweus survey data will be analyzed and used to inform the specific scope and sequence of the program.

Benefits of the Proposed Positive School Climate Project at Berkeley High School

1. An anticipated reduction in overall suspensions at BHS and an elimination of/or significant reduction in the racial disproportionality in the suspension of African American students. It is anticipated that students who receive case management support will spend more time in class with increased attendance and show improved academic performance.
2. An increased number of BHS staff who are trained in RJ practices and a parallel increased use of RJ practices at BHS which will support a positive school climate for all.
3. Initial steps to improve school climate related to bullying through the Olweus student survey and initiation of Olweus training for staff.

DISTRICT GOAL

II. C. Positive Behavior Support

POLICY/CODE

Board Policy 5030.2, 5131.2, 5131.6, 5144.1, 5145.7

FISCAL IMPACT:

\$22,195 in grant funds

STAFF RECOMMENDATION

Approve the Positive School Climate Grant Award.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Rose Garcia, Purchasing Agent
DATE: December 12, 2012
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. Skyline Engineering to design and specify the roof replacement project at the Malcolm X main building. The cost will not exceed \$25,000. To be paid from Measure AA. Requested by Lew Jones.
2. On Point Construction to paint the stairwells at the West Campus administration building over the winter break. The cost will not exceed \$14,000. To be paid from Measure AA. Requested by Lew Jones.
3. Increase in contract, PO 330313, to ITS to provide additional inspection on the Mollering Field project. This increase is needed because DSA has required additional inspection on the project based upon new interpretations by that organization. The Board approved \$30,000 on June 20, 2012. The additional contract amount will increase the cost by \$16,000 for a total amount of \$46,000. To be paid from Measure I. Requested by Lew Jones.
4. Increase in contract, PO 330510, to Signet Testing to provide to provide additional inspection on the Mollering Field project. This increase is needed because DSA has required additional inspection on the project based upon new interpretations by that organization. The Board approved \$18,000 on June 20, 2012. The additional contract amount will increase the cost by \$20,000 for a total amount of \$38,000. To be paid from Measure I. Requested by Lew Jones.
5. Increase in contract, PO 330046, to RMA Group, Inc. to provide additional inspections on the Moellering Field project. This increase is needed because DSA has required additional inspection on the project based upon new interpretations by that organization. The Board approved \$15,000 on June 29,

2011. The additional contract amount will increase the cost by \$10,000 for a total amount of \$25,000. To be paid from Measure I. Requested by Lew Jones.

6. Increase a contract with Sensible Environmental Solutions for the abatement of the West Campus buildings. The Board approved \$40,000 on March 28, 2012. Staff is recommending an increase of \$9,900 for a revised total of \$49,900. This increase is needed because there was additional asbestos uncovered in a crawlspace under the old administration building. To be paid from Measure AA. Requested by Lew Jones.

DISTRICT GOAL

V. Resources: 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: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Pauline Follansbee, Director of Fiscal Services
DATE: December 12, 2012
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

The Board may accept and utilize on behalf of the District any bequests or gifts of money or property for a purpose deemed to be suited by the Board. The following donations have been presented to the District:

1. Target's Take Charge of Education donated \$468.54 to be utilized as needed for Malcolm X School.
2. Emerson PTA donated \$250 to purchase paper and other office supplies for Emerson School.
3. Cynthia Kuo donated \$740.39 and an anonymous donor donated \$140 through the Wells Fargo Community Support/United Way Campaign to be utilized as needed for a total donation of \$880.39 for Rosa Parks School.
4. Rosa Parks PTA donated \$500 for supplies for Rosa Parks School.
5. Thousand Oaks PTA donated \$4,716 to partially fund student participation in MOCHA for the 2012-13 SY for Thousand Oaks School.
6. Thousand Oaks PTA donated \$4,390 to purchase class room rugs for Thousand Oak School.
7. Berkeley Public Education Foundation donated \$150.62 to cover the cost of two mobile whiteboards for the AVID classroom for Berkeley High School.
8. Malcolm X PTA donated \$10,000 to purchase library books for Malcolm X School.
9. Thousand Oaks PTA donated \$8,500 to partially fund a character development enrichment specialist position reinforcing Welcoming Schools and Second Step through music for K-2 grades for Thousand Oaks School.

DISTRICT GOAL

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

BOARD POLICY

BP 3290

FISCAL IMPACT

The District received a total \$ 29,855.55 in donations.

STAFF RECOMMENDATION

Accept the donations to the District and request staff to extend letters of appreciation

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Neil Smith and Javetta Cleveland, Co-Superintendents
FROM: Bernadette Cormier, Transportation Manager
DATE: December 12, 2012
SUBJECT: Approve Resolution 13-027 to Apply for Funds from the Bay Area Air Quality Management District (BAAQMD) Lower Emission School Bus Program (LESBP) On-Board Natural Gas Tank Replacement Funds

BACKGROUND INFORMATION

The Berkeley Unified School District has a demonstrated commitment to maintaining its fleet of clean and alternative fuel school buses. The entire transit fleet has been replaced with clean and/or alternative fuel school buses through grants and incentives offered by the local Air Quality District (BAAQMD) and/or the California Energy Commission. Our objectives in replacing fleet vehicles are to reduce the exposure of school children to diesel-related emissions, to comply with the California Air Resources Board regulations governing diesel emissions, and to provide program flexibility needed to serve our students and their related transportation needs.

The Berkeley Unified School bus fleet includes nine Compressed Natural Gas (CNG) school buses. The District committed to CNG technologies very early among California school districts and nation-wide school bus fleets. This commitment was part of a larger strategy to replace the aging fleet of school buses with clean or alternative fuel buses in alignment with current industry standards and the newest most stringent federal regulations on emissions. Seven of these buses have now reached or exceeded the replacement timetable for replacing the CNG tanks. This is generally at 15 years. Of those seven, two buses have already been replaced. There are five CNG school buses now due for replacement by February of 2013.

DISTRICT GOAL

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

POLICY/CODE

3300 BP

FISCAL IMPACT

The cost of the CNG tanks will be covered by the awarded Grant Funds up to a total of \$20,000 per school bus. The current replacement cost is \$20,061.10 per school bus. The Transportation Budget General Fund obligation will be in the amount of approximately \$300.00.

STAFF RECOMMENDATION:

Approve Resolution 13-027 to Apply for Funds from the Bay Area Air Quality Management District Lower Emission School Bus Program.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION 13-027

Authorization to Apply For and Secure Grant Funding
From the
2012 Bay Area Air Quality Management District
Lower Emission School Bus Program
On-Board Natural Gas Tank Replacement

WHEREAS, the Board of Trustees of the Berkeley Unified School District of Alameda County, State of California, has determined the District's Transportation needs; and

WHEREAS, the District is in need of replacing School Bus Compressed Natural Gas (CNG) tanks through the Lower Emission School Bus Replacement Grant Program being administered by the Bay Area Air Quality Management District (BAAQMD); and

WHEREAS, this grant is for replacement of Compressed Natural Gas (CNG) fuel tanks; and the BAAQMD will pay up to \$20,000.00 per bus to cover the cost of the new CNG tanks and associated installation labor costs, with mandatory School District portion of any costs above that amount required. The grant application process for these funds requires that the school board commit in advance through this resolution to providing any extra funding for the buses applied for under the Lower Emission School Bus Replacement Program, and to being committed to obtaining and following through with this grant program, and

WHEREAS, any additional costs of the CNG tank replacements above the allocated amounts will be paid by Berkeley Unified School District,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Berkeley Unified School District does hereby authorize the School District's Representative, Javetta Cleveland, Co-Superintendent, to Apply for and Secure all possible funding for the replacement of school bus CNG tanks from the Bay Area Air Quality Management District Lower Emission School Bus Program On-Board Natural Gas Replacement Funding.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 12th day of December, 2012 by the following called vote:

AYES

NOES

ABSENT

ABSTAIN

Clerk
Board of Education

Neil Smith, Co- Superintendent
and Secretary, Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Lew Jones, Director of Facilities
DATE: December 12, 2012
SUBJECT: Accept the Completion of the Project to Improve Accessibility in the Berkeley Community Theater

BACKGROUND INFORMATION

On June 20, 2012, the Board awarded a contract to Omni Construction to improve accessibility in the Berkeley Community Theater. The project is now complete.

Acceptance of the project will permit staff to file a Notice of Completion with the County and will permit release of retention.

DISTRICT GOAL

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

POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

The project is funded through the Measure AA Bond. The project had change orders of \$8,139, or 6.9% above the Board approval. We originally budgeted for change orders of 10%.

STAFF RECOMMENDATION

Accept the project as complete.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 13-029

Authorization To Accept Completion Of The Berkeley Community Theater Accessibility Phase 2 Project No. 804.1201

WHEREAS, Omni Construction Services, Inc., a contractor licensed and existing under and by virtue of the laws of the State of California, and having offices at 533 Airport Blvd, #555, Burlingame, CA 94010, CA, entered into a contract dated July 3, 2012, with Berkeley Unified School District of Alameda County, State of California to secure all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Berkeley Community Theater Accessibility Phase 2 project; and

WHEREAS, Project Construction Manager employed by this Board to prepare plans and specifications and to supervise the work has certified in writing to the Board that said contractor has completed the work of said contract in workerlike and satisfactory manner as of December 12, 2012 and that warranty period begin on this date for this work.

NOW, THEREFORE, BE IT RESOLVED that the project Berkeley Community Theater Accessibility Phase 2 Project No. 804.1201 is hereby approved and accepted as complete.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **12th Day of December, 2012.**

AYES:

NOES:

ABSENT:

ABSTAIN:

Clerk, Board of Education
Berkeley Unified School District

Public Contract Code: 20111
Board Policy: 3310

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Lew Jones, Director of Facilities
DATE: December 12, 2012
SUBJECT: Accept the Completion of the Project to Improve the King Softball Field

BACKGROUND INFORMATION

On May 23, 2012, the Board awarded a contract to Environmental Landscape Solutions to improve the King softball field. The project is now complete.

Acceptance of the project will permit staff to file a Notice of Completion with the County and will permit release of retention.

DISTRICT GOAL

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

POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

The project is funded through Measure BB. The project had no change orders. We originally budgeted for change orders of 10%.

STAFF RECOMMENDATION

Accept the project as complete.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 13-028

Authorization To Accept Completion Of The King Softball Field Project No. 832.1201

WHEREAS, Environmental Landscape Solutions, a contractor licensed and existing under and by virtue of the laws of the State of California, and having offices at 8380 Rovana Circle, Sacramento, CA 95828, CA, entered into a contract dated June 29, 2012, with Berkeley Unified School District of Alameda County, State of California to secure all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the King Softball Field project; and

WHEREAS, Project Construction Manager employed by this Board to prepare plans and specifications and to supervise the work has certified in writing to the Board that said contractor has completed the work of said contract in workerlike and satisfactory manner as of December 12, 2012 and that warranty period begin on this date for this work.

NOW, THEREFORE, BE IT RESOLVED that the project King Softball Field Project No. 832.1201 is hereby approved and accepted as complete.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this **12th Day of December, 2012.**

AYES:

NOES:

ABSENT:

ABSTAIN:

Clerk, Board of Education
Berkeley Unified School District

Public Contract Code: 20111
Board Policy: 3310

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Lew Jones, Director of Facilities
DATE: December 12, 2012
SUBJECT: Approve a Contract With Van Pelt Construction Services to Provide Project Management Services for Two Projects

BACKGROUND INFORMATION

On March 7, 2012, the Board approved the yearly Facility Plan. Several projects are ready to begin. Van Pelt is one of the District's two project management firms. Van Pelt is the preference for high school projects. Staff is recommending that Van Pelt be hired for the following projects:

1. BHS H Building Roof Replacement in the amount of \$30,000; and,
2. Portable Replacement at several sites in the amount of \$90,000 with the portables that will be released from BHS when the new classroom building is completed.

DISTRICT GOAL

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

POLICY/CODE

Board Policy 3310.

FISCAL IMPACT

Cost to be paid from the Measure AA Bond Fund.

STAFF RECOMMENDATION

Approve Van Pelt for an amount of \$120,000 to manage the identified projects.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Javetta Cleveland and Neil Smith, Co-Superintendents
DATE: December 12, 2012
SUBJECT: Request to Solicit Proposals from Superintendent Search Firms

BACKGROUND INFORMATION

In order to hire a Superintendent to lead the District starting July 1, 2013, it is recommended that the Board initiate the process now. Since outside expertise is needed to conduct a comprehensive selection process, staff has prepared the attached Request for Proposals (RFP) from Superintendent Search firms.

The proposed Superintendent search process will be more thorough than the process conducted last year in at least two ways: (1) the Board has already terminated its contract with the previous firm and indicated that it intends to select a different search firm; and (2) the Request for Proposals includes a two phase process.

Phase one involves working closely with the Board to implement a high quality search process that results in the selection a new leader who is a strong match for Berkeley. Phase one requires the search firm to assist the Board in developing a strategic process that builds on the community and staff input from the previous search and surfaces candidates who are aligned to Berkeley's values and educational needs as well as have the ability to lead our District. The strategic process will be the road map that ensures a successful search. Phase one will include implementation of the strategic process including community engagement, advertisement, strategic recruitment and search for candidates, screening of candidates, arranging interviews and establishing the selection process.

Phase two has been added to the search process and provides a more comprehensive reference and background check that is independent of the firm used to perform the functions of phase one. Phase two of the RFP allows firms to propose services to perform an independent background checks and vetting of the finalists.

Firms will only be selected to provide services for phase one or phase two of the search process. Having two separate firms conduct the different phases will strengthen the process, creating a system of checks and balance.

DISTRICT GOALS

I through V

POLICY/CODE

BB 9000

FISCAL IMPACT

To be determined

STAFF RECOMMENDATION

Direct Human Resources staff to request proposals for firms to conduct the Superintendent search.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Susan Craig, Director, Student Services
DATE: December 12, 2012
SUBJECT: Proposal for a Full-time Teacher on Special Assignment to Coordinate Services for Students Qualifying for McKinney-Vento

BACKGROUND INFORMATION

On November 14, 2012, the Board received information about the need for services for qualified students under the McKinney Vento Act. After meeting with a number of families who qualify for McKinney Vento services earlier this month, staff is revising the previous proposal to redesign the way services are provided for these children. Staff is proposing a full-time certificated position, a Teacher on Special Assignment (TSA) who would be half-time at the District Office and half-time at Berkeley High School, to oversee support services that are provided to students who qualify for McKinney Vento services.

Having this position at the Central Office will enable the TSA to interview these families when they enroll and learn about their needs. This is also an opportunity to inform the families of the academic services available in the District as well as connect them with personnel at the site and appropriate social and health services.

There is general agreement about the importance of monitoring the academic progress and attendance of these students and ensuring that the barriers to their success in school are being addressed. A staff member who is easily accessible on site is in the best position to ensure that these students receive the services they need. There are counselors at the middle schools and B-Tech who have the capacity to assume these responsibilities. B-Tech is fortunate to have a Welfare and Attendance Specialist in addition to the counselor who can also assist these families and their students. At the elementary schools, Family Engagement Coordinators could work with teachers and principals to take on these responsibilities at some time in the future, provided they receive the necessary training.

At Berkeley High School, there are a variety of supports and interventions available for students, but there is a need for greater coordination among the various service providers. The proposed TSA position would work with the counselors to monitor the grades and attendance of these students to ensure progress toward graduation and preparation for college/career. This position together with the

counselors would ensure that the BHS students are receiving and benefitting from appropriate supports, such as after school tutorials, health and mental health services at the BHS Health Center, free school supplies, college counseling, credit recovery programs, etc. The position would also work with teachers and the Dean of Attendance to follow up with students who have missed school.

The proposed model is based on the premise that services to students and their families are most effectively delivered at the site. However, those students or families who wish to access services at a centralized location away from the school site would be able to do so.

This position requires a Teaching Credential. Ideally, the person selected for this position would also have a Pupil Personnel Services Credential, a license in a related field, such as Licensed Clinical Social Worker, or a background in social services.

DISTRICT GOAL

II. Strategies to Promote Student Success

POLICY/CODE

Board Policy 6173

McKinney-Vento Homeless Education Act

FISCAL IMPACT

Approximately \$55,000 from the General Fund in 2012-13 and \$90,000 annually if this position is renewed each year

STAFF RECOMMENDATION

Approve the proposal for a full-time Teacher on Special Assignment to coordinate services for students qualifying for McKinney-Vento.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Javetta Cleveland and Neil Smith, Co-Superintendents
DATE: December 12, 2012
SUBJECT: Plan to Accelerate the Achievement of African-American Students

BACKGROUND INFORMATION

In recent years, the District and the City of Berkeley together with key community leaders have formalized an aggressive plan to close racial achievement gaps within the city by 2020. Berkeley's *2020 Vision* and the District's Plans to Close Achievement Gap have shown some early promise in producing better outcomes for our students. For example, all groups of students, including English learners, socio-economically disadvantaged, and students with disabilities, as well as all ethnic and racial groups, demonstrated improved performance on the 2012 California Standards Tests, with African-American students demonstrating greater gains than any other group at both the elementary and middle schools. However, even at our high performing schools, the African-American student group is the lowest performing group. Staff is proposing a more targeted and aggressive plan to address the plight of African-American students (and, in particular, the needs of African-American boys).

A Work Group of BUSD staff and community representatives will be convened in order to develop a district-wide plan to accelerate the achievement of African-American students. The need for this plan is based on the persistent gaps in attendance, truancy, suspensions and expulsions, health, court involvement, employment, and other measures of general well-being.

In line with the *2020 Vision* indicators, we are defining "achievement" broadly to encompass academic measures (including CST scores, a-g course completion rates, CAHSEE passage rates, special education designation, and grade point averages), as well as non-academic measures (such as attendance/truancy, discipline referrals, suspension and expulsion rates, and police contacts).

The development of the plan is expected to take approximately three months (January-March 2013) and include an analysis of multiple forms of data, the identification of root causes of low achievement, and the development of a multi-year action plan. The data analysis phase will include a review of the district's quantitative data on African-American achievement, school visits to collect observational data regarding the experience and performance of African-American students at school, and community stakeholder engagement. Pursuant to the data analysis, the Work Group will further refine the scope of

the plan, in order to ensure that the identified strategies are those that will have the greatest impact and be achievable.

The Work Group will also review current research regarding the achievement of African-American students and engage in discussions about the implications of that research for BUSD. The final phase of this process will include the creation of a draft plan which will be shared with key parent and community groups in Berkeley in order to solicit feedback. Feedback will be incorporated into a final version of the plan to be approved by the Board in April 2013.

The proposed timeline is aggressive, so staff is requesting the authority to engage consultants to facilitate the planning process. The District is seeking grants to support this work, but in order to begin as soon as possible, the Board is requested to authorize a one-time expenditure from the General Fund.

DISTRICT GOAL

II. Strategies to Promote Student Success

POLICY/CODE

Board Bylaw 9000

FISCAL IMPACT

Approximately \$60,000 in one-time costs

STAFF RECOMMENDATION

Approve the development of a Plan to Accelerate the Achievement of African-American Students.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Terri Ryland, Consultant (CBO)
DATE: December 12, 2012
SUBJECT: Refunding of General Obligation Bonds - Resolution 13-026

BACKGROUND INFORMATION

The purpose of refunding prior General Obligation Bonds is to obtain a lower interest rate and therefore, create a savings to the taxpayer. Staff has been in discussions with our financial advisor regarding the best time to refund our general obligation bonds. Staff is recommending that the Board take action to approve refunding of the District's Series A bonds.

Interest rates depend on the perception of those who trade and invest in bonds, and the risk is losing savings while waiting. Right now, the prospects of higher taxes and more regulation in the US, and Europe's problems, seem to be pushing equity prices lower, and treasury prices higher, the result being that tax-exempt rates are as low as they have been anytime this past summer and creating a good time for selling bonds. How long this "good time" will last is anyone's guess. Markets anticipate future possibilities and will act accordingly. Rates increasing before the District can enter the market is entirely possible. Since it takes time to prepare a preliminary official statement which represents the District's financial position, obtain a rating review, and then market the bonds, staff is recommending that board grant approval for a refunding now so that the District has the most flexibility to maximize savings.

"Series A" Refunding Bonds

Per the District's financial advisor, Jon Armstrong, KNN Public Finance, "the first refunding candidates are the Series 2005 bonds, a new money issue, that could be refunded as soon as possible. With today's rates, selling in early January 2013 and closing the approximately \$20,785,000 Series A Refunding Bonds on February 7, 2013, the total present value savings to the taxpayers of BUSD is estimated to be, at minimum, about \$1 million or about 5%, after all costs of issuing the bonds. Future or actual dollar savings to taxpayers would be about \$2.4 million. This refunding is recommended for approval in the interest of making sure we achieve the highest level of savings currently available. While no guarantee, historically selling tax-exempt bonds the first or second week in January often has been a time of low new issue supply and therefore a time for good rates."

“Series B” Refunding Bonds

Per the District's financial advisor, the second refunding candidates are the 2005 General Obligation Refunding Bonds of a prior issue, which means it can only be a current refunding, closing no more than 90 days in advance of redemption of the refunded bonds. This means that the approximately \$14,285,000 Series B Refunding Bonds with an August 1, 2013 redemption date, cannot be refunded until the Spring/Summer of 2013. Staff will consider a recommendation to the Board to refund the “Series B” refunding bonds closer to that time.

If the Board approves this resolution for the refunding of the 2005 new money general obligation bonds (Series A) now, the competitive sale could take place in early January 2013 or later. The timing of the refunding is dependent upon the District’s ability to realize our established minimum present value savings of no less than 5% of the refunding Bonds.

DISTRICT GOAL

V. Resources

POLICY/CODE

California Education Code 15100-15111
Government Code Section 53550

FISCAL IMPACT

No financial impact on District Funds. The maximum true interest cost on the Bonds shall not exceed 12% per annum and the present value savings to be realized by the District as a result of the issuance of the Bonds shall not be less than 5% of the Refunded 2005 Bonds. If interest rates do not change before sale date in early January, total present value savings to the taxpayers of BUSD is estimated to be about \$1 million or about 5%. KNN Public Finance will serve as financial advisor and Quint & Thimmig LLP will serve as bond counsel for this transaction on behalf of the District.

STAFF RECOMMENDATION

Approve the District’s Authorizing Resolution No. 13-026 to proceed with the "Series A" refunding of the outstanding 2005 new money general obligation bond issue.

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

RESOLUTION NO. 13-026

**RESOLUTION OF THE BOARD OF EDUCATION OF THE BERKELEY UNIFIED
SCHOOL DISTRICT AUTHORIZING THE ISSUANCE AND SALE OF THE
DISTRICT'S 2013 GENERAL OBLIGATION REFUNDING BONDS, SERIES A**

Adopted December 12, 2012

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

RESOLUTION NO. 13-026

**RESOLUTION OF THE BOARD OF EDUCATION OF THE BERKELEY UNIFIED
SCHOOL DISTRICT AUTHORIZING THE ISSUANCE AND SALE OF THE
DISTRICT'S 2013 GENERAL OBLIGATION REFUNDING BONDS, SERIES A**

RESOLVED, by the Board of Education (the "Board") of the Berkeley Unified School District (the "District"), as follows:

WHEREAS, on June 22, 2005, the Board of Supervisors of Alameda County issued, on behalf and in the name of the District, the "Berkeley Unified School District (Alameda County, California), General Obligation Bonds, Election of 2000, Series 2005" (the "2005 Bonds"), in the original principal amount of \$24,500,000, to finance educational facilities for the District, of which \$20,710,000 principal amount remains outstanding;

WHEREAS, pursuant to Article 9 of Chapter 3 (commencing with section 53550) of Division 2 of Title 5 of the California Government Code (the "Act"), the District is empowered to issue general obligation refunding bonds;

WHEREAS, the District intends to issue general obligation refunding bonds pursuant to this resolution and in conformity with the Act to refund, on an advance basis, a portion of the 2005 Bonds maturing on August 1, 2014, through August 1, 2027, and on August 1, 2029, in the aggregate principal amount of \$19,830,000 (the "Refunded 2005 Bonds"); and

WHEREAS, the Board now desires to authorize the issuance of such general obligation refunding bonds;

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF EDUCATION OF THE BERKELEY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

ARTICLE I

DEFINITIONS; AUTHORITY

Section 1.01. Definitions. The terms defined in this Section 1.01, as used and capitalized herein, shall, for all purposes of this Resolution, have the meanings ascribed to them below, unless the context clearly requires some other meaning.

“Act” means Article 9 of Chapter 3 (commencing with section 53550) of Division 2 of Title 5 of the California Government Code, as is in effect on the date of adoption hereof and as amended hereafter.

“Articles,” “Sections” and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Resolution, and the words *“herein,” “hereof,” “hereunder”* and other words of similar import refer to this Resolution as a whole and not to any particular Article, Section or subdivision hereof.

“Authorized Investments” means any investments permitted by law to be made with moneys belonging to, or in the custody of, the District, but only to the extent that the same are acquired at Fair Market Value.

“Bond Counsel” means any attorney or firm of attorneys nationally recognized for expertise in rendering opinions as to the legality and tax exempt status of securities issued by public entities.

“Bond Register” means the records maintained by the Paying Agent pursuant to Section 2.08 of this Resolution for registration of the ownership and transfer of ownership of the Bonds.

“Bonds” means the Berkeley Unified School District (Alameda County, California) 2013 General Obligation Refunding Bonds, Series A at any time Outstanding pursuant to this Resolution.

“Closing Date” means the date upon which there is an exchange of Bonds for the proceeds representing the purchase price of the Bonds by the Original Purchaser.

“Code” means the Internal Revenue Code of 1986 as in effect on the date of issuance of the Bonds or (except as otherwise referenced herein) as it may be amended to apply to obligations issued on the date of issuance of the Bonds, together with applicable temporary and final regulations promulgated, and applicable official public guidance published, under the Code.

“Continuing Disclosure Certificate” shall mean that certain Continuing Disclosure Certificate executed by the District and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

“Costs of Issuance” means all items of expense directly or indirectly reimbursable to the District relating to the issuance, execution and delivery of the Bonds including, but not limited to, filing and recording costs, settlement costs, printing costs, reproduction and binding costs, legal fees and charges, fees and expenses of the Paying Agent, financial and other professional consultant fees, costs of obtaining credit ratings, fees for execution, transportation and safekeeping of the Bonds and charges and fees in connection with the foregoing.

“Debt Service” means the scheduled amount of interest and amortization of principal payable on the Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

“District Representative” means the Superintendent, the Deputy Superintendent, the Director of Fiscal Services, or any other person authorized by resolution of the Board to act on behalf of the District with respect to this Resolution and the Bonds.

“Escrow Agreement” means that certain Escrow Deposit and Trust Agreement, dated the Closing Date, by and between the District and the Escrow Bank, providing for the refunding of the Refunded 2005 Bonds.

“Escrow Bank” means U.S. Bank National Association, as escrow bank under the Escrow Agreement.

“Event of Default” means an event of default as described in Section 7.01 of this Resolution.

“Fair Market Value” means the price at which a willing buyer would purchase the investment from a willing seller in a bona fide, arm’s length transaction (determined as of the date the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of section 1273 of the Code) and, otherwise, the term *“Fair Market Value”* means the acquisition price in a bona fide arm’s length transaction (as referenced above) if (i) the investment is a certificate of deposit that is acquired in accordance with applicable regulations under the Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Code, (iii) the investment is a United States Treasury Security – State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt, or (iv) any commingled investment fund in which the District and related parties do not own more than a ten percent (10%) beneficial interest therein if the return paid by the fund is without regard to the source of the investment.

“Federal Securities” means United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

“Financial Advisor” means KNN Public Finance, as financial advisor to the District in connection with the issuance of the Bonds.

“Information Services” means the Electronic Municipal Market Access System (referred to as “EMMA”), a facility of the Municipal Securities Rulemaking Board (at <http://emma.msrb.org>) or, in accordance with then current guidelines of the Securities and Exchange Commission, such other addresses and/or such other national information services providing information or disseminating notices of redemption of obligations similar to the Bonds.

“Net Proceeds,” when used with reference to the Bonds, means the face amount of the Bonds, plus accrued interest and premium, if any, less original issue discount and underwriter’s discount, if any.

“Notice of Sale” means the official notice of sale relating to the Bonds.

“Original Purchaser” means the first purchaser of the Bonds from the District.

“Outstanding,” when used as of any particular time with reference to Bonds, means all Bonds except:

(a) Bonds theretofore canceled by the Paying Agent or surrendered to the Paying Agent for cancellation;

(b) Bonds paid or deemed to have been paid within the meaning of Section 9.02 hereof; and

(c) Bonds in lieu of or in substitution for which other Bonds shall have been authorized, executed, issued and delivered by the District pursuant to the Resolution.

“Owner” or *“Bondowner”* mean any person who shall be the registered owner of any Outstanding Bond.

“Participating Underwriter” shall have the meaning ascribed thereto in the Continuing Disclosure Certificate.

“Paying Agent” means U.S. Bank National Association, as paying agent, registrar and authenticating agent for the Bonds, its successors and assigns, and any other corporation or association which may at any time be substituted in its place, as provided in Section 6.01 hereof.

“Paying Agent/Bond Registrar/Costs of Issuance Agreement” means the agreement of that name, dated the Closing Date, by and between the District and the Paying Agent.

“Principal Office” means the principal corporate trust office of the Paying Agent in San Francisco, California.

“Regulations” means temporary and permanent regulations promulgated under the Code.

“Resolution” means this Resolution.

“Securities Depositories” means The Depository Trust Company, 55 Water Street, 50th Floor, New York, NY 10041 Attention: Call Notification Department; or to such other addresses and/or such other registered securities depositories holding substantial amounts of obligations of types similar to the Bonds.

“Supplemental Resolution” means any resolution supplemental to or amendatory of this Resolution, adopted by the District in accordance with Article VIII hereof.

“Term Bonds” means Bonds for which mandatory redemption dates have been established pursuant to the Notice of Sale.

“Written Request of the District” means an instrument in writing signed by a District Representative, or by any other officer of the District duly authorized by the District.

Section 1.02. Authority for this Resolution. This Resolution is entered into pursuant to the provisions of the Act.

ARTICLE II

THE BONDS

Section 2.01. Authorization. Bonds in the aggregate principal amount of not to exceed twenty-five million dollars (\$25,000,000) are hereby authorized to be issued by the District under and subject to the terms of the Act and this Resolution. The amount of Bonds shall be determined on the date of sale thereof in accordance with the Notice of Sale. This Resolution constitutes a continuing agreement with the Owners of all of the Bonds issued or to be issued hereunder and then Outstanding to secure the full and final payment of principal of and premiums, if any, and the interest on all Bonds which may from time to time be executed and delivered hereunder, subject to the covenants, agreements, provisions and conditions herein contained. The Bonds shall be designated the "Berkeley Unified School District (Alameda County, California) 2013 General Obligation Refunding Bonds, Series A."

Section 2.02. Terms of Bonds.

(a) *Form; Numbering*. The Bonds shall be issued as fully registered Bonds, without coupons, in the denomination of \$5,000 each or any integral multiple thereof, but in an amount not to exceed the aggregate principal amount of Bonds maturing in the year of maturity of the Bond for which the denomination is specified. Bonds shall be lettered and numbered as the Paying Agent shall prescribe.

(b) *Date of Bonds*. The Bonds shall be dated as of the Closing Date.

(c) *CUSIP Identification Numbers*. "CUSIP" identification numbers shall be imprinted on the Bonds, but such numbers shall not constitute a part of the contract evidenced by the Bonds and any error or omission with respect thereto shall not constitute cause for refusal of any purchaser to accept delivery of and pay for the Bonds. In addition, failure on the part of the District to use such CUSIP numbers in any notice to Owners of the Bonds shall not constitute an Event of Default or any violation of the District's contract with such Owners and shall not impair the effectiveness of any such notice.

(d) *Maturities; Interest*. The Bonds shall mature (or, alternatively, be subject to mandatory sinking fund redemption as hereinafter provided) and become payable on August 1 in the years and in the amounts set forth in, and subject to the alteration thereof permitted by, the Notice of Sale. The Bonds shall bear interest at such rate or rates as shall be determined upon the sale thereof, payable semi-annually on each February 1 and August 1 (the "Interest Payment Dates"), commencing August 1, 2013.

Each Bond shall bear interest from the Interest Payment Date next preceding the date of registration and authentication thereof unless (i) it is registered and authenticated as of an Interest Payment Date, in which event it shall bear interest from such date, or (ii) it is registered and authenticated prior to an Interest Payment Date and after the close of business on the fifteenth day of the month preceding such Interest Payment Date, in which event it shall bear interest from such Interest Payment Date, or (iii) it is registered and authenticated prior to July

15, 2013, in which event it shall bear interest from the date described in paragraph (b) of this Section 2.02; *provided, however*, that if at the time of authentication of a Bond, interest is in default thereon, such Bond shall bear interest from the Interest Payment Date to which interest has previously been paid or made available for payment thereon.

Interest on the Bonds shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

(e) *Payment.* Interest on the Bonds (including the final interest payment upon maturity or earlier redemption) is payable by check of the Paying Agent mailed via first-class mail to the Owner thereof at such Owner's address as it appears on the Bond Register at the close of business on the fifteenth (15th) day of the month preceding the Interest Payment Date (the "Record Date"), or at such other address as the Owner may have filed with the Paying Agent for that purpose; *provided however*, that payment of interest may be by wire transfer in immediately available funds to an account in the United States of America to any Owner of Bonds in the aggregate principal amount of \$1,000,000 or more who shall furnish written wire instructions to the Paying Agent at least five (5) days before the applicable Record Date. Principal of the Bonds is payable in lawful money of the United States of America at the Principal Office of the Paying Agent.

Section 2.03. Redemption of Bonds.

(a) *Optional Redemption.* The Bonds maturing on or before August 1, 2020, are non-callable. The Bonds maturing on August 1, 2021, or any time thereafter, are callable for redemption prior to their stated maturity date at the option of the District, as a whole, or in part on or after August 1, 2020 (in such maturities as are designated by the District, or, if the District fails to designate such maturities, on a proportional basis), from any source lawfully available therefor, by payment of a redemption price equal to the principal amount redeemed, plus accrued interest to date of redemption, without premium.

The District shall be required to give the Paying Agent written notice of its intention to redeem Bonds under this subsection (a).

(b) *Mandatory Sinking Fund Redemption.* In the event and to the extent specified in the Notice of Sale, any maturity of Bonds may be designated as "Term Bonds" and shall be subject to mandatory sinking fund redemption. If some but not all of such Term Bonds have been redeemed pursuant to the preceding subsection (a) of this Section 2.03, the aggregate principal amount of such Term Bonds to be redeemed in each year pursuant to this subsection (b) shall be reduced on a *pro rata* basis in integral multiples of \$5,000, as shall be designated pursuant to written notice filed by the District with the Paying Agent.

(c) *Notice of Redemption.* The Paying Agent on behalf and at the expense of the District shall mail (by first class mail) notice of any redemption to: (i) the respective Owners of any Bonds designated for redemption, at least thirty (30) but not more than sixty (60) days prior to the redemption date, at their respective addresses appearing on the Bond Register, and (ii) the Securities Depositories and to one or more Information Services, at least thirty (30) but not more than sixty (60) days prior to the redemption; *provided, however*, that neither failure to receive any

such notice so mailed nor any defect therein shall affect the validity of the proceedings for the redemption of such Bonds or the cessation of the accrual of interest thereon. Such notice shall state the date of the notice, the redemption date, the redemption place and the redemption price and shall designate the CUSIP numbers, the bond numbers and the maturity or maturities (in the event of redemption of all of the Bonds of such maturity or maturities in whole) of the Bonds to be redeemed, and shall require that such Bonds be then surrendered at the Office of the Paying Agent for redemption at the redemption price, giving notice also that further interest on such Bonds will not accrue from and after the redemption date.

Notwithstanding the foregoing, in the case of any optional redemption of the Bonds, the notice of redemption shall state that the redemption is conditioned upon receipt by the Paying Agent of sufficient moneys to redeem the Bonds on the scheduled redemption date, and that the optional redemption shall not occur if, by no later than the scheduled redemption date, sufficient moneys to redeem the Bonds have not been deposited with the Paying Agent. In the event that the Paying Agent does not receive sufficient funds by the scheduled optional redemption date to so redeem the Bonds to be optionally redeemed, the Paying Agent shall send written notice to the Owners, to the Securities Depositories and to one or more of the Information Services to the effect that the redemption did not occur as anticipated, and the Bonds for which notice of optional redemption was given shall remain Outstanding for all purposes.

(d) *Selection of Bonds for Redemption.* Whenever provision is made for the redemption of Bonds of more than one maturity, the Bonds to be redeemed shall be selected by the District evidenced by a Written Request of the District filed with the Paying Agent or, absent such selection by the District, on a *pro rata* basis among the maturities subject to redemption; and in each case, the Paying Agent shall select the Bonds to be redeemed within any maturity by lot in any manner which the Paying Agent in its sole discretion shall deem appropriate and fair. For purposes of such selection, all Bonds shall be deemed to be comprised of separate \$5,000 portions and such portions shall be treated as separate Bonds which may be separately redeemed.

(e) *Partial Redemption of Bonds.* In the event only a portion of any Bond is called for redemption, then upon surrender of such Bond the District shall execute and the Paying Agent shall authenticate and deliver to the Owner thereof, at the expense of the District, a new Bond or Bonds of the same maturity date, of authorized denominations in aggregate principal amount equal to the unredeemed portion of the Bond to be redeemed.

(f) *Effect of Redemption.* From and after the date fixed for redemption, if funds available for the payment of the principal of and interest (and premium, if any) on the Bonds so called for redemption shall have been duly provided, such Bonds so called shall cease to be entitled to any benefit under this Resolution other than the right to receive payment of the redemption price, and no interest shall accrue thereon from and after the redemption date specified in such notice. All Bonds redeemed pursuant to this Section 2.03 shall be canceled and shall be destroyed by the Paying Agent.

Section 2.04. Form of Bonds. The Bonds, the form of the Paying Agent's certificate of authentication and registration and the form of assignment to appear thereon shall be

substantially in the forms, respectively, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution, as are set forth in Exhibit A attached hereto.

Section 2.05. Execution of Bonds. The Bonds shall be executed on behalf of the District by the facsimile signatures of the President of the Board, the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, and the Clerk of the Board who are in office on the date of adoption of this Resolution or at any time thereafter. If any officer whose signature appears on any Bond ceases to be such officer before delivery of the Bonds to the purchaser, such signature shall nevertheless be as effective as if the officer had remained in office until the delivery of the Bonds to the purchaser. Any Bond may be signed and attested on behalf of the District by such persons as at the actual date of the execution of such Bond shall be the proper officers of the District although at the nominal date of such Bond any such person shall not have been such officer of the District.

Only such Bonds as shall bear thereon a certificate of authentication and registration in the form set forth in Exhibit A attached hereto, executed and dated by the Paying Agent, shall be valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of the Paying Agent shall be conclusive evidence that the Bonds so registered have been duly authenticated, registered and delivered hereunder and are entitled to the benefits of this Resolution.

Section 2.06. Transfer of Bonds. Any Bond may, in accordance with its terms, be transferred, upon the books required to be kept pursuant to the provisions of Section 2.08 hereof, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for cancellation at the Principal Office at the Paying Agent, accompanied by delivery of a written instrument of transfer in a form approved by the Paying Agent, duly executed. The Paying Agent shall require the payment by the Owner requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer.

Whenever any Bond or Bonds shall be surrendered for transfer, the District shall execute and the Paying Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount.

No transfers of Bonds shall be required to be made (a) fifteen days prior to the date established by the Paying Agent for selection of Bonds for redemption or (b) with respect to a Bond after such Bond has been selected for redemption.

Section 2.07. Exchange of Bonds. Bonds may be exchanged at the Principal Office of the Paying Agent for a like aggregate principal amount of Bonds of authorized denominations and of the same maturity. The Paying Agent shall require the payment by the Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

No exchanges of Bonds shall be required to be made (a) fifteen days prior to the date established by the Paying Agent for selection of Bonds for redemption or (b) with respect to a Bond after such Bond has been selected for redemption.

Section 2.08. Bond Register. The Paying Agent shall keep or cause to be kept sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the District upon reasonable notice; and, upon presentation for such purpose, the Paying Agent shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred, on said books, Bonds as herein before provided.

Section 2.09. Temporary Bonds. The Bonds may be initially issued in temporary form exchangeable for definitive Bonds when ready for delivery. The temporary Bonds may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the District, and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Bond shall be executed by the District upon the same conditions and in substantially the same manner as the definitive Bonds. If the District issues temporary Bonds it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds may be surrendered, for cancellation, in exchange therefor at the Principal Office of the Paying Agent and the Paying Agent shall deliver in exchange for such temporary Bonds an equal aggregate principal amount of definitive Bonds of authorized denominations. Until so exchanged, the temporary Bonds shall be entitled to the same benefits pursuant to this Resolution as definitive Bonds executed and delivered hereunder.

Section 2.10. Bonds Mutilated, Lost, Destroyed or Stolen. If any Bond shall become mutilated, the District, at the expense of the Owner of said Bond, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Paying Agent of the Bond so mutilated. Every mutilated Bond so surrendered to the Paying Agent shall be canceled by it and delivered to, or upon the order of, the District. If any Bond shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the District and, if such evidence be satisfactory to the District and indemnity satisfactory to it shall be given, the District, at the expense of the Owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like maturity and principal amount in lieu of and in substitution for the Bond so lost, destroyed or stolen. The District may require payment of a sum not exceeding the actual cost of preparing each new Bond issued under this Section and of the expenses which may be incurred by the District and the Paying Agent in connection therewith. Any Bond issued under the provisions of this Section 2.10 in lieu of any Bond alleged to be lost, destroyed or stolen shall constitute an original contractual obligation on the part of the District whether or not the Bond so alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Bonds issued pursuant to this Resolution.

Section 2.11. Book Entry System. Except as provided below, the owner of all of the Bonds shall be The Depository Trust Company, New York, New York ("DTC"), and the Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The Bonds shall be initially executed and delivered in the form of a single fully registered Bond for each maturity date of the Bonds in the full aggregate principal amount of the Bonds maturing on such date. The

Paying Agent and the District may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for all purposes of this Resolution, and neither the Paying Agent nor the District shall be affected by any notice to the contrary. The Paying Agent and the District shall not have any responsibility or obligation to any participant of DTC (a "Participant"), any person claiming a beneficial ownership interest in the Bonds under or through DTC or a Participant, or any other person which is not shown on the register of the District as being an owner, with respect to the accuracy of any records maintained by DTC or any Participant or the payment by DTC or any Participant of any amount in respect of the principal or interest with respect to the Bonds. The Paying Agent shall cause to be paid all principal and interest with respect to the Bonds received from the District only to DTC, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to the principal and interest with respect to the Bonds to the extent of the sum or sums so paid. Except under the conditions noted below, no person other than DTC shall receive a Bond. Upon delivery by DTC to the District of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the term "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

If the District determines that it is in the best interest of the beneficial owners that they be able to obtain Bonds and delivers a written certificate to DTC to that effect, DTC shall notify the Participants of the availability through DTC of Bonds. In such event, the District shall issue, transfer and exchange Bonds as requested by DTC and any other owners in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the District and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the District shall be obligated to deliver Bonds as described in this Resolution. Whenever DTC requests the District to do so, the District will cooperate with DTC in taking appropriate action after reasonable notice to (a) make available one or more separate Bonds evidencing the Bonds to any DTC Participant having Bonds credited to its DTC account or (b) arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to DTC as provided as in the representation letter delivered on the date of issuance of the Bonds.

ARTICLE III

ISSUE OF BONDS; APPLICATION OF BOND PROCEEDS; SECURITY FOR THE BONDS

Section 3.01. Issuance, Award and Delivery of Bonds. At any time after the execution of this Resolution the District may issue and deliver Bonds in the aggregate principal amount of not to exceed twenty-five million dollars (\$25,000,000).

The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, shall be, and is hereby, directed to cause the Bonds to be printed, signed and delivered to the Original Purchaser on receipt of the purchase price therefor and upon performance of the conditions contained in the Notice of Sale.

The Paying Agent is hereby authorized to deliver the Bonds to the Original Purchaser, upon receipt of a Written Request of the District.

Section 3.02. Establishment of Costs of Issuance Fund. There is hereby created the "Berkeley Unified School District (Alameda County, California) 2013 General Obligation Refunding Bonds, Series A Costs of Issuance Fund" (the "Costs of Issuance Fund"), which shall be held and maintained by the Paying Agent as a separate fund, distinct from all other funds thereof. Amounts on deposit in the Costs of Issuance Fund shall be disbursed for the purpose of paying all Costs of Issuance. Payment of the Costs of Issuance shall be made only upon the receipt by the Paying Agent, as costs of issuance custodian under the Paying Agent/Bond Registrar/Costs of Issuance Agreement, of a written request of the District. Moneys on deposit in the Costs of Issuance Fund shall be invested in money market mutual funds which are rated by Standard & Poor's Credit Ratings Services in one of its two highest rating categories, including funds for which the Paying Agent, its affiliates or subsidiaries provide investment, advisory or other management or administrative services. Interest and earnings derived from the investment of amounts on deposit in the Costs of Issuance Fund shall be retained therein until the Costs of Issuance Fund is closed. On February 18, 2013, all amounts remaining on deposit in the Costs of Issuance Fund shall be withdrawn therefrom by the Paying Agent and transferred to the Treasurer-Tax Collector of Alameda County (the "Treasurer-Tax Collector"), for deposit in the interest and sinking fund heretofore established and maintained by Treasurer-Tax Collector for the District (the "Interest and Sinking Fund") and the Costs of Issuance Fund shall be closed.

Section 3.03. Application of Proceeds of Sale of Bonds. On the Closing Date, the proceeds of the sale of the Bonds shall be paid by the Original Purchaser to the Paying Agent. The Paying Agent shall deposit or transfer all of such amounts as follows:

(a) The Paying Agent shall deposit in the Costs of Issuance Fund the proceeds of the Bonds required to pay the Costs of Issuance (as shall be designated by the District on or prior to the Closing Date); and

(b) The Paying Agent shall transfer to the Escrow Bank the proceeds of the Bonds required to provide for the refunding of the Refunded 2005 Bonds, for deposit in the escrow fund held by the Escrow Bank under and pursuant to the Escrow Agreement (as shall be designated by the District on or prior to the Closing Date).

Section 3.04. Security for the Bonds. There shall be levied by Alameda County on all the taxable property in the District, in addition to all other taxes, a continuing direct and *ad valorem* tax annually during the period the Bonds are outstanding in an amount sufficient to pay the principal of and interest on the Bonds when due, which moneys when collected will be placed in the Interest and Sinking Fund of the District, which fund is irrevocably pledged for the payment of the principal of and interest on the Bonds when and as the same fall due. The moneys in the Interest and Sinking Fund heretofore established and maintained by Treasurer-Tax Collector for the District, to the extent necessary to pay the principal of and interest on the Bonds as the same become due and payable, shall be transferred by Treasurer-Tax Collector to the Paying Agent, as paying agent for the Bonds, as necessary to pay the principal of and interest on the Bonds.

ARTICLE IV

SALE OF THE BONDS, APPROVAL OF PAYING AGENT AGREEMENT, OFFICIAL STATEMENT

Section 4.01. Sale of the Bonds.

(a) *Notice of Sale.* The Notice of Sale, substantially in the form attached hereto as Exhibit B and by this reference incorporated herein, is hereby approved.

(b) *Notice of Intention to Sell Bonds.* A notice of intention, substantially in the form attached hereto as Exhibit C and by this reference incorporated herein (the "Notice of Intention"), is hereby approved. The Clerk of the Board is hereby authorized and directed to cause to be published, once at least five (5) days prior to the date to receive bids, the Notice of Intention in *The Bond Buyer*, a financial publication reasonably expected to be disseminated among prospective bidders for the Bonds.

(c) *Terms and Conditions of Sale.* The terms and conditions of the offering and the sale of the Bonds shall be as specified in said Notice of Sale.

(d) *Furnishing of Official Notice of Sale.* The Clerk of the Board and the Financial Advisor are hereby authorized to cause to be furnished to prospective bidders a reasonable number of copies of the Notice of Sale.

(e) *Receipt of Bids.* The Financial Advisor is hereby authorized and directed, on behalf of the Board, to receive the bids at the time and place specified in the Notice of Sale, to examine said bids for compliance with the Notice of Sale and to verify the bid with the lowest true interest cost as provided in the Notice of Sale. In the event two or more bids setting forth identical true interest cost are received, a District Representative may award the Bonds on a *pro rata* basis in such denominations as he or she shall determine. A District Representative may reject any and all bids and waive any irregularity or informality in any bid. A District Representative shall award the Bonds or reject all bids not later than 26 hours after the expiration of the time prescribed for the receipt of bids unless such time of award is waived by the successful bidder. The maximum true interest cost on the Bonds shall not exceed 12% per annum and the present value savings to be realized by the District as a result of the issuance of the Bonds shall not be less than 5% of the Refunded 2005 Bonds.

(f) *Option for a Negotiated Sale.* If, at any time, it is determined by a District Representative, or the designee thereof, that the competitive sale of the Bonds is not in the best interest of the District or, if at the time of the competitive sale of the Bonds, no bids are received or it is determined by a District Representative, or the designee thereof, that all received bids are unsatisfactory, the Board hereby authorizes the sale of the Bonds to an underwriter identified by the Financial Advisor and approved by a District Representative, or the designee thereof. In such event, the Board hereby authorizes the preparation of a bond purchase agreement among such underwriter, the District, with such terms and conditions as shall be approved by a District Representative, or the designee thereof. In such case, a District

Representative, or the designee thereof, is hereby authorized and directed to execute a bond purchase agreement for and in the name and on behalf of the District; *provided, however*, that in connection with such negotiated sale of the Bonds, the net underwriter's discount, excluding reimbursable expenses of the Underwriter, shall not exceed 2% of the aggregate principal amount of Bonds issued, The maximum true interest cost on the Bonds shall not exceed 12% per annum and the present value savings to be realized by the District as a result of the issuance of the Bonds shall not be less than 5% of the Refunded 2005 Bonds.

Section 4.02. Approval of Paying Agent/Bond Registrar/Costs of Issuance Agreement. The Paying Agent/Bond Registrar/Costs of Issuance Agreement, in substantially the form attached hereto as Exhibit D, together with any additions thereto or changes therein deemed necessary or advisable by the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, is hereby approved by the Board. The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof are hereby authorized and directed to execute the Paying Agent/Bond Registrar/Costs of Issuance Agreement for and in the name and on behalf of the District. The Board hereby authorizes the delivery and performance of the Paying Agent/Bond Registrar/Costs of Issuance Agreement.

Section 4.03. Approval of Escrow Agreement. The Escrow Agreement, in the form attached hereto as Exhibit E, together with any additions thereto or changes therein deemed necessary or advisable by the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, is hereby approved by the Board. The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof are hereby authorized and directed to execute the Escrow Agreement for and in the name and on behalf of the District. The Board hereby authorizes the delivery and performance of the Escrow Agreement.

Section 4.04. Official Statement. The Board hereby approves the Preliminary Official Statement describing the financing, in substantially the form on file with the Clerk of the Board, together with any changes therein or additions thereto deemed advisable by the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof. The Board authorizes and directs the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, on behalf of the District, to deem "final" pursuant to Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") the Preliminary Official Statement prior to its distribution to prospective purchasers of the Bonds.

The Financial Advisor, on behalf of the District, is authorized and directed to cause the Preliminary Official Statement to be distributed to such persons as may be interested in purchasing the Bonds therein offered for sale.

The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, is authorized and directed to cause the Preliminary Official Statement to be brought into the form of a final official statement (the "Final Official Statement") and to execute the Final Official Statement, dated as of the date of the sale of the Bonds, and a statement that the facts contained in the Final Official Statement, and any supplement or amendment thereto (which shall be deemed an original part thereof for the purpose of such statement) were, at the time of sale of the Bonds, true and correct in all material respects and that the Final Official

Statement did not, on the date of sale of the Bonds, and does not, as of the date of delivery of the Bonds, contain any untrue statement of a material fact with respect to the District or omit to state material facts with respect to the District required to be stated where necessary to make any statement made therein not misleading in light of the circumstances under which it was made. The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, shall take such further actions prior to the signing of the Final Official Statement as are deemed necessary or appropriate to verify the accuracy thereof. The execution of the Final Official Statement, which shall include such changes and additions thereto deemed advisable by the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, and such information permitted to be excluded from the Preliminary Official Statement pursuant to the Rule, shall be conclusive evidence of the approval of the Final Official Statement by the District.

The Final Official Statement, when prepared, is approved for distribution in connection with the offering and sale of the Bonds.

Section 4.05. Consultants.

(a) KNN Public Finance, A Division of Zions First National Bank, Oakland, California, is hereby designated as financial advisor to the District in connection with the issuance and delivery of the Bonds. The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, is authorized to execute a financial advisory agreement with such firm.

(b) Quint & Thimmig LLP, San Francisco, California, is hereby designated as bond counsel and disclosure counsel to the District in connection with issuance and delivery of the Bonds. The Superintendent, the Deputy Superintendent or the Director of Fiscal Services, or any designee thereof, is authorized to execute a legal services agreement with such firm.

Section 4.06. Official Action. All actions heretofore taken by the officers and agents of the District with respect to the sale and issuance of the Bonds are hereby approved, and the President of the Board, the Superintendent, the Deputy Superintendent or the Director of Fiscal Services, and any and all other officers of the District are hereby authorized and directed for and in the name and on behalf of the District, to do any and all things and take any and all actions relating to the execution and delivery of any and all certificates, requisitions, agreements and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this resolution.

ARTICLE V

OTHER COVENANTS OF THE DISTRICT

Section 5.01. Punctual Payment. The District will punctually pay, or cause to be paid, the principal of and interest on the Bonds, in strict conformity with the terms of the Bonds and of this Resolution, and it will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and of the Bonds. Nothing herein contained shall prevent the District from making advances of its own moneys, howsoever derived, to any of the uses or purposes permitted by law.

Section 5.02. Extension of Time for Payment. In order to prevent any accumulation of claims for interest after maturity, the District will not, directly or indirectly, extend or consent to the extension of the time for the payment of any claim for interest on any of the Bonds and will not, directly or indirectly, approve any such arrangement by purchasing or funding said claims for interest or in any other manner. In case any such claim for interest shall be extended or funded, whether or not with the consent of the District, such claim for interest so extended or funded shall not be entitled, in case of default hereunder, to the benefits of this Resolution, except subject to the prior payment in full of the principal of all of the Bonds then Outstanding and of all claims for interest which shall not have so extended or funded.

Section 5.03. Protection of Security and Rights of Bondowners. The District will preserve and protect the security of the Bonds and the rights of the Bondowners, and will warrant and defend their rights against all claims and demands of all persons. From and after the sale and delivery of any of the Bonds by the District, the Bonds shall be incontestable by the District.

Section 5.04. Further Assurances. The District will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the Bonds of the rights and benefits provided in this Resolution.

Section 5.05. Tax Covenants.

(a) *Private Activity Bond Limitation*. The District shall assure that the proceeds of the Bonds are not so used as to cause the Bonds to satisfy the private business tests of section 141(b) of the Code or the private loan financing test of section 141(c) of the Code.

(b) *Federal Guarantee Prohibition*. The District shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Code.

(c) *Rebate Requirement*. The District shall take any and all actions necessary to assure compliance with section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government, to the extent that such section is applicable to the Bonds.

(d) *No Arbitrage.* The District shall not take, or permit or suffer to be taken by the Paying Agent or otherwise, any action with respect to the proceeds of the Bonds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of issuance of the Bonds would have caused the Bonds to be “arbitrage bonds” within the meaning of section 148 of the Code.

(e) *Maintenance of Tax-Exemption.* The District shall take all actions necessary to assure the exclusion of interest on the Bonds from the gross income of the Owners of the Bonds to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the date of issuance of the Bonds.

Section 5.06. Acquisition, Disposition and Valuation of Investments.

(a) Except as otherwise provided in subsection (b) of this Section 5.06, the District covenants that all investments of amounts deposited in any fund or account created by or pursuant to this Resolution, or otherwise containing gross proceeds of the Bonds (within the meaning of section 148 of the Code) shall be acquired, disposed of, and valued (as of the date that valuation is required by this Resolution or the Code) at Fair Market Value.

(b) Investments in funds or accounts (or portions thereof) that are subject to a yield restriction under applicable provisions of the Code shall be valued at their present value (within the meaning of section 148 of the Code).

Section 5.07. Continuing Disclosure. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, substantially in the form attached hereto as Exhibit F. Notwithstanding any other provision of this Resolution, failure of the District to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any holder or beneficial owner of the Bonds may take such actions as may be necessary and appropriate to compel performance, including seeking mandate of specific performance by court order.

ARTICLE VI

THE PAYING AGENT

Section 6.01. Appointment of Paying Agent. U.S. Bank National Association is hereby appointed Paying Agent for the Bonds. The Paying Agent undertakes to perform such duties, and only such duties, as are specifically set forth in this Resolution, and, even during the continuance of an Event of Default, no implied covenants or obligations shall be read into this Resolution against the Paying Agent. The Paying Agent shall signify its acceptance of the duties and obligations imposed upon it by this Resolution by executing and delivering to the District a certificate to that effect.

The District may remove the Paying Agent initially appointed, and any successor thereto, and may appoint a successor or successors thereto, but any such successor shall be a bank or trust company doing business in the State of California, having a combined capital (exclusive of borrowed capital) and surplus of at least fifty million dollars (\$50,000,000), and subject to supervision or examination by federal or state authority. If such bank or trust company publishes a report of condition at least annually, pursuant to law or to the requirements of any supervising or examining authority above referred to, then for the purposes of this Section 6.01 the combined capital and surplus of such bank or trust company shall be deemed to be its combined capital and surplus as set forth in its most recent report of condition so published.

The Paying Agent may at any time resign by giving written notice to the District and the Bondowners of such resignation. Upon receiving notice of such resignation, the District shall promptly appoint a successor Paying Agent by an instrument in writing. Any resignation or removal of the Paying Agent and appointment of a successor Paying Agent shall become effective upon acceptance of appointment by the successor Paying Agent.

Section 6.02. Paying Agent May Hold Bonds. The Paying Agent may become the owner of any of the Bonds in its own or any other capacity with the same rights it would have if it were not Paying Agent.

Section 6.03. Liability of Agents. The recitals of facts, covenants and agreements herein and in the Bonds contained shall be taken as statements, covenants and agreements of the District, and the Paying Agent assumes no responsibility for the correctness of the same, nor makes any representations as to the validity or sufficiency of this Resolution or of the Bonds, nor shall incur any responsibility in respect thereof, other than as set forth in this Resolution. The Paying Agent shall not be liable in connection with the performance of its duties hereunder, except for its own negligence or willful default.

In the absence of bad faith, the Paying Agent may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed therein, upon certificates or opinions furnished to the Paying Agent and conforming to the requirements of this Resolution; but in the case of any such certificates or opinions by which any provision hereof are specifically required

to be furnished to the Paying Agent, the Paying Agent shall be under a duty to examine the same to determine whether or not they conform to the requirements of this Resolution.

The Paying Agent shall not be liable for any error of judgment made in good faith by a responsible officer unless it shall be proved that the Paying Agent was negligent in ascertaining the pertinent facts.

No provision of this Resolution shall require the Paying Agent to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.

The Paying Agent may execute any of the powers hereunder or perform any duties hereunder either directly or by or through agents or attorneys and the Paying Agent shall not be responsible for any misconduct or negligence on the part of any agent or attorney appointed with due care by it hereunder.

Section 6.04. Notice to Agents. The Paying Agent may rely and shall be protected in acting or refraining from acting upon any notice, resolution, request, consent, order, certificate, report, warrant, bond or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or proper parties. The Paying Agent may consult with counsel, who may be of counsel to the District, with regard to legal questions, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance therewith.

Whenever in the administration of its duties under this Resolution the Paying Agent shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action hereunder, such matter (unless other evidence in respect thereof be herein specifically prescribed) may, in the absence of bad faith on the part of the Paying Agent, be deemed to be conclusively proved and established by a certificate of the District, and such certificate shall be full warrant to the Paying Agent for any action taken or suffered under the provisions of this Resolution upon the faith thereof, but in its discretion the Paying Agent may, in lieu thereof, accept other evidence of such matter or may require such additional evidence as to it may seem reasonable.

Section 6.05. Compensation, Indemnification. The District shall pay to the Paying Agent from time to time reasonable compensation for all services rendered under this Resolution, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of their attorneys, agents and employees, incurred in and about the performance of their powers and duties under this Resolution. A District Representative is hereby authorized to execute an agreement or agreements with the Paying Agent in connection with such fees and expenses. The District further agrees to indemnify and hold the Paying Agent harmless against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder which are not due to its negligence or bad faith.

ARTICLE VII

REMEDIES OF BONDOWNERS

Section 7.01. Events of Default. The following events shall be Events Of Default hereunder:

(a) if default shall be made in the due and punctual payment of the principal of or redemption premium, if any, on any Bond when and as the same shall become due and payable, whether at maturity as therein expressed, by declaration or otherwise;

(b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable;

(c) if default shall be made by the District in the observance of any of the covenants, agreements or conditions on its part in this Resolution or in the Bonds contained, and such default shall have continued for a period of thirty (30) days after written notice thereof to the District; or

(d) if the District shall file a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America, or if a court of competent jurisdiction shall approve a petition, seeking reorganization of the District under the federal bankruptcy laws or any other applicable law of the United States of America, or if, under the provisions of any other law for the relief or aid of debtors, any court of competent jurisdiction shall assume custody or control of the District or of the whole or any substantial part of its property.

Section 7.02. Remedies of Bondowners. Any Bondowner shall have the right, for the equal benefit and protection of all Bondowners similarly situated:

(a) by mandamus, suit, action or proceeding, to compel the District and its members, officers, agents or employees to perform each and every term, provision and covenant contained in this Resolution and in the Bonds, and to require the carrying out of any or all such covenants and agreements of the District and the fulfillment of all duties imposed upon it;

(b) by suit, action or proceeding in equity, to enjoin any acts or things which are unlawful, or the violation of any of the Bondowners' rights; or

(c) upon the happening of any Event of Default, by suit, action or proceeding in any court of competent jurisdiction, to require the District and its members and employees to account as if it and they were the trustees of an express trust.

Section 7.03. Non-Waiver. Nothing in this Article VII or in any other provision of this Resolution, or in the Bonds, shall affect or impair the obligation of the District, which is absolute and unconditional, to pay the principal of and interest on the Bonds to the respective Owners of the Bonds at the respective dates of maturity, as herein provided, or affect or impair the right of

action, which is also absolute and unconditional, of such Owners to institute suit to enforce such payment by virtue of the contract embodied in the Bonds.

A waiver of any default by any Bondowner shall not affect any subsequent default or impair any rights or remedies on the subsequent default. No delay or omission of any Owner of any of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein, and every power and remedy conferred upon the Bondowners by this Article VII may be enforced and exercised from time to time and as often as shall be deemed expedient by the Owners of the Bonds.

If a suit, action or proceeding to enforce any right or exercise any remedy be abandoned or determined adversely to the Bondowners, the District and the Bondowners shall be restored to their former positions, rights and remedies as if such suit, action or proceeding had not been brought or taken.

Section 7.04. Remedies Not Exclusive. No remedy herein conferred upon the Owners of Bonds shall be exclusive of any other remedy and that each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or thereafter conferred on the Bondowners.

ARTICLE VIII

SUPPLEMENTAL RESOLUTIONS

Section 8.01. Supplemental Resolutions Effective Without Consent of the Owners. For any one or more of the following purposes and at any time or from time to time, a Supplemental Resolution of the District may be adopted, which, without the requirement of consent of the Owners of the Bonds, shall be fully effective in accordance with its terms:

(a) to add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(c) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(d) to cure any ambiguity, supply and omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(e) to make such additions, deletions or modifications as may be necessary or desirable to assure exemption from federal income taxation of interest on the Bonds.

Section 8.02. Supplemental Resolutions Effective With Consent to the Owners. Any modification or amendment of this Resolution and of the rights and obligations of the District and of the Owners of the Bonds, in any particular, may be made by a Supplemental Resolution, with the written consent of the Owners of at least two-thirds in aggregate principal amount of the Bonds Outstanding at the time such consent is given. No such modification or amendment shall permit a change in the terms of maturity of the principal of any Outstanding Bonds or of any interest payable thereon or a reduction in the principal amount thereof or in the rate of interest thereon, or shall reduce the percentage of Bonds the consent of the Owners of which is required to effect any such modification or amendment, or shall change any of the provisions in Section 7.01 hereof relating to Events of Default, or shall reduce the amount of moneys pledged for the repayment of the Bonds without the consent of all the Owners of such Bonds, or shall change or modify any of the rights or obligations of any Paying Agent without its written assent thereto.

ARTICLE IX

MISCELLANEOUS

Section 9.01. Benefits of Resolution Limited to Parties. Nothing in this Resolution, expressed or implied, is intended to give to any person other than the District, the Paying Agent and the Owners of the Bonds, any right, remedy, claim under or by reason of this Resolution. Any covenants, stipulations, promises or agreements in this Resolution contained by and on behalf of the District shall be for the sole and exclusive benefit of the Owners of the Bonds.

Section 9.02. Defeasance.

(a) *Discharge of Resolution*. Bonds may be paid by the District in any of the following ways, provided that the District also pays or causes to be paid any other sums payable hereunder by the District:

(i) by paying or causing to be paid the principal or redemption price of and interest on Bonds Outstanding, as and when the same become due and payable;

(ii) by depositing, in trust, at or before maturity, money or securities in the necessary amount (as provided in Section 9.02(c)) to pay or redeem Bonds Outstanding;
or

(iii) by delivering to the Paying Agent, for cancellation by it, Bonds Outstanding.

If the District shall pay all Bonds Outstanding and shall also pay or cause to be paid all other sums payable hereunder by the District, then and in that case, at the election of the District (evidenced by a certificate of a District Representative, filed with the Paying Agent, signifying the intention of the District to discharge all such indebtedness and this Resolution), and notwithstanding that any Bonds shall not have been surrendered for payment, this Resolution and other assets made under this Resolution and all covenants, agreements and other obligations of the District under this Resolution shall cease, terminate, become void and be completely discharged and satisfied, except only as provided in Section 9.02(b). In such event, upon request of the District, the Paying Agent shall cause an accounting for such period or periods as may be requested by the District to be prepared and filed with the District and shall execute and deliver to the District all such instruments as may be necessary to evidence such discharge and satisfaction, and the Paying Agent shall pay over, transfer, assign or deliver to the District all moneys or securities or other property held by it pursuant to this Resolution which are not required for the payment or redemption of Bonds not theretofore surrendered for such payment or redemption.

(b) *Discharge of Liability on Bonds*. Upon the deposit, in trust, at or before maturity, of money or securities in the necessary amount (as provided in Section 9.02(c)) to pay or redeem any Outstanding Bond (whether upon or prior to its maturity or the redemption date of such Bond), provided that, if such Bond is to be redeemed prior to maturity, notice of such redemption shall have been given as in Section 2.03 provided or provision satisfactory to the

Paying Agent shall have been made for the giving of such notice, then all liability of the District in respect of such Bond shall cease and be completely discharged, except only that thereafter the Owner thereof shall be entitled only to payment of the principal of and interest on such Bond by the District, and the District shall remain liable for such payment, but only out of such money or securities deposited with the Paying Agent as aforesaid for such payment, provided further, however, that the provisions of Section 9.02(d) shall apply in all events.

The District may at any time surrender to the Paying Agent for cancellation by it any Bonds previously issued and delivered, which the District may have acquired in any manner whatsoever, and such Bonds, upon such surrender and cancellation, shall be deemed to be paid and retired.

(c) *Deposit of Money or Securities with Paying Agent.* Whenever in this Resolution it is provided or permitted that there be deposited with or held in trust by the Paying Agent money or securities in the necessary amount to pay or redeem any Bonds, the money or securities so to be deposited or held may include money or securities held by the Paying Agent in the funds and accounts established pursuant to this Resolution and shall be:

(i) lawful money of the United States of America in an amount equal to the principal amount of such Bonds and all unpaid interest thereon to maturity, except that, in the case of Bonds which are to be redeemed prior to maturity and in respect of which notice of such redemption shall have been given as in Section 2.03 provided or provision satisfactory to the Paying Agent shall have been made for the giving of such notice, the amount to be deposited or held shall be the principal amount or redemption price of such Bonds and all unpaid interest thereon to the redemption date; or

(ii) Federal Securities (not callable by the issuer thereof prior to maturity) the principal of and interest on which when due, in the opinion of a certified public accountant delivered to the District, will provide money sufficient to pay the principal or redemption price of and all unpaid interest to maturity, or to the redemption date, as the case may be, on the Bonds to be paid or redeemed, as such principal or redemption price and interest become due, provided that, in the case of Bonds which are to be redeemed prior to the maturity thereof, notice of such redemption shall have been given as provided in Section 2.03 or provision satisfactory to the Paying Agent shall have been made for the giving of such notice;

provided, in each case, that the Paying Agent shall have been irrevocably instructed (by the terms of this Resolution or by request of the District) to apply such money to the payment of such principal or redemption price and interest with respect to such Bonds.

(d) *Payment of Bonds After Discharge of Resolution.* Notwithstanding any provisions of this Resolution, any moneys held by the Paying Agent in trust for the payment of the principal or redemption price of, or interest on, any Bonds and remaining unclaimed after the payment is due (whether at maturity or upon call for redemption as provided in this Resolution), if such moneys were so held at such date, or two years after the date of deposit of such moneys if deposited after said date when all of the Bonds became due and payable, shall be repaid to the District free from the trusts created by this Resolution, and all liability of the Paying Agent with

respect to such moneys shall thereupon cease; *provided, however*, that before the repayment of such moneys to the District as aforesaid, the Paying Agent may (at the cost of the District) first mail to the Owners of all Bonds which have not been paid at the addresses shown on the Bond Register a notice in such form as may be deemed appropriate by the Paying Agent, with respect to the Bonds so payable and not presented and with respect to the provisions relating to the repayment to the District of the moneys held for the payment thereof.

Section 9.03. Execution of Documents and Proof of Ownership by Bondowners. Any request, declaration or other instrument which this Resolution may require or permit to be executed by Bondowners may be in one or more instruments of similar tenor, and shall be executed by Bondowners in person or by their attorneys appointed in writing.

Except as otherwise herein expressly provided, the fact and date of the execution by any Bondowner or his attorney of such request, declaration or other instrument, or of such writing appointing such attorney, may be proved by the certificate of any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act, that the person signing such request, declaration or other instrument or writing acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer.

Except as otherwise herein expressly provided, the ownership of registered Bonds and the amount, maturity, number and date of holding the same shall be proved by the registry books.

Any request, declaration or other instrument or writing of the Owner of any Bond shall bind all future Owners of such Bond in respect of anything done or suffered to be done by the District or the Paying Agent in good faith and in accordance therewith.

Section 9.04. Waiver of Personal Liability. No boardmember, officer, agent or employee of the District shall be individually or personally liable for the payment of the principal or interest on the Bonds; but nothing herein contained shall relieve any such boardmember, officer, agent or employee from the performance of any official duty provided by law.

Section 9.05. Destruction of Canceled Bonds. Whenever in this Resolution provision is made for the surrender to the District of any Bonds which have been paid or canceled pursuant to the provisions of this Resolution, a certificate of destruction duly executed by the Paying Agent shall be deemed to be the equivalent of the surrender of such canceled Bonds and the District shall be entitled to rely upon any statement of fact contained in any certificate with respect to the destruction of any such Bonds therein referred to.

Section 9.06. Partial Invalidity. If any Section, paragraph, sentence, clause or phrase of this Resolution shall for any reason be held illegal or unenforceable, such holding shall not affect the validity of the remaining portions of this Resolution. The District hereby declares that it would have adopted this Resolution and each and every other Section, paragraph, sentence, clause or phrase hereof and authorized the issue of the Bonds pursuant thereto irrespective of the fact that any one or more Sections, paragraphs, sentences, clauses, or phrases of this Resolution may be held illegal, invalid or unenforceable. If, by reason of the judgment of any

court, the District is rendered unable to perform its duties hereunder, all such duties and all of the rights and powers of the District hereunder shall be assumed by and vest in the Paying Agent in trust for the benefit of the Bondowners.

Section 9.07. Effective Date of Resolution. This Resolution shall take effect from and after the date of its passage and adoption.

THE FOREGOING RESOLUTION is approved and adopted by the Board of Education of the Berkeley Unified School District this 12th day of December, 2012.

President of the Board

ATTEST:

Clerk of the Board

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Neil Smith and Javetta Cleveland, Co-Superintendents
FROM: Pauline Follansbee, Director of Fiscal Services
DATE: December 12, 2012
SUBJECT: Certification of First Interim Report for the period ending October 31, 2012

INTRODUCTION

Staff has prepared the First Interim report in compliance with Education Code EC 42131(a)(1) requirements and AB1200. The First Interim Report covers the reporting period ending October 31, 2012. The report is required to be approved by the governing board no later than 45 days after the close of the reporting period to determine whether or not the district is able to meet its financial obligations. The following certifications may be assigned:

- **Positive:** assigned to any district that based on current projections will meet its financial obligations in the current fiscal year and two subsequent fiscal years.
- **Qualified:** assigned to any district that based on current projections may not be able meet its financial obligations in the current fiscal year and two subsequent fiscal years.
- **Negative:** assigned to any district that based on current projections will not be able to meet its financial obligations for the remainder of the current fiscal year or the subsequent fiscal year.

The County Office of Education is required to report to the State Superintendent of Public Instruction within 75 days after the close of each reporting period the district's certification status.

Staff prepared the First Interim Report, along with assumptions using the School Services of California, Inc. Dartboard, which provides school districts critical economic indicators for budget projections. Multi-Year projections along with other analytical reports are provided under separate cover. The First Interim Report contains the following documents for review and consideration by the governing board and will be presented by staff:

1. Assumptions
2. Variance Report
3. Comparative Reports
4. District certification of Second Interim Report
5. Form 011 – General Fund Summary and Restricted and Unrestricted formats
6. Form 11I-67I for all other district funds
7. Form AI – Average Daily Attendance
8. Form RLI – Revenue Limit Form
9. General fund multi year projection using the MYP software (under separate cover)
10. Criteria and Standards

This First Interim Report along with the Multi-year Projections (under separate cover) indicates that the District will be able to meet its financial obligations in the current and subsequent two fiscal years. Therefore, the District is submitting the First Interim Report to the County with a positive certification.

DISTRICT GOAL

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

POLICY/CODE

Education Code Section 42100 – 42134 et seq.

FISCAL IMPACT

Not Applicable

STAFF RECOMMENDATION

Accept the Positive Certification of the First Interim Report (as presented under separate cover), certifying that the District will be able to meet its financial obligations for the current and subsequent two years.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Berkeley Unified School District Board of Education
FROM: Javetta Cleveland and Neil Smith, Co-Superintendents
DATE: December 12, 2012
SUBJECT: Proceeds From Sale of District Property

BACKGROUND INFORMATION

The District recently sold property located at 1581 LeRoy Avenue, Berkeley, California. The Proceeds from the sale will be received by the District in December 2012. Essentially the proceeds from the sale of surplus property must be used for capital outlay or for costs of maintenance of school district property and be deposited into a special reserve fund or the building fund. Due to the present State of the economy and strain this has placed on District's budgets, Chapter 2, Statutes of 2009 (AB X4 2) added Education Code Section 17463.7 which permits school districts to transfer surplus site sale proceeds into their general fund account from July 28, 2009 through January 1, 2014.

Districts must meet certain conditions prior to transferring the funds. In addition, the surplus property must have been purchased entirely with local funds, and the proceeds must be used from a one-time general fund purpose. Pursuant to Section 1700 of Title 2 of the California Code of Regulations, "one time expenditures" are defined as costs paid by the general funds of a school district that are nonrecurring in nature and do not commit the school district to incur costs in the future, and are exclusive of ongoing expenditures. Proceeds from the sale of property that may be transferred to the general fund of the school district may not exceed the percentage computed by the difference between the purchase price of the property and the proceeds from the transaction, divided by the amount of the proceeds of the transaction. The amount realized from the sale of the property after reasonable expenses is the net proceeds. In order to use the proceeds from the sale of surplus site for one-time General Fund expenditures, the District must follow the following steps:

1. Ensure that property was purchased entirely with local funds. A copy of the original site purchase agreement which delineates the original price, the number of acres on the site, and the source of funds used to purchase the site is required.
2. Before the school district exercises the authority granted pursuant to this section, the governing board of the school district at a regularly scheduled meeting shall present a plan for expending one-time resources pursuant to this section. The plan shall identify the source and use of the funds and describe the reasons why the expenditure will not result in ongoing fiscal obligations for the school district.
3. Before a school district exercises the authority granted pursuant to this section, the governing board of the school district shall first

submit a resolution to the State Allocation Board documents certifying the following:

- a. The school district has no major deferred maintenance requirements not covered by existing capital outlay resources.
 - b. The sale of real property pursuant to this section does not violate the provisions of a local bond act.
 - c. The real property is not suitable to meet projected school construction needs for the next 10 years.
 - d. Acknowledgement that the District will be ineligible for the State Deferred Maintenance hardship funding for five years after the transfer of funds into its general fund has been made.
 - e. Acknowledgement that the State Allocation Board (SAB) will reduce any financial hardship funding to the district by the amount transferred into its general fund account.
4. The documents must be presented to the SAB for approval prior to the funds being transferred to the general fund by the school district.

Staff is requesting direction from the Board to develop a plan for using proceeds from the sale of surplus property for one-time General Fund purposes. The plan will be presented to the Board for approval in January 2012.

DISTRICT GOAL

V. Resources

POLICY/CODE

Chapter 2, Statutes of 2009 (AB X4 2) added Education Code Section 17463.7

FISCAL IMPACT

Approximately \$1.7 million in proceeds from the sale of surplus property less reasonable expenses related to the sale, deposited into the General Fund for use for one-time General Fund purposes.

STAFF RECOMMENDATION

Approve staff to develop a plan to use proceeds from sale of surplus property for one-time General Fund purposes.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents

FROM: Lew Jones, Director of Facilities

DATE: December 12, 2012

SUBJECT: Facilities Plan Modifications

BACKGROUND INFORMATION

The review of facility priorities begins with last year's Board approved plan and the last financial update. The Board approved the current Facilities Plan on March 7, 2012, and approved the last financial update on October 24, 2012. There are three steps to developing a new Facilities Plan. The first step is to determine what facility ideas are to be studied; the second step is to reallocate funds and/or modify project schedules; and the third step is the formal approval of the Facilities Plan. The Plan provides detailed project and schedule assumptions. The first step usually occurs in December, changes to the budget and schedules usually occur in January, and the new Plan is adopted in February or March.

This memo is the first step in creating a new Facilities Plan. Cabinet suggests that the following ideas be explored:

1. Consider accelerating bond issuance slightly in order to build projects more quickly and in order to minimize inflation reserves. Preliminary analysis suggests that we may be able to develop a plan that issues up to \$7 million more in local bonds in 2013 (\$40 million instead of \$33 million) without compromising our commitment to the voters to keep the tax rate below the peak. Actual project scheduling may suggest an issuance plan somewhere between these two possible issuances.
2. Review the Berkeley High School new building furnishing budget as our adoption of short throw projectors and our recent experience at the bleacher building both suggest that an increase may be needed in this budget line;
3. Consider accelerating technology purchases to support the Common Core curriculum;
4. Clean up a number of old budget lines in Measure AA. This would include:
 - a. Consolidating funds left to close individual construction budgets into one budget line earmarked for DSA closeout;
 - b. Delete remaining small budget lines for equipment purchases;
5. Consider adding a furniture replacement line item budget in Measure I;

6. Consider accelerating a few grounds improvement projects funded in Measure AA.
7. Reduce our reliance on State bond funds, if possible;
8. Make any schedule and budget modifications mandated by recent project completion or events. It appears that we will need to add over \$500,000 to build the Board Room project and over \$130,000 to replace the roof at Malcolm X;
9. Allocate inflation from the inflation reserve to the projects;
10. Recalculate the Risk Pool budget;
11. Review project schedules for four projects:
 - a. Pre-K expansion (to support the High 5 program);
 - b. Longfellow cafeteria improvements;
 - c. B-Tech Science lab improvements;
 - d. Berkeley Community Theater.

Preliminary analysis suggests that the first three projects could be accelerated if there is a larger issuance in 2013.

Any budget or schedule changes will affect not only the project itself, but also will change the inflation and risk pool budgets and will modify the presumed interest earnings. Due to the Board's commitment to cap taxes below a maximum dollar amount, other construction projects may not be able to be accelerated.

DI9DISTRICT GOAL

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

POLICY/CODE

District practice to review Facilities Plan yearly.

FISCAL IMPACT

Not at this time. Staff will need to return to the Board with a revised financial plan.

STAFF RECOMMENDATION

Provide direction to staff to examine the items listed above.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Lew Jones, Director of Facilities
DATE: December 12, 2012
SUBJECT: A Report on BHS Project

BACKGROUND INFORMATION

The Board requested occasional reports on the completion of the South of Bancroft project at Berkeley High School. This is the second report on that project. The project includes the demolition of the Old Gym and the west bleachers, a new classroom and gym building, a small new facilities building, the demolition of a portion of the Donahue gym building and landscape improvements.

The project has a number of distinct phases or milestones. The contractor is required to install the scoreboard by August 1, 2012, to demolish the old gym by August 2, 2012, to delay starting the demolition of the west bleachers until after the 2012 football season and to finish the new small bleachers by mid-June 2013, to complete the new classroom and gymnasium by mid-December 2013, to remove and store the portables (for BUSD re-use) and to demolish the BOC at the Donahue Gym after the new classroom building is complete, and to complete site work during the summers. The overall substantial completion is scheduled for late August 2014. The schedule is doable, but is not generous.

There are three areas we will report on. The first is the schedule, the second is the finances and the third is a catch-all category.

Delays in a project can be caused by the Owner (including hidden conditions), by the contractor, or can be excusable delays (such as excess rain or an earthquake). The scoreboard was installed on schedule. The demolition of the Old Gym was not completed on time because a large amount of asbestos-containing material was found during the demolition. This delayed the demolition by approximately 7 weeks. The demolition delay has pushed the project into wet weather which has also delayed the project. Having said that, the contractor has poured all of his footings ahead of the bulk of the wet weather. The delay in the demolition also delays the completion of the new gym and classroom building. The other phases have not been delayed at this time. The contractor is starting on the demolition of the old bleachers in the week of December 10th.

The project has ten approved change orders totaling \$1,490,063. The primary ones are the additional asbestos and the laundry room in the new stadium. Together these account for over 93% of the change orders authorized to date.

In general the job has started well. The project superintendent, the inspector and the architect all worked together on the King seismic project which was very successful. There have been some concerns expressed over recent changes in DSA personnel who have made the job more challenging for the entire project team. The contractor has hired a first period Berkeley apprentice and has exceeded the local hiring goals.

DISTRICT GOAL

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

POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

No impact to receiving the report.

STAFF RECOMMENDATION

Receive for information .

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Lew Jones, Director of Facilities
DATE: December 12, 2012
SUBJECT: Measure BB Financial Update (First Interim FY 2013)

SUMMARY AND DISCUSSION

This report is an update of the Maintenance Yearly Plan and BB expenditures from July 1, 2012 through October 31, 2012. This report does not separately document encumbered (obligated) expenses from other planned expenses, nor is it a comprehensive look at the activities in this fund; that more comprehensive look occurs annually. The Maintenance Committee did review a draft of this report.

The first chart details the actual recorded expenses as of October 31, 2012 and the current projected expenses for the remainder of the Fiscal Year. All expenses are consistent with previous reports and are based upon State defined object codes unless stated otherwise. This report differs slightly from the other District reports because the hourly cost of the Director of Facilities is listed on this report as a salary and benefit expense whereas Board reports show this as an interfund (contract) expense, and the cost to pay the County and City tax collection fees are deducted from the income whereas the District reports will list a higher income and will list those fees as a contract expense.

TYPE OF EXPENSE	EXPENDED	PROJECTED	FY 2013
Salaries and Benefits	\$1,067,728	\$2,186,000	\$3,253,728
Supplies	105,668	306,000	411,668
Contracts	287,979	522,000	809,979
Maintenance Initiatives	322,835	370,000	692,835
Equipment	0	38,000	38,000
Indirect Cost	0	333,000	333,000
TOTAL	\$1,784,210	\$3,755,000	\$5,539,210

The next chart compares the projected expenditure recommendations in the 2013 Annual Plan with current projected expenses.

TYPE OF EXPENSE	BOARD PLAN	PROJECTED EXPENSE	VARIANCE
Salaries and Benefits	\$3,430,000	\$3,254,000	(\$176,000)
Supplies	470,000	412,000	(58,000)
Contracts	810,000	810,000	0
Maintenance Initiatives	805,000	693,000	(112,000)
Equipment	35,000	38,000	3,000
Indirect Cost	355,000	333,000	(22,000)
TOTAL	\$5,905,000	\$5,540,000	\$(365,000)

EXPENDITURES

SALARIES AND BENEFITS

The projected expenditures for salaries, benefits and overtime are \$176,000 less than contained in the Annual Plan. The change is due to three factors: step and columns is less than predicted, we have had several people on workers comp or State Disability (which reduces the cost to the budget), and we have had a several vacancies for a portion of the year.

The salary and benefits budget includes costs for the following list of permanent staff positions. Please note that we list some jobs by functional area; we feel this provides the information in a more meaningful way.

STAFFING

Managers	1.64 permanent
Supervisors	2 permanent
Administrative Coordinators	2.15 permanent
Trade Leads	3 permanent
Security Engineer	1 permanent
Network Engineer	0.3 permanent
Maintenance Engineers	8 permanent, 2 vacancies
Trade Specific	2 permanent
Maintenance Technician	5 permanent
General Maintenance	2 permanent
Grounds Lead Worker	2 permanent
Grounds	7 permanent, 1 vacancy
Vehicle Mechanics	0.45 permanent
Security Personnel	1 permanent (0.5 FTE of two positions)
Total	40.54 FTE

We do not detail the 5% of head custodians charged to the Measure BB Fund in the chart above.

VACANT POSITIONS

Two Maintenance Engineers and one Gardener.

SUPPLIES

The projected expenditures for supplies are \$58,000 less than contained in the Annual Plan. We have not had the need for as many supplies this year.

CONTRACTED SERVICES

The planned expenditures for contracted services are the same as projected in the Annual Plan.

MAINTENANCE INITIATIVES

The planned expenditures for maintenance initiatives are \$112,000 less than planned. There were some bid savings on a few projects and we did not award the fan upgrade at the Community Theater because the price was too high.

EQUIPMENT

We plan to purchase one vehicle this year. It will cost a little more than planned.

INDIRECT COSTS

The projected expenses for indirect costs are \$22,000 less than the projection in the 2013 Annual Plan.

TOTAL EXPENDITURES

The changes result in a \$365,000 decrease of projected expenditures compared to the budget contained in the 2013 Annual Plan.

TOTAL INCOME

The 2013 Annual Plan income projection for Measure BB is \$5,526,000. The projected income has increased by \$28,000 from the original plan. The District is providing maintenance to the charter high school at West Campus. The charter school pays for that service.

INCOME OVER EXPENDITURES

TOTAL INCOME

The projected income from Measure BB has increased by \$28,000.

TOTAL EXPENDITURES

The total projected expenditures have decreased by \$365,000.

TOTAL INCOME OVER EXPENDITURE

The 2012 ending fund balance contained in the unaudited actual report was \$1,092,681. The projected income (net of County and City charge) received from Measure BB including interest for this Fiscal Year is \$5,554,000.

The projected expenditures for the 2012 year are \$5,540,000. The revised projected fund balance for Measure BB as of June 30, 2013 is \$1,106,681.

DISTRICT GOAL

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

POLICY/CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Receive Financial Update on Measure BB.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Javetta Cleveland and Neil Smith, Co-Superintendents
FROM: Lew Jones, Director of Facilities
DATE: December 12, 2012
SUBJECT: Facilities Plan Update

BACKGROUND INFORMATION

This report is an update of the Facilities Construction Plan approved by the Board on March 17, 2012. Data in this report is current as of December 3, 2012. This report includes updates of all active construction projects. Maintenance projects are detailed in the Maintenance Quarterly Reports.

ELEMENTARY SCHOOLS

LeConte

<u>Project Type:</u>	<u>Grounds Improvement</u>
Date Approved by Board:	March 7, 2012
Funding Source:	Measure AA
Public Process:	Three Site Committee Meetings and one Community Meeting. The site was involved in architect selection.
Schematic Approval Date:	January 2013
Design Team:	Carducci & Associates
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$416,000
Adjustment to Budget:	None.
Schedule:	Fall 2012 Approve project manager and designer Winter 2012/13 Design finalize Spring 2013 Bid and award Summer 2013 Construction
Status:	Design
Issues:	None.
Completion Date:	October 2013
Changes since last report:	Project manager and designer were hired. There have been two Site Committee Meetings and the Community Meeting is planned for December 4 th .
Lessons learned:	None.

Malcolm X

<u>Project Type:</u>	<u>Replace roof on main building.</u>
Date Approved by Board:	March 7, 2012
Funding Source:	Measure AA
Public Process:	None
Schematic Approval Date:	Not Applicable
Design Team:	Skyline Engineering
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$234,000
Adjustment to Budget:	None.
Schedule:	Fall 2012 Approve project manager and designer Winter 2012/13 Design finalize Spring 2013 Bid and award Summer 2013 Construction
Status:	Pre-design
Issues:	The budget may be low. We may recommend an increase in January.
Completion Date:	October 2013
Changes since last report:	Project manager was hired and designer is being recommended at this Board Meeting.
Lessons learned:	None.

Washington

<u>Project Type:</u>	<u>Replace transformer</u>
Date Approved by Board:	March 7, 2012
Funding Source:	Measure AA
Public Process:	None
Schematic Approval Date:	Not Applicable
Design Team:	Camissa and Wipf
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$606,000
Adjustment to Budget:	None
Schedule:	Fall 2012 Approve project manager and designer Winter 2012/13 Preliminary Design done and submitted to PG&E Spring 2013 Finalize design, PG&E approval Spring 2013 Bid and award Summer 2013 Construction
Status:	Design
Issues:	PG&E process unpredictable.
Completion Date:	September 2013
Changes since last report:	The project manager and designer were approved by the Board.
Lessons learned:	PG&E approval process makes it difficult to

schedule a summer project.

Washington

<u>Project Type:</u>	<u>Painting and Flooring</u>
Date Approved by Board:	March 7, 2012
Funding Source:	Measure AA
Public Process:	Site Committee architect and color selection
Schematic Approval Date:	Not Applicable
Design Team:	Baker Vilar Architects
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$545,000
Adjustment to Budget:	None
Schedule:	Fall 2012 Approve project manager and designer Winter 2012/13 Preliminary Design done Spring 2013 Finalize design Spring 2013 Bid and award Summer 2013 Construction
Status:	Design
Issues:	None
Completion Date:	September 2013
Changes since last report:	The project manager and designer were approved by the Board.
Lessons learned:	None

Jefferson

<u>Project Type:</u>	<u>Expand Classes/Modernize.</u>
Date Approved by Board:	April 27, 2011
Funding Source:	Measure I
Public Process:	Six Site Committee meetings and three Community Meetings will be held. The site was involved in architect selection.
Schematic Approval Date:	March 7, 2012
Design Team:	WLC Architects
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$9,187,000
Adjustment to Budget:	\$1,952,000. Increased allocation and inflation adjustment on January 11, 2012 (\$472,000), approval for structural review (\$80,000) on September 12, 2012, approval of structural upgrade on October 24, 2012 (\$1,400,000).
Schedule:	Summer 2011 Architect Hired Winter 2011/12 Board approval of schematic design

Status: Fall 2012 Project submitted to DSA
 Winter 2012/13 DSA approval, project bid
 Late Spring 2013 Construction begins
 Design
 Issues: Project started slowly due to competing pressures at the school.
 Completion Date: October 2014
 Changes since last report: The project was submitted to DSA and some comments have been received. The additional structural design is 75% complete and we hope to slot those pages into the DSA package.
 Lessons Learned: There has been some concern about outreach efforts. Regular updates may help alleviate this concern.

Rosa Parks

Project Type: Solar Panels (project listed in Auxiliary budget).
Date Approved by Board: September 22, 2011
Funding Source: Measure AA
Public Process: None
Schematic Approval Date: Not Applicable
Design Team: Design-Build (SunPower/Kyoto)
Project Manager: BUSD
General Contractor: Sun Power
Current Project Budget: \$157,000
Adjustment to Budget: \$7,000. Inflation increase on April 27, 2011 (\$5,000) and inflation adjustment on January 11, 2012 (\$2,000).
Schedule: Winter 2010/11 Preliminary Design done and submitted to DSA
 Summer – Fall 2012 Finalize design, DSA approval
 Winter 2012 Construction
Status: Permit
Issues: This budget will supplement a grant from PG&E (\$200,000). Project has moved very slowly through PG&E and DSA.
Completion Date: April 2013
Changes since last report: The project is waiting for DSA approval.
Lessons learned: PG&E and DSA process have been very slow and unreliable.

MIDDLE SCHOOLS

KING

Project Type: Upgrade the Large Field and Track

Date Approved by Board: March 7, 2012
 Funding Source: Measure I
 Public Process: Site involved in architect selection. There were several Site Committee Meetings and two public meetings.
 Schematic Approval Date: August 22, 2012
 Design Team: Baker Vilar Architects
 Project Manager: Turner
 General Contractor: None
 Current Project Budget: \$1,466,000, includes \$7,000 in Measure AA
 Adjustment to Budget: \$530,000. The Board approved adding \$114,000 from the balance and combining this project with a future landscape project (\$416,000) on October 10, 2012.
 Schedule: Spring 2012 Architect hired
 Fall 2012 Design completed and submitted to DSA
 Spring 2013 Project bid
 Summer 2013 Construction begins
 Status: Design
 Issues: None. Many participants advocated to modify the scope of the project and install an all-weather track. This initiative was approved by the Board.
 Completion Date: September 2013
 Changes since last report: Design Development was completed and the Construction Documents are 50% complete.
 Lessons Learned: None.

KING AND WILLARD

Project Type: Replace the lockers in the girls gyms.
 Date Approved by Board: April 27, 2011
 Funding Source: Measure AA
 Public Process: None
 Schematic Approval Date: Not Applicable
 Design Team: HY Architects
 Project Manager: BUSD
 General Contractor: Engineered Products
 Current Project Budget: \$121,000
 Adjustment to Budget: \$(316,000). Inflation adjustment on January 11, 2012 (\$5,000), scope was clarified and the budget reduced on April 11, 2012 (\$142,000), bid savings reduction on September 12, 2012 (\$120,000), contingency release on October 24, 2012 (\$29,000).

Schedule: Spring 2011 Architect hired, project designed and bid
 Summer 2011 Construction begins

Status: Construction

Issues: A storm back east delayed delivery.

Completion Date: November 2012

Changes since last report: The punch list was completed. Final price negotiations are almost complete.

Lessons Learned: The sites have not thought about their locker room needs for a long time. There were late changes by both sites.

HIGH SCHOOLS

BERKELEY HIGH

Project Type: Stadium building.

Date Approved by Board: September 5, 2007

Funding Source: Measure AA and Measure I

Public Process: Five Site Committee Meetings, one Community Meeting and Board approval. Site Committee involved in architect selection. Earlier meetings were held in developing the master plan.

Schematic Approval Date: August 20, 2008

Design Team: Baker Vilar Architects

Project Manager: Van Pelt (was Parsons)

General Contractor: JLC Construction

Current Project Budget: \$9,327,000

Adjustment to Budget: (\$278,000). Inflation adjustment of \$708,000 on January 9, 2008, inflation adjustment of \$826,000 on January 14, 2009, inflation adjustment of \$806,000 on January 13, 2010, bid savings reduction of \$2,782,000 on September 22, 2010, add for washer dryer recognized on September 12, 2012 (\$110,000).

Schedule: Late Fall 2007 Architect hired
 Summer 2009 Project submitted to DSA
 Spring 2010 DSA approval, project bid
 Summer 2010 Construction begins

Status: Punch List

Issues: Contractor was late.

Completion Date: December 2012

Changes since last report: The laundry room was completed and is being used. There are still 4 or 5 punch list items to complete. Final negotiations are underway.

Lessons Learned: Communication within the site for this project

has been problematic. Alternate mechanisms may be needed in the future.

Project Type: New Building and Grounds
Date Approved by Board: Construction Phase 2 September 5, 2007,
Design Phase 3 January 9, 2008, Construction
Phase 3 April 27, 2011
Funding Source: Measure AA and Measure I
Public Process: Five Site Committee Meetings, one Community
meeting and Board approval (shared with
stadium project). Site Committee involved in
architect selection. Earlier meetings were held
in developing the master plan.
Schematic Approval Date: August 20, 2008
Design Team: Baker Vilar Architects
Project Manager: Van Pelt
General Contractor: Alten Construction
Current Project Budget: \$31,590,000
Adjustment to Budget: \$28,089,000. Inflation adjustment of \$280,000
on January 9, 2008, adding design of Phase 3 of
\$2,800,000 on January 9, 2008, inflation
adjustment of \$302,000 on January 14, 2009,
inflation and slight scope adjustment of
\$918,000 on January 13, 2010, approval of
Measure I construction phase and inflation
adjustment of \$28,438,000 on April 27, 2011,
inflation adjustment of \$351,000 on January 11,
2012, adjustment to decrease the budget by
\$5,000,000 on April 11, 2012.
Schedule: Late Fall 2007 Architect Hired for Phase 2
Late Spring 2008 Architect hired for Phase 3
Early Spring 2009 and Summer 2010 Project
submitted to DSA
Winter 2010/11 DSA approval, project bid
Late Spring 2012 Construction begins
Status: Construction
Issues: Coordination with Phase 1, combining the two
phases into one project, portable removal and
other logistical challenges.
Completion Date: October 2014
Changes since last report: The gym building footings were dug, all the rebar
was placed and all the footings have been
poured. Steel erection will begin this week and
the old stadium demolition will begin in a couple
of weeks.

Lessons Learned: Site communication on identifying and removing stored material was problematic.

Project Type: Community Theater Accessibility

Date Approved by Board: November 1, 2010

Funding Source: Measure AA

Public Process: None

Schematic Approval Date: Not Applicable

Design Team: WLC Architects

Project Manager: BUSD

General Contractor: Omni Construction

Current Project Budget: \$718,000 (includes completed project)

Adjustment to Budget: \$68,000. Bid savings of \$50,000 on August 31, 2011. Adjustment to recognize increased costs of change orders on January 11, 2012 (\$40,000), follow on project increase recognized on September 12, 2012 (\$86,000), contingency release on October 24, 2012 (\$8,000).

Schedule: Fall 2010 Settlement with schematic design approved

Fall 2010 Architect Hired

Early Spring Project submitted to DSA

Summer 2011 Construction begins

Summer 2012 Follow-on project

Status: Complete

Issues: Project was a settlement of a lawsuit. There was confusion over implementation and there was a few design and contractor-caused issues. DSA was a significant challenge.

Completion Date: November 2012

Changes since last report: The punch list was completed. The project is being recommended for acceptance at this Board Meeting.

Lessons Learned: Earlier communication could mitigate some of the concerns.

Project Type: Science Labs

Date Approved by Board: April 27, 2011

Funding Source: Measure I

Public Process: There have been two Site Committee meetings.

Schematic Approval Date: June 27, 2012

Design Team: HMC Architects

Project Manager: Van Pelt

General Contractor: To Be Determined

Current Project Budget: \$700,000

Adjustment to Budget: (\$227,000). Inflation increase on January 11, 2012, and reducing the project to two classrooms on October 24, 2012 (\$236,000).

Schedule: Spring 2012 Architect and project manager hired
 Spring 2012 schematic design
 Fall 2012 Project submitted to DSA
 Spring 2013 DSA approval, project bid
 Summer 2013 Construction begins.

Status: Design

Issues: None

Completion Date: September 2013

Changes since last report: The Construction Documents went from 50% complete to 90% complete. DSA submittal is scheduled for this week.

Lessons Learned: Better communication between the High School and the Superintendent may have permitted the third classroom to be approved.

OTHER SITES

HOPKINS PRE SCHOOL

Project Type: Modernization

Date Approved by Board: April 27, 2011

Funding Source: Measure AA

Public Process: There have been several Site Committee meetings and one Community meeting.

Schematic Approval Date: June 27, 2012

Design Team: HKIT Architects

Project Manager: Turner

General Contractor: To Be Determined

Current Project Budget: \$1,771,000

Adjustment to Budget: \$591,000. Inflation increase on January 11, 2012 (\$12,000), increase to add fire alarm on April 11, 2012 (\$54,000), project scope increased on June 27, 2012 (\$525,000).

Schedule: Spring 2012 Architect and project manager hired
 Spring 2012 schematic design
 Fall 2012 Project submitted to DSA
 Spring 2013 DSA approval, project bid
 Summer 2013 Construction to begin

Status: Design

Issues: Short construction season may be a challenge. The scope was adjusted to account for code and

Completion Date: programmatic issues.
October 2013
Changes since last report: The Construction Documents were completed and submitted to DSA.
Lessons Learned: To Be Determined.

WEST CAMPUS

Project Type: District Office Project
Date Approved by Board: August 20, 2008
Funding Source: Measure AA and Measure I
Public Process: Two Site Committee Meetings, one Community Meeting, approval by BUSD Board, approval by Design Review (City), approval by Zoning (City). Earlier Community Meetings were held on earlier project scopes.
Schematic Approval Date: August 20, 2008 and September 10, 2008
Design Team: Baker Vilar Architects.
Project Manager: Parsons
General Contractor: Angotti and Reilly
Current Project Budget: \$14,750,000
Adjustment to Budget: (\$237,000). Inflation adjustment of \$1,200,000 on January 14, 2009, inflation adjustment of \$1,028,000 on January 13, 2010, adjustment after bid approval of (\$2,715,000) on September 22, 2010, adjustment at 2012 Plan adoption to account for change orders (\$250,000).
Schedule: Fall 2008 Architect Hired
Summer 2009 Project submitted to DSA
Spring 2010 DSA approval, project bid
Summer 2010 Construction begins
Status: Construction
Issues: The project detailed does not include earlier design proposals. There were problems with the installation of temporary power. The contractor is very late with the project and is proving to be uncooperative.
Completion Date: December 2012
Changes since last report: Very few items were completed. The District is de-scoping the remainder of the project and will complete the remaining items. Several sub-contractors have complained because they were not paid.
Lessons Learned: The project manager requiring monthly schedule updates may have highlighted problems earlier.

<u>Project Type:</u>	<u>Board Room</u>
Date Approved by Board:	August 20, 2008
Funding Source:	Measure AA
Public Process:	Two Site Committee Meetings, one Community Meeting, approval by BUSD Board, approval by Design Review (City), approval by Zoning (City). Earlier Community Meetings were held on earlier project scopes.
Schematic Approval Date:	No one date.
Design Team:	Baker Vilar Architects
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$1,991,000
Adjustment to Budget:	\$1,641,000. Significant scope adjustment, including adding City into project (\$1,258,000) on September 22, 2010, inflation adjustment (\$142,000) on April 27, 2011, recognition that the City will not partner and inflation adjustment on January 11, 2012 (\$241,000).
Schedule:	Early Spring 2010 Architect Hired Late Spring 2011 Project submitted to DSA Summer 2012 Revised Plan Submitted to DSA Fall 2012 Construction begins
Status:	Permit/Bid
Issues:	The mural will need to be removed and a replacement mural designed.
Completion Date:	July 2013
Changes since last report:	Bids were received. The low bidder pulled, and all bids were above the budget. The Board rejected all bids and authorized a re-bid. Staff is considering combing this project with the charter project. The budget will need to be enhanced.
Lessons Learned:	Earlier formal City approval to participate in the project would have saved time and some money.

<u>Project Type:</u>	<u>Charter School With CTE Possibilities</u>
Date Approved by Board:	April 27, 2011
Funding Source:	Measure AA
Public Process:	Three Site Committee Meetings and Two Community Meetings. Site Committee participated in architect selection.

Schematic Approval Date:	December 14, 2011
Design Team:	Beverly Prior/HMC Architects
Project Manager:	Turner
General Contractor:	To Be Determined
Current Project Budget:	\$7,713,000
Adjustment to Budget:	\$2,712,000. Budget was increased by \$1,000,000 on August 31, 2011 because an additional building was added when initial programming was completed and increased on January 11, 2012 to add seismically strengthening a wall and for inflation adjustment, library demolition added to the project (\$762,000) and the budget was adjusted to add one roof and to account for a low estimate by the architect in August 2011 (\$950,000).
Schedule:	Summer 2011 Architect Hired Summer 2012 Project submitted to DSA Fall 2012 DSA approval, project bid Winter 2012/13 Construction begins
Status:	Bid and Permit
Issues:	There has been some discussion of equivalent facilities. There is some concern that the current plan calls for continued use of the District's three classrooms in the administration building.
Completion Date:	Winter 2013/14
Changes since last report:	The demolition and abatement project bids were received and awarded. The abatement will begin this week, with demolition scheduled to begin during the holidays. The modernization project has been submitted to DSA. We expect backcheck comments in December. We plan to ask for approval to advertise the project in January.
Lessons Learned:	To Be Determined.

DERBY FIELD

Project Type:	Improved Field
Date Approved by Board:	April 27, 2011
Funding Source:	Measure I
Public Process:	Three Site Committee Meetings, two Community Meetings and Board approval. Site Committee participated in architect selection.
Schematic Approval Date:	August 31, 2011
Design Team:	WLC Architects

Project Manager:	Van Pelt
General Contractor:	To Be Determined
Current Project Budget:	\$4,475,000
Adjustment to Budget:	\$870,000. Budget was increased by \$150,000 on August 31, 2011 to recognize the accelerated schedule and to accommodate desired amenities, on January 11, 2012 for inflation (\$38,000), on September 12, 2012 to account for a higher bid and for removal of Class II soil (\$647,000), and additional signage was approved on October 24, 2012 (\$35,000).
Schedule:	Summer 2011 Architect Hired Fall 2011 Project submitted to DSA Spring 2012 DSA approval, project bid Summer 2012 Construction begins
Status:	Construction
Issues:	The project schedule is extremely tight. Gaining approval of the City (street changes), PG&E (pole relocation) and DSA is a challenge.
Completion Date:	Late Spring 2013
Changes since last report:	The storm drains are 75% complete. Sidewalks and gutters were begun and are approximately 50% complete. The project has been slowed by the wet weather. The City street drainage crossing Martin Luther King is not adequate and the City has requested the District upgrade the drainage and the City would reimburse the District. We have initiated the design.
Lessons Learned:	To Be Determined.

Several more projects will be added to the list in the next report.