

BERKELEY PUBLIC SCHOOLS
Meeting Location: 1231 Addison Street, Berkeley CA 94702
Phone: (510) 644-8764

BOARD OF EDUCATION – MEETING AGENDA

Wednesday, March 11, 2015

BOARD OF EDUCATION

Judy Appel, President
Beatriz Leyva-Cutler, Vice President
Karen Hemphill, Director/Clerk
Josh Daniels, Director
Ty Alper, Director
Jesse Barber, Student Director, BHS
Carlos Ku-Ceja, Student Director, BTA

STAFF

Donald E. Evans, Ed.D., Superintendent/Secretary
Javetta Cleveland, Deputy Superintendent
Pasquale Scuderi, Asst. Supt., Educational Services
Delia Ruiz, Asst. Supt., Human Resources

BOARD OF EDUCATION REGULAR MEETING AGENDA

The Presiding Officer will call the meeting to order at 6:00 p.m. and Recess to Closed Session. The Regular Meeting will convene by 7:30 p.m.

Closed Session

The Board may recess into Closed Session before or after the public meeting 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.

CLOSED SESSION PUBLIC TESTIMONY

Persons wishing to address the Board should fill out a green speaker card. **Cards turned in by 6:00 p.m. will be given priority.** Speakers will be randomly selected based on topic and position, with BUSD students generally given priority. Public Testimony is limited to **15 minutes with a 3-minute limit per speaker per topic** although the time allotted per speaker may be reduced to 2 minutes at the discretion of the President.

1. Collective Bargaining
BFT Negotiations
2. Public Employee Discipline/Dismissal/Release/Evaluation
Classified Employee Settlement Agreement
Classified Employee Suspension
3. Public Employment/Appointment
Update on Recruitment of BHS Principal
4. Liability Claim
Settlement Authority Request for Claim No. 130900066/BUSD Claim IN1893
5. Conference with Legal Counsel – Anticipated Litigation
PERB
Facilities

Approve Regular Meeting Agenda of March 11, 2015

Report on Closed Session

OPEN SESSION PUBLIC TESTIMONY (1st opportunity)

Persons wishing to address the Board should fill out a green speaker card. **Cards turned in by 7:15 p.m. will be given priority.**

Speakers will be randomly selected based on topic and position, with BUSD students generally given priority. Public Testimony is limited to **30 minutes with a 3-minute limit per speaker per topic** although the time allotted per speaker may be reduced to 2 minutes at the discretion of the President.

Union Comments: Representatives from each union are given the opportunity to address the Board on any issue, 5 minutes per union. (Order rotates).

- _____ Berkeley Federation of Teachers (BFT)
- _____ Berkeley Council of Classified Employees (BCCE)
- _____ International Federation of Professional and Technical Engineers (Local 21)
- _____ Union of Berkeley Administrators (UBA)

Committee Comments: Representatives from District committees that include members of the public are given the opportunity to address the Board on any issue. 5 minutes per committee.

- _____ BSEP Planning & Oversight Committee
- _____ Measure I Construction Bond Oversight Committee
- _____ Measure H Oversight Committee
- _____ Parent Advisory Committee (LCAP)
- _____ District EL Advisory Committee
- _____ PTA Council
- _____ Audit Committee

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Board members and the Superintendent are given the opportunity to address any issue.

CONSENT CALENDAR – approval requested

1	Approval of Contracts and Purchase Orders	10
2	Acceptance of Gifts and Donations	13
3	Approval of Resolution No. 15-046 – Establish a Special Reserve Fund for Retiree Benefits, Fund 20	15
4	Approval of Increase for Nonpublic Agency Services for the 2014-15 School Year	17
5	Approval of Overnight Field Trips	18
6	Approval of Human Resources Report	21
7	Approval of Members for the Construction Oversight Committee	23
8	Approval of Maintenance and H/BB Second Quarter FY 2015 Report	25

9	Approval of Advertisement of a Project to do Sidewalk Replacement at Multiple Sites	27
10	Approval to Advertise to Improve the Grounds at Berkeley High School	28
11	Approval of Advertisement of the Heating Control Project for Oxford and King Media Center	29
12	Approval of Contract with Stronger Building Services to Replace the Roof and Install Solar Panels at Cragmont Elementary School	30
13	Approval of Architect for the Additional Portables Project	32
14	Approval to Award contract for RFP #201501 - WAN Services Contract for eRate Approval	36
15	Approval of Board of Education Minutes: January 28, 2015	38
16	Approval of Resolution No. 15-049 Marking March 20 to April 23, 2015 as the Cesar E. Chavez and Dolores Huerta Commemorative Period in the Berkeley Unified School District and City of Berkeley	46
17	Approval of Resolution No.15-050 Opposing Santa Maria Phillips 66 Rail Refinery Project - Rail Transport of Hazardous Crude Oil through Berkeley and the East Bay	50

ACTION ITEMS

1	Certification of Second Interim Report for the Period Ending January 31, 2015 (report under separate cover)	53
2	Independent Auditor's Reports for Measure A of 2006 (BSEP), Measure BB of 2000, Measure I of 2010 and Measure AA of 2000 (report under separate cover)	55
3	Public Hearing for Initial Proposal from the Berkeley Federation of Teachers (BFT) for Successor Agreement between the District and the Berkeley Federation of Teachers	57
4	2015 Nomination to California School Boards Delegate Assembly	60

DISCUSSION ITEMS

1	Budget Priorities for 2015-16	71
2	Mission Statement	80

INFORMATION ITEM

1	Measure BB/H Financial Update (Second Interim FY 2015)	81
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OPEN SESSION PUBLIC TESTIMONY (2d opportunity)

Persons wishing to address the Board should fill out a green speaker card. **Cards turned in for the earlier open session public testimony will be given priority.** Speakers will be randomly selected based on topic and position, with BUSD students generally given priority. Public Testimony is limited to **15 minutes with a 3-minute limit per speaker per topic** although the time allotted per speaker may be reduced to 2 minutes at the discretion of the President.

Extended Board Member and Superintendent Comments. Board members and the Superintendent are given the opportunity to address any issue.

Adjournment

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.

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](tel:510-644-6206)

El Distrito Escolar Unificado de Berkeley tiene la intención de proporcionar adaptaciones especiales en conformidad con el *Americans with Disabilities Act of 1990* (Ley de Americanos con Discapacidades de 1990). Si usted desea una adaptación especial, por favor comuníquese con el personal de la Oficina del Superintendente 48 horas antes de la reunión al [510-644-6206](tel:510-644-6206).

BOARD MEMBER INFORMATION

	Office Hours Dates & Times	Office Hours Location	Priority (Primary)	Priority (Secondary)
Beatriz Leyva-Cutler (BL) beatrizleyvacutler@berkeley.net 510-644-6550	2nd Thursday 4:00-6:00	Casa Latina (1801 San Pablo Ave.)	Family Engagement	Common Core State Standards
Josh Daniels (JD) joshdaniels@berkeley.net 510-213-8683	2nd Saturday – 1:00	Take 5 (3130 Sacramento St.)	Planning for Next BSEP Measure	Local Control & Accountability Plan
Judy Appel (JA) judyappel@berkeley.net 510-644-6550	4th Saturday 1:00	Café Leila (1724 San Pablo Ave.)	Common Core State Standards	Family Engagement
Ty Alper (TA) tyalper@berkeley.net 510-644-6550	4th Sunday 3:00 – 5:00	Casa Latina (1801 San Pablo Ave.)	TBD	TBD
Karen Hemphill (KH) karenhemphill@comcast.net 510-644-6550	2nd Saturday 10:00-11:30	Café Leila (1724 San Pablo Ave.)	Local Control & Accountability Plan	2020 Vision
Jesse Barber (JB) jessebarber@students.berkeley.net 510-644-6550	N/A	N/A	Student Engagement	N/A
Carlos Ku-Ceja (CK) carloskucej@berkeley.net 510-644-6550	NA	N/A	Student Engagement	N/A

We, the members of the Berkeley School Board, encourage members of the public to contact us and share your ideas, thoughts, and concerns regarding our schools. You can contact us individuals via email or phone as detailed above and/or you can attend any of the office hours detailed above. You can also email the entire School Board directly at BoardofEd@berkeley.net. Nosotros, los miembros de la Mesa Directiva de Berkeley, animamos a los miembros del público a comunicarse con nosotros y compartir sus ideas, pensamientos y preocupaciones con respecto a nuestras escuelas. Puede comunicarse con nosotros individuos vía correo electrónico o teléfono, indicados más arriba, y / o puede asistir a cualquiera de las horas de oficina detalladas arriba. También puede enviar un correo electrónico directamente a toda la Mesa Directiva a BoardofEd@berkeley.net

2015 BUSD School Board Calendar
Regular Meeting Dates

January	14	28	
February	1 Retreat	11	25
March	11	25	
April	8	22	
May	6	20	
June	3	10	24
July			
August	26		
September	9	30	
October	14	28	
November	4	18	
December	9		

2015 BOARD MEMBER COMMITTEE ASSIGNMENTS

To identify school board members by their initials, please see the "Board Member Information" page.

	#	JA	BL	KH	JD	TA	JB	CKC
2x2 (deborahturner@berkeley.net)	2	X	X					
Audit (geraldinemorgan@berkeley.net)	2	X				X		
BSEP Planning & Oversight (natashabeery@berkeley.net)	2				X	X		
BTSA michellesinclair@berkeley.net	1					X		
Capacity (pasqualescuderi@berkeley.net)			x			x		
Construction Bond Oversight Committee (chanitastevenson@berkeley.net)	1				X			
District EL Advisory Committee/EL Parent Advisory Committee (charitydamarto@berkeley.net)	1		X					
Measure H/Maintenance Oversight Committee (TBD)	1			X				
Parent Advisory Committee (Patriciasaddler@berkeley.net)	2		X	X				
Policy Committee (deborahturner@berkeley.net)	2	X			X			
PTA Council (president@berkeleypta.org)	1					X		
Student Attendance Review Board (SARB) (susancraig@berkeley.net)	1		X					
Supt Budget Advisory Committee (SBAC) (jaynitschke@berkeley.net)	1			X		X		
BOARD MEMBER WORKGROUP ASSIGNMENTS								
Alameda County School Boards Association (deborahturner@berkeley.net)				x				
BSEP Renewal Planning Workgroup (natashabeery@berkeley.net)	2	X			X			
Cesar Chavez Commemorative Workgroup (charitydamarto@berkeley.net)	1		X					
Next District Strategic Plan Workgroup (donaldevans@berkeley.net)	1	X		X				
Project Labor Agreement Workgroup (TBD)	1			X				
Restorative Justice/School Climate Committee (susancraig@berkeley.net)		1						

2015 BOARD MEMBER SCHOOL SITE LIAISON ASSIGNMENTS

To identify school board members by their initials, please see the "Board Member Information" page.

	#	JA	BL	KH	JD	TA	JB	CKC
Berkeley Adult School (burr Guthrie@berkeley.net)				X				
Berkeley Arts Magnet (rene Molina@berkeley.net)						X		
Berkeley High School (kristin glen chur@berkeley.net)		X		X			X	
Berkeley Technology Academy (sheila quintana@berkeley.net)					X			X
Child Development Centers (maria carriedo@berkeley.net)		X						
Cragmont (hazelle fortich@berkeley.net)			X					
Emerson (susan hodge@berkeley.net)					X			
Independent Study (edith smiley@berkeley.net)		X						
Jefferson (sonya martin@berkeley.net)					X			
John Muir (audrey amos@berkeley.net)			X					
King (janet levenson@berkeley.net)		X						
LeConte (veronica cavalerio@berkeley.net)			X					
Longfellow (marcos garcia@berkeley.net)						X		
Malcolm X (alex hunt@berkeley.net)				X				
Oxford (beth rhine@berkeley.net)						X		
Rosa Parks (paco furlan@berkeley.net)						X		
Thousand Oaks (jenni fer corn@berkeley.net)			x					
Washington (mel stenger@berkeley.net)				X				
Willard (debbi edean@berkeley.net)					X			

LCFF AND LCAP ACRONYMS

ADA: Average Daily Attendance – the average number of pupils actually attending classes for at least the minimum school day.

API: Academic Performance Index – a measurement of a school’s academic performance and progress.

BASE RATE: state funding allocated to districts under LCFF tied to ADA in grade spans K-3, 4-6, 7-8, and 9-12.

BSEP: Berkeley Schools Excellence Program – funds provided by a local (parcel) tax to the Berkeley Schools.

BUSD: Berkeley Unified School District

CATEGORICAL AID: Funds from the state or federal government for specialized programs such as special education and Gifted and Talented Education (GATE); or special purposes, such as transportation.

CCSS: Common Core State Standards - an education initiative adopted by California and 44 States detailing what K-12 students should know at the end of each grade.

CSR: Class Size Reduction – California provides funds for lower class sizes K-3; the BSEP measure provides additional funding.

CTE: Career Technical Education

COE: County Office of Education

DDF: District Defined Fund for LCAP Supplemental Programs

DELAC: District English Learner Advisory Committee

DISCRETIONARY: refers to funds with some flexibility in use.

EIA: Economic Impact Aid - State categorical aid for districts with concentrations of children who are bilingual, transient and/or from low income families. No longer used under LCFF, which instead uses supplemental and concentration grants.

EL: English Learner

ELPAC: English Learner Parent Advisory Committee (LCFF/LCAP)

FTE: Full Time Equivalent Teacher

FREE AND REDUCED LUNCH: In California public schools, a family of four with income at or below \$43,568 qualifies for reduced price meal, and under \$30,615 for free meals. This guideline defines “low-income” (**LI**) for purposes of the LCFF.

LCAP: Local Control and Accountability Plan- a plan and budget adopted by a school district that reflects goals and specific actions, based on the 8 state priorities outlined in the LCFF legislation, as well as any locally adopted priorities

LCFF: Local Control Funding Formula – California’s new school finance model for allocation of state funding to local school districts.

PAC: Parent Advisory Committee (for LCFF/LCAP)

REVENUE LIMIT: Prior to LCFF, the amount of revenue that a district could collect annually for general purposes from local property taxes and state aid, calculated per unit of ADA.

SUBGROUPS: The LCAP must address student subgroups, meaning all major racial/ethnic groups as well as low income, English learners, foster youth and students with disabilities.

SUPPLEMENTAL FUNDING: Under LCFF each English Learner (EL), Low Income (LI) or foster youth counts toward funding of an additional 20 percent of the base rate, The count must be “unduplicated”, meaning an EL, LI or foster youth may only be counted once, even if belonging to more than one group.

WILLIAMS REQUIREMENTS/BASIC SERVICES – California legislation established standards for maintaining adequate school facilities, sufficient instructional materials, and qualified teachers.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed. D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
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. Ratification of contract to Linda Davis to process payroll, provide coaching and professional development services. The Board originally approved \$83,100 on December 10, 2014. The additional amount needed is \$7,307.92 to amend contract through February 28, 2015 for a total amount of \$90,407.92. To be paid from General Fund. Requested by Pauline Follansbee.
2. Increase in contract, PO# 150020 to Roto Rooter, to provide plumbing services as needed for the Maintenance Department, for the 2014-15 SY. The Board approved \$10,000 on June 11, 2014 and an additional amount of \$5000 on December 10, 2014. The additional amount will increase the Purchase Order by \$10,000 for a total amount of \$25,000. To be paid from Measure H. Requested by Steve Collins.
3. Increase in contract, PO# 150075 to In Focus Video, to provide security cameras as needed for the Maintenance Department, for the 2014-15 SY. The Board approved \$80,000 on June 11, 2014. The additional amount will increase the Purchase Order by \$55,000 for a total amount of \$135,000. To be paid from Measure H. Requested by Steve Collins.
4. Increase in contract, PO# 150032 to J & R Fence, to provide fencing as needed for the Maintenance Department, for the 2014-15 SY. The Board approved \$15,000 on June 11, 2014.. The additional amount will increase the Purchase Order by \$10,000 for a total amount of \$25,000. To be paid from Measure H. Requested by Steve Collins.

5. Increase in contract, PO# 150029 to Syserco, to provide HVAC Services as needed for the Maintenance Department, for the 2014-15 SY. The Board approved \$20,000 on June 11, 2014. The additional amount will increase the Purchase Order by \$15,000 for a total amount of \$35,000. To be paid from Measure H. Requested by Steve Collins.
6. Increase in contract, PO# 150045 to ENV, to provide Hazmat services as needed, for the Maintenance Department, for the 2014-15 SY. The Board approved \$30,000 on June 11, 2014. The additional amount will increase the Purchase Order by \$10,000, for a total amount of \$40,000. To be paid from Measure H. Requested by Steve Collins.
7. Bay Area Youth Agency Consortium to provide AmeriCorps staffing for Willard's Greening Project. The cost will not exceed \$28,000. To be paid from BSEP- Fund 5 Site Enrichment School-wide Fund. Requested by Debbie Dean.
8. YMCA of the Central Bay Area to provide Physical Education activities at Jefferson Elementary School. The cost will not exceed \$22,000. To be paid from Restricted Donations. Requested by Sonya Martin.
9. The Mosaic Project to provide food, lodging, and curriculum for students while on a field trip to the Mosaic Camp. The cost will not exceed \$15,500. To be paid from Restricted Donations and BSEP- Fund 5 Site Enrichment School-wide Fund. Requested by Paco Furlan.
10. Byron Huey to provide services for the reauthorization of the Workforce Innovation and Opportunity ACT (WIOA). The cost will not exceed \$18,975. To be paid from ESL Fund. Requested by Burr Guthrie.
11. Berkeley Public Schools Fund to provide middle school Bridge Mentors for the 2014-2015 SY. The cost will not exceed \$10,000 to be paid from the General Fund. Requested by Patricia Saddler.

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: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

The Board may accept and utilize on behalf of the District 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. Cragmont PTA donated \$4,576 to fund a YMCA coach to play games with students during lunch hours for Cragmont School.
2. First Presbyterian Church of Berkeley donated \$350 to be utilized for the Garden program for LeConte School.
3. The Philanthropic Ventures Foundation donated \$1,000 to be used to fund field trip to Slide Ranch for Cragmont School.
4. Target Take Charge of Education program donated \$287.89 for Rosa Parks, \$64.68 for John Muir, \$92.56 for LeConte and \$1,177.52 for Jefferson Schools to be utilized as needed for a total amount of \$1,622.65.
5. Adobe donated \$450 for John Muir and \$897 for Jefferson Schools for a total donation of \$1,347 to be utilized as needed.
6. Rosa Parks PTA donated \$1,600 to be used for Google training for Rosa Parks School.
7. Stephanie Allan donated \$30, Javetta Cleveland donated \$30, Brown Paper Tickets, LLC donated \$2,560, Mom's Against Poverty donated \$1,000, M. J. Beery donated \$60, Martin R. Bourque donated \$80, Mannan Khan donated \$30, Pauline Follansbee donated \$60, Miguel Dwin donated \$60, Catherine Stillman donated \$60 and Amber Spencer donated \$30 for a total amount of \$4,000 for the Gardening and Cooking Program Valentine Wine Walk 2015.
8. Chevron Matching Employee Funds donated \$200 through Your Cause, LLC Trustee, San Francisco Foundation donated \$1,000 and Lifetouch National School Studios donated \$1,450.26 for a total amount of \$2,650.26 to purchase office supplies for Jefferson School.

BOARD POLICY

BP 3290

FISCAL IMPACT

The District received a total \$15,515.91 in donations.

STAFF RECOMMENDATION

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Authorization to Establishment of Special Reserve Fund for Post-Employment Benefits-Fund 20

BACKGROUND INFORMATION

Under the Education Code (EC) Section 17463.7, the District requested State Allocation Board approval for the transfer of surplus real property sale proceeds in its General Fund for one-time expenditures, which includes \$416,000 for post-employment Benefits.

The District is requesting Board authorization to establish Fund 20, Special Reserve Fund for Post-employment Benefits and to deposit the proceeds from the sale of surplus real property in this fund.

This fund will be used to record revenues and other financial transactions for retiree health benefits.

The District relies on actuarial information provided by Total Compensation to determine funding requirements for Post-employment Benefits.

POLICY/CODE

Education code (EC) Sections 17463.7

FISCAL IMPACT

None

STAFF RECOMMENDATION

Approve Resolution 15-046 to authorize the establishment Fund 20 for Post-employment Benefits.



RESOLUTION NO. 15-046
ESTABLISH A SPECIAL RESERVE FUND
FOR POST-EMPLOYMENT BENEFITS
FUND 20

WHEREAS, The Special Reserve Fund for Post-employment Benefits will be established to accrue funds for future payments of post-employment benefits; and

WHEREAS, the initial revenues in this fund will be initially provided in accordance with State Allocation Board's approval for the District to deposit proceeds from the sale of surplus real property into the District's General Fund; and

WHEREAS, the funds for annual payments for post-employment benefits will be transferred from Fund 20 to the General Fund on an annual basis for expenditure; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Berkeley Unified School District does hereby establish a fund in the County Treasury of Alameda County to be known as the Special Reserve Fund for Retiree Benefits for the purpose of recording revenues and other financial transactions.

PASSED AND ADOPTED by the Berkeley Unified School District on this 11th day of March 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

I certify that the foregoing Resolution was duly introduced, passed and adopted as stated above.

Date

Karen Hemphill
Clerk of the Governing Board

BERKELEY UNIFIED SCHOOL DISTRICT

To: Donald Evans, Ed.D., Superintendent
From: A. Kay Altizer, Executive Director, Special Education
Date: March 11, 2015
Subject: Approval of Increase for Nonpublic Agency Services
for the 2014-15 School Year

BACKGROUND INFORMATION

The District contracts with nonpublic agencies, when necessary, to provide related services to students with Individualized Education Programs (IEP). The following nonpublic agency provides related services as defined in Section 1401 of Title 20 of the U.S. Code and section 300.34 of Title 34 of the Code of Federal Regulations, and California Ed. Code 56363 to enable students with IEPs to benefit from their special education. An individual service agreement (ISA) is developed for each student to whom the service provider is to provide special education or related services unless the provider is contracted for a specific FTE.

Non Public Agency	# of Students	Estimated Total Cost
InterCare Therapy, Inc.	1	\$45,222.50
Speech Pathology Group (SPG) .4 FTE	12-14	\$58,262.75
		\$103,485.25

POLICY/CODE

Education Code 39800
Board Policy 3310

FISCAL IMPACT

The fiscal impact of these services is estimated not to exceed \$103,485.25 funded from the Special Education Budget.

STAFF RECOMMENDATION

Approve the increase to the Master Contract for the Nonpublic Agency listed above.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Pasquale Scuderi, Assistant Superintendent. Educational Services
DATE: March 11, 2015
SUBJECT: Ratification & Approval of Overnight Field Trips

BACKGROUND INFORMATION

The following overnight field trip request is presented for ratification:

2015 CA Boys Tennis Classic, Fresno, California, March 5-7, 2015

Ratify approval for twelve students, 2 coaches, and 4 other adults on a three-day, two-night field trip to the 2015 California Boys Tennis Classic at Buchanan High School in Clovis, CA. The students will travel with the coaches and other adults to and from the event, and all parties have submitted a "Notification of Adults Driving Private Vehicles" as required. The group stayed in gender specific rooms at the University Square Hotel of Fresno. The cost of \$250.00 per student was covered by Berkeley Athletic Funds-Tennis Fund. No student was denied access based on inability to pay. Requested by: Jorge Melgoza, BHS Vice Principal.

The following overnight field trips are being requested:

Cal-HOSA (Health Occupation Students of America) State Leadership Conference, Sacramento, CA, March 26 – March 29, 2015

Approve participation of 19 students and 2 teachers from AMPS on a four-day, three-night field trip to Sacramento. The group will depart BHS on Thursday, March 26, at 8:00 a.m. and return Sunday, March 29, at 1:30 p.m. Students will learn about medical terminology, health careers, and leadership skills. Students will also have the opportunity to showcase their talents and accomplishments in the areas of health and science. Attending the Cal-HOSA state leadership conference is a requirement of the health pathway grant. Students will stay in supervised, gender specific rooms at the Sheraton Grand Hotel. The cost of \$400 per student will be paid by CPA grant, fundraising and parent donations. No student will be denied access based on inability to pay. Requested by: Erin Schweng, Vice Principal, Berkeley High School.

Pt. Bonita Retreat Center, Sausalito, CA, April 15-17, 2015

Approve participation of twenty-eight (28) 5th grade students, one (1) teacher and four (4) other adults on a three-day, two-night field trip to Pt. Bonita Retreat Center, Sausalito, CA. The group will depart Oxford School on Wednesday, April 15, at 9:30 a.m., and return Friday, April 17, at 2:00 p.m. The group will engage in hands on science based lessons, learning about the environment, healthy nutrition and wellness, hiking, and thoughtful team building activities. BUSD will provide transportation. Students will sleep in

gender specific cabins. Costs for the trip will be paid from teacher and parent donations. No student will be denied access based on inability to pay.

Requested by: Beth Rhine, Principal.

Angel Island, California, May 12-13, 2015

Approve participation of 72 fourth grade students, 3 teachers and 15 other adults from Washington Elementary on a two-day, one-night field trip to Angel Island. The group will depart Washington Elementary on Tuesday, May 12th, at 8:15 a.m., and return Wednesday, May 13th at 1:00 p.m. Students will participate in the Angel Island Immigration Station Tour-Asian Californian History and participate in a service learning project for the Parks Service. Students will sleep in chaperoned, gender specific tents. Transportation will be provided by Michael's Transportation and Tiburon Ferry. The cost of \$42.00 per student is being funded through Chinook Books Read-a-thon fundraising and parent donations. No student will be denied access based on inability to pay. Requested by: Mel Stenger, Washington Principal

Mosaic Project Camp, Napa, CA, May 18-22, 2015.

Approve participation of 20 fourth-grade students and 1 teacher from Rosa Parks on a five-day, four-night field trip to Mosaic Project Camp, which provides a staff of trained adults to work with student groups. The students will depart Rosa Parks Elementary at 8:00 a.m. on Monday, May 18th, and returns at 4:30 p.m. on Friday, May 22nd, 2015. This field trip enables students to learn social and conflict resolution skills. Students sleep in supervised, gender specific cabins on the grounds. District buses provide transportation. The cost of \$250.00 per student will be paid by a PTA funds and parent donations. No student will be denied access based on inability to pay. Requested by: Paco Furlan, Rosa Parks Principal.

BHS Executive Leadership Retreat, Point Pinole Regional Shoreline, Richmond, CA August 29-30, 2015

Approve participation of 30 Berkeley High School students and 3 teacher and one other adult on a two-day, one-night field trip to Point Pinole Regional Park. The group will depart BHS on Saturday, August 29th at 12:00 p.m., and return Sunday, August 30th at 12:00 p.m. This retreat is critical to the team-building and skills development of the ASB leadership team and BHS. The way in which student leadership at BHS operates has significant effects on school culture and thus achievement of all types of students; as the way in which they identify with the school is positive or negative, comfortable or uncomfortable, that they are valued or unvalued and that academics are important or not. Students will sleep in supervised, gender specific tents chaperoned by staff and parents. The total student cost of \$400-500 will be funded by ASB funds and parent donations. No student will be denied access based on inability to pay. Requested by Daniel Nube, Vice Principal, Berkeley High.

POLICY/CODE

Education Code 35330
Board Policy 6153

FISCAL IMPACT

As indicated above.

STAFF RECOMMENDATION

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

TO: Donald Evans, Ed.D., Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: March 11, 2015
SUBJECT: APPROVAL OF HUMAN RESOURCES REPORT
The following is submitted for approval.

CERTIFICATED EMPLOYEES						
Name	Classification (Temporary, Probationary or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>LEAVES</u>						
Aguas, Liliana	Permanent	Teacher	0.40	LeConte	03/02/15	06/12/15
Fjelstrom, Britta	Permanent	Teacher	1.00	Berkeley High	02/25/15	03/22/15
Truss-Smith, Roger	Permanent	Teacher	1.00	B-Tech	02/19/15	04/02/15
Scuderi, Pasquale	Permanent	Assistant Superintendent, Educational Services	1.00	Educational Services	2/11/2015 Intermittent	TBD
Smiley, Edith	Permanent	Coordinator	1.00	Independent Study	03/11/15	03/17/15
<u>SEPARATIONS</u>						
Chan, Julie	Temporary	Teacher	0.60	Cragmont	06/12/15	
Chavez, Gustavo	Temporary	Teacher	1.00	Berkeley High	06/12/15	
Crawford, Joanne	Probationary	Psychologist	1.00	Special Education	06/30/15	
Johnson, Randee	Temporary	Teacher	1.00	Longfellow	06/12/15	
Natrass, Sarah	Permanent	Teacher	1.00	Franklin Preschool	06/12/15	
<u>NEW HIRES OR REHIRS</u>						
Attig, Zeena	Temporary	Teacher	0.20	Berkeley High School	02/18/15	06/12/15
Broder, Karen	Temporary	Teacher	Hourly	Adult School	02/11/15	06/12/15
Lee, Heidi	Temporary	Teacher	0.40	LeConte	03/02/15	06/12/15
<u>NEW ASSIGNMENT</u>						
Dictado, Stephanie	Probationary	Program Supervisor	1.00	Special Education	07/01/15	
Graham, Lisa	Permanent	Director, Special Ed.	1.00	Special Education	07/01/15	
<u>CHANGE OF STATUS</u>						
Bonemeyer, Diederich	Probationary	Teacher	1.00	Educational Services	08/25/14	
Larson, Rachel	Probationary	Counselor	0.40	LeConte	08/25/14	
			0.40	Willard		
			0.20	John Muir		
Mapps, Katherine	Probationary	Teacher	1.00	Evaluation & Assessment	08/25/14	
Tadesse, Henok	Probationary	Teacher	1.00	Malcolm X	08/25/14	
Vonblanckensee, Lisa	Probationary	Teacher	1.00	Jefferson	10/21/14	
Waranoff, Andrew	Probationary	Teacher	1.00	Berkeley High	08/25/14	

CLASSIFIED EMPLOYEES

Name	Classification (Limited Term, Provisional, Temporary, Probationary, or Permanent)	Position	FTE	Location	Date (From)	Date (To)
<u>SEPARATIONS</u>						
Adams, Danielle	Permanent	Instructional Technician, EDP	0.53	LEARNS at LeConte	02/03/15	
Blackburn, Jana	Permanent	Food Services Assistant	0.40	Malcolm X	02/16/15	
Carpendale, Susan	Permanent	Instructional Assistant	0.70	Arts Magnet	03/13/15	
Harris Jr, William	Permanent	Food Service Production Operator	1.00	Berkeley High	02/16/15	
Lofton, Alden	Probationary	Maintenance Technician	1.00	Maintenance	02/09/15	
Sanchez, Oscar	Permanent	Custodian I	1.00	Rosa Parks	02/11/15	
<u>LEAVES</u>						
Butler, Adelia	Permanent	Instructional Technician, EDP	0.40	LEARNS at Arts Magnet	02/16/15	06/12/15
Carter, Tonette	Permanent	Instructional Assistant, Special Ed.	0.80	Cragmont	02/02/15	02/28/15
Essex, Wilbert	Permanent	School Bus Driver	1.00	Transportation	01/06/15	02/20/15
Gilder, Marie	Permanent	Instructional Technician, EDP	0.47	LEARNS at LeConte	02/02/15	02/23/15
Kennedy, Jamila	Permanent	Instructional Technician, EDP	0.47	LEARNS at Malcolm X	02/10/15	03/01/15
Vega, Ofelia	Permanent	Instructional Assistant, Special Ed.	0.40	Malcolm X	02/17/15	05/18/15
Robinson, Clinton	Permanent	Custodian II	1.00	Berkeley High	02/02/15	02/23/15
<u>NEW ASSIGNMENT</u>						
Guerrero, Hermelinda	Permanent	Senior Records Clerk	From .50 to 1.0		02/02/15	
<u>LIMITED TERM/PROVISIONAL</u>						
Alexander, Lonneta	Provisional	Instructional Assistant, Special Ed. Attendant	0.40	Rosa Parks	02/10/15	06/30/15
Arechiga, Gabriella	Provisional	Senior Records Clerk	1.00	Admissions	02/23/15	03/06/15
Hilburn, Ernestine	Provisional	Clerical Assistant	1.00	Accounts Payable	02/05/15	02/11/15
Waller, Ellaray	Provisional	Administrative Assistant	1.00	Risk Management	12/11/14	03/31/15
Younger, Kevin	Provisional	Payroll Supervisor	1.00	Payroll	02/17/15	04/30/15

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approval of Members for the Construction Oversight Committee

BACKGROUND INFORMATION

By law, a committee is required to monitor the Measure I bond. The Board decided that the same committee would also monitor the old Measure AA bond. The Board appointed the Construction Oversight Committee on April 13, 2011. The current members are:

1. Stephanie Allan, Co-Chair
2. Susi Marzuola, Co-Chair
3. Eric Weaver, Secretary
4. Carl Bridgers
5. Nicolie Bolster-Ott
6. David Goldin
7. Allan Nudel

The Bylaws state that,

“Each member shall hold office for two years without compensation. A regular term of office shall begin in March commencing with the regularly scheduled March quarterly meeting and end at the close of business on the day prior to the regularly scheduled March quarterly meeting two years later.”

The Committee has made a number of improvements to our processes, has been very active, has excellent attendance, and has worked well together. The Committee has been meeting almost every month, and its next regularly scheduled meeting will happen in April.

The law now permits members to serve up to three terms, and it may be prudent in two years to bring in some new members so the committee does not transition all at once. At this time, staff believes that it is in the best interest of the District to have the current Committee Members continue to serve for one more term. All Members have stated that if appointed, they are prepared to serve.

POLICY/CODE

Education Code 15282 and 15278
Board Policy 9131

FISCAL IMPACT

There is no fiscal impact to the appointment of committee members.

STAFF RECOMMENDATION

Re-appoint all the Construction Oversight Committee members.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Maintenance and H/BB Second Quarter FY 2015 Report

SUMMARY AND DISCUSSION

This report is an update of the Maintenance Department for the second quarter of the 2015 Fiscal Year. The reporting period covers September 1, 2014 through December 31, 2014. The stated goals of the Annual Plan are not listed in this report, but certain areas of these goals will be referred to as we evaluate progress in these areas. We will also continue to report on specific areas of previously approved plans as we make progress on those goals.

COMMUNICATION/REPORTING

The first interim report went to the Board on December 10th.

COMMITTEE MEMBER COMMENTS

The Committee did not meet. A new committee needs to be constituted.

MAINTENANCE

The evening shift visited all twenty-three sites since the last report. The fire marshal sent five reports, with two showing violations. We are addressing all items in the reports. Thirteen elevators were inspected in this reporting period. All required some corrections. All corrections have been addressed.

TRAINING

All staff were trained on Understanding Gender, Sexual Harassment, Heat Illness and Making Success a Habit.

GROUNDS

This is the time of the year when we are pruning all of our young trees.

VEHICLES AND EQUIPMENT

We have our new vehicle in operation.

STAFFING

Managers	1.64 permanent
Supervisors	2 permanent
Administrative Coordinators	2.15 permanent
Trade Leads	3 permanent
Security Engineer	1 permanent
Maintenance Engineers	10 permanent, 2 vacancy
Trade Specific	1 permanent
Maintenance Technician	4 permanent
General Maintenance	2 permanent
Grounds Lead Worker	3 permanent
Grounds	8 permanent
Vehicle Mechanics	0.45 permanent
Security Personnel	1 permanent (0.5 FTE of two positions)

Total 41.24 FTE

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

BUDGET

The unaudited actual report for FY 2014 was prepared and approved.

CUSTODIAL

Multiple construction projects are gearing up for the summer. We are in the process of planning the summer cleaning schedule. We have two custodial vacancies.

UTILITY REDUCTION AND MONITORING

Bright Schools have assisted BUSD in doing energy audits at several sites. They have contacted an engineering firm to complete the analysis.

PROPERTY MANAGEMENT

Staff has processed 122 permits. The gross revenue received was \$82,292.00. Due to recent transitions at Berkeley High, we have not compiled their data.

WASTE MANAGEMENT

Solid waste was reduced in the past year by over \$9,000. The collaboration between the District and the Green Star Schools program was instrumental in these savings.

HAZARDOUS MATERIALS

There was a fuel spill in the landscaping at Transportation. Remedial work is almost complete.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approve the Advertisement of a Project to do Sidewalk Replacement at Multiple Sites

BACKGROUND INFORMATION

On January 14, 2015 the Board approved to shift some projects from Measure I to Measure AA. One project to replace the sidewalks at multiple sites. These sites include Emerson, Oxford, Malcolm, B-Tech, LeConte, Hopkins, Berkeley Adult School and the area near King tennis courts.

Staff is required to notify the Board when bids are being solicited.

POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

The project is funded in Measure AA.

STAFF RECOMMENDATION

Approve the advertisement to solicit bids for this project.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approval to Advertise to Improve the Grounds at Berkeley High School

BACKGROUND INFORMATION

On March 11, 2014, the Board approved projects to improve the grounds at Berkeley High School. The Board approved the schematic design for this project on January 15, 2015. The design will be finished within a few weeks and it is advantageous to bid the project as soon as possible so the contractor can be prepared to mobilize and complete the project over the summer break. The project is scheduled to be awarded in late March or early April.

POLICY/CODE

Public Contract Code 20110 – 20118 and sections 5100 – 5110

FISCAL IMPACT

Cost to be paid from Measure AA Funds.

STAFF RECOMMENDATION

Approve the advertisement to solicit bids for this project.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approve the Advertisement of the Heating Control Project for Oxford and King Media Center

BACKGROUND INFORMATION

The 2015 Measure H Annual Plan and the Facilities Modifications approved by the Board on January 14, 2015 included a project to replace the heating controls in King Media Center (Measure H) and Berkeley Arts Magnet (Measure AA). Staff has recently determined that Oxford worse shape than Berkeley Arts Magnet. Staff is requesting a funding shift from Berkeley Arts Magnet to Oxford to replace the heating controls. The work at both sites is scheduled to be done over the summer.

Staff is required to notify the Board when bids are being solicited.

POLICY/CODE

California Public Contract Code 20110- 20118.

FISCAL IMPACT

The project is funded in Measure H and AA.

STAFF RECOMMENDATION

Approve the advertisement to solicit bids for this project.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approve a Contract With Stronger Building Services to Replace the Roof and Install Solar Panels at Cragmont Elementary School

BACKGROUND INFORMATION

On January 14, 2015, the Board approved bidding a project to replace the roof and solar panels to Cragmont Elementary School. On February 12, 2015, four bids were received. A bid protest was received from the third low bidder claiming that the first two bids were non-responsive. After consulting with legal, the bid from the apparent low bidder was deemed non-responsive because of incomplete information on the subcontractors list. The second and third low bids were found responsive. The fourth bidder was not considered as it was \$905,000 over the project budget. Staff would like to recommend that the Board award the base bid and additive alternate #1 to the second low bidder, Stronger Building Services in the amount of \$972,500. This project is \$192,500 under budget.

POLICY/CODE

Public Contract Code 20110 – 20118.

FISCAL IMPACT

Cost to be paid from Measure I Funds. The overall budget will be able to be reduced by \$192,500.

STAFF RECOMMENDATION

Approve Stronger Building Services to replace the roof and install solar panels at Cragmont for \$972,500.

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION No. 15-051**

**Authorization to Award Contract for
Cragmont Re-roofing and Solar Photovoltaic Project 112.1401**

WHEREAS, in accordance with Uniform Public Construction Cost Accounting procedures, bids were solicited for Cragmont Re-roofing and Solar Photovoltaic Project 112.1401. Bids were opened on February 12, 2015 at 2:00pm, and the following 4 bids were received and deemed qualified as follows:

CONTRACTOR	BASE BID	BASE BID + ADD ALT.
#1		
Joseph Murphy Construction	\$860,000	\$939,000
Stronger Building Services	\$824,500	\$972,500
Best Contracting Services	\$969,666	\$1,056,306
Western Roofing Services	\$1,800,409	\$2,070,238

BACKGROUND INFORMATION

On January 14, 2015, the Board approved bidding a project to replace the roof and solar panels to Cragmont Elementary School. On February 12, 2015, four bids were received. A bid protest was received from the third low bidder claiming that the first two bids were non-responsive. After consulting with legal, the bid from the apparent low bidder was deemed non-responsive because of incomplete information on the subcontractors list. The second and third low bids were found responsive. The fourth bidder was not considered as it was \$905,000 over the project budget. Staff would like to recommend that the Board award the base bid and additive alternate #1 to the second low bidder, Stronger Building Services in the amount of \$972,500. This project is \$192,500 under budget.

WHEREAS, Stronger Building Services is the lowest bidder and is deemed to be responsive, responsible and qualified to complete the work according to the specifications in project number 112.1401 documents;

NOW, THEREFORE, BE IT RESOLVED that the bid of Stronger Building Services, for the Total Base Bid and Additive Alternate #1 in the amount of \$975,000 be accepted; and the Deputy Superintendent and/or Purchasing Agent of this Board are hereby authorized to enter into a contract with said bidder for said amount in accordance with law.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 11th day of March 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Hemphill
Clerk, Board of Education
Berkeley Unified School District

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approve a Contract with Baker Vilar Architects to Provide Design Services for Portables Project

BACKGROUND INFORMATION

On January 28, 2015, the Board approved a plan to address capacity due to increasing enrollment that included adding three portables to Thousand Oaks Elementary School, three portables to LeConte Elementary School, with an additional portable for a restroom, and one portable to John Muir Elementary School.

At the February 25, 2015 meeting, the Board discussed capacity options again and updates on enrollment indicated that growth in 2015-2016 appears to be lower than what the demographic study projected. The latest number would result in a probable need of 2-3 additional classrooms next fall.

Based on the updated enrollment information, staff is recommending that there is a reduction in the number of classroom portables for Thousand Oaks from three to two and a reduction in the number of classroom portables for Le Conte from three to two. The classroom portable at John Muir will remain at one. The Architect must be hired to meet timeline for portables to be ready by the beginning of school year 2016-17.

Staff's current recommendation takes in to account the fact that these three sites were all determined to have adequate flat space to host portables in the fall. The current recommendation lowers the total overall number of portables in the proposed project and spreads the placement of that reduced number across three school sites to ensure that no one single site takes on more than two new rooms.

Staff is recommending that Baker Vilar be hired to design this project. Baker Vilar has done one modernization at LeConte and one modernization at John Muir. Also, Baker Vilar Architects are the current design team for the John Muir Modernization project scheduled for this upcoming summer.

The estimated project timeline is included. The estimated cost for two new portable classrooms at Thousand Oaks, two new portable classrooms at LeConte with one restroom portable and one portable classroom at John Muir is estimated to be \$175,000.

The scope of work will include three meetings with each school site. The fees are based on an agreement similar in scope to other District projects.

The following services are not included: Hazardous material consulting, public hearings and additional meetings, DSA closeout of previous projects, alterations to existing buildings, scope other than above, specialized equipment coordination and consultants, renderings, models, C3 storm drainage, and offsite utility design.

The architect typically gets between 12 -15% of the contracted amount through the schematic design portion of the process which is estimated to be completed by the end of June 2015. As this project includes multiple sites, the overall process will likely require an increased number of site committee and community meetings and consequently generate costs closer to 18% by June.

The Project Manager was already approved by the Board on January 28th for \$48,500 and is typically paid about 20% of the contracted cost through the schematic design portion of the process that again is estimated to be completed by the end of June.

Again, because of the multiple sites, the estimate may be closer to 22%.

By June, other consultants will have been hired, ie surveyor (\$10K-\$15K), geotech (\$12K-\$18K), and possibly others depending on issues encountered.

Therefore, cost incurred through the schematic design is estimated in the approximate range of \$64,000 to \$75,000. The approval to purchase the new portables is scheduled for the June 24th board meeting.

If there is a decision to move the portable project to fiscal year 2017-18, the schematic design completed and approved by the Board in June can still be used for the following school year and thus expenditures incurred this spring relative to this project can be applied whether the Board moves to have portables ready for the 16-17 or 17-18 school year.

The ultimate number of portables within the scope of the project could, even if schematics are approved in June, be adjusted as late as November 2015; however, by November, the District will have incurred cost of about 65% of the cost for the Architect and about 50% of the cost for the Project Manager.

POLICY/CODE

Board Policy 3310

FISCAL IMPACT

Cost to be paid from the Measure I Bond Fund.

STAFF RECOMMENDATION

Approve Baker Vilar Architects for portable project as amended.

Portables Project Schedule

March 11	Board Approves Plan
March 11	Architect Hired
March 12	Postcards sent
March 16	Yellow boards set
March 24	First Community Meeting(s)
March 27	Principals submit Site Committees to Cabinet
March 31	Cabinet reviews and approves Site Committees
April 7	First Site Committee Meeting(s)
April 9	Postcards sent
April 21	Second Site Committee Meeting(s)
May 5	Second Community Meeting(s)
May 19	Third Site Committee Meeting(s)
June 2	Estimate and Schematic Package due from Architect
June 5	Videotape presentation for Board
June 8	Board Write-up due
June 24	Board Approves Schematic Design
June 24	Piggyback Bid Approved (by Board?)
September 21	Project to DSA
October 23	DSA Approval
November 11	Board Authority to Bid
Early Jan 2016	Bid Due
Jan 27, 2016	Board Award

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Approval of Contract for Wide Area Network (WAN) Services

BACKGROUND INFORMATION

To satisfy eRate requirements a request for proposal, (RFP) #201501 was put forward by the District for a wide area network (WAN) for the next three years with a start date of July 1, 2015.

A WAN connects the network together for all of the District schools and other sites. This is not the District's connection to the internet. It provides a means for the District to connect with OCC, PowerSchool, Destiny, Read180 and other network services, as well as provides a gateway to internet services, regardless of provider.

There were three responders to the RFP: At&T, Comcast, and Conterra. The applications were scored using the following rubric

- Cost of eligible products and/or services - 30
- Cost of ineligible products and/or services -10
- Design and Technical Bid Submittal -15
- Implementation Cost - 20
- Vendor References - 5
- Experience with District - 5
- Ability to deliver service at start of funding year - 5
- Ability to deliver service throughout district geographic region - 5
- Financial stability - 5

Comcast provided the winning proposal. The other providers were significantly more expensive without adding additional benefits. The Comcast proposal provides several times the capacity of the WAN at each site, and allows the District to increase internet capacity to accommodate growth, including a 2:1 or 1:1 student: device ratio, if such a program is deemed an educational outcome.

POLICY CODE

Public Contract Code: 20111
Board Policy 3310

FISCAL IMPACT

ERate discounts the contract amount by 60%, and then the California Teleconnect Fund discounts the remaining amount by 50%. The contract amount is roughly \$234,600. After discounts the District will be paying \$46,920 which is slightly less than the size of the current budgeted amount. There is no net effect on the General Fund.

STAFF RECOMMENDATION

Approve the selection of Comcast for Wide Area Network services per RFP #201501 for year 2015-16 and two subsequent years.

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting OFFICIAL MINUTES

Wednesday, January 28, 2015
Berkeley Unified School District
2020 Bonar Street
Berkeley CA 94702

Members Present:

Judy Appel, President
Beatriz Leyva-Cutler, Vice-President
Karen Hemphill, Director/Clerk
Josh Daniels, Director
Ty Alper, Director
Jesse Barber, Student Director
Carlos Ku-Ceja, Student Director

Administration: Donald E. Evans, Ed.D, Superintendent
Javetta Cleveland, Deputy Superintendent
Pasquale Scuderi, Assistant Superintendent, Educational Services
Delia Ruiz, Assistant Superintendent, Human Resources

President Judy Appel called the meeting to order at 7:45 p.m. She reported that at 5:45 p.m. the Board of Education began interviewing applicants for the Measure H Committee and then convened to Closed Session at 6:05 p.m.

President Appel reported from Closed Session

1. Collective Bargaining
BFT Negotiations
President Appel said Board members discussed collective bargaining, specifically, BFT negotiations.
2. Public Employee Discipline/Dismissal/Release/Evaluation
Certificated Employee Suspension

President Appel said Board members discussed several public employee discipline matters.
She said there was a brief guidance session on the process for a potential certificated employee suspension.

Certificated Employee Settlement Agreement
Motion to Accept Staff's Recommendation
Daniels/Hemphill (approved 5-0)
Judy Appel, President *yes*
Beatriz Leyva-Cutler, Vice President *yes*
Karen Hemphill, Director/Clerk *yes*
Josh Daniels, Director *yes*
Ty Alper, Director *yes*

Classified Employee Settlement Agreement
Motion to Accept Staff's Recommendation
Daniels/Hemphill (approved 5-0)
Judy Appel, President *yes*
Beatriz Leyva-Cutler, Vice President *yes*
Karen Hemphill, Director/Clerk *yes*
Josh Daniels, Director *yes*
Ty Alper, Director *yes*

3. Consideration of Student Matter
Student Case No. 1314-09-110700 – Readmission

Motion to Accept Staff's Recommendation, with Counsel Regarding Reintegration
Daniels/Appel (approved 5-0)
Judy Appel, President *yes*
Beatriz Leyva-Cutler, Vice President *yes*
Karen Hemphill, Director/Clerk *yes*
Josh Daniels, Director *yes*
Ty Alper, Director *yes*

Roll Call

Judy Appel, President *present*
Beatriz Leyva-Cutler, Vice President *present*
Karen Hemphill, Director/Clerk *present*
Josh Daniels, Director *present*
Ty Alper, Director *present*
Jesse Barber, Student Director, BHS *present*
Carlos Ku-Ceja, Student Director, BTA *present*

Student Director Carlos Ku-Ceja read BUSD’s Mission Statement.

Motion to Approve Regular Meeting Agenda of January 28, 2015

Levy-Cutler/Barber (approved 7-0)

Judy Appel, President *yes*

Beatriz Leyva-Cutler, Vice President *yes*

Karen Hemphill, Director/Clerk *yes*

Josh Daniels, Director *yes*

Ty Alper, Director *yes*

Jesse Barber, Student Director, BHS *yes*

Carlos Ku-Ceja, Student Director, BTA *yes*

OPEN SESSSION PUBLIC TESTIMONY

Nancy Hamill

Thousand Oaks Parent and School Governance Council Member

The speaker said the \$1.422,896M cost of placing one portable at John Muir, three at Thousand Oaks and three at Le Conte, along with two restroom portables, did not make sense because for double the cost, BUSD could convert the Berkeley Adult School to an elementary school by 2017.

Burr Guthrie

Principal, Berkeley Adult School (BAS)

Principal Guthrie said it was a new day for adult education in California since the Governor was proposing \$500M state-wide for adult education in his new budget. He said that because next year’s budget was contingent on this year’s expenditures, it was important for BAS to fully utilize its budget. Guthrie said he wanted to consider some forward funding because of the significant expenses associated with the expansion of the Fire Science Pathway.

Stephanie Allan

Coordinator, Career Technical Education (CTE)

Allan stressed the importance of having suitable facilities to accommodate equipment and to conduct the hands-on learning CTE requires. She said she had heard from many industries and unions interested in partnering with BUSD in CTE, and the large classrooms being used for CTE at Berkeley Adult School would be essential for those alliances to move forward.

Union Comments

Paula Phillips

President of Berkeley Council of Classified Employees (BCCE)

Phillips asked the Board not to create a two-tier compensation system. She urged the Board to do the right thing when directing staff during upcoming negotiations with BCCE.

BCCE

Marie Ferguson, Vice President of BCCE

Le Conte School Secretary

Ferguson asked the Board to reflect on the concerns of BCCE and its members while making decisions about the Classification Study. She said that in her role as school secretary she has to do the work of five people, although she has not been trained to do all five jobs. She said that some school positions like health records clerk, account technician, nurse, and budget analyst, had disappeared or been moved to the administrative offices, but the work remained at school sites.

Local 21

Steven Collins, President

Collins spoke against a two-tier compensation system. He said there seemed to be an oversight in the Background Information write-up on the Classification and Compensation Study, in tonight's Board package. He explained that in the October 22, 2014 Board package, a Board memo recommended that the Personnel Commission avoid a two-tier compensation system in particular classes with multiple FTE, such as Educational Occupational Therapist. Collins said tonight's write up did not specify whether the Merit Commission had adopted that recommendation. He asked the Board for clarification.

Committee Comments:

Berkeley Arts Education Steering Committee (BAESC)

Susan McCulloch, Program Supervisor, Visual and Performing Arts

McCulloch shared a variety of performing arts highlights and informed the Board about several upcoming events.

Audit Committee

Laurie Snowden

Snowden shared with the Board some highlights from the audit conducted on financial statements for the school year ending June 2014. She stated that only one minor finding was made.

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Director Josh Daniels

Daniels said his next office hours would be 1:00-3 p.m., Saturday, February 14 at Take 5.. He said although he had prepared a statement pertaining to *Black Lives Matter*, he wanted to deliver it at a more appropriate time. He noted that though the protests had subsided and the news stories had moved on, the issues raised by the protests and the stories that triggered them, were still important, and continue to dramatically affect the lives of families, friends, and neighbors, on a daily basis.

Student Director Carlos Ku-Ceja

Ku-Ceja said BTA students needed more advance notice of events and more information on after-school programs and activities. He said BTA students would also benefit from additional advocacy, understanding, and compassion.

Director Ty Alper

Alper said his next office hours would take place on Sunday, February 22, 3-5p.m. at Casa Latina. . He said his office hours usually take place on the fourth Sunday of every month.

Director Karen Hemphill

Hemphill said her next office hours would take place on Saturday, February 14, 10:00-11:30. Hemphill then said she would not attend the February 11, 2015 Board Meeting as she would be away on a five-day emergency training as part of her regular job. Director Hemphill appointed Kadija Means to the Berkeley Youth Commission.

Student Director Jesse Barber

Barber said the African American Studies Department at BHS was finishing up a round of teach-ins in history classes. He explained that the teach-ins shed light on the relationship between enslavement and historical institutionalized discrimination, and modern hate crimes.

Vice President Beatriz Levy-Cutler

Levy-Cutler said Thousand Oaks and Le Conte schools were seeing a shift in demographics.

She said for about thirty years, Thousand Oaks has been a bilingual program attracting a native speaking population of first generation immigrant families. She said fewer such families were now coming into the District. She explained that the District's traditional policy was to give native speakers first priority in the Thousand Oaks lottery to fill a classroom of 20 children. Given the decline in the number of incoming native speakers, Vice President Levy-Cutler asked the Superintendent and staff if bilingual children could now be given first priority in the lottery. In response, Superintendent Evans said staff would follow through on the matter.

Levy-Cutler said her next office hours would be on Thursday, February 12, 2015 at Casa Latina from 4-6 p.m.

President Judy Appel

President Appel congratulated the BHS Jazz Program for their recent performance at the Folsom Jazz Festival. Then she praised the District students who came before the Board a month ago to testify about the experiences of sexual harassment they had endured. She went on to commend the advocacy and activism that they had built over several months to bring forward an issue that is important to the District.

She said that this week every household had received a letter from Dr. Evans and the Board voicing their commitment to addressing sexual harassment in

the District . She said the District wanted to create a culture free of sexual harassment.

In closing, President Appel encouraged people to appreciate our young people and their lives. She said the recent loss of her twenty-two-year-old nephew had been a life changing experience.

Superintendent Evans

Dr. Evans said that a North Berkeley Gourmet Ghetto Valentine's Wine Walk and Dine-Out, on Wednesday, February 11th, from 4-8 p.m., would benefit the District's

Gardening Program. He said flyers detailing participating restaurants and businesses would be forth coming. He announced that a special edition of the *A+ News*, which answered questions on the District's Enrollment and Capacity issues, had been sent out to today. He shared that last Monday was a professional development day for certificated and classified staff. He also congratulated the Jazz Ensemble for making the District proud during their recent performance at the Folsom Jazz Festival.

Motion to Approve Consent Calendar

Daniels/Barber (approved 6-0)

Judy Appel, President *yes*

Beatriz Leyva-Cutler, Vice President *yes*

Karen Hemphill, Director/Clerk *yes*

Josh Daniels, Director *yes*

Ty Alper, Director *yes*

Jesse Barber, Student Director, BHS *yes*

Carlos Ku-Ceja, Student Director, BTA *excused absence*

Approval of the Classification and Compensation Study

Delia Ruiz, Assistant Superintendent, Human Resources, and Randy Perez, Director of Classified Personnel and Secretary of the Personnel Commission

Superintendent Evans invited the speakers to give a brief overview of the Classification and Compensation Study and to deliver their presentation.

Director Perez gave a short history of the Study, and using a slide presentation gave a general overview and recap of the Study's two phases: the Classification Study, and the Compensation Study. Questions and discussion followed, and the presenters responded to the Board's concerns.

Motion to Accept the Classification Study with Direction to Staff to Negotiate with BCCE and Local 21 Using the Board's Direction of October 22, 2014 as a Template

Hemphill/Beatriz Leyva-Cutler (approved 6-0)

Judy Appel, President *yes*

Beatriz Leyva-Cutler, Vice President *yes*
Karen Hemphill, Director/Clerk *yes*
Josh Daniels, Director *yes*
Ty Alper, Director *yes*
Jesse Barber, Student Director, BHS *yes*
Carlos Ku-Ceja, Student Director, BTA *excused absence*

Independent Audit Report for the Fiscal Year Ending June 30, 2014

Steven Wescoatt, Crowe Horwath LLP

Wescoatt delivered his report and said that the audit was in compliance with State and Federal regulations.

Motion to Approve the Audit Report

Appel/Alper (approved 6-0)

July Appel, President *yes*
Alper, President *yes*
Beatriz Leyva-Cutler, Vice President *yes*
Karen Hemphill, Director/Clerk *yes*
Josh Daniels, Director *yes*
Ty Alper, Director *yes*
Jesse Barber, Student Director, BHS *yes*
Carlos Ku-Ceja, Student Director, BTA *excused absence*

Annual Report of Revenue and Expenditures in FY 2013-14 of the Berkeley Public Schools Educational Act of 2006 (BSEP) (Measure A) and First Interim Report of Revenue and Expenditures in FY 2014-15 of the Berkeley Public Schools Educational Excellence Act of 2006 (BSEP) (Measure A)

Natasha Beery, Director of BSEP and Community Relations; BSEP Planning and Oversight Committee, and Liz Karam, BSEP Senior Budget Analyst.

Director Beery gave her presentation to the Board and questions and discussion followed.

Motion to Accept Annual Report/Interim Report

Appel/Beatriz Leyva-Cutler (approved 6-0)

Judy Appel, President *yes*
Beatriz Leyva-Cutler, Vice President *yes*
Karen Hemphill, Director/Clerk *yes*
Josh Daniels, Director *yes*
Ty Alper, Director *yes*
Jesse Barber, Student Director, BHS *yes*
Carlos Ku-Ceja, Student Director, BTA *excused absence*

Informational Presentation on the Governor's Budget

Javetta Cleveland, Deputy Superintendent

Deputy Superintendent Cleveland provided background information on the Governor's proposed 2015-16 State Budgets. She said overall it was a very good State budget for public education.

President Appel thanked Deputy Superintendent Cleveland for her presentation.

The Board adjourned to closed session at 10:56 p.m.

Approved this 11th day of March 2015

Karen Hemphill, Clerk
Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Beatriz Leyva-Cutler, Vice President, Board of Education
DATE: March 11, 2015
SUBJECT: Resolution No. 15-049 Marking March 20 to April 23, 2015 as the Cesar E. Chavez and Dolores Huerta Commemorative Period in the Berkeley Unified School District and City of Berkeley

BACKGROUND INFORMATION

In 1999, the Berkeley School Board passed a Resolution supporting legislation to establish a State holiday in Honor of Cesar Chavez, which would, among other things, support an annual commemoration of Cesar Chavez in public schools, colleges, and universities on March 31st. This legislation passed and the State declared Cesar Chavez' birthday, March 31, an official State holiday.

The Resolution before us would establish March 20th to April 23rd as the period of recognition for Cesar Estrada Chavez in the Berkeley Unified School District (District) and make April 10th Dolores Huerta Day in the District and City of Berkeley (City) and put this on all official publications of the District and the City.

This Resolution also affirms that the District will redouble its commitment and strongly urge principals to (1) hold school based celebrations, (2) engage students in service to their community, as an alternative to a school holiday, during the commemorative period (March 20 to April 23), and (3) publicize widely what each school is doing to honor the legacies of César Chávez and Dolores Huerta.

School board directors and city councilmembers are encouraged to participate in the Chávez/Huerta Commemorative Events at their respective "adoptive schools;" and districts.

POLICY/CODE

None

FISCAL IMPACT

None

BOARD MEMBER RECOMMENDATION

Approve Resolution No. 15-049.

BERKELEY UNIFIED SCHOOL DISTRICT/CITY OF BERKELEY

Resolution No. 15-049

**Marking March 20 to April 3, 2015 as
The Cesar E. Chavez and Dolores Huerta Commemorative Period
In the Berkeley Unified School District (District) and City of
Berkeley (City)**

WHEREAS, in 1996, the City of Berkeley changed the name of Waterfront Park to César Chávez Park; and

WHEREAS, in 1998, the Berkeley School Board voted unanimously on a resolution to support the development of the Chávez Memorial Solar Calendar Project; and

WHEREAS, in 1999, the Berkeley School Board passed a resolution supporting State Senator Richard Polanco's efforts to establish a César Chávez state holiday; and

WHEREAS, in 2000, the State of California declared César Chávez's birthday an official state holiday for state workers (March 31st); and

WHEREAS, the District and City now honor Martin Luther King, Malcolm X and International Women's Day as school holidays; and

WHEREAS, in 2000, the City voted on a resolution to support the development of the Chávez Memorial Solar Calendar at César Chávez Park; and

WHEREAS, in 2002, the District's Resolution declared that César Chávez Day is not currently a District or City holiday in Berkeley; rather it is an experimental service learning alternative to a school and city holiday; and

WHEREAS, in 2002, the District Resolution included the intended commitment to follow an approved implementation plan that strongly prioritizes the following:

- Distribute information on curricula and resources developed by the state for teachers,
- Encourage teachers, through announcements and publications, to incorporate curricula and resources into their lesson plans

- Encourage each school to have school-wide activities on or around March 31 to honor the legacy of Cesar Chavez; and

WHEREAS, in 2003, the City along with the Cesar Chavez Commemoration Planning Committee began to celebrate a citywide commemorative period -- beginning on the Spring Equinox, March 20th, the beginning of the planting season in agriculture, continuing through Cesar Chavez' birthday, March 31st, and then on to April 23rd, the anniversary of the labor leader & environmentalist's death; and

WHEREAS, in 2009, the City Wide Chávez Commemoration Committee, which is made up of teams from the City, District, UCB and the Community, voted to rotate the leadership of the committee each year among the teams (Community in 2015, District 2016 and City 2017); and

WHEREAS, as a part of the above Resolutions the District agreed to have one Board Director, the Public Information Officer, and the Supervisor of Family Engagement and Equity actively participate in the Chavez Commemoration Committee; and

WHEREAS, as part of the above Resolutions, the City agreed to have up to two Councilmembers or their aides and the Mayor's Chief of Staff or Senior Aide actively participate in the Chavez Commemoration Committee; and

WHEREAS, in 2014, the Chávez Commemoration Committee voted to also honor Dolores Huerta for her vital partnership with César Chávez, her dedicated commitment to farmworkers and the formation of the UFW, and now to her work with the Dolores Huerta Foundation - creating networks of healthy, organized communities pursuing social justice; and

WHEREAS, César Chávez and Dolores Huerta formed an amazing organizing team who believed that service to others was a calling, a mission and a way of life, not merely an occupation or an occasional act of charity. They both believed that people have an obligation to contribute to their communities and to help those in need. Both were and are committed to the idea that service not only strengthened a community, but that service benefited those individuals who joined together to improve a community.

WHEREAS, in 2014 the Committee voted to incorporate *Latino Heritage Month* into its planning and coordination process, which will continue under a team supervised by BAHIA (Bay Area Hispanic Institute for Advancement), and to hold and publicize events during the period of Sept 15th to October 15th each year; and

WHEREAS, in 2014, the Chavez committee concluded that despite 10-years of persistent effort with the District, school policy of a "community service learning" and a school holiday has not received the school wide traction that we had hoped and continue to hope for within the District and the Berkeley Federation of Teachers;

THEREFORE, BE IT RESOLVED, that the Chávez Commemoration Committee will become the *Chávez/Huerta Commemoration Committee*, and the city-wide Chávez web pages hosted by the Ecology Center will become *www.chavez/huerta.org*, and will develop a logo and other graphic material to reflect that change; and

FURTHER BE IT RESOLVED, that *Latino Heritage Month* will come under the umbrella of the Latino Heritage Month Team of the Chávez/Huerta Commemoration Committee and be held during the period of Sept 15 to October 15; and

FURTHER BE IT RESOLVED, that the District and City) will make March 31st César Estrada Chávez Day and make April 10th Dolores Huerta Day in the District and City) and put this on all official publications of the District and the City); and

FURTHER BE IT RESOLVED, that the District will redouble its commitment and strongly urge principals to (1) hold school based celebrations, (2) engage students in service to their community, as an alternative to a school holiday, during the commemorative period (March 20 to April 23), and (3) publicize widely what each school is doing to honor the legacies of César Chávez and Dolores Huerta;

AND FINALLY BE IT RESOLVED, that together the school board directors and city councilmembers are encouraged to participate in the Chávez/Huerta Commemorative Events at their respective "adoptive schools;" and districts.

APPROVED AND ADOPTED, this 11th day of March, 2015.

Karen Hemphill, Clerk

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Donald Evans, Ed.D., Superintendent
DATE: March 11, 2015
SUBJECT: Resolution No. 15-050 in Opposition to Santa Maria Phillips
66 Rail Refinery Project – Rail Transport of Hazardous Crude
Oil through Berkeley and the East Bay

BACKGROUND INFORMATION

California refineries are in the process of securing permits to build rail terminals to import Canadian tar sands and Bakken crude oils from the Dakotas. Their intention is to use existing Union Pacific tracks through California including the East Bay. These crude-oil trains typically move 1 to 2 million gallons of crude oil in 80 to 100 tanker car trains. The last few years have seen a dramatic rise in transport of crude oil by rail, accompanied by a similar rise in spectacular accidents, nearly 100 in 2013. More crude oil was spilled in U.S. rail accidents in 2013 than in the preceding four decades more than 1.5 million gallons in 2013.

POLICY/CODE

None

FISCAL IMPACT

None

STAFF MEMBER RECOMMENDATION

Approve Resolution No. 15-050 opposing the rail transport of hazardous crude oil through Berkeley and the East Bay.

BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION No. 15-050
Regarding Santa Maria Phillips 66 Rail Refinery Project

WHEREAS, school district governing boards have the obligation to provide a safe and healthy learning environment for all students and to urge the San Luis Obispo County Planning Commission and Board of Supervisors to reject the Santa Maria Phillips 66 Rail Refinery Project. As representatives of schools located along the proposed rail route, we would be directly impacted by these oil trains, and do not support the project for reasons outlined below; and

WHEREAS, the Phillips 66 oil train project would bring mile-long oil trains right through many California communities and near several of Berkeley Unified schools. School employees are state-mandated disaster workers while on the job, and we are not at all equipped to deal with the dangers posed by this project or to adequately protect the lives and the wellbeing of our students. This project creates unacceptable risks for our students, teachers and staff; and

WHEREAS, the draft Environmental Impact Report (EIR) does not adequately assess the risks of an oil train disaster; the draft only evaluates rail-accident rates from 2003 to 2012 and spill rates between 2005 and 2009, omitting crucial data about accident frequency and magnitude in 2013 and 2014. This is troubling because we know that more crude spilled from trains in 2013 than during the past four decades combined. The EIR must look at recent data, which reflects the increased quantities of crude being transported in old and unsafe tanks cars. The draft EIR uses outdated data that drastically underestimates the danger of a derailment of spill, which could put our school communities and children at severe risk; and

WHEREAS, the EIR's worst case scenario estimates a spill of 180,000 gallons, or roughly six tank cars of crude. This is most definitely a miscalculation because crude trains have 100 or more tank cars, carrying millions of gallons. Such a spill would certainly be more than 180,000 gallons. In fact, the oil trains in this project would be carrying almost 3 million gallons each. A spill would devastate our schools, scare water resources, sensitive ecosystems, homes and local economies; and

WHEREAS, the toxic air emissions that will accompany this project pose an unacceptable risk to public health. In its latest environmental review, Phillips 66 admits that its proposed oil train facility will create “significant and unavoidable” levels of air pollution along the rail route, with sulfur dioxide and other toxic chemicals leaked that increase risk of cancer, heart disease, respiratory disease and premature death. This is an unacceptable risk to the health of school children and educators close to the tracks; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Education of Berkeley Unified School District strongly opposes this project for all of the above stated reasons we urge the San Luis Obispo County Planning Commission and Board of Supervisors to soundly reject the Phillips 66 proposed oil train project. We strongly encourage the Commission to act as a direct advocate for the people expressing grave concern about the impact this project would have on our communities.

APPROVED, PASSED AND ADOPTED this 11th day of March, 2015 by the Board of Education by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Hemphill, Clerk

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed. D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Certification of Second Interim Report for the period ending January 31, 2015

INTRODUCTION

Staff has prepared the Second Interim report in compliance with Education Code **EC 42131(a)(1)** requirements and AB1200. The Second Interim Report covers the reporting period ending January 31, 2015. 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 Second 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 Second 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 Second 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 Second Interim Report to the County with a positive certification.

POLICY/CODE

Education Code Section 42100 – 42134 et seq.

FISCAL IMPACT

Not Applicable

STAFF RECOMMENDATION

That the Board accept the Positive Certification of the Second 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: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Independent Auditor's reports for Measure A of 2006 (BSEP), Measure BB of 2000, Measure I of 2010 and Measure AA of 2000

BACKGROUND INFORMATION

An annual performance and financial audit was performed by the District's independent audit firm, Crowe Horwath LLP to audit our parcel tax funds under Measure A of 2006 (BSEP) and Measure BB of 2000 and the District's Measure I General Obligation Bonds of 2010 for fiscal year ended June 30, 2014. A performance and financial audit of the District's facility Measure I of 2010 must be performed to meet the statutory requirements under Proposition 39.

The audit reports are being provided under **separate cover**. The results of the audits are summarized below:

Measure A 2006 (BSEP)

The parcel tax Measure A of 2006 is a reauthorization of the BSEP 1986 combined with the Measure B of 2004. The funds are used to reduce class sizes and provide school enrichment programs.

The result of the financial audit report indicates that the financial statements for Measure A of 2006 for fiscal year June 30, 2014, are presented fairly in all material respects and are in conformity with generally accepted accounting principles. There were no audit adjustments or findings noted in the report. The result of the performance audit indicates that funds expended out of Measure A of 2006 funds for the year ended June 30, 2014 were expended only for the purposes approved by the voters, in accordance with the requirements of the published election materials specifying the intended use of Measure A of 2006 proceeds.

The Planning and Oversight Committee (P&O) reviewed the audit reports on March 10, 2015.

Measure BB of 2000

The parcel tax Measure BB of 2000 provides essential maintenance of school buildings, classrooms, playgrounds, roofs, electrical systems and address fire and safety hazards.

The result of the financial audit report indicates that the financial statements for Measure BB of 2000 for fiscal year June 30, 2014, are presented fairly in all material respects and are in conformity with generally accepted accounting principles. There were no audit adjustments or findings noted in the report. The result of the performance audit report indicates that funds expended out of Measure BB of 2000 funds for the year ended June 30, 2014 were expended only for the purposes approved by the voters, in accordance with the requirements of the published election materials specifying the intended use of Measure BB of 2000 proceeds.

Measure I

Under proposition 39, the facility Measure I of 2010 allows the District to issue General Obligation Bonds in the amount of \$210 million to provide for new classrooms for growth, complete seismic upgrades, and new science labs, upgrade computers and education technology, renovate playgrounds, replace restrooms, cafeterias, roofs, heating and fire safety systems, remove hazardous materials, and improve energy efficiency. It also provides funding for new playgrounds, restrooms, cafeterias, and heating and fire safety systems in the school district.

The result of the financial audit indicates that the financial statements for Measure I General Obligation Bonds for fiscal year June 30, 2014, are presented fairly in all material respects and are in conformity with generally accepted accounting principles. There were no audit adjustments or findings noted in the report. The result of the performance audit indicates that funds expended out of Measure I General Obligation Bonds for the year ended June 30, 2014 were expended only for the purposes approved by the voters, in accordance with the requirements of the published election materials specifying the intended use of Measure I of General Obligations Bonds.

The oversight committee reviewed the audit reports on March 5, 2015.

FISCAL IMPACT

n/a

STAFF RECOMMENDATION

Accept the Independent Auditor's Financial and Performance Audit reports.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed. D., Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: March 11, 2015
SUBJECT: Public Hearing for Initial Proposal from the Berkeley Federation of Teachers (BFT) for Successor Agreement Between the District and the Berkeley Federation of Teachers (BFT)

BACKGROUND INFORMATION

Collective bargaining is among the most important areas where the Board of Education sets priorities for the organization and gives direction and authority to staff for negotiations. As part of this process, the Governing Board also represents the public's interest in negotiations with employee organizations to ensure student academic and educational needs as well as Board priorities are promoted. The Board is committed to keeping the public informed about issues being negotiated and providing members of the public an opportunity to express their views.

Attached here and presented for public hearing is the Berkeley Federation of Teachers' (BFT) initial proposal for a successor agreement between the District and the Berkeley Federation of Teachers (BFT). This "Sunshine" of the initial bargaining proposal to the public provides an opportunity for the public to comment on the initial proposal.

POLICY/CODE

California Government Code Section 3547
Board Policy 4143.1
Board Policy 4243.1

FISCAL IMPACT

Unknown at this time

STAFF RECOMMENDATION

Conduct public hearing and accept BFT's initial proposal.



Berkeley Federation of Teachers

1432 University Avenue
Berkeley, CA 94702-1509
www.berkeleyfederationofteachers.org

Local 1078, AFL-CIO

p: (510) 549-2307
f: (510) 549-2308
e: bft4tchr@lmi.net

February 26, 2015

Delia Ruiz
Assistant Superintendent

Dear Ms. Ruiz:

Attached please find the Berkeley Federation of Teachers New Contract Proposals.

Sincerely,

A handwritten signature in black ink that reads 'Cathy Campbell'. The signature is written in a cursive, flowing style.

Cathy Campbell
President, Berkeley Federation of Teachers

Berkeley Federation of Teachers New Contract Proposals

Article I: AGREEMENT

The Union will be proposing new duration dates of the Collective Bargaining Agreement.

Article X: WORK DAYS

The Union will be proposing to modify the language on work days.

Article XI: HOURS OF WORK

The Union will be proposing to modify the language on hours of work.

Article XII: LEAVES OF ABSENCE

The Union will be proposing to modify the language on leaves of absence.

Article XIII: CLASS SIZE

The Union will be proposing to modify the language on class size.

Article XIV: TEACHER COMPENSATION

The Union will be proposing to modify the language on teacher compensation.

Article XV: PERFORMANCE REVIEW

The Union will be proposing to modify the language on performance review.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Donald Evans, Superintendent
DATE: March 11, 2015
SUBJECT: 2015 Nominations to California School Boards Delegate Assembly

BACKGROUND INFORMATION

The California School Boards Association is a collaborative group of virtually all of the state's more than 1,000 school districts and county offices of education. It brings together school governing boards and their districts and county offices on behalf of California's children.

Members of California School Boards Association elect representatives from 21 geographic regions. Alameda County is Subregion 7-B and there are four vacancies in our region.

California School Boards Directors are eligible to vote in this election. The Board as a whole may vote for up to the number of vacancies as indicated on the ballot. Regardless of the number of vacancies, the board may cast no more than one vote for any one candidate. The ballot also contains a provision for write-in candidates: their name and district must be clearly printed in the space provided on the ballot.

Election results will be posted on California School Boards Association's web site on April 1, 2015.

POLICY/CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION:

Review and vote for eligible CSBA candidates

This complete, **ORIGINAL** Ballot must be **SIGNED** by the Superintendent or Board Clerk and returned in the enclosed envelope postmarked by the post office No later than **MONDAY, MARCH 16, 2015**. Only ONE Ballot per Board. Be sure to mark your vote “**X**” in the box. *A PARTIAL, UNSIGNED, PHOTOCOPIED, OR LATE BALLOT WILL NOT BE VALID.*

OFFICIAL 2015 DELEGATE ASSEMBLY BALLOT
SUBREGION 7-B
(Alameda County)

Number of vacancies: 4 (Vote for no more than 4 candidates)

Delegates will serve two-year terms beginning April 1, 2015 – March 31, 2017

**denotes incumbent*

- Sean Kenney (Dublin USD)
- Beatriz Leyva-Cutler (Berkeley USD)
- Gary K. Lym (Alameda USD)
- William McGee (Hayward USD)
- Diana Prola (San Leandro USD)*
- Joaquin J. Rivera (Alameda COE)*
- Vince J. Rosato (San Leandro USD)
- Larry Sweeney (Fremont USD)
- Annette Walker (Hayward USD)

Provision for Write-in Candidate Name

School District

Signature of Superintendent or Board Clerk

Title

School District/COE Name

Date of Board Action

See reverse side for a current list of all Delegates in your Region.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Budget Priorities for Consideration for 2015-16
Unrestricted General Funding

BACKGROUND INFORMATION

The budget development process has begun for fiscal year 2015-16. The purpose of this Board item is to summarize the list of competing priorities and to obtain direction from the Board for items that may need early approval to ensure program stability. Staff is currently in the process of assessing resources for alignment with the District goals, programs, and support needs.

As part of the prior year budget for 2014-2015, the Board approved several one-time expenditures to be funded from the District's base grant funds. These one-time programs or services need to be analyzed to determine if ongoing funding needs to be allocated starting next school year. The District base grant funds have many competing programs and services which will require staff and the Board to evaluate and prioritize funding needs.

The District also must ensure that BSEP/Measure A funds will be able to support the purposes defined in the measure through its last fiscal year, 2016-17. The District has also identified some support staff that will be needed for compliance, safety, and safeguarding of the District's investment in technology.

The District's base grant funding, which is generated based on average daily attendance (ADA), supports the District's educational needs. Although the District's ongoing base grant funding is being restored with retroactive cost of living adjustments after years of State budget cuts, there are many demands on these funds, including negotiations, the compensation and classification study for classified employees, along with State increases in employer retirement costs for STRS (\$700,000) and PERS (\$90,000) and the need to ensure there is funding to support programs identified in BSEP/Measure A through 2016-17.

There are other sources of unrestricted funding that are one-time and cannot fund ongoing programs and services. There are mandated programs and services that are to be reimbursed by the State. Over the past five years the State has not reimbursed the District for all the mandated claims that were submitted. These claims pre-date the District's opting to receive a guaranteed block grant based on average daily attendance instead of filing claims that would provide a higher reimbursement amount without guaranteed funding in

the State budget. In 2014-15, the District received \$600,000 for prior year mandated cost reimbursement and is expected to receive another \$1.6 million in prior year revenue, if passed in the State budget for 2015-16. These funds are unrestricted and can be used to support any District educational program or service. However, with the new implementation of Common Core, which will cost the District several million to implement, the Governor is proposing that this reimbursement funding should be used to support implementation of Common Core, instead of providing additional funding above the \$1.8 million received two years ago for Common Core implementation.

The Governor has not proposed more money per se for the Common Core in next year's budget. However, he has proposed committing \$1.1 billion in one-time dollars as partial payback of an estimated \$4 billion to \$5 billion that the state owes K-12 districts for past mandated programs that were not reimbursed. Although districts legally could use this money as they choose, the Governor said the purpose is to "to further their investments in the implementation of Common Core." The Governor is essentially proposing two funding allocations with the same dollars.

With all that in mind, staff will be analyzing the following needs, and will bring back a recommendation to the Board that includes prioritization and possible funding sources, while recognizing the District's limited resources. Each of the items listed will undergo further review, and budgets may be streamlined to maintain a balanced budget.

School Nursing - \$164,500 ongoing cost of which \$46,500 is new

In December 2009, the District agreed to a 5-year contract with Lifelong Medical Care as part of the sale of Sixth Street property; that agreement resulted in one nursing position for the District. Prior to 2009 the District outsourced nursing services based on individual student needs. Under the agreement with Lifelong Medical Care, the BUSD nurse was hired in August 2010 with the initial intent of addressing health issues of students in Special Education as they related to their educational requirements.

Over time the responsibilities of the nurse have grown and now include serving many general education needs. The nurse currently supports diabetes, asthma, and allergy issues, and also provides ongoing training to BUSD staff. The position is currently in its last school year covered by the contract with Lifelong Medical Care, and will terminate July of 2015. There is a need to continue funding the nurse on an ongoing basis and add an additional part-time nurse (LVN) to support the additional needs that cannot be supported by only one person.

It would cost the District \$118,000 (190 days) to reimburse Lifelong Medical for the current registered nurse and an additional \$46,500 (3/4 time 190 days) for a part-time LVN.

Title IX Compliance Officer - \$120,000 ongoing cost (new)

Federal Title IX law mandates that all school districts that receive Federal funding have a designated Title IX Coordinator. The role of the Title IX Coordinator includes prevention and remediation of gender discrimination, sexual harassment, sexual assault and sexual battery, bullying and cyberbullying, and retaliation. With increased awareness of sexual harassment in schools nationwide, it is expected that the number of reports of sexual harassment, which have increased significantly this year, will continue to rise for the foreseeable future.

The proposed Title IX Coordinator/Compliance officer will oversee the district's response to sexual harassment complaints, bullying complaints, and complaints related to discrimination, provide support for victims/targets and witnesses, ensure compliance in the complaint and investigation process, and oversee training for students and staff related to sexual harassment and bullying. The Compliance Officer may also respond to other varieties of complaints/concerns and/or participate in other duties related to supporting a positive school climate support, such as restorative justice. Potential funding source- ongoing Base grant funds

Technology Restructure - \$245,000 ongoing cost (new)

The twin goals of the Technology Department are to provide and support technology that supports teaching and learning in schools, and to support systems that make schools operate in a more efficient manner. The current staffing model has only one administrator, and there is a need to create a classified Technology Manager and a certificated Instructional Technology Coordinator. These two positions would focus on supporting technology in the schools.

Technology needs have grown significantly in the last decade (3,000 new Chromebooks in the last 3 years) without any increase in permanent ongoing positions except the addition of a 1.0 FTE TSA for K-8 instructional technology paid for by BSEP. A 1.0 FTE TSA has been funded using one-time State Common core funding for the last two years. The desire is to eventually make this TSA position a part of the ongoing general fund budget.

The additional cost of the classified management position would be reduced by various cost-savings mechanisms in technology. The net cost would be between \$85,000 and \$115,000. Optimally this position will be approved in March so the position could be hired as soon as possible. The cost of the certificated coordinator is about \$140,000. The cost to fund the TSA position on an ongoing basis is \$105,000.

Common Core Instructional Materials and Professional Training \$2 Million - one-time cost

The transition to CCSS will require new or additional materials at all grade levels and in most subject areas. The current funding for instructional materials needs to be extended to purchase all the materials that will be needed.

Additionally, a more robust level of training relative to new strategies, new curriculum, and key shifts in the approach to mathematics, science, and literacy instruction at elementary, middle, and high school relative to the core standards is needed. Educational services also seeks to expand those learning opportunities for professional growth during the summer, and on evenings and weekends during the school year.

The funds requested will also provide the district the opportunity to purchase new CCSS aligned materials, including a new math program for the high school. In addition, there is a critical need for CCSS materials in Spanish for the Two Way Immersion and Bilingual programs.

Staff previously presented CCSS needs to the Board, totaling \$3.6 million over a three year period which began with 2013-14. The State has only provided \$1.8 million in one-time funds for CCSS. As part of the three year plan, the projected cost for new materials and technology was about \$2 million. There is no guarantee that the State will provide more restricted funding for implementation of Common Core. The State has recommended that districts use part or all of the mandated cost reimbursement funds (which are unrestricted and can be used for any educational purpose) to fund resource needs for Common Core. Mandated cost reimbursement funding for 2014-15 is \$600,000 and estimated to be \$1.6 million for 2015-16 if passed in the State budget.

Beginning Teachers BTSA - \$277,569 ongoing cost

Prior to the change to the new funding formula (LCFF), the District was a part of the East Bay BTSA consortium (EBBIC) which was administered by Newark Unified School District. Newark USD was the fiscal agent for EBBIC, and was apportioned BTSA (Teacher Credentialing Block Grant) funds for all EEBIC Districts. In 2013-14, when the State Legislature passed LCFF, the BTSA funds in the amount of \$788,362 were rolled into the base grant as part of Newark's LCFF funds. The LCFF did not equalize BTSA funds among the members of the EBBIC; Newark gained 100% of the funds. The Chief Business Officers, Superintendents and some Board members of the Districts that lost funds due to LCFF campaigned for Newark USD to continue to share these funds. However, to no avail - Newark USD decided to immediately sweep the funds into their own District budget after 2012-13, without consideration that all of the districts in the consortium would not be made whole with the new formula until the target year in fiscal year 2020-21. The CBOs proposed a

gradual decrease in funding based on the gap percentage that is funded each year until fiscal year 2020-21, but Newark did not accept the proposal. The concerns were brought forward to the State level and a bill was passed that only provides funding to districts in the consortium until 2014-15:

For the 2013–14 and 2014–15 fiscal years only, and for purposes of ensuring the continuity of essential induction and training services for beginning teachers, the Alameda County Superintendent of Schools shall withhold five hundred eighty-one thousand five hundred forty dollars (\$581,540) from the local control funding formula apportionments of the Newark Unified School District, and from those withheld funds shall allocate the following amounts to the following entities: (A) One hundred forty-seven thousand nine hundred twenty dollars (\$147,920) to the Alameda Unified School District. (B) One hundred four thousand dollars (\$104,000) to the San Leandro Unified School District. (C) One hundred sixty-four thousand six hundred twenty dollars (\$164,620) to the Berkeley Unified School District. (D) One hundred sixty-five thousand dollars (\$165,000) to the San Lorenzo Unified School District.

There is no indication that funding will be provided in 2015-16. It cost the District approximately \$277,000 annually to support our beginning teachers depending on the number of enrollees into the program each year. Currently, there are 64 teacher participants in our district program. The expenses include a BTSA Coordinator at .40 FTE and 64 mentors, in addition to the per participant fee of \$2,000 per participant with a BUSD Mentor or \$4,000 per participant if matched with a non BUSD Mentor).

Due to the legislation cited above, the State has been providing \$164,620 annually and the District has used base grant funds to make up the the difference. In fiscal year 2015-16, the District should be prepared to pay the full cost of BTSA.

BSEP/Measure A CSR Program - \$500,000 to \$700,000 one-time cost (2 years)

The current BSEP/Measure A will sunset at the end of fiscal year 2016/17, and it is necessary to ensure that the funds are sustainable through the end of the measure, while meeting the purposes set out under its terms.

The average teacher cost used to calculate BSEP Class Size Reduction (CSR) funding support to the General Fund remained fairly steady during the time of the State budget crisis, since there were no salary increases. The cost of living adjustments (COLA) for the General Fund were also not funded during that time. However, there was additional revenue generated to BSEP by applying the allowable COLA increase to the Measure A tax rate. A COLA of 5.6% in 2008-2009 and 4.25% in 2009-2010 was applied to increase the tax rate as stipulated in the measure. A decision was made to increase program support with this additional BSEP CSR revenue. In 2008-0009, \$376,540 (3.85 FTE)

was added to program support for literacy coaches. In 2009-10, \$351,675 (3.8 FTE) was added to program support for middle school math CSR and \$576,227 (5.5 FTE) was added for Response to Intervention (RtI, formerly ULSS).

Starting in 2013-14, after the passing of proposition 30, the State passed a new funding formula (LCFF) that incorporates the increasing the general fund revenue for the unfunded over the next 8 years. In fiscal year 2013-14, the District began negotiating salary increases for positions funded in the general fund and also supported by BSEP CSR. However recent COLAs for BSEP revenues have been at substantially lower rates than before (under 2%), and cannot support continued salary increases. In addition to the salary increases the District is experiencing enrollment growth which is increasing the number of FTE supported by BSEP CSR.

The BSEP measure will sunset at the end of 2016-17 and it is projected to not have enough revenue and reserves to continue to support the same level of program support that was increased in prior years and any potential salary increases. Program support will now have to be reduced, or an alternate funding source will have to be determined if the District is to continue those programs. Staff projects that program support will need to be reduced by at least \$250,000 to \$350,000 for the next two years.

Math Class Size Reduction - \$150,000 -possible ongoing cost

The reduction in math class sizes for middle school was an initiative funded previously through BSEP program support under the CSR budget. This was during a time when the BSEP/Measure revenue was increasing by a cost of living adjustment (COLA) as supported by Measure A, and the District's General Fund COLA was unfunded in the State budget. With pressures on the BSEP CSR fund increasing due to both enrollment growth and salary costs, this funding would need to come from another source.

Budgeting for Common Core mathematics will require a sizable additional investment in high school mathematics and its implementation, which may make funding for math class size reduction challenging due to the many demands on mandated reimbursement costs.

BSEP Measure Planning - \$93,000 - one-time cost

The next BSEP Measure goes before the voters in November 2016, and will require significant staff time, planning and public process in order to construct a tax measure which meets the needs of our students while continuing to obtain the support of Berkeley voters. It will be necessary to engage the services of an independent polling firm to conduct focus groups, survey and telephone polling during the spring of 2016. In addition, contract work for research, synthesis of input, and writing will be needed to summarize extensive stakeholder and staff process and input. The anticipated cost is \$45,000 for polling/focus groups and research stipends, and \$48,000 for contract work.

Super Science School - \$57,000 - one-time cost

The Saturday “Super Science” school program is currently a part of the LCAP plan but is funded from base grant dollars. The program currently operates at Rosa Parks and Malcolm X School to support 300 students primarily from our targeted subgroups. If this program is to continue, there will need to be an allocation of ongoing resources to support it in fiscal year 2015-16 and subsequent years. If there are plans to expand the program, additional funding will also be needed.

Theatre Manager - \$110,000 ongoing cost

The Theatre Manager position was filled on May 1, 2014 in order to support the Community Theatre activities during the school day and for extensive evening and weekend work as it pertains to the wide variety of student performances as well as those times that the theatre is used by external parties. The position is currently being funded by the donation from Lonely Island (former BHS students). This funding was one-time and will not continue to support the position on an ongoing basis.

Gardening and Cooking Program - \$679,000 one-time cost

The Gardening and Cooking Program currently provides a garden-based education to all classes every other week for preschool through seventh grade with an improved Garden-Based Learning Curriculum.

The improved Curriculum will be published and made available to the public for purchase to help support Program efforts. Fundraising efforts will continue to support garden instructors with time sheets for collaboration and staff meetings, garden maintenance, and curriculum development, materials and implementation. Grants are being written in collaboration with the Berkeley Technology Academy RtI² lead to pilot a project that supports RtI² in the garden at BTA as a model for other schools and districts across the state. Grants will continue to be written to support innovative projects for teaching and new ways of supporting whole-child development in the garden, including support for Longfellow’s cooking classroom in the new cafeteria and developing project-based learning in the middle school garden with teacher and student collaboration.

The budget is supported by the General Fund and with school site funding (BSEP, PTA, and SGC) at \$15 per student served. The FTE for garden instructors is based on the number of classes served every other week at each school site. Additional school site funding for increased garden instructor FTE will be approved if it is supported by principals and funding is available. An Altamont grant is expected to continue to support efforts with sustainability coordination and waste reduction throughout the District.

The current program budget includes 7.57 FTE, along with staff time for meetings and collaboration, travel, materials and supplies and indirect, for a program total of \$679,279.

Career Technical Education (CTE)

The Board has discussed the need to increase and improve services for Career Technical Education (CTE). The current budget has an annual allocation of \$120,000 from base grant funds for CTE. The State's new funding formula (LCFF) establishes an amount per student for grades 9-12 that provide funding for CTE as part of the District's base grant funding. The District's LCFF target in eight years includes an increase in base grant funding based on the per student CTE allocation that will increase the base grant to \$700,000. Although the new formula does not establish any compliance requirements for funding CTE programs, the State did include a CTE allocation in the formula for high schools.

At the same time, the District's Regional Occupation Program (ROP) resources that are provided through the Contra Costa County Office of Education (CCCOE) rolled into LCFF and will be reduced over the eight years based on the calculation of their funding formula. The district would need to increase its CTE allocation from \$120,000 upward toward enough funding to support the \$700,000 included in the LCFF and continue the ROP program at BHS as the CCCOE's ROP resources decline. Staff plans to bring a proposal to the Board in the Fall that includes a plan to maintain ROP at BHS and a plan for the funding allocated in LCFF for CTE as part of the base grant for CTE and ROP.

The district is also receiving \$361,168 over the next three years as part of the Career Pathways Trust grant (CPT) which is funding career counseling services, alignment of secondary curriculum to career pathways, data, and staff coordination of regional pathways and articulation between secondary schools and community colleges.

ATOD Prevention and Intervention - \$70,000 (one-time cost)

For 2014-15 the COB and BUSD agreed to provide matching contributions of \$70,000 each towards a contract with New Bridge Foundation to provide the ASPIRE Program, a research-based ATOD prevention and intervention program that includes a therapeutic component and education at Berkeley High School, Longfellow Middle School and King Middle School. The ASPIRE Program is already offered through New Bridge at Berkeley Technology Academy and Willard Middle School through a grant. The program provides ATOD education and intervention support for students who are in possession and/or under the influence of ATOD while under school jurisdiction. ATOD intervention is used in lieu of suspension whenever feasible and allowed by law. In order to continue this program in 2015-16, additional funding would be needed, presuming the availability of another matching opportunity with the COB.

Child Development - \$240,000 (ongoing cost)

The State Regulations under Title V require a 1:8 adult to child ratio at all times. We are currently out of ratio as CDC staff must take breaks and lunches, leaving two people for 2 hours and 45 minutes a day in all classes. Compliance requires certificated staff and not instructional assistants to be able to release all staff throughout the day. The following additional staff would fill the need: 1.5 FTE Certificated staff at both King CDC and Franklin, and 1.0 FTE for Hopkins, for a total of 4.0 FTE Certificated staff, a cost of \$240,000.

A possible reduction of an under-enrolled program is being discussed with CDC leadership that may provide some offset for this projected cost.

FISCAL IMPACT

The District has limited ongoing base grant funding. The increase in base grant funding is \$2.6 million for 2015-16. However, there are also increasing costs including step and column, inflation (CPI), employer-paid retirement costs of \$700,000 for STRS and \$90,000 for PERS due to State's increase in rates.

As of the second interim 2014-15 budget amendment, the projected ending fund balance is \$4.9 million, with \$600,000 designated as mandated cost reimbursement revenue and \$400,000 for other designations. The District's un-designated reserve is \$3.9 million above the state required 3% reserve. The District is deficit spending by .9 million. However, when one time revenue is not considered, the deficit is \$1.7 million. There are also many one-time expenditures in the budget that may convert to ongoing costs which would result in the \$1.7 million deficit rolling into subsequent years. The base grant funding cannot support all of the District's current on-time expenditures on an ongoing basis.

There are some one-time resources that can be used to support one-time expenditures and programs. However, one-time expenditures must be closely monitored to ensure that they are in fact one-time and do not fully expend the District reserve above the 3% state requirement. As mentioned above, the District has about \$3.9 million in un-designated reserves above the 3%, and \$600,000 in prior year one-time mandated cost revenue. The Governor has proposed an additional \$1.6 million in prior year one-time mandated cost reimbursement for 2015-16 budget year. The State approved our proceeds from the sale of property for technology, imaging of documents, classified professional development, retiree health benefit reserves and Common Core. The Common Core allocation is \$400,000 for instructional materials.

STAFF RECOMMENDATION

Receive for information and provide direction for any programs and services that require immediate action.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Donald Evans, Superintendent
DATE: March 11, 2015
SUBJECT: Mission Statement

BACKGROUND INFORMATION

On February 1, 2015, the Board participated in a retreat at the District office. During the retreat, the Board revisited its mission and goals. The current mission statement 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.”

After a lengthy discussion on the mission statement, several key ideas, phrases and words emerged from Board members. As a result, a small committee was assigned the task of bringing back to the Board a draft of a new mission statement. The proposed mission statement for Berkeley Unified School District is “to ensure the educational success of all our students, with a commitment to high expectations and personal responsibility, academic excellence and equity.”

A mission statement should tell us why we exist, providing focus to our work and clear agreement about the fundamental purpose of our schools and our district. This is just one part of a package that represents the District’s strategic focus, which should include our vision for the future, our priorities and goals going forward, and the values that underpin all our work together.

Once the Board agrees on an initial draft of the mission statement, a discussion of the mission should be included in future stakeholder meetings, such as meetings with the PAC, the P&O, the EAC, and our staff meetings. Building consensus about our mission can be an integral part of our planning process for LCAP, for the next BSEP Measure, and other essential District planning processes. As we articulate our priorities for funding and program design, the mission statement should come into clear focus. Feedback will be gathered and brought back to the Board for discussion and then, final approval.

POLICY/CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Discuss and agree on initial draft of mission statement

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Donald Evans, Ed.D., Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: March 11, 2015
SUBJECT: Measure BB/H Financial Update (Second Interim FY 2015)

SUMMARY AND DISCUSSION

This report is an update of the Maintenance Yearly Plan and BB expenditures from July 1, 2014 through January 31, 2015. 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 first chart details the actual recorded expenses as of January 31, 2015 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 2015
Salaries and Benefits	\$1,975,325	\$1,424,675	\$3,400,000
Supplies	262,883	198,113	460,996
Contracts	540,018	460,019	1,000,037
Maintenance Initiatives	170,727	480,861	651588
Equipment	34997	0	34,977
Indirect Cost		401,000	401,000
TOTAL	\$2,983,950	\$2,941,668	\$5,948,598

The next chart compares the projected expenditure recommendations in the 2015 Annual Plan with current projected expenses.

TYPE OF EXPENSE	BOARD PLAN	PROJECTED EXPENSE	VARIANCE
Salaries and Benefits	\$3,570,000	\$3,400,000	(\$170,000)
Supplies	480,000	461,000	(19,000)
Contracts	800,000	1,000,000	200,000
Maintenance Initiatives	660,000	652,000	(8,000)
Equipment	45,000	35,000	0
Indirect Cost	401,000	401,000	0
TOTAL	\$5,956,000	\$5,949,000	\$(6,000)

EXPENDITURES

SALARIES AND BENEFITS

The projected expenditures for salaries, benefits and overtime are \$170,000 less than contained in the Annual Plan. The change is because we have had several vacancies for most of the year and we budgeted for a quicker implementation of the classification study. Much of this difference was predicted at first interim.

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	10 permanent, 2 vacancies
Trade Specific	1 permanent
Maintenance Technician	4 permanent
General Maintenance	2 permanent
Grounds Lead Worker	3 permanent
Grounds	8 permanent
Vehicle Mechanics	0.45 permanent
Security Personnel	1 permanent (0.5 FTE of two positions)
Total	41.24 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 are vacant. Both positions should be filled soon.

SUPPLIES

The projected expenditures for supplies are slightly less than contained in the annual plan. Almost the identical amount was predicted at first interim.

CONTRACTED SERVICES

The planned expenditures for contracted services are \$200,000 more than projected in the annual plan. This higher amount was predicted at first interim.

MAINTENANCE INITIATIVES

The planned expenditures for maintenance initiatives are \$8,000 less than planned in the annual plan. We predicted an additional \$50,000 at first interim, but have now had some savings on projects.

EQUIPMENT

We purchased one vehicle this year.

INDIRECT COSTS

The projected expenses for indirect costs are identical to the projection in the 2015 Annual Plan.

TOTAL EXPENDITURES

The changes result in a \$6,000 decrease of projected expenditures compared to the budget contained in the 2015 Annual Plan.

TOTAL INCOME

The 2015 Annual Plan income projection for Measure H is \$5,780,000. The projected income has increased by \$35,000. This increase was reported at first interim.

INCOME OVER EXPENDITURES

TOTAL INCOME

The projected income from Measure BB has increased by \$35,000.

TOTAL EXPENDITURES

The total projected expenditures have decreased by \$6,000.

TOTAL INCOME OVER EXPENDITURE

The 2014 ending fund balance contained in the unaudited actual report was \$736,234. This amount was almost \$184,000 more than planned because the initial assumption was that the salary increase would be in FY 14 rather than FY 15. We also received an additional \$34,930 in revenue for last fiscal year after the books closed. The projected income (net of County and City charge) received from Measure BB including interest for this Fiscal Year is \$5,780,000.

The projected expenditures for the 2015 year are \$5,949,000. The revised projected fund balance for Measure BB as of June 30, 2015 is \$450,234.

POLICY/CODE

None

FISCAL IMPACT

None

STAFF RECOMMENDATION

Receive Financial Update on Measure BB and H.