

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, SPECIAL MEETING
Wednesday, June 30, 2004
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

ADOPTED MINUTES
Page 1

CALL TO ORDER

President John T. Selawsky called the meeting to order at 5:30 p.m. and the Board recessed to Closed Session.

ROLL CALL

MEMBERS PRESENT: President John T. Selawsky
Vice President Nancy Riddle
Director Terry S. Doran
Director Shirley Issel
Director Joaquin J. Rivera
Student Director Bradley Johnson*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957. No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9(a) and 54957 and Education Code Section 49819(c))

- Conference with Legal Counsel – Existing Litigation
- Consideration of Student Expulsion
- Collective Bargaining
- Public Employee Discipline/Dismissal/Release
- Public Employment Appointment
- Liability Claims
- Property Acquisition

Reconvene in Public Session

The Board reconvened in Public Session at 7:30 p.m.

Report Closed Session Action

*The Student Director does not attend Closed Session.

President Selawsky reported that the Board discussed the following items in Closed Session:

- Conference with Legal Counsel – Existing Litigation
- Collective Bargaining
- Public Employee Appointment

No actions or decisions were made during closed session.

Approve Agenda

Directors Rivera/Doran and approved unanimously on voice vote:

That the Special Meeting Agenda of June 30, 2004 is approved as amended. The amendments are:

- Items 1.1-C, 1.2-C, 3.1-C, 4.1-C be pulled for further clarification.
- Clarified that Item 1.1-I about the FCMAT report be changed to reflect that it is the second six-month report, not the third.
- In regards to Item 3.2-C about adoption of new textbooks Director Doran complimented staff for accepting his suggestion to change “foreign language” to “world language.”

PUBLIC TESTIMONY

Two speakers addressed the Board in support of the Memorandum of Understanding between the Chez Panisse Foundation and the District.

A teacher from Berkeley High School gave background as to why he left Berkeley High School.

Two speakers spoke in support of the Vera Casey Center.

REPORTS

Union Representatives' Reports

Berkeley Federation of Teachers – Allan Miller sent his thoughts and prayers to Madeline Scott whose son was tragically killed last week. He was a former BHS student and had been volunteering at BHS. Presented a petition and statement that supported colleagues at Rosa Parks and resented action taken to reassign the Rosa Parks teaching staff. Requested before the next year began the district's system for assuring fair evaluation for principals and present a plan that includes teacher input for principal evaluation.

No one addressed the Board at this time.

Superintendent Report:

Extended her sympathies and regrets to Madeline Scott and family. Because it is the last board meeting of the year, she expressed appreciation to community, students, and staff for a productive year. She

reported about a meeting she and Director Issel had with the City where better nutrition was discussed. Looked at some means to monitor sodas and candy sold to children before school. Let Board and staff know that the new Deputy Superintendent, Glenston Thompson would begin his employment beginning July 1.

Board Members' Report:

Student Director Bradley Johnson talked about the fact that learning will continue even though the regular school year had ended because of summer school, student summer internships. He also pointed out that learning is a 350 days a year experience.

Director Issel spoke more about the Mayor's Task Force on Health. It is focusing on nutrition, physical activity, mental health issues, and many issues that involve the district in collaboration.

Director Rivera expressed good wishes to Student Director Bradley Johnson and other graduates who are leaving Berkeley Unified.

Director Doran thanked Student Director Johnson for his participation. Hopes the district continues to explore the use of renewable energy at schools for long-term gains and not short-term benefits. Reassured speakers who spoke about Vera Casey that the final decision that the Board makes will be in the best interest of the students and their children.

Director Riddle We have many people from Berkeley who are headed to the Olympic trials this summer and she wished them well. She also expressed appreciation and best wishes to the class of 2004.

Director Selawsky announced the September 15 meeting was changed to September 22nd to accommodate a Jewish holiday. He congratulated Student Director Johnson and said that he has found over the past four years that often the Student Director made the most lucid comments.

CONSENT CALENDAR:

- Motion: Directors Rivera/Issel and approved unanimously on voice vote.
That the Consent Calendar be approved as a block except for Items 1.1-C, 1.2-C, 3.1-C, 4.1-C which were pulled for further clarification.
The Superintendent made several corrections to the Agenda:
- On Page 18 – Probationary employee (custodian I) from Oxford is a .5, not a 1.0 FTE
 - On Page 186 – regarding a number of contracts. The Board pulled that item for further discussion.

Human Resources Items

- 2.1-C** Acceptance of Personnel Report 04-13, which reports details of personnel assignments, employment, and terminations.
- 2.2-C** Approval of the proposal to the International Union of Operating Engineers, Local 39

The proposal is the district's response to Local 39's original proposal of April 14, 2004 as presented to the Board.

Educational Services

- 3.2-C** Adoption of New Textbooks in French, Spanish, and Mathematics
The following textbooks and the rationale for selecting each textbook was presented to the Board during its meeting on June 23, 2004.

Business and Operations

- 4.2-C** Approve the award of the landscape improvements at Willard Middle School and Berkeley High School
Five contractors picked up bid packages and three submitted bids. The apparent low bidder is Pagni Construction.
- 4.3-C** Approval of a contract with SMWM to assist the District in defining the Berkeley High School Construction Masterplan
The District solicited proposals from a number of qualified firms and received five proposals. Three firms were shortlisted for interview. Berkeley High School Site Committee interviewed the teams and selected SMWM. SMWM worked with the district in 1996 to develop a five Year Action Plan for Berkeley High School.
- 4.4-C** Resolution 03-68: Authorized Agents for the District
When there is a change in administration, signatures and authorized agents for fiscal purposes must be identified and approved. Lori Lewis was added as the new Payroll Supervisor for BUSD.
- 4.5-C** Authorization to award Bid Schedule No 1332 for Franklin Adult School move
Six bids were mailed out and three bids were received. Staff recommended awarding the contract for the Franklin Adult School move to Nor-Cal Moving Services in the amount of \$46,800.

ITEMS PULLED FROM THE CONSENT CALENDAR

General Services

- 1.1-C** Resolution for Bradley Johnson, Student Director, Board of Education
Motion: Director Selawsky/Issel and approved unanimously by voice vote.
President Selawsky read a resolution commending the Student Director for his contributions. A plaque was also presented to Johnson.
- 1.2-C** Approval of Memorandum of Understanding (MOU) between BUSD and Bay Area Coalition for Equitable Schools (BayCES)
Motion: Directors Riddle/Doran and approved unanimously on voice vote (with Director Issel absent).

A partnership was established between BUSD and BayCES by Board approval on May 19, 2004. The partnership provides for the development of small schools and the improvement of teaching and learning through a Small Schools Reform Initiative (SSRI) as outlined in the district Small Schools Guiding Principles. Director Riddle had a comment about Item No. 2 on Page 13. She asked for a clarification about the general funds that are being identified in the MOU. The Superintendent said the funds being talked about are the per pupil allocation that goes to each school. BSEP dollars were not identified for this program. Director Riddle wanted to make sure the language was not so narrow that it locked funds into certain programs for multi years.

Director Doran said the Board does not want to tie the high school's hands. That a new program starting out may need additional support in its early years but not over the long-term. The Student Director said the understanding of the advisory committee is the allocation includes the amount of time that a student spends in class. The Superintendent said the understanding is that a student enrolled in a small school means they must take at least four periods in the small school program.

Educational Services

- 3.1-C** Approval of the 2004-2005 Revised Single Plan for Berkeley Alternative High School, Berkeley Arts Magnet, Emerson, Jefferson, John Muir, King, LeConte, Longfellow, Malcolm X, Oxford, Thousand Oaks, and Willard

Pursuant to Education Code Section 52850-52863 all schools participating in school based coordinated categorical programs are required to have a Board approved three-year Single Plan for Student Achievement. The plan must be revised annually based on current data. Each plan was previously approved by each school's Site Council.

Director Rivera pointed out that although this item was removed from the agenda, he did have some comments. He said he was disappointed with the plans that were presented by a lot of the schools. Most were not well thought-out; they ranged from OK to really bad. He had previously mentioned that one of the district goals is to close the achievement gap. To do that, it is important to set different goals for different groups. If you set a 5% improvement across the board, you will not be able to close the achievement gap. He was further troubled that some sites that set goals such as 80% of students will be proficient. That means that 20% of the students are being ignored, which is unacceptable to him. He felt strongly that these issues need to be addressed. He also pointed out that some sites, because of their population, the statistically significant group is African Americans or Latino students. He wants schools to remember to think about all the groups not performing. His final comment was that some of the plans were poorly written. It is unacceptable to have grammatical mistakes coming from a school site.

Director Riddle commented that it would be better for the Board to have all the plans for all the schools to come back together. Some of the plans did not have timelines or did not address the whole school year. Some plans did not address achievement goals or attendance at all. There was also no mention of building a more inclusive environment for special education students. If there are no measurable goals, it is difficult to measure progress. The Board does not want to set different expectations from different schools, which present inequity in the community. She also pointed out that some of the parent committees did not sign the plans.

The Superintendent thanks the Board for these comments and said she will take them back to staff and discuss it with them. Director Selawsky inquired about the compliance issues. They can come back to the Board in late September or early October. Director Doran asked for an explanation of how these plans differ from general school wide plans. He thought since these plans are for categorical programs, they target certain populations. He expected the plans to describe more of what Director Rivera had questioned: how will it help to improve underachieving students.

Director Issel said it comes up every year. The Board has complained annually, which leads her to believe that the Board and district have not made it a focus. She asked that the Superintendent have a discussion at the cabinet level and offer site training. The plans have no relation to last year's plan. There is no context to past, future or district goals. Director Issel suggested that we have not adequately defined what the measurable goals should be and come to some district agreement about how the goals will be set.

Business and Operations

4.1-C Approval of Contracts/Purchase Order for Services and Contracts

Motion: Directors Rivera/Issel and approved unanimously on voice vote.

The District contracts with consultants or independent contractors who provide valuable and necessary specialized services not normally required on a continuing basis.

The Board received a revised version that deleted any items that appeared on the report twice. Director Rivera noticed the amount of money spent for transporting special education students. He said that it was \$350,000 above and beyond the normal transportation costs for the whole district. He asked if there was a more cost effective way to do it.

ACTION ITEMS:

General Services

1.1-A Memorandum of Understanding between BUSD and the Chez Panisse Foundation
Motion: Directors Riddle/Rivera and approved unanimously on voice vote.

The Superintendent said the Edible Schoolyard at King has become a vision of what can be accomplished for student nutrition and dining. The Memorandum of Understanding (MOU) has not yet ironed out all the fiscal pieces, but does bring forward a vision for the Board to adopt.

Director Doran commented that this is an opportunity that the district cannot turn down. It brings to the district almost \$4 million over three years by partnering with important community members. He termed the collaboration as ground breaking. He also asked the community to recognize the challenges to society to do the right thing. This MOU will help the community meet part of that challenge.

Director Rivera said that the MOU addressed problems and challenges that the district and its students will face. He pledged his support to make it successful. He asked if any of the school sites have been identified yet. The Superintendent said that one has been identified: LeConte (which is symbolic since it had one of the first school gardens).

Director Issel encouraged the community to log onto the BUSD web site to read the MOU. She further commented that the MOU does not just bring an idea about what the district ought to do, but also includes what community partners will do to help the schools and the community. She said the MOU helps her see what work needs to be done in the social services area of the district and appreciated that it is far reaching enough to address all schools.

Director Riddle appreciated the ten-year commitment from the community partners. The Superintendent said that in order to assist the Chez Panisse Foundation to help raise the money will take a great deal of effort from everyone and that the Board will be willing to speak to CSBA to let them know how important this item is. She also said that more healthy habits (such as the kind of fundraisers schools can do) will be built into the food policy that will come before the Board.

Human Resources

2.1-A Resolution 03-70: Berkeley High School Facility and Operational Reorganization
Motion: Directors Issel/Doran and approved unanimously on voice vote.

The Superintendent

Director Doran commented that the district is moving in the right direction and that it is another example of quality and an experienced administrator looking at issues that have plagued the high school for years and addresses these long-term issues.

Business and Operations

4.1-A Independent Audit Report for Fiscal Year Ending June 30, 2003

Motion: Directors Rivera/Issel and approved unanimously on voice vote.

Tom Gilbert of Gilbert Associates, Inc. presented the district's audit report. Gilbert pointed out areas that have changed in the financial reporting. There are approximately 80 pages of financial statements and the audit report is available in the Superintendent's office for public view.

Director Rivera asked Mr. Gilbert to explain the federal money and whether at risk of losing the money. Gilbert said there is a risk, but for fully-funded positions, there would be no change if procedure and process implemented in current year. There are four state findings, a couple are underfunding.

Director Rivera then asked what the district will do to follow up on these recommendations and to review progress throughout coming year. Superintendent Lawrence said there will be reviews and performance indicators that give the date due back to Board. While some findings still remain, there are others that are no longer present because there has been significant progress in dealing with the findings that were the most critical and problematic to budget accountability.

Director Riddle commented that Measure BB is not a bond measure, but a special tax. The auditor said that that correction will be made. She also asked about the problem with cash reconciliation on page 50. She asked about the amount. The auditor said that at first it was a material sum, but that some corrections were made and there was no cash missing. She then asked about the timeliness of getting reports. He said there were a couple reasons for that. One reason is they changed the accounting system and another is the county got further behind. For example, the county posted the tax income as cash even though the district had not yet collected that property tax.

There was then some discussion about adequate documentation for federally funded staff. Although some improvements have been made, there are other changes that can help improve this documentation. The Board also expressed their appreciation for the budget summary.

Director Issel pointed out to the public that this audit was for the year ending June 2003, so these findings are of things that happened a year ago. She then requested a current financial update to let the Board know where the district is now.

4.2-A Public Hearing and adoption of the 2004-2005 Preliminary Budget

The Board opened the public hearing to accept public comment. There being none, the Board closed the public hearing.

Motion: Directors Riddle/Rivera and approved unanimously on voice vote.

The Superintendent said the County requires that the Board see the same document (J-200 Form) that is submitted to the State. The J-200 does not have multi-year projections or a break out of each account.

Fiscal Director, Song Chin-Bendib, discussed the changes from the preliminary budget to the recommended budget for adoption before the Board.

- An assumption was added to Page 8, estimating the amount of savings for classified salaries based on historical data.
- General Fund contributions (page 29) went up by about \$50,000, due to an entry that was missed in the preliminary budget of salary adjustments.
- Transportation went up by \$32,000, also due to salary benefits adjustments.
- The Deputy Superintendent salary had some savings because the Deputy Superintendent left before the end of the fiscal year.

The Superintendent commented that unless they get additional revenue into the district, there will have to be more cuts made in the near future. This is why the district is beginning a study for an adequate funding model.

The Student Director added that it is important that the community understands that while BUSD may be in trouble in the next couple years, the playing field in general for public schools does not look good.

INFORMATION

General Services

- 1.1-I** Accept for publication and distribution FCMAT second six-month study
The Superintendent commented that the study had only just arrived. However, it is before the Board so that they can review it before the document is sent to the State and Legislature to meet a July 1 deadline. On quick review, it did seem that there was progress made in every area. The Community Relations area made the most significant progress.

Director Doran pointed out a couple items. Under pupil achievement “the district is addressing...with rigor and focus.” Under facilities management “The district has made the least improvement under this area in the last six months.” Director Doran wanted people to recognize that the facilities management department had the highest rating than all other sections, so they started ahead in all other areas and did go up.

Director Riddle pointed out to the current Board packet had over 600 pages and none of it was unimportant. In this report, she was interested in the pupil achievement section.

- 1.2-I** Statement of intention for the Revised Food Policy

The Superintendent said the item is just to let the Board know what is forthcoming on the August 25, 2004 Board meeting and through this notification of content to revise the policy to meet the requirements of the California Nutrition Network Grant.

Business and Operations

4.1-I Facilities Plan Update

Director Issel asked whether the C Building and the Community Theater are included in the Berkeley High School Master Plan. It is not. The Superintendent discussed these two buildings with Principal Slep and the Facilities Director, including what would be needed to accommodate an arts-oriented small school. Director Doran commented that his understanding was that recommendations for the Community Theater were not up for revision. The Superintendent said after getting Board comments, the staff started to wonder if they had all the correct pieces to make this the best project.

BOARD COMMITTEE APPOINTMENTS

None at this time.

Before adjournment, the Superintendent then complimented the Board and extended her appreciation for their contributions. It was a difficult year being the third year of the recovery plan as well as other challenges including a school bus accident, family deaths and staff illnesses. She appreciated the work and support the Board has given the Superintendent and students.

Student Director Johnson said he enjoyed his year on the Board and felt the district is in a better place than when he started his term.

ANNOUNCEMENTS:

Schedule of Board of Education Meetings for 2004:

July 7, 2004 – Cancelled

August 25, 2004

September 1, 2004

September 15, 2004

October 6, 2004

October 20, 2004

November 3, 2004

November 17, 2004

December 1, 2004

December 15, 2004

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony at this time.

ADJOURNMENT

President Selawsky declared the Special Meeting of June 30, 2004, adjourned at 11:00 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District