

**BSEP PLANNING & OVERSIGHT COMMITTEE MINUTES
February 8, 2022**

P&O Committee Members Present

Brit Toven-Lindsey, *Berkeley Arts Magnet*
Nimota Abina, *Cragmont*
Jonathan Weissglass, *Emerson*
Jerry Liang, *Malcolm X*
Heather Rose, *Oxford*
Elisa Frozena, *Ruth Acty*
Chris Rauen, *Washington*
Weldon Bradstreet, *King Middle School*
Nicole Chabot, *King Middle School*

Ron Chung, *King Middle School (Alt.)*
Olivia Lim, *Longfellow Middle School*
Erin Holland, *Longfellow Middle School*
Kate Jordan, *Willard Middle School*
Aaron Glimme, *Berkeley High*
Esfandiar Imani, *Berkeley High*
Terry Pastika, *Berkeley High*
Shauna Rabinowitz, *Berkeley High*

P&O Committee Members Absent*:

Sophina Jones, *Sylvia Mendez*

**Alternates and co-reps are not marked absent if another rep is present. Currently there is no representation from BTA, BIS, John Muir Elementary, or Thousand Oaks Elementary, and only one representative from Willard Middle School.*

Visitors, School Board Directors, Union Reps, and Guests:

BUSD Staff:

Rubén Aurelio, *Associate Superintendent for Educational Services*
Samantha Tobias-Espinosa, *Assistant Superintendent of Human Resources*
Kathy Fleming, *Director of Local Resources*
Craig Kaufman, *BSEP Budget Analyst*
Danielle Perez, *BSEP Program Specialist*

1. Call to Order

The meeting was held online via Zoom. At 6:33 p.m. Chairperson Bradstreet called the meeting to order.

2. Establish the Quorum/Approve the Agenda

The quorum was established with 11 voting members present, later increased to 16.

Co-Chair Bradstreet explained that Associate Superintendent Aurelio would present the Superintendent's Update (item #5) in Dr. Stephens's absence, and will also kick off the SBAC update (item #9). Additionally, item #13, will be postponed to the following meeting.

The amended agenda was approved by unanimous consent.

3. Chairperson's Comments

Nicole Chabot and Weldon Bradstreet

Co-Chairs Chabot and Bradstreet thanked everyone for attending the meeting.

4. Public Comment

Rep. Rose raised the previously-expressed concern about staffing for Special Education, asking how it could become an agenda item for further discussion. Co-Chair Bradstreet answered that it can be added to a P&O agenda in relation to BSEP or BERRA funding that contributes to the positions in question. The Chairs and Director Fleming will work on where it can be added to the meeting calendar for discussion.

5. Superintendent's Update

Rubén Aurelio, Associate Superintendent for Educational Services

Associate Superintendent Aurelio shared that he was happy to have the full Ed Services team back in the central office, after the district paused almost all central office functions during the recent Omicron surge to directly support sites and bolster the COVID response team. He explained that district leaders are watching the surge, making sure that the case numbers continue to come down, and are planning for the upcoming breaks from school. BUSD hopes to send tests home with students as we did over winter break. BUSD is also, in partnership with the City of Berkeley, closely monitoring changing state public health guidance. While the district is still in a twice weekly testing schedule, that will pull that back as case numbers reduce.

He invited all community members to tune in to the next School Board meeting to hear the Local Control Accountability Plan (LCAP) mid-year update. This will provide a review of action items and goals, expenditures for the year, and progress made. He explained that '21-22 is the first year of the latest 3-year LCAP cycle, and that after we report on the current year, the district will make adjustments for next year as needed. At that same Board meeting, there will also be a Board workshop on Special Education.

Co-Chair Chabot asked for clarification around the evolution of the LCAP, which originally was framed around targeted funding, but which now seems to have a very different, district-wide scope. Associate Superintendent Aurelio answered that there is still a narrow focus in the Local Control Funding Formula (LCFF) for unduplicated students (foster youth, free/reduced meal recipients, and homeless students). The district continues to write specific goals for these targeted groups, but has also expanded the LCAP to include district-wide goals that relate to BSEP, BERRA, and the General Fund (GF), taking all BUSD funding sources into account.

Rep. Lim commented that she hopes the district will work to move as much outdoors as possible as COVID restrictions are eased by the district, specifically music classes. Associate Superintendent Aurelio responded that any changes made to masking rules would only apply to students outdoors, and that indoor masking will remain in place for the foreseeable future. He also noted that the district made investments early on to make outdoor spaces more usable on campuses to maximize outdoor time whenever possible, and that music classes do utilize special masks for students to wear while playing as well as bell covers to reduce risks in playing wind instruments.

6. Board Update

Ana Vasudeo, School Board Director

Director Vasudeo was not present.

7. Director's Comments

Kathy Fleming, Director of Local Resources

Director Fleming appreciated everyone's attendance, stating that it is so important to have proper oversight of these tax funds and that they are really critical to the district. She explained that central office staff, including herself, were deployed to sites over the past month. She was happy to have visited three different schools, and to see BSEP/BERRA dollars in action. She particularly appreciated the small class sizes as she taught. She recognized the staff, teachers and principals who have been working very hard and continue to do so.

8. Approval of Minutes

January 11, 2022 and January 25, 2022

Chair Bradstreet asked if there were any corrections to the January 11 meeting minutes, there were none offered. The [1.11.22 P&O Meeting Minutes](#) were approved by unanimous consent.

Chair Bradstreet asked if there were any corrections to the January 25 meeting minutes, there were none offered. The [1.25.22 P&O Meeting Minutes](#) were approved by unanimous consent.

9. Superintendent's Budget Advisory Committee (SBAC) Update

Rubén Aurelio; P&O Reps to the SBAC Nicole Chabot, Shauna Rabinowitz, and Terry Pastika

Associate Superintendent Aurelio reported around the district's budgeting process, explaining that we have fully entered the budget cycle planning for 2022-23. At this point the district makes assumptions based on the governor's preliminary budget, forecasting expected revenue between state and other funding sources. Once we have a sense of the overall budget, we build out a scenario for expenses. In this evening's SBAC meeting, expense scenarios were broached, including resolving the open contracts with all four of BUSD's labor partners (unions). We can't hold a fixed figure for expenses until we close those contracts. For reference, the cost of a 1% salary increase across all positions equals about \$1 million in increased costs. Leaders must also factor the costs associated with ongoing COVID needs (i.e. district testing structure and the unknowns that come with it) into the expenses. There will be increases around compensation rates, and our contributions to employee retirement costs will increase over this year.

Further, this year BUSD funded a significant number of programs and opportunities using one-time dollars. Now, we have to make a decision about whether we want to keep them, and if so how we will find additional funding to continue those services. We are finding out the exact dollar amounts of several grants, so that will help us figure out what if anything we can shift into these new pots of money. We know that we still have a cut target. Dr. Stephens shared a highly preliminary list of potential cuts [with the Board on 12/8/21](#) (agenda item #13.4). The SBAC is revisiting that list now, and reckoning with the reality that some of those cuts wouldn't realize savings for next year's budget. The district wants to move forward on them but it will take time to build out. It is known that there are about \$1 million worth of items on that original list that we plan to make room to keep. Cuts to Teacher on Special Assignment (TSA) staffing were taken out of immediate consideration, as were reductions in the staffing of LEAP sections within the

Universal 9th grade structure at BHS. He noted that if any reductions are made that impact staffing in any way, those must be approved by the Board in time for the March 15 deadline to notify employees of potential reductions, which is a very tight timeline in which to make these decisions.

He explained that particular pieces will come back to the P&O committee, including the status and outcome of labor negotiations, which will impact all BSEP and BERRA budgets paying for FTE (with BSEP funds in particular paying for roughly a third of classroom teacher salaries in the district). Similarly, changes in costs around worker's compensation will impact BSEP and BERRA budgets, with specific figures to be available soon.

Rep. Pastika clarified that she, Rep. Rabinowitz, and Rep. Chabot all represent the P&O committee at the SBAC meetings, which include representatives from groups across the district. The SBAC committee will be asked to vote to approve that list of district-wide reductions for '22-23, and she and the other P&O reps will bring that information back to the P&O. Given the short timeline, she wanted to highlight the importance of being able to factor some of this information into upcoming P&O meetings, so that our reps to the SBAC have the capacity to represent the P&O's interests.

10. BSEP and BERRA 2020-21 Annual Reports:

BSEP Class Size Reduction (CSR) and Support for Teaching; BSEP and BERRA Oversight, Community Engagement, and Communications; BERRA Recruitment, Retention & Development

Kathy Fleming, Rubén Aurelio, Samantha Tobias-Espinosa

Director Fleming explained that these Annual Reports were reviewed at the previous meeting, there have been no changes to them, and they are now on the agenda for approval.

[BSEP CSR/Support for Teaching 2020-21 Annual Report](#): there were no further questions. Rep. Rauen moved to approve the 2020-21 BSEP CSR/Support for Teaching Annual Report, Rep. Chung seconded; this Annual Report was approved unanimously.

[BSEP and BERRA Oversight, Community Engagement, and Communications 2020-21 Annual Report](#): there were no further questions. Rep. Liang moved to approve the Oversight 2020-21 Annual Report, Rep. Jordan seconded; this Annual Report was approved with one abstention.

[BERRA Recruitment, Retention, & Development 2020-21 Annual Report](#): Rep. Rose asked about how the district budgets and plans hiring for Special Education support positions like Instructional Aides (IAs). Assistant Superintendent Tobias-Espinosa explained that the SpEd department and HR create an estimate of the number of salaried positions necessary, looking at overall enrollment and how many students have IEPs already, and hire to fill a pool of IA staff in a number equal to what we think we might need. She explained that as individual staff lose a student assignment when students move out of district or graduate, they remain on staff in that pool, available for new assignments as new students receive IEPs and require that type of support.

Rep. Liang asked if increases in the available fund balance roll over into a future budget. Director Fleming answered that any unexpended funds become part of the fund balance, and a current-year budget can include deficit spending where you dip into that fund balance. This is in addition to the newly-available revenue that makes up the majority of each year's budget. BSEP and BERRA Annual Plans will use available new revenue and also some of the available carryover.

Rep. Rabinowitz commented that she hasn't seen the certificated PD offerings, thought she would like to be able to compare them to the classified PD material, but overall wondered about the goal of the classified PD Coordinator position. Her experience is that the offerings are mostly compliance trainings, which feel more like obligatory governmental issues rather than experiential or growth-focused professional development. Assistant Superintendent Tobias-Espinosa responded that part of the issue is that we've been in COVID as long as this position has existed; the district hasn't been able to expand our wings in this area yet. She noted that this PD Coordinator has greatly assisted in training staff around the implementation of the new student information system Infinite Campus. The Coordinator is also supporting in the implementation of the district's new HR and business services system Escape. There have been some opportunities but staff are continuing to work to expand the offerings. The current trainings also include ways to get feedback from classified employees about what they want or need.

Rep. Rabinowitz asked if the BPACT teacher pathway program is sunsetting. Assistant Superintendent Tobias-Espinosa answered that BPACT is mostly funded through a state grant which was expected to expire, but which recently has been extended for another 5 years. When it appeared that it would not be extended, she and Director Fleming began to discuss how to support a smaller cohort through only internal funding. BERRA does contribute some funding to this program, but the state grant provides the majority, and the district plans to continue to apply for that grant as it's available over the next 5 years.

Rep. Toven-Lindsey asked if the unfilled position mentioned in the report will be filled. Director Fleming explained that it is fully staffed as of this year.

Rep. Toven-Lindsey moved to approve the BERRA Recruitment, Retention, and Development 2020-21 Annual Report, Rep. Liang seconded; this Annual Report was approved unanimously.

Rep. Pastika asked for clarification about how the 95% of BERRA funding fits in relation to the budgets that we're dealing with in the Teacher Template. Director Fleming explained that this 95% of BERRA revenue is added to staff salaries separately from any negotiated raises. However, in the 5% BERRA budget, any FTE paid would shoulder an increase in expenditures if the compensation or benefits costs increase in the coming year.

Rep. Holland moved to approve the BERRA Educator Compensation 2020-21 Annual Report, Rep. Jordan seconded; this Annual Report was approved unanimously.

11. DRAFT BSEP and BERRA 2022-23 Cost of Living Adjustment Resolutions and Revenue Projections

Kathy Fleming, Director of Local Resources; Craig Kaufman, BSEP Budget Analyst

Director Fleming presented the [Draft 2022-23 BSEP Cost of Living \(COLA\) Resolution](#) and the [Draft 2022-23 BERRA COLA Resolution](#) documents.

Director Fleming explained that these draft resolutions have not yet been approved by the Board, but will be on the 2/16/22 Board agenda as consent items. Mr. Kaufman explained that the 4.2% COLA is determined by the federal government specific to the SF Bay area. Our local tax measures allow the district to raise tax amounts each year by this amount. He also explained that the only main difference between the BSEP and BERRA documents is that while the BSEP tax rate is only assessed on the square footage of buildings, the BERRA rates also include a provision to charge a flat fee for undeveloped lots.

Rep. Chabot asked for confirmation that there are no longer different base tax rates applied to residential and commercial properties. Mr. Kaufman confirmed that the rates are uniform for residential and commercial properties. Rep. Rose asked to clarify if this represents revenue generation. Mr. Kaufman confirmed that was correct, explaining that the district sets the rates as outlined in the measure language, provides these rates to the City of Berkeley, then the City provides the square footage of all properties to the County, and the County collects the taxes. Unless properties are exempt because of non-profit status, all properties in Berkeley have these taxes applied, generating the money that pays for these BSEP and BERRA programs.

Rep. Pastika asked why the district would choose to increase the tax rate while we're in the process of deficit spending. Director Fleming answered that the COLA is not usually this high, typically it is between 1-2.5 %, while in some years we've also seen it very low to zero. Rep. Glimme added that the measure language allows for the annual increase, though the Board has at times decided to not apply the full available COLA. However, it is a prudent thing to do, specifically when we're deficit spending and we want to continue the existing programs. Rep. Glimme added deficit spending indicates that there isn't enough incoming revenue to provide everything we want to for our students, so we should increase the rates as much as we can to increase revenue accordingly.

Director Fleming then shared the [2022-23 BSEP Revenue Projection](#), which has been calculated in part using the COLA previously discussed. Mr. Kaufman explained that this shows a projected increase of \$1.4 million over the current year. The City charges BUSD for their work in preparing and sending out the tax amounts by property, and BUSD also pays the county for their work in collecting payments and remitting them to us, in addition to paying for the annual audit expense. After all of these costs are deducted, we have the net revenue available to allocate. Per the measure language, Public Information receives 2% of this total, then the remaining funds are divided in set percentages for each designated purpose. We also maintain funds for rebates to low-income seniors, who file each year through the City Finance Office for refunds of their BUSD taxes. We set aside a reasonable amount to be able to pay those throughout the year as we receive them from the City. The indirect cost percentage is set by the California Dept. of Education, and we apply that percentage to the expenses paid throughout the year.

Rep. Holland asked if the section describing net revenue for school site programs is extra funding, or what that represents. Mr. Kaufman explained that this is the base allocation to sites that makes up the BSEP Site Funds each school in BUSD receives each year, and Ms. Perez added that these funds are directed by each Principal and SSC.

Rep. Chung asked for clarification around the indirect costs. Mr. Kaufman explained that these are overhead costs that provide district-wide administrative services like HR, Payroll, Benefits, and Fiscal Services. These are not directly related to a single program but are paid across each department and resource, to support the whole district's central functions. The amount fluctuates, and is based on each district's specific financials from two years prior. The state maintains a [website where it publishes this information](#) and basis for the calculation.

Director Fleming presented the [2022-23 BERRA Revenue Projection](#). Rep. Chabot recalled that when BERRA was passed, all staff in BUSD received a roughly 7% salary increase (Mr. Kaufman noted that some few positions were exemptions), and given this asked if the COLA percentage now passes directly through proportionally to continue to increase salaries. Assistant Superintendent Tobias-Espinosa answered that though the revenue increases by 4.2% overall, how that fills into the compensation varies. The amount that BERRA provides is based on the actual compensation of each employee and on the negotiated contracts with each union. Director Fleming clarified that the 7% increase was based on salaries as of the moment in time when BERRA was first initiated, but that she would work with Assistant Superintendent Tobias-Espinosa to look further into that question of how the 4.2% COLA could impact the BERRA increase on salaries.

Rep. Rose asked, based on the BSEP COLA increase, if there is a way of calculating how much each site budget would increase. Director Fleming explained that site allocations are calculated by establishing the per pupil amount for the year multiplied by the number of students at each school. We may see fluctuations in allocations to each site from this year to next because while the overall revenue increases can increase the per pupil amount, enrollment declines can also have a large impact, and right now we're seeing big changes in elementary enrolment. She is currently working on establishing the BSEP site allocations, will roll those out to principals as soon as they're set, and then they will also be presented to the P&O committee. Ultimately those '22-23 BSEP site allocations will be published in the summary of the '22-23 Site Plans at the end of this school year.

12. Teacher Template and BSEP HQI Resource Overview

Kathy Fleming, Director of Local Resources

Director Fleming presented Class Size Reduction and Teacher Template overview slides. Rep. Rauen asked, taking into account the target class size ratios with current enrollment declines, if the upcoming '22-23 Teacher Template (TT) will take into account very small classes rolling up through the grades at some sites. He also asked how gaps might be consolidated if those overly-small classes are distributed across multiple schools. Director Fleming answered that the upcoming TT will take into account some lower ratios in grades TK-2, and will also address some higher ratios at higher grades. Associate Superintendent Aurelio added that one area where we have some control is in incoming kindergarten students, and admissions is being really strategic in funneling enrollment within attendance zones. Also, as these classes do roll up at the close-to-23 ratio, and with our growing of the number of TK classrooms over the next three years, we are closely tracking and accounting for schools that will need more classroom space.

Director Fleming noted that the substitute compensation amount in the new TT will increase. Also, the 5th grade average will adjust down to 23:1 next year as the last elementary cohort that began with previous BSEP Measure A ages out of elementary school and into middle school.

Rep. Toven-Lindsey asked if there is a plan for physical classroom space that corresponds with the changes in enrollment and lowering of class sizes plus increases in the numbers of TK students. Associate Superintendent Aurelio answered that the district is constantly examining the available and needed physical space. BUSD will also look at enrollment across schools and make any determinations around need for portable classrooms as soon as possible, as we need to move on things like portable installations to make sure they're in place in time for the start of next year.

Director Fleming mentioned that if the enrollment decline trends continue, we may see more savings in the BSEP CSR budget through less money paid for classroom teachers through the TT. Rep. Rauen asked if the TT shows unfilled positions as well, which Director Fleming confirmed was correct. Rep. Glimme pointed out that one of the reasons you see costs increase while enrollment goes down is due to raises to teachers, which push overall expenses upward.

Rep. Chabot wanted to recall for the committee that in 2020-21, due to GF budget cuts, the GF contribution toward class size shifted from 34:1 to 36:1, and BSEP took on the increased expense to maintain class size targets. She felt it was good to recognize that recent historical shift for posterity. She also asked for clarification about how the total number of BSEP-funded positions then only increased by 5 FTE, while the GF-paid classroom teacher FTE decreased by 9 FTE. Associate Superintendent Aurelio responded that he couldn't know exactly as he wasn't in BUSD at that time, but he was aware that at some point there was an adjustment made in contracts around prep time at the elementary school level (reducing the number of prep periods for 4th/5th teachers), and it reduced some costs at that point. Rep. Glimme agreed that prep time changes were a part of it, but also recalled that when BHS shifted to the Universal 9th grade structure (U9), there was an additional 5 FTE added to BSEP CSR expenses. Adding that 5 FTE is actually 25 sections, spread out between all the 9th grade teachers, and so $\frac{1}{5}$ of their salary continues to come from the TT while that $\frac{4}{5}$ of the salary comes from BSEP classroom support.

Rep. Rabinowitz asked how the average teacher compensation figure tracks from year to year. Director Fleming answered that that information will be added into the next iteration of the chart. Associate Superintendent Aurelio added that BUSD is using a factor of about \$110,000 for planning purposes for '22-23, which should be noted includes taxes, benefits, etc. and is an average figure.

Rep. Pastika stated that with declining enrollment, presumably BSEP will put less into the CSR purpose. She asked, if BSEP contributes less for the teacher transfer, will any saved funds go into HQI subordinate purposes. Director Fleming answered that it isn't an automatic outcome, because we can't increase those programs past what can be sustained into the next measure, and we are currently already deficit spending in those HQI program budgets. Though we have been talking about receiving increased revenues, we don't want to increase BSEP contributions to programs to a point that we can't sustain in the next measure without raising taxes. She plans to come back to the P&O with some projected multi-year HQI trajectories through the end of the measure, where we will be able to see how much revenue we're talking about. If we have a fund balance it should only be used for one-time purposes. Rep. Glimme added that precisely because

we're deficit spending, we want to increase the COLAs, which decreases deficit spending as it increases revenue.

Rep. Lim asked if the declining enrollment numbers that determine ADA and state funding are those taken into account in the TT document. Director Fleming answered that it is taken into account, the beginning of it can be seen here in the '20-21 TT, as we use actual enrollment to determine how many classroom teachers the district needs. Associate Superintendent Aurelio reiterated that the "enrollment cliff" is reduced because the state is giving districts the option to base state funding on a 3-year average enrollment, to blunt the impact. That pushes the final impact of the enrollment reduction on funding down the road by another year or two. The '22-23 TT for next year is very close to being finalized, we have a few hot spots we're trying to figure out with some funky numbers and odd class size configurations at some sites, which we're trying to adjust.

13. Recommendation for BSEP Funds in 2022-23: High Quality Instruction: Class Size Reduction: Teacher Template

Kathy Fleming, Director of Local Resources

Director Fleming explained that the Teacher Template was not yet ready, pending more work to be done in Fiscal services around overall staffing that needed to be completed.

14. For the Good of the Order

Rep. Pastika, for the coming School Board meeting, provided a brief overview of the summary she would present to the Board of the P&O's items of discussion. The summary overview was approved by unanimous consent.

15. Adjournment

The meeting was adjourned by acclamation at 9:05 p.m.