

**BSEP PLANNING & OVERSIGHT COMMITTEE MINUTES  
January 25, 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.)*  
Erin Holland, *Longfellow Middle School*  
Olivia Lim, *Longfellow Middle School*  
Kate Jordan, *Willard Middle School*  
Aaron Glimme, *Berkeley High*  
Shauna Rabinowitz, *Berkeley High*

**P&O Committee Members Absent\*:**

Sophina Jones, *Sylvia Mendez*

Terry Pastika, *Berkeley High*

*\*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:**

Ana Vasudeo, *School Board Director*

**BUSD Staff:**

Brent Stephens, *Superintendent of Schools*  
Rubén Aurelio, *Associate Superintendent for Ed Services*  
Samantha Tobias-Espinosa, *Assistant Superintendent of Human Resources*  
Kathy Fleming, *Director of Local Partnerships*  
Ruth Steele-Brown, *Director of BREA*  
Trish McDermott, *Senior Communications Officer*  
Cat Cabral, *BERRA TSA*  
Danielle Perez, *BSEP Program Specialist*

**1. Call to Order**

The meeting was held online via Zoom. At 6:34 p.m. Chairperson Bradstreet called the meeting to order.

**2. Establish the Quorum/Approve the Agenda**

The quorum was not immediately established with only nine voting members present, increased to 14 later in the meeting.

Co-Chair Bradstreet explained that the following changes would be made to the agenda: Items #8 and #11 would be postponed until the next meeting. The amended agenda was approved by unanimous consent.

**3. Chairperson's Comments**

*Nicole Chabot and Weldon Bradstreet*

Co-Chair Chabot thanked the district staff and everyone for keeping school doors open and keeping kids moving forward. Co-Chair Bradstreet echoed that gratitude, expressing that hopefully the omicron tide will break soon and we'll get some less-intense time. He also encouraged everyone to log on to the P&O meetings early for informal introductions, allowing everyone time to chat and get to know each other before formal business begins.

#### **4. Public Comment**

There was no public comment.

#### **5. Superintendent's Update**

*Dr. Brent Stephens, Superintendent of Schools*

Dr. Stephens stated that the impact of the COVID pandemic this month on BSEP deliverables stretches to every corner of the district, stating that it has been remarkable to watch the level of teamwork taking place. The situation has been all hands on deck, and the community should take remarkable pride in the number of volunteers who have stepped up to support the schools; about 200 from every corner of the community and on every campus to help us get to the twice-weekly testing cadence at all schools. Shortly, BHS will have roving testing carts as well. The district will try to maintain this intensity fighting against this surge, while being optimistic that we'll see a downward trend in the district. He is eager to share how we can step back from this intense effort, to get back to something that feels pre-omicron. What a remarkable community we're all in, together we've been able to accomplish so much, most importantly keeping kids in school, and the community deserves a pat on the back.

#### **6. Board Update**

*Ana Vasudeo, School Board Director*

Director Vasudeo joined meeting at a later point, providing the following update after item #13.

Director Vasudeo stated that the district has spent a lot of funding on COVID mitigation efforts. There's a group of state legislators calling themselves the vaccine caucus who are hoping to use legislation to streamline COVID processes, something she's excited about and hopes will take some of the work off of district staff. The latest proposal would lower the age of consent for vaccination. Another is a bill to require students K-12 to be vaccinated by February of 2023 and close the personal belief exemption. The third is introducing language around COVID testing and what it will look like next year. California received federal funds to implement testing, which we increased with BUSD resources above and beyond. The state funds weren't enough to cover our needs, and we hope for more funds for that and especially support in testing our preschool students. If this comes through, BUSD can use resources and time in our district to focus on learning and teaching, and less on implementing public health policies.

Rep. Lim stated that an area of COVID concern that she has not seen too much discussed is indoor air quality in classrooms. She would like to see data on air quality readings.

Rep. Holland stated that with the shift in COVID notifications to twice-weekly community letters, it's unclear and hard to understand what's being communicated. Director Vasudeo

directed her to the last Board presentation on COVID updates, which covered the new protocol and changes in contact tracing.

## **7. Director's Comments**

*Kathy Fleming, Director of Local Resources*

Director Fleming thanked the managers and staff for attending the meeting, despite what has been a hectic number of weeks being deployed to sites and working with the COVID response team. They are also working hard to fulfill the requirements of the BSEP and BERRA measure language; by end of this meeting the committee will have reviewed all annual reports for BSEP and BERRA, and will also review first interim fiscal information.

## **8. Approval of Minutes**

The minutes draft was not ready for approval, but will be presented at the next meeting.

## **9. Superintendent's Budget Advisory Committee (SBAC) Report**

*Dr. Brent Stephens, Superintendent of Schools*

Dr. Stephens shared that today was the first SBAC convening after receiving the Governor's annual report, which articulated budget priorities for the state including funding for education. At this point in January, we get the first glimpse of what school revenue will look like, and proceed to build budgets for the coming year while receiving regular updates from the state, and the Board will approve a balanced budget, with the final state budget being released in July. This year is interesting, highlights include elements that fall as positives, with some aspects in the negative that will be tough on us and other districts.

On the plus side, a big cost of living adjustment (COLA) is anticipated, around 5%, which translates to additional state dollars per pupil and helps us account for rising costs, pay for things we otherwise couldn't, and also have resources to leverage in the upcoming open contract negotiations with all four labor partners. The news also includes a thoughtful funding mechanism that blunts the impact of the enrollment decline over the pandemic, which is not perfect but avoids the "cliff" in funding that was previously feared. The district is about 600 students lighter than we were three years ago. Additionally, there are a raftload of new programs in areas like Pre-K, Special Education, literacy, and other things that will supplement BUSD's ongoing efforts. The challenge is that they're one-time, meant to bolster existing but not to build new programs.

In the negative column, we continue to have enrollment decline, losing about 400 students in the first year of the pandemic and about 200 in the second. It looks like we'll be moving forward to a smaller district than we were pre-pandemic, and as we're funded per-pupil it means a reduction in overall funding for us. There will also be cost increases for employee retirement, between 2-4% depending on whether we're looking at certificated or classified. There will also be increases in costs for Special Education and transportation. The final factor will be sitting down with all four unions and settling new contracts, which we expect to bring increased costs.

Overall, BUSD won't jump off the anticipated funding cliff, but will have to realize some budget reductions.

Rep. Chabot explained that in March and moving forward there will be work on determining which reductions the district will pursue. She and the other P&O representatives to the SBAC are committed to bring the P&O updates and details about any proposals that may impact or involve interchanges with BSEP, and will ask this group's advice before they vote on any proposals. It's their role to inform the P&O committee and get their perspective, and should be woven into the P&O committee process.

Rep. Rose recalled a previous update with talk of the state possibly shifting enrollment funds from attendance to be based on enrollment, she asked if that was addressed by the latest Governor's update. Dr. Stephens replied that the quick answer is no; though it was a discussion across the state, California did not ultimately make that decision. Rather, the new proposal has essentially given districts a choice from three options, to choose the most favorable for their situation. Districts can choose funding based on ADA: in the current year, in the prior year, or based on an average of the prior three years. BUSD chose the 3-year average option. Also, in this current school year we're in a hold-harmless period in which we're not penalized for student absences, so that will not have a negative impact financially on the district.

## **10. Summary of First Interim Fiscal Report for 2021-22**

*Craig Kaufman, BSEP and BERRA Budget Analyst*

Mr. Kaufman presented the First Interim budget reports for [BSEP in 2021-22](#), and for [BERRA in 2021-22](#). He stated that the financial documents show that both funds are pretty much on target, with only minor adjustments that needed to be made to this point in the fiscal year. Revenue is also tracking closely to what was projected last year. Overall, there aren't really any big surprises in these reports.

Mr. Kaufman also explained the format of the financial reports. He clarified that the BSEP fund does have a large expected ending balance, which is to be carried forward with the expectation that by the end of the measure it will decrease considerably. Director Fleming explained that there is planned deficit spending, so negative numbers in this report represent where the district is purposely overspending to draw down the fund balance toward the end of the measure. She also noted that there were a lot of expenses last year (2020-21) that weren't released due to COVID, and district managers are adjusting in this year a lot of services that weren't met last year.

Rep. Chabot noted the rate of deficit spending at around 30% of the fund balance, commenting that BUSD can only hold that for three years. If that level holds, we will just be making it to the end of the BSEP measure. Director Fleming agreed, stating that the spend-down is what the district is trying to do, but also that future projections will also need to build in the 4.2% COLA expected for next year as well. Then this committee will look at multi-year projections to see if we're going to increase deficit spending, and also to make sure that we don't over-budget so that when we go into the next measure we can sustain established programs without raising taxes. Ms. Perez clarified for the committee that the COLAs applied to the local taxes are different from those applied to the state funding to schools. The local BUSD tax COLAs are based on the Bay Area CPI while the state's funding to districts uses a state-wide number. Rep. Chabot commented that increases in compensation will impact the BSEP budgets as well. Fleming agreed and added that class size will also have an impact.

Mr. Kaufman further explained that usually from the First to the Second Interim budget reports, the First is pretty much unchanged from adopted budget, while the Second is when we dig much much deeper into any positions currently assigned, making sure any open positions are closed to recapture funds elsewhere, while also taking time to verify that all placements conform to respective plans, and that we have enough money established in the correct places for those positions. One change we had this year before this First Interim was the rollout of a 1% increase of all salaries, which impacted all salary and benefit projections. As such, in fully funding the positions in each plan, in some cases it was necessary to only partially fill other non-staffing budgets; that is temporary and usually fixed by the Second Interim when any available carryover funds or unallocated monies can be applied to any budgets still needing to be replenished to the originally-approved amounts per the annual plans. Director Fleming added that we expect that the Second Interim report will reflect more closely to the actual numbers per the plans and real expenses, and will give us a better idea of the direction we're going in.

Regarding the BERRA First Interim report, Mr. Kaufman explained that we will also see a fairly large ending balance in educator compensation, which is not a missed planning issue. He stated that one of the biggest issues with the compensation is that when we build out the budget, we have to fully account for filling every position that exists. If the district has open positions, we end up with savings in the form of a fund balance. That money will roll forward within that resource to be used at a future date as we refill all of our positions. Director Fleming asked if we could we see this number decrease if more positions are filled and Mr. Kaufman responded yes, potentially. He went on to say that the fiscal team hasn't yet done projections about a final ending fund balance number, because they are about to set up the second interim BERRA transfer; with those numbers in place they could then be fairly confident about what can be projected out to the end of the year. He stressed that the district does not ever want to have a negative fund balance in this resource, and so will always err on keeping the balance positive.

Rep. Rauen noted that this is only year two of the 12-year BERRA measure. He asked if the BERRA contributions may be adjusted in the future given the need to hold a reserve in the fund balance, expected labor cost changes, and potential enrollment changes. Mr. Kaufman answered that yes, it is possible that the percentage contributed by BERRA of overall staff salaries may change. Associate Superintendent Tobias-Espinosa agreed, and added that the district only negotiates additions to salaries separate from the BERRA contributions, though it may still need to be adjusted over the next 12 years. For example, the most recent 1% raise was based on pre-BERRA salaries, so BERRA isn't as impacted by some of these factors as BSEP is.

#### **11. BSEP and BERRA Audits**

*Kathy Fleming, Director of Local Resources*

This item will be presented at a later meeting, as the audit final copies had not yet been sent by the auditors. The deadlines for auditing were extended due to COVID.

#### **12. BSEP and BERRA 2020-21 Annual Reports: Professional Development, Program Evaluation, and Site Program Funds**

*Kathy Fleming, Rubén Aurelio, Ruth Steele-Brown, Adelita Martinez, and Danielle Perez*

These reports have had no changes since their first presentation.

[BSEP Professional Development 2020-21 Annual Report](#): there were no further questions. Rep. Glimme moved to approve the BSEP Professional Development 2020-21 Annual Report, Rep. Jordan seconded; this Annual Report was approved unanimously.

[BSEP Program Evaluation 2020-21 Annual Report](#): there were no further questions. Rep. Rauen moved to approve the BSEP Program Evaluation 2020-21 Annual Report, Rep. Chabot seconded; this Annual Report was approved unanimously.

Rep. Holland asked for clarification about whether these actions were intended to approve an entire budget. Chair Bradstreet clarified that this committee is only approving to recommend it from the P&O level, and that the ultimate authority to accept reports or approve new budgets is with the School Board. Chair Chabot also noted that these annual reports are on what was spent last school year, and that in the next month or two the committee will get proposals for next school year's spending.

[BSEP Site Program Funds 2020-21 Annual Report](#): Rep. Liang asked if all BUSD sites are represented in this report, as only some school names are included in the bulleted lists on pages 3 and 4. Ms. Perez explained that the annual report shows all spending from all sites as combined totals, so yes the financial information includes all school sites. She further explained that because the plans were presented to the committee in the Spring prior to their implementation, when reporting on the final expenditures after the close of that year the Annual Report captures any changes from the plans that were presented to what was implemented over the course of the year. Sites may change their plans through the SSC process of creating Site Plan Addenda, which are the items listed in the bullet point sections. Ms. Perez shared links to the current year and all previous years' site plan archives for members' reference. Rep. Chung moved to approve the BSEP Site Program Funds 2020-21 Annual Report, Rep. Rauen seconded; this Annual Report was approved unanimously.

**13. BSEP and BERRA 2020-21 Annual Reports: HQI Class Size Reduction, Expanded Course Offerings & Classroom Supports, Oversight & Communications, and Educator Recruitment, Retention & Development**

*Kathy Fleming, Rubén Aurelio, Samantha Tobias-Espinosa*

Director Fleming presented the [BSEP High Quality Instruction \(HQI\) 2020-21 Annual Report](#). The funding for this purpose is held in resource 0741 for Measure E (current BSEP measure) and 0841 for Measure A (previous BSEP measure carryover). Within these resources are Class Size Reduction, Expanded Course Offerings (ECO) and Classroom Support, as well as Professional Development and Program Evaluation which were reviewed separately. As we received the 2021-22 Class Size Report from Francisco Martinez this year, we also show here that we reached the class size goals as laid out in the measure through last year, which is represented in this report. The School Board will approve the HQI Annual Report all as a single piece.

She noted that unfilled positions in 2020-21 resulted in significant savings in that fiscal year, and an increase in the fund balance. Rep. Chabot asked if the five Special Education positions are now filled, and Director Fleming answered that yes, they are.

Rep. Chung asked if the ECO allocations provide before and after school electives. Rep. Glimme shared that at BHS, the ECO allocations serve different purposes; some are music offerings, some are support offerings paired with regular classes, the majority are for advanced classes that need additional time to teach the content, namely science classes for before or after school meeting time in physics, chemistry, biology, environmental science, etc. Ms. Perez and Assistant Superintendent Tobias-Espinosa added that at middle schools, ECO allocations provide before or after school options such as drama and/or music, paying teachers' salary for teaching while those classes are not required attendance from students.

Rep. Rauen noted a typo on the last page, which says Measure E, but should be Measure A. He asked if, with measure A carryover funds being expended, that is planned into the spend rate of measure E1 along with the other discussed planned deficit spending. Director Fleming deferred to Ms. Perez, who explained that managers try to carefully spend measure A monies because carryover can't be used for ongoing staff costs, so it does take thoughtful application to cover costs that are one-time. This is why this is the last budget where we see such a large Measure A balance, even as it is planned to be spent down.

Director Fleming presented the [BSEP Oversight, Community Engagement and Communications 2020-21 Annual Report](#). She also introduced the district's Senior Communications Officer Trish McDermott, and presented [slides summarizing the annual report](#). Director Fleming explained that this work includes funding from both BSEP measure E1, BSEP Measure A carryover, and also BERRA. She is interested in general feedback from members about how it's most useful to present this information reporting on completed fiscal years. She noted that the numbers on top of the columns for the financial information slide indicate the resource, describing which is being reported on (BSEP Measure A, BSEP Measure E1, BERRA Measure E).

Director Fleming explained that this is the first year reporting on BERRA resources and programs, as the first year using these funds was 2020-21. She presented the [BERRA Educator Compensation 2020-21 Annual Report](#) (noting that 95% of the BERRA revenue goes to this direct staff compensation), which also contains overall financial summaries for the BERRA resource. She also presented the [BERRA Recruitment, Retention and Development 2020-21 Annual Report](#) specific to the 5% of BERRA funds allocated to that purpose, as well as a recent [memo to the School Board](#) about certificated hiring diversity.

Assistant Superintendent Tobias-Espinosa presented [slides summarizing the 2020-21 BERRA annual reports](#), noting that the first year of implementation of the BERRA measure was most impacted by COVID.

Rep. Lim asked where BUSD falls in this current year in the comparison of average compensation for teachers. Assistant Superintendent Tobias-Espinosa answered that districts don't have the latest report yet for the current year, but that BUSD is working to create our own while we wait for it to be published. That external report is important to wait on because it will show a comparison of BUSD's changes this year to all other districts' changes, too. Rep. Lim

asked if there is any data on any change in the recruitment or retention of teachers of color since BERRA had been implemented. Assistant Superintendent Tobias-Espinosa referred to the first chart of the Board Diversity Update Memo document, which shows recruitment of teachers and retention, though a problem is that in this last year (the first year of BERRA) the district hired more teachers than we have in last 20 years, so it's an inflated number and difficult to compare fairly. They would have to look at the percentage of hires and retention for a more accurate measurement. Rep Lim asked if the district has considered offering a salary bonus or a differential to aid in retention of teachers of color. Assistant Superintendent Tobias-Espinosa answered that the district is measuring how many of these staff stay with us, and is also working with the teachers' union to see about adding some kind of compensation differential as an incentive.

BERRA TSA Cat Cabral (whose 0.7 FTE position is a newly BERRA-funded position for 2021-22 clarified that the secondary program at San Jose State University is the one referred to with 80% candidates of color, and explained that broadly the district is making sure our educational partners' missions align with our district's. Some other programs we work closely with are Holy Names, Mills, St. Mary's, and CSU East Bay. Not all have more than 80% candidates of color but all have significant numbers. Rep. Lim asked if the BPAR candidates are self-selected or recommended. Assistant Superintendent Tobias-Espinosa answered both, further noting that of the three teachers who were in the program before it was paused due to the pandemic, one retired at end of last year, one successfully exited prior to COVID, and the final is the person who is still participating in the program this year.

Chair Chabot recalled that when BERRA was first proposed, the 5% budget was specifically described around the severe need for more teachers for Special Education. The community was presented with frightening numbers at that time about shortages in this area. She knows that this problem continues, it is a big problem, and expressed concern that we don't see a lot in this report that addresses this problem specific to Special Education. She wants to see a similar report to the diversity memo specific to hiring and retention of Special Education staff, including all filled and unfilled roles. She asked how we will try to address that need, and said that while she is exceptionally thankful for all the work currently being done, it doesn't feel like we're holding up on what we asked the taxpayers for with this BERRA measure.

Assistant Superintendent Tobias-Espinosa agreed that Special Education teacher and staff shortages are a huge, wide-spanning issue. She will work with Director Fleming to determine what we need to bring to the committee and public in our Plans and Reports moving forward. She shared that there are very few moderate/severe Special education prep programs in our area, only two in fact, and that they don't get many people in the programs. This is exactly the area in which BUSD has its vacancies. In the mild/moderate classes, we tend to have fewer vacancies, though finding good quality teachers is still a challenge. She shared that she met with the Special Education team yesterday, to start the process around what we need to do to recruit further. The district has hired an additional 11 Special Education teachers this year to help balance out the shortages. These positions were all to support caseload caps/reductions put in place for Special Education teacher contracts, and to support assessments and getting caught up on the delays in assessments due to COVID. She will check with the Special Education Director on that issue specifically.

Rep. Chung asked, regarding the classified PD, if the goal is to get our staff moving into a specific pathway, or to have specific staff joining the pathway. Assistant Superintendent Tobias-Espinosa explained that the pathway was originally designed at the state level to address the fact that an overwhelming number of classified staff are educators of color in state, and with the goal of encouraging them to become classroom teachers. The aim was also to help provide funding to apply for and stay in programs with overwhelming costs. The first focus of this program about four years ago was to really look at Instructional Assistants (IAs). But as the program has aged, in BUSD we have found that we've got custodians, food service staff, classified clerical workers and more who are all interested in pursuing classroom teaching. But it's nerve wracking, hard work to take over a classroom, they need lots of extra encouragement and support. We want to support them through the process, past just getting their credential. We know that the state grant is ending, but BUSD wants to continue with our own resources in a reduced size, to continue to support that progression in a similar way.

#### **14. For the Good of the Order**

Chair Bradstreet explained that Rep. Pastika hasn't been present to take notes and prepare for a P&O Board update, so the co-Chairs have decided to wait until the next P&O meeting to capture any updates to be presented from the last two P&O meetings. In particular he noted that the group would want tonight's Special Education conversation to be mentioned in the next Board statement.

No other items for the good of the order were presented.

#### **15. Adjournment**

The meeting was adjourned by acclamation at 8:50 p.m.