

**BSEP PLANNING & OVERSIGHT COMMITTEE MINUTES
February 22, 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*
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*
Aaron Glimme, *Berkeley High*
Terry Pastika, *Berkeley High*

P&O Committee Members Absent*:

Elisa Frozena, *Ruth Acty*
Sophina Jones, *Sylvia Mendez*
Kate Jordan, *Willard Middle School*

Esfandiar Imani, *Berkeley High*
Shauna Rabinowitz, *Berkeley High*

**Alternates and co-reps are not marked absent if another rep is present. Currently there is no representation from Pre-K, 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 Ed Services*
Kathy Fleming, *Director of Local Partnerships*
Danielle Perez, *BSEP Program Specialist*

1. Call to Order

The meeting was held online via Zoom. At 6:37 p.m. Chairperson Bradstreet called the meeting to order.

2. Establish the Quorum/Approve the Agenda

This item was postponed until after agenda item #7 when quorum was reached. The quorum was established with 10 voting members present, later increased to 12.

The agenda was approved by unanimous consent.

3. Chairperson's Comments

Nicole Chabot and Weldon Bradstreet

Co-Chair Bradstreet wants to thank Superintendent Stephens for his service, as he will be leaving the district at the end of this year, and will do so at the next meeting when he is present.

4. Public Comment

There was no public comment.

5. Superintendent's Update

Rubén Aurelio, Associate Superintendent for Educational Services

Dr. Stephens was not in attendance. In his absence, Associate Superintendent Aurelio welcomed attendees and shared happiness that things are starting to normalize, as the district is seeing a downturn in COVID cases. On 2/28/22 BUSD plans for masks to be optional outdoors on school campuses, while keeping indoor masking in place at this point.

6. Board Update

Ana Vasudeo, School Board Director

Director Vasudeo was not able to attend, having a conflict with the DELAC meeting.

7. Director's Comments

Kathy Fleming, Director of Local Resources

Director Fleming provided the following updates based on questions from the previous meeting:

BERRA

- The COLA can be applied to BERRA each year (same COLA as BSEP). There is not an automatic annual negotiation on the BERRA contribution to salaries. There is a clause in the BFT contract that indicates that 95% of total revenue in BERRA will be applied to educator salaries. Therefore any increase in the total revenue can be subject to negotiation. The BERRA 95% can only be used for educator salaries excluding senior level management on contracts and employees paid solely by stipend. The average teacher cost in the Teacher Template (TT) does not include the BERRA contribution to raise salaries.

Recruitment and Retention

- The BERRA 5% is intended to support recruitment and Retention of Hard to Fill Positions including Special Ed teachers. We are looking at the data around special ed teacher recruitment and retention.
- We are currently including special education in our recruitment activities and we will ensure that the BERRA 2022-23 plan includes targeted strategies for special ed recruitment and retention.
- The IEP Coach position was developed to help retain our Special Ed Teachers through providing compliance support. It is currently filled in 2021-2022.
- The District has added ten new Special Education Teacher positions in the past two years to help address caseload size and assessment limits to help retain Special Education Teachers. The funding comes from BSEP and other sources.

Cost Of Living Adjustments

- Per measure language, enacting the COLA each year is optional and the COLA has fluctuated. There may be a low or no COLA in any given year. Strategically, enacting

the COLA enables us to increase revenue to buffer us against rising BSEP Program cost factors such as teacher costs. There is no COLA in first year of the measure

Indirect Costs

- Regarding indirect costs, these are a set-aside percentage taken from total program costs for activities that help benefit programs: i.e. payroll, personnel, purchasing, accounting, etc. The maximum indirect cost rate specific to our district is calculated by the state based on our financial position as determined by the financial documents that BUSD submits to the state annually. Overall BUSD's rates fall around the middle compared to other districts.

BPACT

- The Berkeley Pathway to Achieve Credentialed Teachers (BPACT) program, in 2013 BUSD was awarded a grant to develop a pathway for district classified staff to earn a bachelor's degree and/or teaching credential. That was a 5-year grant that aimed to address the state's teacher shortage in STEM, SpEd, bilingual education, and transitional kindergarten. In 2021 the state appropriated funding for another 5 years of this grant, and BUSD will be applying for it again.

8. Approval of Minutes

February 8, 2022

Chair Bradstreet asked if there were any corrections to the February 8 meeting minutes, there were none offered. The [2.8.22 P&O Meeting Minutes](#) were approved by unanimous consent.

10. District-Wide Budget and High Level Priorities

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

Associate Superintendent Aurelio presented [General Fund Budget Presentation Slides](#) from the 2/16 School Board meeting. Chair Chabot noted that after receiving this information in the SBAC meeting earlier in the afternoon, it seems that the P&O agenda items 9 and 10 are aligned. She suggested presenting item #10 and then circling back #9 to wrap the topic with general comments on SBAC.

Associate Superintendent Aurelio explained that the goal in sharing these slides across different settings is to collect feedback from the community, including the SBAC, P&O, DELAC, etc. He also noted that the budget submitted from BUSD to the county and state is actually for 3 years at a time, districts are asked to look both at the coming year and also the next two after that. These budgets should show that the district is setting aside adequate resources for negotiation outcomes and that it is making plans for programs and services on one-time funding. We have to account for how those programs will fit into our budget more than a year out, if we plan to continue them.

Rep. Chung asked where exactly the district solicits community budget feedback, and whether it was only limited to the committees previously mentioned. Associate Superintendent Aurelio answered that other groups include the Parent Advisory Committee (PAC), Latinos Unidos of Berkeley, and the AAPI Leadership Group. District leaders working on the budget also meet with the school Principals, who report back on the site-based budgeting going on as well.

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

Rubén Aurelio, Associate Superintendent for Educational Services

Associate Superintendent Aurelio shared that this evening's SBAC meeting went into more detail about proposed cuts. One item, as an example, is an effort to limit how much we pay Alameda County Public Health to conduct our SpEd psychological assessments. The plan is for BUSD SpEd to hire staff to do those in-house, and we could see an over-\$200,000 reduction in that contract. Rep. Toven-Lindsey recalled that the last meeting included discussion around how bringing services in-house is a good strategy, but also that a lot of those projects will take multiple years. She asked if the district is forward-planning to move these through over the next several years. Associate Superintendent Aurelio answered that yes, the district is constantly reexamining its SpEd programming. For example, BUSD has very few special day classes in-house, and we are looking at how many of our families are going to non-public schools for these services, and if there are cohorts that we can pull in-house rather than contracting out. The Alameda County contract is something we can build over the span of this year and realize savings next year. Another SpEd item is paraeducators and instructional assistants. It's a hiring challenge for us, these staff aren't that highly paid and we're in a really tough job market, but we're paying more on the dollar to get contractors than if we could hire and pay our own staff directly. We are looking at centralizing hiring and working with the unions to see if we need to make salaries for some groups more competitive. We are also considering potentially using the Adult School on our behalf to train our own incoming staff.

Rep. Holland asked if any losses in one-time funding would impact expanded learning opportunities in before and after school programs. She also asked why the funding for some affinity-based programs, such as the African American Success Framework, was listed as "TBD" in '23-24. Associate Superintendent Aurelio answered that the Framework is being developed with contractor RT Fisher, and by the end of this year that Framework should be complete. Then, while we will need to focus on implementing that Framework, we won't need that particular consulting contract next year. He explained that the district wants to keep contracts in place to continue the most important services, but given our reduction in one-time funding, we are prioritizing what is funded as the work evolves. To the before and after school question, he explained that there are separate funding streams for those programs, and that they aren't touched in this budget. There aren't any cuts going to BEARS and LEARNS. Rep. Toven-Lindsey asked if the targeted learning/expanded learning program is on the list of potential reductions. Associate Superintendent Aurelio answered that it is not on the cut list. This expanded program was initially funded one-time, but it was made ongoing recently so we can now account for \$1 million annually for this purpose. However, we can't use these funds for anything that serves kids during the school day, it must be services during after and before school times, and in the summer.

Co-Chair Chabot noted that in the SBAC meeting, the group is now going a level deeper in terms of specific programs, though no votes are being taken or opinions expressed. Assistant Superintendent Follansbee and her team in Fiscal Services have identified additional funding sources coming in, and the leadership team is working on how best to apply things like new grants, though it's still not settled exactly how that will take shape. She and the other P&O reps will bring proposals to the full P&O committee before voting in the SBAC as more becomes known. She also explained that over the last year, one-time funding has allowed for new

initiatives and spending on outside consultants on a variety of projects. One of the goals now is to implement those projects as long-term efforts, to figure out the contracts across the board and get them working in the district with our own team.

Co-Chair Chabot also noted that she wasn't sure if there would be a discussion of altering the "classroom max." Director Fleming responded that she didn't recall any discussion indicating that changes were being considered. There is a projected savings in the GF for teachers, because of a reduction in teachers in '22-23 tied to enrollment declines. Associate Superintendent Aurelio also reminded the group that in addition to being written into the BSEP measure language, the class sizes are also contractual. BUSD would not shift any of those unless we negotiated changes with our labor partners.

Rep. Huang asked about whether bringing services in-house would result in money-saving in the long-term, not just the short run. Once you have employees you will need to budget for their positions going forward. She observed that especially in the area of Special Education, you may not have students with the same needs each year, and for that reason questioned whether these types of positions should be brought in house. She asked if there is a long-term need for these services, and what the long term savings would be. Associate Superintendent Aurelio shared a document outlining the plan around bringing mental health assessments in-house, to show the thinking around this particular example. Though currently BUSD works with the county to do these assessments, our own psychologists have a significant difference in cost. Generally we will always pay more on the dollar for the same service with a contractor than if we pay our own staff. We want to make a shift in our programming that's going to last for our families.

11. Recommendation for BSEP Funds in 2022-23

High Quality Instruction: Class Size Reduction (Teacher Template)

Kathy Fleming, Director of Local Resources

Director Fleming presented the [Draft 2022-23 Teacher Template](#) (TT). She also shared [a slide presentation](#).

Director Fleming explained that she had shared both the [current year's \(2021-22\) TT](#), and the new [draft of next year's \(2022-23\) TT](#) for context. This is the first reading of the '22-23 TT, the second reading by the P&O will be on March 8, and then if it is approved it could be submitted for School Board approval as early as March 9 or March 23.

Co-Chair Chabot asked why the rounding up of FTE (the column "Measure E1 Necessary FTE" totals) is so much higher than in '21-22. Director Fleming responded that because we added teachers to achieve the balanced 23:1 ratios across all grades for '22-23, there were some unusual class size numbers. Associate Superintendent Aurelio added that he spent significant time with Assistant Superintendents Follansbee and Tobias-Espinosa working on these, and even worked with former Assistant Superintendent Neil Smith for historical context to be sure the process was accurate. As we reached finally balancing at the target 23:1 school-wide average in K-5, we end up with some difficult combinations of numbers at different sites. He explained that districts typically have a number of different levers to adjust for these situations, for example consolidating across grades to create a combo class, or moving students from one school to another, but these were not levers that would be pulled in BUSD. So, looking across all 11

elementary schools, they did everything they could to eliminate the need for significantly larger classes, and also to eliminate combo classes. To do that, they added FTE across the schools. He noted that the one lever where BUSD does have control is in kindergarten; there are two kindergarten classes that were not included, to be able to specifically target schools where we need the enrollment. Co-Chair Chabot asked if over time that high rounding number will normalize, Associate Superintendent Aurelio confirmed that is correct, and that he has already asked Admissions to enroll kindergarten students at as close to the 23:1 ratio as possible. This year we've seen some classes as low as 17, 18, or 19 students. That's part of why we run into these problems as those classes roll up, and it will get easier long-term.

Rep. Holland asked if the reserve on the draft '22-23 TT of \$236,000 meant that this resource could invest more in program evaluation. Director Fleming answered that the reserve must be set aside in case salaries and benefits end up costing more over the course of the fiscal year. With regard to the fund balance, when we look at projected costs over time and incremental cost increases, and the fact that we are still deficit spending, that impacts what will be left at the end of the measure in two years. The next agenda item's slide deck will look at this resource more closely and project the spending out over time to illustrate what latitude we have to spend on programs in High Quality Instruction, and Director Fleming noted the request to increase funding in Program Evaluation.

Rep. Weissglass shared that at some elementary schools, there are alternating cohorts in which 3 kindergarten classes are funneled into 2 classes at the 4th/5th grade, which is where having lower kinder ratios works out. He asked if that would be phased out. Associate Superintendent Aurelio answered that yes, the practice of reducing 3 classes into 2 at the 4th/5th grade will phase out. Now we want kindergarten classes at or around 22 students, and the overall number of classes in each kinder cohort will not be changed in the transition into 4th and 5th grades. That is why we have to be mindful at some of our schools whether there is physical space available for two or three kinder classes each year moving through grade 5. He also noted that Principals have this information already, and know projected classes and staffing allocations for 2022-23.

12. Overview of BSEP High Quality Instruction Programs: Professional Development, Program Evaluation, Expanded Course Offerings, Classroom Support

Kathy Fleming, Director of Local Resources

Director Fleming presented [High Quality Instruction Budget Outlook](#) slides.

Rep. Chung noted that the first multi-year scenario presented in the slides seemed pretty reasonable, but still seemed to indicate that we may have to cut programs to get to zero deficit spending in year 1 of the new measure. Director Fleming that to be correct, explaining that the first scenario is more realistic and that would mean needing to reduce deficit spending. Associate Superintendent Aurelio emphasized that the real unknown is the outcome of closing BUSD's labor contracts. Director Fleming continued that if, in year eight of this current measure and year one of the next measure we want to be funding programs that can be supported without raising the tax rate, then we would need to look at potential reductions.

Rep. Glimme pointed out that a really foundational assumption built into these scenarios, which we should review, is the class size contribution from the General Fund. It has been changed in

other emergency funding situations, and if the state budget continues to look more healthy, it's totally reasonable for the district's GF contribution for class size to go back from 36:1 to 34:1, which would bend some of these curves pretty dramatically. He also advised the committee to consider that BSEP is not a silo, it interacts with the GF and there are a lot of ways to connect the two, and shift money back and forth between them to continue to best deliver services to our students.

13. Overview of BSEP Effective Student Support: Student Achievement Strategies, Counseling and Behavioral Health

Kathy Fleming, Director of Local Resources

Director Fleming presented [Student Support Budget Overview slides](#).

Co-Chair Chabot expressed that the slides and information are really helpful as we look to the end of this BSEP measure and getting off on the right foot for the next one. As we go into the first reading of the Student Support '22-23 Plan, she asked if there is a simplified way that we could bake in a general assumption on labor increases. She would appreciate figuring out how to add that variable in, with everyone agreeing that we know that it's not exact. Regarding the contracts listed in these slides, Rep. Chung stated that he assumes that most of these services can't be brought in-house because they're very specialized, but he asked if those are expected to change over time, and whether they could be grant-funded or otherwise moved to different funding. Director Fleming answered that yes, we do believe that the need for these contracts will change over time and there is potential to swap out this funding for others. Rep. Holland asked if the managers are thinking of reducing funding to effective student support. Director Fleming answered that the potential for reductions is implied, because of the unknown change to labor costs; if bargaining results in increased costs and revenue doesn't keep up, then we would have to reduce. Rep. Holland asked why this would be on the block to be cut, and Director Fleming answered that the resource would still receive its allocation of 7% of revenues, but if the increases in staffing costs exceed the increase in revenues from the annual COLA, then the district would need to decide if it would cut from student achievement strategies, cut from other program areas, or find alternative funding for programming that this funding source might no longer be able to support. Decisions around this, if it comes to pass, would be made with district-wide goals against cutting positions and services to targeted students in mind.

Rep. Liang asked what the procedure is for handling mid-year cost increases, and whether budgets are adjusted mid-year or only for the upcoming year. Associate Superintendent Aurelio answered that it is rare that the district would do in-year cuts, primarily because there are certain regulations about when you can reduce or eliminate positions. The district has to anticipate and plan for potential swings in advance.

Rep. Huang asked why Math Coach positions are accounted for under both Effective Student Support and Classroom Support resources, and if they are different positions. Director Fleming answered that they are different, explaining that in HQI there is a Math Coach in the PD program area, while the Math Coach in Student Achievement Strategies is different. Both positions meet the criteria for and are permissible based on the measure language for each resource.

Rep. Pastika asked if the analysis presented in these slides takes into account recent proposals made in SBAC to swap expenditures between BSEP and other funding sources. Director Fleming answered that they are not included in this analysis. Associate Superintendent Aurelio added that initially the SBAC discussion involved considering two FTE positions, a Longfellow Literacy coach and combination of other partial positions that in this current year were paid from the Low-Performing Student Block Grant, which is going away after this year. The initial thought process was to use ELO funding for the coming year to absorb these expenses, but we've since learned that we can't use ELO for in-school programs, so we are looking to see if there's anything BSEP-funded before or after school that might represent a viable option for shifting funding. Nothing around this has been decided yet.

14. 2022-23 BSEP Site Program Fund Allocations

Kathy Fleming, Director of Local Resources

Director Fleming presented the [2022-23 BSEP Site Program Fund Allocations](#).

Rep. Chung asked if Longfellow's enrollment increase come from a particular source. Ms. Perez explained that the site allocations should always be based on current year enrollment as measured in the the one-day snapshot from the CalPADS system in October.

Rep. Huang shared that she had been told that Oxford had been under-enrolled due to the move from one campus to another. She asked if the site funds must be made on a per-pupil basis or if they can be calculated to take into account other factors. Director Fleming and Ms. Perez confirmed that the measure language directs the BSEP Site Program Funds to be allocated on a per-pupil basis. Director Fleming added that while there aren't strategies within BSEP to balance loss of enrollment, but there may be other resources to be leveraged.

15. For the Good of the Order

Rep. Pastika, for the coming School Board meeting, will prepare the summary she will 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 8:51 p.m.