

MINUTES, REGULAR MEETING  
Wednesday, February 16, 2000  
District Administrative Offices  
Board Meeting Room  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

**CALL TO ORDER**

President Joaquin J. Rivera Called the Meeting to Order at 6:00 p.m., and the Board recessed to Closed Session.

**1. BOARD ROLL CALL:**

**MEMBERS PRESENT:** President Joaquin J. Rivera  
Vice President Terry S. Doran  
Director Pamela M. Doolan  
Director Shirley Issel  
Director Ted Schultz  
Student Director Zachary C. Moon\*

**Administration:** Superintendent Jack McLaughlin, Secretary

**2. Recess to Closed Session – Board Conference Room**

- a. Discussion with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a))
- b. Discussion with District Counsel – Anticipated Litigation (Pursuant to Government Code Section 54956.9©)
- c. Consideration of Student Expulsion (Pursuant to Education Code Section 48918© (K-12) Case No. 179 and Case No. 182
- d. Conference with Real Property Negotiator (Pursuant to Government Code Section 54956.8)
- e. Collective Bargaining Session (Pursuant to Government Code Section 3549.1(d))
- f. Public Employment/Discipline/Release/Transfer/Assignment (Pursuant to Government Code Section 54557)
- g. Public Employment (Pursuant to Government Code Section 54957):  
Certificated Transactions:
  - (1) Appointment, as Temporary Teacher
  - (2) Change of status from Temporary to Second Year Probationary Teacher
  - (3) Resignation
  - (4) Appointment, as Substitute Teacher
  - (5) Appointment, as Interim Principal

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\*The Student Director does not attend Closed Session.

2. Recess to Closed Session (continued)

g. Public Employment (Pursuant to Government Code Section 54957) (continued)

Classified Transactions:

- (1) Student Worker
- (2) Noon Director
- (3) Tutor
- (4) Substitutes, if and as needed: Instructional Assistant; Instructional Specialist; Instructional Technician; Intramural Director

Monthly Report:

- (1) Stipend.
- (2) Extra Duty

**RECONVENE IN PUBLIC SESSION**

The Board returned to Public Session at 7:36 p.m.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

President Rivera stated that there was nothing to report from Closed Session.

At this time, Board Members and Superintendent McLaughlin expressed their sympathy to the family of Ms. Marcia Singman who recently died. Ms. Singman was a Performing Arts teacher at the Berkeley High School. Director Doolan read the Board Resolution, which was given to Ms. Singman two years ago for her outstanding service to the students of Berkeley High School.

**AGENDA REORDER**

**APPROVAL OF ACTION ITEMS**

12. Approval of Berkeley High School changes for FY 01. An update on ninth grade Retention policy will also be discussed

This item was tabled.

**COLLECT "REQUESTS TO ADDRESS THE BOARD OF EDUCATION" CARDS**

President Rivera collected the "Requests to Address the Board of Education" Cards.

## **PUBLIC TESTIMONY**

Nine speakers addressed the Board regarding the retention policy, Berkeley High School and the radio station at Berkeley High School.

## **UNION REPRESENTATIVES**

Mr. Barry Fike, President, Berkeley Federation of Teachers (BFT), expressed condolences to the Marcia Singman family. He also read a statement from the Berkeley Federation of Teachers regarding negotiations.

## **ADVISORY COUNCILS**

Mr. Jesse Anthony, representing the District's Music Committee, gave a report from the Music Committee.

## **PRESENTATION FROM THE BERKELEY HIGH SCHOOL COMMUNITY COALITION, REGARDING THE JANUARY 17, 2000 COMMUNITY FORUM**

Representatives from the Berkeley High School Community Coalition reported on the January 17, 2000 Community Forum. The representatives passionately requested that a moratorium be put on the promotion and retention policy.

## **SUPERINTENDENT'S REPORT**

The Superintendent did not make a report at this time.

## **BOARD MEMBERS' COMMENTS**

Board Members commented regarding issues raised during Public Testimony, statements made by the Union and Advisory Council representatives and, the Berkeley High School Community Coalition representatives.

## **AGENDA REORDER**

## **DISCUSSION/INFORMATION/REPORT**

### **16. Presentation of the Academic Performance Index (API) Report provided by the State Department Of Education**

Ms. Christine Lim, Associate Superintendent Instruction, Ms. Diane Pico, Curriculum Program Supervisor and Ms. Marianne Splenda, Assessment Resource Teacher, explained this item. Ms. Lim discussed how the principals have addressed the issues of SAT9. .

Board Members wanted to know why there are report differences between the schools. They asked what staff is doing to be sure all of our students improve academically.

## **AGENDA REORDER**

## **PUBLIC HEARING**

### **4. First Estimate FY 2001 Budget**

Mr. George Sirogiannis, Director, Business Services, discussed the revenues that the District receives from the State. He said there are no funds available for salary increases. He explained the budget development process and budget assumptions.

President Rivera opened the Public Hearing at 9:27 p.m.

Ms. Nancy Riddle, Co-Chair, BSEP (Berkeley Schools' Excellence Project) Planning and Oversight Committee, asked the following questions regarding the budget:

- “(1). The district has some kind of hiring freeze right now and open positions are not being filled. Does this budget assume that those open positions will be filled or does it assume that they will be eliminated?
- “(2). We have had trouble getting adequate information about this next issue in the past. Are the same exact enrollment numbers that are used to estimate revenues used for all expense calculations where student head count is a factor including the teacher projection worksheet?
- “(3). Workers Comp is on the rise in California. The 3% increase noted in this budget seems low. Why?
- “(4). Is the \$500,000 in fiscal 2000 salary proposals also reflected in the 2001 numbers?

3. First Estimate FY 2001 Budget (continued)

- “(5). Under point seven you address categorical programs being self-supporting. If one of our schools does not qualify for Title I funds next year, what will you do to insure that underachieving students at those schools receive services that are comparable to other students in the district?
- “(6). Under point 8, what non-recurring income has been identified for the school year?
- “(7). Any projected change in Title I funds next year that could have a negative trickle down effect on the General Fund?
- “(8). Verify that this budget includes music program funding consistent with this year including the coordinator position. At the same FTE?
- “(9). We are anticipating some King Middle School enrollment declines for the next years because of construction. Some of that attrition will go to Willard, Longfellow and perhaps Arts Magnet and City of Franklin; however, some of it will go to private schools. Have the middle school projections been adjusted down to reflect this?
- “(10). Berkeley High School has received both positive and negative press lately. What do you think the net effect of this will be on enrollment? This is a question for the Board.
- “(11). Can we have an exact number of approved intradistrict transfers into Berkeley for elementary, middle school and the high school? I do not want the net number, but the gross number of kids coming in so that we can analyze, especially in light of the cost of CSR buy downs, whether these transfers are a drain or a boost to the district.
- “(12). What is being done this year to close the gap between our expenses and revenues, so that we do not have to pay for it next year in restoring the reserve?
- “(13). This Budget still does not reflect the full implementation of BSEP because it uses a General fund student teacher ratio of 35:1 for sixth grade when it should be 32:1, and the related BSEP calculation at a 28:1 goal when it should be at a 26:1 goal. I know that Federal funding for sixth grade reading mitigates this, but we should still note the deviance from full implementation in the explanatory notes because we keep saying “full implementation” in the document and that is not really accurate.
- “(14). Is there an update on the staff development day waiver issue? How might the resolution impact our budget?
- “(15). Roman numeral ix—Budget Process Meeting: clarify whether it is on the 2<sup>nd</sup>, it looks like, and I hope, that it was a typo. Please clarify. John and I are both on the committee and we did not hear about a meeting on the 2<sup>nd</sup> and hope we did not miss it.

**PUBLIC HEARING (continued)**

**4. First Estimate FY 2001 Budget (continued)**

- “(16). What is the Special Education “shortfall” or what some call an “encroachment.” What dollar amount does the General Fund make up to pay for the difference between Special Education SELPA funding and Special Education Actual expenditures? Is this the Special Education “mandate” that you talk about on page 2 of the Budget Assumptions?”
- “(17). Why isn’t rental and lease income going up?”
- “(18). Please do an overview of projected enrollment changes.
- “(19). You are projecting 5% increase in all utilities. Are you expecting rate increases or usage increases? Why would there be usage increases?”
- “(20). On page 10 line F please go over the math. The reserve is 3% of what? Why is the amount for 2001 exactly the same as 2000?”
- “(21). Overall for expenses—at first glance one would think from the total on page 12 that General Fund expenses are going down by \$185,000. But looking further you have virtually nothing in the Capital Outlay because that will come out of interest earned on Bond revenue (and I guess added later?) However, the fiscal 2000 number does have a 1.6 million in equipment expense so at this point it is a bit of apples to oranges. What this all means is that we need to take this into account and if we do then our expenditures are actually going up about 1.3 million next year!
- “(22). About \$712,000 of the expense increase next year is in salary and benefits. (You have a math error on page 11 line 34 in the variance column). There are two other chunks before the CSR costs:
- (a). Page 12 Object Code #5100 Instruction Personal Services: Why is there a \$239,000 increases?
  - (b). Same question for Object Code #7270 that has a \$160,000 increase
- “(23). On page 12 Objects #4310 and #4500: Instructional materials and other supplies are going down a total of \$45,000. Is this directly related to a decline in student enrollment or are you expecting some other funds to help cover these expenses. Or have you decreased the per pupil allocation?”
- “(24). Page 17 about BSEP is eight years old. The BSEP measure has been around the block a couple of times since then. Paragraph #2 is wrong. Any COLA for BSEP is allocated pro-rata to all funds. COLA is not allocated first to the Class Size Reduction Fund if

needed.

**PUBLIC HEARING (continued)**

**4. First Estimate FY 2001 Budget (continued)**

“(25). Finally, please do not refer to the additional buy-down dollars for Class Size Reduction goals as a “shortfall” or as an encroachment. Please remember that the 26:1 and 28:1 are formal District/Board Goals not just BSEP goals. This is not some kind of unfounded mandate from Sacramento. These are our School District Goals, reflecting our community’s values that have been repeatedly reaffirmed by the voters.”

After Ms. Nancy Riddle posed the above 25 questions, Ms. Helene Carr, League of Women Voters, addressed the Board regarding the First Estimate FY 2001 Budget.

Board Members suggested that a Blue Ribbon Community Committee—20-30 people—be formed to provide recommendations to the Board about ways that the budget can be restructured. The Blue Ribbon Committee should have representatives from all segments of the Berkeley community. The Committee should be formed soon as possible so that the Committee can make a report to the Board the first meeting in May, 2000. The Board said the budget needs some community input.

President Rivera declared the Public Hearing closed at 9:55 p.m.

**AGENDA REORDER**

**SPECIAL ORDER OF BUSINESS: ACTION ITEM**

3. Acceptance of Gifts:
- a. Kate Harrison: A donation of a computer and printer valued at \$200.00
  - b. Philippe and Carol Henri: A donation of a violin valued at \$100.00
  - c. Felicia Brown: A donation of a Baby Grand Piano to Cragmont Elementary School, Valued at \$1500.00

President Rivera thanked the above people for their gifts.

Motion: Directors Rivera/Schultz and approved unanimously on voice vote:

To accept the gifts.

**AGENDA REORDER**

**APPROVAL OF CONSENT CALENDAR, ACTION ITEMS**

The Board pulled, for separate consideration, Item #9.

Motion: Directors Schultz/Issel and approved unanimously on voice vote:

That the remainder of the Consent Calendar, Action Items, be approved.

5. Approval of Personnel Recommendations
6. Approval of Revised November 17, 1999 Minutes
7. Approval of the submission to the California Department of Education Three Healthy Start Operation Grants and two Healthy Start Planning Grants; and to Submit to the California Department of Justice one School-Community Policing Partnership Grant
8. Approval of Purchases in excess of \$15,000.00
9. Approval of Resolution No. A287: Authorization To Advertise for Bids for Technology Improvement at Berkeley High School, Building "C"

Please see below for action on this item.

10. Second review and Adoption of materials related to the Instructional Materials Augmentation Funding Grades 9-12
11. Approval of Questions to be considered for inclusion in the City of Berkeley Citizen's Survey
- 11.a. Action taken regarding decision of Student Expulsion Panel:
  - (a). Case No. 179; and
  - (b). Case No. 182

9. Approval of Resolution No. A287: Authorization To Advertise for Bids for Technology Improvement at Berkeley High School, Building "C"

The Board wanted to know the following:

- \* What happens next regarding the Digital High School? Who is the leader of this project?
- \* They requested that staff submit a report to the Board regarding the FMAC report.
- \* Regarding security in the "C" Building at Berkeley High School? Has staff investigated upgrading options?

Motion: Directors Doolan/Doran and approved unanimously on voice vote:

That Resolution No. A287 be approved.



**APPROVAL OF ACTION ITEMS**

**AGENDA REORDER**

13. Approval of Facilities Construction Plan Modifications

Mr. Lewis Jones, Manager of Facilities Planning, recommended that the Board adopt the Capital Allocations and Bond Issuance for the 2000 Facilities Plan. He outlined the significant modifications and minor project adjustments of the Plan. Mr. Jones said that we are in the second step of the construction process. He stated that the cost of construction is rapidly increasing. Mr. Jones stated that the major construction increases in the District are at Berkeley High School and Martin Luther King Jr. Middle School.

Motion: Directors Doran/Schultz and approved unanimously on voice vote:

That the Facilities Construction Plan Modifications be approved.

14. Approval of the Facility Financing Committee's Timeline to Present Recommendation(s) For Future Funding

Superintendent Jack McLaughlin and Mr. Lewis Jones, Manager of Facilities Planning, presented this item. They recommended that the Board adopt the schedule and task list recommended by staff in order to provide the District with the possibility of asking the voters of Berkeley for additional financing to complete the construction of its buildings.

Doolan/Doran and approved unanimously on voice vote:

That this item be approved.

15. Board Vote on 2000 CSBA (California School Boards Association) Delegate Assembly Sub-region 7-B, Alameda County

Motion: Directors Schultz/Doolan and approved unanimously on voice vote:

That the Board vote for the following people to serve on the 2000 CSBA Delegate Assembly Sub-region 7-B, Alameda County:

Janice Friesen (Castro Valley Unified School District)  
Bill McMillin (Newark Unified School District)  
Joaquin Rivera (Berkeley Unified School District)

## AGENDA REORDER

### DISCUSISON/INFORMATION/REPORT

17. Discussion of the State of California Board of Education English Language Development Standards

Ms. Christine Lim, Associate Superintendent of Instruction, said this is the first Board review of these Standards. She reported that the District's English Language Development teachers have reviewed these Standards and they like the Standards.

The Board wanted to know how these Standards relate to the District's retention policy.

### ADDITIONAL PUBLIC TESTIMONY

There was no Additional Public Testimony at this time.

### BOARD MATTERS

18. Board Committee Appointments/Reports

- \* Berkeley School Financing Corporation  
There was no report at this time.
- \* Citizens Advisory Committee on Diversity  
There was no report at this time.
- \* Citizens Construction Program Advisory Committee  
There was no report at this time.
- \* Facilities Maintenance and Security Advisory Committee  
There was no report at this time.
- \* Music Program Committee  
There was no report at this time.
- \* Peace and Justice Commission  
There was no report at this time.
- \* Student Assignment Advisory Committee  
There was no report at this time.
- \* Surplus Facilities Advisory Committee  
There was no report at this time.
- \* Two-by-Two Committee  
There was no report at this time.
- \* Youth Commission  
President Joaquin Rivera appointed **Sophia C. Leiby** to the Youth Commission.

**BOARD REQUESTS**

There were no Board Requests at this time.

**ADJOURNMENT**

President Joaquin J. Rivera declared the Regular Meeting of February 16, 2000, adjourned at 10:40 p.m.

**APPROVED:**

**ATTEST:**

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District

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