

MINUTES, REGULAR MEETING
Wednesday, January 19, 2000
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way

CALL TO ORDER

President Joaquin 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. Liability Claims (Pursuant to Government Code Section 54956.9)
 - (1). Claim filed by a parent for reimbursement of medical expenses for alleged injuries sustained at Malcolm X Arts & Academic Magnet School
 - (2). Claim filed by a citizen for payment of medical expenses and emotional distress from allegedly fighting in the street
 - (3). Claim filed by a parent for compensation for emotional distress for alleged injuries sustained to her child at Berkeley High School
 - (4). Claim filed on behalf of a minor for alleged injuries and emotional distress for alleged assault at Berkeley High School
 - (5). Claim filed on behalf of a District employee for alleged damage to her automobile on District property while attending a District meeting.
 - d. Collective Bargaining Session (Pursuant to Government Code Section 3549.1(d))
 - e. Public Employment Discipline/Release/Transfer/Assignment (Pursuant to Government Code Section 54557)

*The Student Director does not attend Closed Session

2. Recess to Closed Session (Board Conference Room) (continued)
- f. Public Employment (Pursuant to Government Code Section 54957)
Certificated Transactions:
- (1). Appointment, as Probationary Freshman Dean
 - (2). Appointment, as a Temporary Teacher
 - (3). Leave of Absence, Maternity Leave of Absence With Pay
 - (4). Leave of Absence Without Pay
 - (5). Resignation
 - (6). Retirement
 - (7). Appointment, as Substitute Teacher, on an if and as needed basis

Classified Transactions:

- (1). Probationary: Instructional Technician; Instructional Assistant
- (2). Student Worker
- (3). Substitutes: Instructional Specialist; Instructional Assistant; Instructional Technician; Noon Director; Intramural Director; Clerical (ESL) Strength & Conditioning Coach; Student Home School Liaison; Food Service Assistant
- (4). Tutor (ELL)
- (5). Provisional – Instructional Technician

RECONVENE IN PUBLIC SESSION

The Board returned to Public Session at 7:43 p.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

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

COLLECT "REQUESTS TO ADDRESS THE BOARD OF EDUCATION" CARDS

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

PUBLIC TESTIMONY

Nineteen speakers addressed the Board.

UNION REPRESENTATIVES

Mr. Barry Fike, President, Berkeley Federation of Teachers, and Mr. Rick Spaid, Public Employees' Union Local One, addressed the Board.

ADVISORY COUNCILS

Ms. Nancy Riddle, Co-Chair, BSEP (Berkeley Schools' Excellence Project) Planning and Oversight Committee, gave an update of the Planning and Oversight Committee.

Mr. Mark Coplan, President, PTA Council, announced that the next Family Night will be held March 3, 2000, at the City of Franklin MicroSociety Elementary School. He said the next PTA Council Meeting will be held January 24, 2000, at the City of Franklin MicorSociety Elementary School.

AGENDA REORDER

PUBLIC HEARINGS

4. Notice of Public Hearing in relation to receiving funding for grades K-12 pupil textbooks and instructional materials.

President Rivera opened the Public Hearing at 8:48 p.m.

Ms. Christine Lim, Associate Superintendent, Instruction, stated that as required by Education Code Sections 60117, 60119, and 60252, the Board of Education must give notice of a Public Hearing in relations to receiving funding for grades K-12 pupil textbooks and instructional materials.

President Rivera declared the Public Hearing closed at 8:49 p.m.

5. Public Hearing regarding the non-compliance of a special education student: Compliance Report Case #S-0112-99/00

President Rivera opened the Public Hearing at 8:50 p.m.

The parent of the student addressed the Board.

President Rivera declared the Public Hearing closed at 8:52 p.m.

AGENDA REORDER

SPECIAL ORDER OF BUSINESS: ACTION ITEMS

3. Acceptance of Gifts:

- (a). Ms. Jana Sebahar, BANK OF AMERICA: A donation of five Compaq 486 computers, complete with CPU, monitors, keyboards and cabling, to Washington Elementary School
- (b). Ms. Judy Wood, BERKELEY CITY BALLET: A donation of 400 tickets for our students to attend the Berkeley City *Nutcracker*
- (c). Mr. Brad Siegleman: A donation of a piano valued at \$400.00 to Martin Luther King Jr. Middle School
- (d). Mrs. Maia Bazjanac, ECONOMIC & PLANNING SYSTEMS: Various office furnishings to be used throughout the school district
- (e). Dr. Craig Z. Baum, Ph.D.: A Stewart MacDonald "Pocket Axe" mini guitar and padded "gig bag" case and strings
- (f). Dr. Stephen R. Vosen, Ph.D.: A donation of two computers, one dot matrix printer, one laser printer, and one keyboard

President Rivera read the list of gifts and expressed his appreciation, on behalf of the Board, for the gifts.

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

To accept the gifts.

APPROVAL OF ACTION ITEMS

14. Acceptance of 1998-99 Audit

The Board had before it a 65-page document: "Berkeley Unified School District, County of Alameda, Berkeley, California, Audit Report, June 30, 1999."

Mr. Harry Bohren, and Ms. Sandra White, BOHREN AND COMPANY, explained the Independent Auditors' Report.

Mr. Bohren and Ms. White reviewed the following financial conditions and responded to Board questions and comments:

- The District did not maintain a complete record of its general fixed assets.
- The District expended \$29,964,732.00 on capital outlay in the 1998-99 fiscal year. With the capital projects the District is completing, a schedule of general fixed assets has become more important.
- At June 30, 1999, excess expenditures totaled \$4,836,972. The largest (\$3,715,995.00) was for capital outlay in the State School Building Fund. The total District expenditures were \$117,073,812.00. Excess expenditures amounted to 4% of total expenditures.
- While income is recorded to the Community Theater, all expenditures are charged to Property Management. The Community Theater had \$156,364.00 in revenues with no expenditures charged to the program.
- Property and liability claim expenses as of June 30, 1999 were not reconciled to the stop/loss reports prepared by the third party administrators.
- At Berkeley High School, it was noted that most checks under \$1,500.00 were authorized and paid with only one signature, that of the student body accountant, who was also the check preparer. The safeguarding of student body funds is highly jeopardized.
- The program expenditures claimed for the Voluntary Integration Program are not coded to a separate program in the accounting system. At year-end, when the claim is prepared, the budget analyst must go through various program accounts and extract the portions to be claimed for reimbursement. The current accounting practices for the program do not provide adequate internal controls over the program to ensure that costs are not charged to more than one program.

APPROVAL OF ACTION ITEMS (continued)

14. Acceptance of 1998-99 Audit (continued)

- School districts are required to have a State Board of Education approved waiver for 1998-99 under ITSDR, thus allowing it to implement a school year calendar that allows staff development days to count as instructional time. No evidence could be located by the auditors that such a waiver was filed or approved, although five (5) staff development days were taken during the school year and counted as instructional time. The District could be required to return to the state 1.1 million dollars in revenue limit funding.

Ms. White reviewed the prior audit findings. She noted that the areas of concern during last year's audit, are either totally or partially implemented.

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

To accept the 1998-99 Audit.

AGENDA REORDER

APPROVAL OF ACTION ITEMS (continued)

16. Approval of FY 01 Berkeley High School Curriculum and Programmatic Changes

The Board agreed, by consensus, to table this item to a future Board Meeting.

AGENDA REORDER

15. Acceptance of the report prepared by WLC Architects, which concerns construction phasing and a recommendation to hold a Board Workshop

Mr. Lewis Jones, Manager, Facilities Planning, Berkeley Unified School District; Dr. Chuck Terrell and Mr. Robert Hensely, WLC, Architects, discussed the construction phasing. They presented information regarding choosing an option to house students during construction and eight options which included the concept, added cost, cost savings, cost impact and schedule for each option. Their presentation was followed by Board questions and comments.

APPROVAL OF ACTION ITEMS (continued)

15. Acceptance of the report prepared by WLC Architects, which concerns construction phasing and Recommendation to hold a Board Workshop (continued)

Some Board comments included the following:

- The Board said there needs to be some discussion regarding the educational consideration indicating whether or not the combination of East Campus/Franklin will meet the needs of the Berkeley Adult School or if the Berkeley Adult School will meet the needs of King?
- Where will the computer classes currently at the Adult School be placed?
- What will be the impact of the programs separating the 6th graders at King from the 7th and 8th grades; the 8th from the 6th and 7th graders?
- How is the Berkeley Adult School going to be involved in this renovation?
- Where will the pre-school and Healthy Start programs (located at the Adult School) be housed?
- The Board requested that a cost matrix, per option, be developed and submitted to the Board for the January 26, 2000 workshop.

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

To accept, as amended, the report prepared by WLC Architects, Inc., and to hold a Board Workshop on Wednesday, January 26, 2000, at 8 p.m., to discuss this item further.

SUPERINTENDENT'S REPORT

Superintendent McLaughlin thanked the PTA Council and other groups who sponsored the successful Family Reading Night, which was held on Friday, December 17, 1999. Dr. McLaughlin also thanked the committee members who sponsored the Community Meeting regarding Promotion and Retention. He said it was very well done.

BOARD MEMBERS' COMMENTS

Director Doolan announced that the newest edition of the *"Guide To Berkeley Schools"* is available. She congratulated Ellie Goldstein-Erickson, Library Media Teacher, Berkeley High School, for being elected Chairperson of the Governmental Relations Committee of the California School Library Association. Director Issel said: "I am very impressed with the condition of the restrooms at Berkeley High School." She thanked the custodial staff at Berkeley High School for a good job in keeping the restrooms clean and well stocked. Director Schultz said he took a tour of the school grounds and the landscaping continues to look good. He said: "The grounds are the best I have ever seen them. I give the maintenance staff A's and B's." Regarding the Community Forum about Promotion and Retention, Vice President Doran said we need to work on our methods of communication. This was one issue, which came out of the Forum. He offered to assist staff in forming a community committee, which will be used to make constructive recommendations to the Board regarding how the Board should proceed in implementing the promotion and retention policy, including suggestions on improving the policy. Vice President Doran said staff needs to explain more clearly what our policies are and perhaps the community can help in implementing the policies if they know and understand these policies. He requested that staff report back to the Board regarding the scope and composition of this committee. President Rivera commented regarding the Promotion and Retention Policy by saying: "I want staff to find ways to work with the community and turn this into something positive for all of our students. The Board is committed to addressing these issues. We need to do a better job of communicating to the community about policy changes." President Rivera requested that staff submit a status report to the Board regarding the Promotion and Retention Committee.

Board Members commented about the status of negotiations.

AGENDA REORDER

APPROVAL OF CONSENT CALENDAR, ACTION ITEMS

The Board pulled, for separate consideration, Items 6 and 12.

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

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

6. Approval of Minutes: November 17 & 29; December 1 & 15, 1999; and January 12, 2000

This item was tabled until the next meeting.

7. Approval of Personnel Recommendations

APPROVAL OF CONSENT CALENDAR, ACTION ITEMS (continued)

8. Approval to deny claims against the District:
 - a. Claim filed by a parent for reimbursement of medical expenses for alleged injuries sustained at Malcolm X Arts & Academic Magnet School
 - b. Claim filed by a citizen for payment of medical expenses and emotional distress from allegedly fighting in the street
 - c. Claim filed by a parent for compensation for emotional distress for alleged injuries sustained to her child at Berkeley High School
 - d. Claim filed on behalf of a minor for alleged injuries and emotional distress for alleged assault at Berkeley High School
 - e. Claim filed on behalf of a District employee for alleged damage to her automobile on District property while attending a District meeting
9. Approval of Payroll Manual Issues and Cancellations for November, 1999: General Fund; Adult Fund; Cafeteria Fund; Child Development Fund; State School Building Fund; Measure "A" Bond Fund; School Enrichment Funds; Manual Issues and Cancellations
10. Approval of Purchases in excess of \$15,000.00
11. Approval of ELAP Grant Application Program English Language Acquisition
12. Approval of a Math Staff Development Grant
Please see below for action on this item.
13. Proclamation declaring February 2000 as African American History Month

12. Approval of a Math Staff Development Grant

Director Doolan said this is an example of the kind of program that would have been good to share at the Community Forum regarding Promotion and Retention. Ms. Christine Lim, Associate Superintendent, Instruction, added that under the Eisenhower Funds that go to math and science, staff has convened two task forces—one for elementary and one for secondary grades. The primary goal of these task forces was to identify a staff development program for elementary teachers to prepare students for eighth grade algebra. Ms. Lim said the second task force has taken a firm step by addressing the issue of how a core eighth grade algebra course will look next year. Director Issel suggested that staff schedule a Board/community workshop on student achievement, similar to the District's budget workshops. She said during the student achievement workshop, we should articulate what our goals have been and where we are in terms of student achievement. For example, this math program, our literacy plan, the Berkeley Kids Read Program, and other positive programs in our District. Director Issel requested that staff submit a Student Achievement/community Workshop proposal to the Board.

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

That the Math Staff Development Grant be approved.

DISCUSSION/INFORMATION/REPORT

17. Student Assignment Program Report

Superintendent McLaughlin gave a status report on the recent lawsuits pertaining to this issue. He said Judge Orrick has ruled on the San Francisco Unified School District lawsuit. Dr. McLaughlin suggested that a workshop, in conjunction with the facilities workshop, be held to discuss the student assignment program. This workshop would be held Wednesday, January 26, 2000. The Board agreed to hold the workshop and requested that a summary of this topic be available on the District's website prior to the January 26th meeting for the public's information.

18. Discussion of State Department of Education request to change Merit Commission Appointee

Dr. Frank Brunetti, Associate Superintendent, Administration, reported that staff has received notification from Superintendent Delaine Eastin's office that they were not going to accept or appoint the Board nominee since Local One has not endorsed that nominee. They said that we should get together with Local One and come up with an agreement or a compromise on a qualified candidate. In the absence of this, the State will send representatives to the District to interview the four applicants and make a selection. Dr. Brunetti said he is seeking an analysis of this issue from legal counsel. He said we have a choice and that is to get together with Local One and try to come up with a compromise, which would invalidate the Board's selection process. As a result of this, the Board would have to nominate someone or reaffirm the current nomination.

The Board expressed surprise with the State's stance on this issue and feel that it is inappropriate for the State to make such a decision without doing further research. They voiced their strong desire to support their nomination. They reiterated the process that was followed. It was an open public process. The interviews were open to everyone. The unions receive all Board agendas—they knew the interviews were happening but choose not to be present.

19. Update on Governor's Budget and, proposed budget development timeline

Ms. Catherine James, Associate Superintendent, Business, highlighted the Governor's 2000-2001 budget. She said the Governor has earmarked \$145 million dollars for incentives for low-performing schools. Ms. James said Governor Davis has allocated substantial funds to education; however, "strings" are attached to all of these funds.

ADDITIONAL PUBLIC TESTIMONY

There was no Additional Public Testimony at this time.

BOARD MATTERS

20. Board Committee Appointments/Reports

- Berkeley School Financing Corporation
There was no report at this time.
- Citizens Advisory Committee on Diversity
There were no appointments at this time.
- Citizens Construction Program Advisory Committee
There were no appointments at this time.
- Facilities Maintenance and Security Advisory Committee
There were no appointments at this time.
- Music Program Committee
There was no report at this time.
- Peace and Justice Commission
There were no appointments at this time.
- Student Assignment Advisory Committee
There were no appointments at this time.
- Surplus Facilities Advisory Committee
There were no appointments at this time.
- Two-by-Two Committee
There was no report at this time.
- Youth Commission
There were no appointments at this time.

BOARD MATTERS (continued)

20. Board Committee Appointments/Reports (continued)

At this time, Director Doran recommended some people to be appointed to the District's Food Committee.

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

That the following people be appointed to the Food Committee:

Tom Bates	Claudia Martinez
Daniela Boykin	Joy Moore
March Greenhut	Laura Walter
Mildred Howard	Eric Weaver
Rogena MacKengel	Beebo Turman

BAORD REQUESTS

Vice President Doran inquired about the status of the Transportation Site Committees. He also asked about the City's General Plan and how the Board and District staff will provide input into the General Plan. He suggested that a staff or Board representative attend the General Plan meetings.

Director Issel asked if we have the standards in one booklet or a number of booklets? She requested a copy/copies.

Director Doolan inquired about the following:

- The astrro turf lines on the playing fields;
- Cross Roads custodial services;
- A Summer School Program workshop pertaining to mandatory summer school as it relates to promotion and Retention;
- Since there is no longer a Career Center at Berkeley High School, is there something in its place?
- What is the status of religious holidays and sporting events? Vice President Doran and Director Issel agreed to meet with Principal Theresa Saunders and the Athletic Directors and develop a solution to this problem.

At 11:27 p.m., the Board recessed to Closed Session.

At 1:35 a.m., the Board returned to Public Session. President Rivera stated that there was nothing to report from Closed Session.

ADJOURNMENT

President Rivera declared the Regular Meeting of January 19, 2000, adjourned at 1:35 a.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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