

BERKELEY UNIFIED SCHOOL DISTRICT  
MINUTES, REGULAR MEETING  
Wednesday, March 20, 2002  
District Administrative Offices  
Board Meeting Room  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

ADOPTED MINUTES  
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### CALL TO ORDER

President Shirley Issel called the Board of Education Meeting to order at 5:30 p.m.

### BOARD ROLL CALL

**MEMBERS PRESENT:** President Shirley Issel  
Vice President Joaquin J. Rivera  
Director Terry S. Doran  
Director Ted Schultz  
Director John T. Selawsky  
Student Director Sarena M. Chandler\*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957

No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) and 54957) and Education Code Section 48918(c)

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsions:
  - 1. Case #: 22-02
  - 2. Case #: 27-02
  - 3. Case #: 28-02
  - 4. Case #: 29-02
  - 5. Case #: 34-02
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment and Appointments
- f) Liability Claims
- g) Property Acquisition

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\*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 5:30 p.m. and reconvened in Public Session at 7:35 p.m.

**BOARD ROLL CALL**      President Shirley Issel  
                                 Vice President Joaquin J. Rivera  
                                 Director Terry S. Doran  
                                 Director Ted Schultz  
                                 Director John T. Selawsky  
                                 Student Director Sarena Chandler

All Board Members were present.

Report Closed Session Action

President Issel stated that in Closed Session, the Board dealt with the following Closed Session items:

- b)      Consideration of Student Expulsions:
1. Case #:        22-02
  2. Case #:        27-02
  3. Case #:        28-02
  4. Case #:        29-02
  5. Case #:        34-02

The Board voted to uphold the Student Expulsion Administrative Panels' decision on all of the above cases.

Approve Agenda

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

That the agenda is approved as amended. The amendments are that item 4.6-C is pulled for action. That items 3.1-A and 3.2-A be considered as Consent Items.

**PUBLIC TESTIMONY**

Seven speakers addressed the Board.

## **REPORTS**

### Union Representatives' Reports

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

### Advisory Councils' Reports

Mr. Derick Miller, President, PTA Council announced that the next PTA Meeting will be held on Thursday, March 21, 2002, at 6:30 p.m., in the Administration Building Annex Conference Room. Mr. Hank Silver, Maintenance Advisory Committee, gave a report.

### Superintendent's Report

Superintendent Lawrence made comments regarding the proposed closure of the City of Franklin School; the Music Advisory Committee and the Arts display in the downstairs lobby.

### Board Members' Comments

Student Director Sarena Chandler reported on the all day teach-in regarding violence in schools and the community. She said a student forum would be held on Friday, March 22, 2002. The theme of the Forum is **Knowledge is Power: Clear the Air Day**. After the Forum, next Wednesday, there will be a student panel to discuss the students' solutions to the budget crisis and propose something that can be brought to the Board as the first step in solving the budget crisis.

Director Terry Doran said he is impressed with the art display, which is on the first floor/lobby of the District's Administration Building. He said he plans to attend the City of Franklin Town Hall Meeting on Friday, March 22, 2002. He congratulated the women wrestlers at Berkeley High School who won the United States Girls' Wrestling Association State Finalists in San Diego. Christie Rivera, successfully defended her State Championship to become a two-time State Champion Woman's Wrestler and Regina Alexander won the Silver Medal. In two weeks these two students will go to the Nationals in Michigan. Gerri Summers took a third place medal and Lily Durman, a freshman wrestler, won a match at the State level.

Director Ted Schultz acknowledged and thanked the outstanding reporting of David Chernicoff, Editor and Chief of the *Berkeley High School Jacket*. David has written some excellent articles regarding the budget in the March 15, 2002 edition of the *Jacket*.

Board Members' Comments (continued)

Director John Selawsky encouraged everyone to view the Art Show which is on display in the downstairs lobby of the District's Administrative Offices. Director Selawsky said he believes that the arts are essential in education and that he is personally committed to protecting and maintaining as much of the arts as possible in this very difficult budget year. Director Selawsky expressed his sadness regarding the possible closure of the City of Franklin Elementary School. He expressed his appreciation to the students and staff at the City of Franklin for their unique educational program. Director Selawsky urged everyone to lobby State legislators in Sacramento to allocate more funding for education. He suggested that the Berkeley community join forces with other school districts and go to Sacramento on May 8, 2002, to lobby legislators.

President Issel said the remarkable art exhibit downstairs will continue through the end of this month. She announced that David Chernicoff, Editor and Chief, *The Berkeley High School Jacket*, received a Mathematics award; the Berkeley High School Men and Women's Crew Team will be racing this Saturday at the Oakland Estuary starting at 8:30 a.m. and throughout the afternoon. Everyone is invited to attend.

**CONSENT ITEMS**

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

That the Consent Items are approved as amended.

The amendments are to add items 4.4-C and 4.6-C as action items;  
3.1-A and 3.2-A as Consent Items.

Director Selawsky pulled item 4.1-C for further clarification.

- 1.1-C: Acceptance of Gifts/Donations
- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Liability Claims submitted to the Berkeley Unified School District
- 3.1-C: Out-of-State Travel Requests
- 3.2-C: Overnight Field Trip Requests
- 3.3-C: Contract with School Wise Press for development and distribution of the School Accountability Report Card (SARC)

**CONSENT ITEMS** (continued)

- 3.4-C: Placement of Two Special Education Students in Non-Public Schools
- 3.5-C: Berkeley Adult School English Language Civics Education Grant
- 4.2-C: Approve Listing of Warrants written for the month of February 2002
- 4.3-C: Approve Resolution 02-06: Authorization to Advertise for Bid for Re-roofing Project at Berkeley High School Building "C"
- 4.5-C: Approve Resolution 02-08: Authorization for Boiler Replacement Project at John Muir
- 4.7-C: Approve Resolution 02-10: Authorization to Bid the Replacement of the Fire Sprinkler Line at Berkeley High School which serves the Community Theater
- 3.1-A: Three-Year Recertification Applications for the Before and After School Learning and Safe Neighborhood Partnership Program
- 3.2-A: English Language and Intensive Literacy Program

4.1-C:  
Approval of Contracts/Purchase Orders in excess of \$15,000

Director Selawsky requested that staff verify the information in Item #2, **February 3, 1993**.

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

That this item is approved and that staff is to verify the date February 3, 1993, referred to in the document, and report back to the Board.

4.4-C  
Approve Resolution 02-07: Authorization to Advertise for Bid Re-roofing Project at Oregon Street Building

Director Selawsky stated that this will complete the roof project at 1720 Oregon Street. He wanted to know if this would permit us to coordinate this replacement with the Berkeley High School C Building Project. He noted that these sites are half a mile apart and asked if this is the same contractor? Director Selawsky wanted to know if staff could provide a cost estimate of these projects to the Board.

4.4-C (continued)

Approve Resolution 02-07: Authorization to Advertise for Bid Re-roofing Project at Oregon Street Building

Mr. Lewis Jones, Manager, Facilities Planning, said these two projects would not necessarily be combined but it does coordinate the bidding process. It is expected to be two separate bids primarily because one of the projects, based upon the Board's decision last week will, in fact, be funded in the Deferred Maintenance Program and the other one will be funded through the bonds. Bidding at the same time allows us to have all the bidders look at both jobs.

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

That this item is approved.

4.6-C

Approve Resolution 02-09: Authorization to Bid the Cragmont Multi-Purpose Floor Replacement Project

Vice President Rivera explained that the reason he is pulling this item is because he received a call from one of the parents on the site committee who has some concerns about this and would like for the entire site committee to have further discussion with staff on this item. Vice President Rivera recommended that this item be postponed until the next Board Meeting.

Mr. Lewis Jones, Manager, Facilities Planning, said staff scheduled two meetings with the site committee. However, a third meeting was held to allow for more study by the site committee members. Mr. Jones said he provided information regarding using concrete, linoleum, tile or wood. He said those were the options they looked at and the constraints they ran up against is from a maintenance stand point. He said staff felt the tile or the linoleum were good choices. Trying to put wood down would increase our maintenance and custodian expenses.

Vice President Rivera requested that this item be postponed and that staff schedule a meeting with the Cragmont Site Committee to allow more input from that committee.

4.6-C (continued)

Approve Resolution 02-09: Authorization to Bid the Cragmont Multi-Purpose Floor Replacement Project

Motion: Directors Selawsky/Schultz and approved on Roll Call vote:

That this item be tabled until the April 10, 2002 Board Meeting.

AYES: Directors Doran, Rivera, Schultz, Selawsky  
NOES: Director Issel  
ABSTAIN: (Student Director Chandler)  
ABSENT: None

4.1-A

Certification of Second Interim Budget Report

The Board had before it a one and one-half inch document: **Second Interim Financial Report & Detail Financial Reports, March 20, 2002.**

Mr. Jerry Kurr, Associate Superintendent, Business and Operations, presented this item. He explained the Second Interim budget process. Mr. Kurr recommended that the Board of Trustees accept the Negative Certification of the Second Interim Report, certifying that the District will be unable to meet their financial obligations for the two subsequent years without significant expenditure reductions and revenue enhancements.

Mr. Kurr said this report was prepared by the FCMAT (Fiscal Crisis and Management Assistance Team). He said the Second Interim report requires that school districts present information regarding changes in the annual budget at different periods during the year and also it provides estimated year-end balance projections specifically for the current year. The report provides a multi-year projection and demonstrates the fiscal stability of the school District. Mr. Kurr said that staff has been identifying proposed reductions to having a sound budget that will include the required 3% reserve. Staff is planning to present the financial recovery plan to the Board before the end of May 2002. The recovery plan will be part of the Third Interim Report. The Second Interim Report indicates a negative certification because we are not projecting to be able to meet our reserve requirement and our fund balances for the subsequent two years. Currently, as the Second Interim Report reflects, we have a balanced budget for this year that does provide a surplus of about \$39,000.

4.1-A (continued)

Certification of Second Interim Budget Report

Motion: Directors Rivera/Selawsky and approved 5-(1) on Roll Call Vote:

That the Board of Trustees accept the Negative Certification of the Second Interim Report, certifying that the District will be unable to meet their financial obligations for the two subsequent years without significant expenditure reductions and revenue enhancements.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky  
NOES: None  
ABSTAIN: (Student Director Chandler)  
ABSENT: None

4.3-A

Closure of City of Franklin MicroSociety Magnet School

Superintendent Lawrence said after considerable analysis and consideration, it has become necessary to recommend the closure of the City of Franklin MicroSociety Magnet School. She said the more significant factors influencing her recommendation are: The current low enrollment at the school creates an excessively high cost to maintain; the request of incoming kindergarten students was excessively low indicating a longer-term problem for sustaining enrollment; several of the current teachers are affected by the lay-off and may not be employed or will be required to serve at other schools; and, the need to modernize the plant and the construction constraints with students in the facility.

Superintendent Lawrence explained, in detail, the reassignment process for the City of Franklin students.

Motion: Directors Rivera/Schultz and approved 5-0(1)-1 on Roll Call Vote:

Approve the closure of the City of Franklin MicroSociety Magnet School and reassign the students to schools within the District.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky  
NOES: None  
ABSTAIN: (Student Director Chandler)  
ABSENT: None



## **AGENDA REORDER**

### 4.2-A

#### Approval of Minor Changes in the King Dining Commons Design

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

Approval of the design modifications in the King Dining Commons Design.

## **CONFERENCE**

### 3.1-CF

#### First Reading: Revised Board Policy 5111.1(a), District Residency

Ms. Christine Lim, Associate Superintendent, Educational Services, said the proposed revised policy addresses the criteria for residency and student proof of residency.

Director Terry Doran requested that where the words **he/she** appear in the policy, replace them with the words **she/he**.

The Board received, for first reading, Board Policy 5111.1(a), District Residency.

### 3.2-CF

#### First Reading: Revised Board Policy 5116.1(a), Intradistrict Open Enrollment

Ms. Christine Lim, Associate Superintendent, Educational Services, presented this item. She said while addressing the issues related to the required revisions to Board Policy 5117: Interdistrict Attendance Policy it became apparent that revisions to 5116.1(a) Intradistrict Open Enrollment were necessary as well. The revised Board Policy is aligned with the provisions of the Education Code.

Board Members offered suggested changes to the Policy.

At 10:59 p.m., the Board agreed, by consensus to extend the meeting until 11:15 p.m.

**INFORMATION ITEMS**

Educational Services

3.1-I

Administrative Regulations for Board Policy 5111.1(a) District Residency

Ms. Christine Lim presented this item and responded to Board questions and comments.

3.2-I

Administrative Regulations for Board Policy 5116(a), District Residency

Ms. Christine Lim, Associate Superintendent, Educational Services, presented this item and responded to Board questions and comments.

At 11:15 p.m., the Board agreed, by consensus, to extend the meeting for five minutes.

3.3-I

Administrative Regulations for Board Policy 5117: Interdistrict Attendance

Ms. Christine Lim, Associate Superintendent, Educational Services, presented this item and responded to Board questions and comments.

**ADJOURNMENT**

President Issel declared the Regular Meeting of March 20, 2002, adjourned at 11:20 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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