

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Javetta Robinson, Deputy Superintendent
DATE: November 14, 2007
SUBJECT: Acceptance of Gifts/Donations

BACKGROUND INFORMATION

The Board may accept and utilize on behalf of the District any bequests or gifts of money or property for a purpose deemed to be suited by the Board.

The following donations have been presented to the District:

1. Barbara Judd donated a Juzek cello and bow to the Berkeley Unified Music Department valued at \$500.
2. Seth Kaufman donated a laptop computer to Martin Luther King Middle School valued at \$700.

BOARD POLICY

BP 3290

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept the donations/gifts to the District and request staff to extend letter of appreciation.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: November 14, 2007
SUBJECT: Updates to Board Policies 4040 and 6163.4

BACKGROUND INFORMATION

Attached are updates to Board Policies 4040 and 6163.4. They have been developed based on tri-yearly updates provided by CSBA/GAMUT.

All changes to these policies have been incorporated into the existing BUSD language. Additions are in bold.

BP 4040:

New mandated language added to expand material on monitoring the district's technological resources to ensure proper use and adds section on cellular phone usage, pursuant to new law (SB 1613).

BP 6163.4:

Mandated update to add material on providing instruction on Internet safety and prohibiting use of district computers to access social networking sites.

POLICY/CODE

BP 9310 and AR 9310

FISCAL IMPACT

None

STAFF RECOMMENDATION

Accept the revised Board policies for First Reading

Berkeley USD

BP 4040

Personnel

Employee Use of Technology

Information resources offer access to people and computers throughout the world. The Berkeley Unified School District offers electronic mail and electronic access to schools, the city, college and university libraries, news and information from a variety of sources and research institutions, discussion groups on a wide variety of topics and much more.

The resources administered by the Data Processing and Technology Departments of the Berkeley Unified School District are provided to improve education, foster communication, and to carry out the legitimate business of the district. Appropriate use of these resources include instruction, independent study, authored research, and the official work by the offices, departments, recognized student and employee organizations and agencies of the district.

The district will establish a Technology Team which will further review the issues related to technology use both for instructional purposes and to carry out the district's business. This review will lead to recommendations both for modification of this policy and adoption of other appropriate policies and regulations.

The purpose of this policy is to ensure that the district's electronic information resources are used for instructional purposes and to help employees in the performance of their duties. All users of information systems should be aware that inappropriate use of these systems can be violation of district policy, state, or federal law.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose.

To ensure proper use, the Superintendent or designee may monitor

employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the district's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the district's Acceptable Use Agreement.

Vehicle Code 23125 prohibits a school bus driver from using a cell phone while driving, except for work-related or emergency purposes. In addition, Vehicle Code 23123, as amended by SB 1613 (Ch. 290, Statutes of 2006), prohibits any person, beginning July 1, 2008, from using a cell phone while driving unless using the phone in hands-free mode.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

Cf. 0440 – District Technology Plan
Cf. 6163.4 – Student Use of Technology
Cf. 5125 – Student Records
Cf. 5125.1 – Release of Directory Information
Cf. 3542 – School Bus Drivers

Adopted: May 21, 2003
Revised:

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: November 14, 2007
SUBJECT: July 2007 GAMUT Updates

BACKGROUND INFORMATION

As part of our Organizational Indicators, updates from Gamut are reviewed and updated, if applicable. This information item is a means to assure the Board that required legal policies are not being ignored and that there is a formal process for the quarterly review.

Policies or Administrative Regulations warranting revision have been included in this agenda. Specifically, Board Policies and Administrative Regulations 4040 and 6163.4 addressing technology.

POLICY/CODE

None

FISCAL IMPACT

None

BOARD MEMBER RECOMMENDATION

Receive the GAMUT update information for review

Berkeley USD

BP 6163.4

Instruction

Student Use of Technology

The Governing Board intends that technological resources provided by the district be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers and consequences for unauthorized use and/or unlawful activities.

On-Line Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced.

The Board desires to protect students from access to harmful matter on the Internet or other on-line services. The Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet. He/she also shall establish regulations to address the safety and security of students when using electronic mail, chat rooms and other forms of direct electronic communication.

Disclosure, use and dissemination of personal identification information regarding students is prohibited.

Staff shall supervise students while they are using on-line services and may ask teacher aides and student aides to assist in this supervision.

Before using the district's on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district responsible and shall agree to indemnify and hold harmless the district and all district personnel for the failure of any technology protection measures, violations of copyright restrictions, users' mistakes or negligence, or any costs incurred by users.

In order to help ensure that the district adapts to changing technologies and

circumstances, the Superintendent or designee shall regularly review this policy, the accompanying administrative regulation and other procedures. He/she shall also monitor the district's filtering software to help ensure its effectiveness.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

(cf. 0440 - District Technology Plan)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Policy BERKELEY UNIFIED SCHOOL DISTRICT

Adopted: May 21, 2003 Berkeley, California

Revised:

Berkeley USD

AR 4040

Personnel

Employee Use of Technology

The following rules shall govern the use of the District's electronic information systems:

1. Each employee to whom equipment, E-mail and/or Internet accounts are assigned shall be responsible for proper use of the equipment and accounts at all times.
2. Employees shall access the system only under their own account number. If passwords are used, they shall be made available to designated District representatives for any legitimate business reason.
3. The system shall not be intentionally used for:
 - a. Commercial purposes
 - b. Political activity
 - c. Accessing or transmitting material that is pornographic, obscene or sexually explicit
 - d. Accessing or transmitting material that is disparaging of others such that it may create a hostile work or educational environment based on race, sex, national origin, sexual orientation, age, disability, religion or political beliefs
 - e. Accessing improper confidential information concerning students or other employees
 - f. Sending or receiving "chain mail" messages
 - g. Any unlawful or unethical purpose
 - h. Transmitting copyrighted material without the express written authorization of the copyright holder
4. Employees may use the system for union activities in accordance with applicable policies governing the use of District equipment.
5. Employees have no expectation of privacy with respect to District computers, mail systems, or Internet access. Although it does not regularly do so, the District reserves the right, on a regular or random basis, to access and monitor

all equipment, files and Internet and E-mail use. Also, many electronic records are public records.

6. Making copies of any District software is prohibited. Approval for the installation of personal software must be obtained from the Technology Department.

7. Security on any computer system is a high priority. If a user identifies a security problem, he/she is to notify the site administrator at once. Users shall not identify the problem to other users. Any user who is identified as a security risk to the network may be denied access to the network.

8. Vandalism of the network is unacceptable. Vandalism is defined as any malicious attempt to harm or destroy data of another user or any agency, any networks connected to the system or any components of that system. This specifically includes the uploading or creation of computer viruses. Any vandalism will result in loss of computer services, disciplinary action and may be referred to the legal authorities.

9. The network relies upon the cooperation of all users if it is to be properly maintained. The network may occasionally require software upgrades, new registrations and account information to facilitate service. Users must notify the Technology Department of any changes in account information.

10. The use of the District information system is a privilege not a right. Inappropriate use will result in cancellation of privileges. Each person who receives an account will participate in an orientation and training session with a qualified staff member to familiarize themselves with the network and the Acceptable Use Policy. The District will designate a Technology Team who will recommend policies and procedures to the Board of Education.

11. If a user violates this policy, access to the user's account may be restricted or rescinded. Steps preceding action against an individual account are as follows:

a. Complaint regarding alleged inappropriate use by the user is forwarded to the Technology Manager in written form.

b. The Technology manager provides a copy of the written complaint to the user within 15 days of filing.

c. User has the opportunity to respond to the complaint orally or in writing. Response must be received by the Technology Manager within 10 days. The response is recorded on file.

d. The Technology Manager investigates the allegation against the user.

The user's account is revoked or suspended based on the investigation. If the offense is deemed an extreme breach of policy, the user may be denied access to his/her account, without advance notice, until the investigation is completed.

e. Users may contest action taken against their account by the Technology Manager. In such cases, a Panel consisting of the three Associate Superintendents shall be convened by the Associate Superintendent, Administrative Services. After reviewing all the evidence, the Panel will according to its findings, uphold, modify, or retract the action of the Technology Manager. The user will receive a copy of the Panel's decision, which is final.

12. The Berkeley Unified School District makes no warranties of any kind, whether expressed or implied, for the service provided. The District shall not be responsible for any damages suffered while the user is on the system. Such damages could include, but are not limited to, loss of data, non-deliveries, mis-deliveries or service interruptions caused by the users of others. Use of any information obtained through the BUSD District network is at the user's own risk. The District specifically disclaims any responsibilities for the accuracy of the information obtained through its services.

13. School sites or District Departments may develop more detailed procedures to fully implement this Policy. School sites and departments have the following responsibilities for implementing this Policy:

a. Each site is required to obtain a signed copy from each user before they are allowed access to the District network. A roster of users who have signed the Policy shall be forwarded to the Technology Department. The signed copies are to be maintained by the site.

b. Each site shall inform the Technology Department as expeditiously as possible whenever a user is to be deleted from the system or when a new user is to be added.

c. To facilitate the posting of information on the network, each site is responsible for designating a staff contact(s) who shall oversee the posting of information on the site services. Each web page posted must contain the E-mail address of the site staff person responsible for monitoring the information. The E-mail address will be built into each web page with a "mailto" command. Pages posted without the E-mail address of the designated staff contact(s) will be disabled. If a site needs training in this area, it will be provided by the Technology Department.

d. To minimize administrative difficulties, sites are required to utilize the District's Domain Name Serves (DNS) and the District's Proxy Server for each

computer on the site network.

14. Users are expected to follow generally accepted rules of network etiquette. These rules include, but are not limited to, the following:

- a. Be polite. Never send or encourage others to send abusive messages.
- b. Use accurate descriptions for your titles. Help people know the subject before they read the message.
- c. Make your message easy to understand and review your message before you send it so that it accurately reflects your meaning and is spelled correctly.
- d. Send your information to the appropriate audience not the largest.
- e. Be careful with humor or satire; remember that it can be misinterpreted.
- f. Specify whomever you copy with a message
- g. Cite references for facts
- h. Forgive the spelling or grammatical errors of others.
- i. Keep signatures brief
- j. Treat all others with respect. Don't "attack" correspondents; persuade them with facts.
- k. Post to groups that you know. Be very careful of unknown groups.

Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the district or using district equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited, to copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the district is not responsible for the content of the messages. The district retains the right to delete materials on any such online communications.

I have read the provisions and conditions of the Berkeley Unified School District's Employee Use of Technology Policy. By signing this document, I acknowledge that if I violate the provisions of the Policy, I may be subject to disciplinary action or referral to the legal authorities. If disciplinary action is

initiated, due process as provided by the appropriate Education Code section, Bargaining Unit contract, or district policy will be followed.

Signature: _____

Date: _____

Approved: May 21, 2003

Revised:

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Michele Lawrence, Superintendent
DATE: November 14, 2007
SUBJECT: Updates to Administrative Regulation 4040

BACKGROUND INFORMATION

Attached is a mandated update to Administrative Regulation 4040. It has been developed based on tri-yearly updates provided by CSBA/GAMUT. New language added to on the development of classroom or work-related web sites, blogs, and forums.

All changes to this Regulation have been incorporated into the existing BUSD language. Additions are in bold.

POLICY/CODE

BP 9310 and AR 9310

FISCAL IMPACT

None

STAFF RECOMMENDATION

Receive the revised Administrative Regulation as information

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: Board Policy Subcommittee
DATE: November 14, 2007
SUBJECT: Board Policy 5030

BACKGROUND INFORMATION

It has been the District's philosophy and approach to address the learning needs of the whole child; in doing so, programs and support systems have been created to reduce the barriers to learning. A significant component of this effort has been to establish a comprehensive health and wellness program that encompasses seven major areas that are included in our approach and program development. Each of these areas should be guided by Board policies. To a great extent many of these policies have been a part of our organization for sometime, but bringing these policies together in a more coordinated fashion allows the staff and community to see more clearly the Board's expectations and commitment.

The Board Policy Sub-Committee has been discussing these policies and directed the superintendent to draft a comprehensive wellness policy and then align existing policies, or future policies connected to a coordinated wellness philosophy and system.

Board members John Selawsky and Shirley Issel have suggested the following policies be developed or re-numbered to correspond to a coordinated and integrated wellness program:

- Health Education
- Physical education
- Health Services
- Nutrition Services
- Counseling, Mental Health & Social Services
- Healthy School Environment
- Family/Community

The attached policy, 5030 is a proposed 'umbrella' policy suggested for consideration, first reading and adoption. The existing policies for physical education, nutrition services, counseling mental health and social services (ULSS), and health services have already been adopted and can easily be renumbered and cross referenced. Health Education, Family/Community Involvement, and Healthy School Environment are under development and will be presented for first reading at the December meeting. At that time all policies in this series will again be presented for information and clarity.

POLICY/CODE

BP 9310

FISCAL IMPACT

None

BOARD POLICY SUBCOMMITTEE

Accept Board Policy 5030 for first reading

Berkeley USD

BP 5030

Students

Student Wellness

Coordinated School Health System

Statement of Principles:

The Governing Board acknowledges the important link between student health and student achievement and so desires to provide a comprehensive student wellness program which promotes positive mental health, good nutrition and physical activity.

The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, and nutrition services, psychological and counseling services, and promotes a safe and healthy school environment.

Student Wellness Council

The Superintendent or designee may appoint a district Student Wellness Council or other committees consisting of representatives of parents/guardians, students, school food service professionals, school administrators, Board representatives, teachers and members of the public. The council or committee may also include district administrators, health professionals, school nurses, health educators, physical education teachers, counselors, and/or others interested in school health issues.

The school health council or committee shall assist with policy development and advise the district on wellness-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the council's charges may include planning and implementing activities to promote health and wellness within the school or community.

Corresponding Policies

The Board's commitment to improve student achievement by supporting student health and wellness is guided through the establishment and implementation of interactive policies in the following areas:

Health Education

Physical Education

Health Services

Nutrition Services

Counseling, Physiological and Social Services

Healthy School Environment

Family/Community Involvement

Adopted: October 6, 2004 BERKELEY UNIFIED SCHOOL DISTRICT

Revised: June 28, 2006 Berkeley, California

Revised:

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Richard J. Dodson, Labor Relations Director
DATE: November 14, 2007
SUBJ: International Union of Operating Engineers, Stationary Engineers,
Local 39 District Proposals for New Contract

BACKGROUND INFORMATION

The term of the last collective bargaining agreement between Berkeley Unified School District and the International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39) expired June 30, 2007. Local 39 has requested that bargaining commence on a successor agreement. On October 10, 2007, the Board reviewed and held a public hearing on Local 39's proposals. Attached hereto and presented for Board consideration and public review as required by law are the District's proposals for changes to the expired agreement.

POLICY/CODE

Government Code section 3543.2 and 3547

FISCAL IMPACT

To be negotiated.

STAFF RECOMMENDATION

Consider public hearing input and approve the request to negotiate and direct staff to establish parameters to negotiate with Local 39.

**International Union of Operating Engineers, Stationary Engineers, Local
39 New Contract Proposals by the Berkeley Unified School District**

Article 1 – Term of Agreement

Change effective date of Agreement.

Article 4 – Organizational Rights

Negotiate new language about union rights.

Article 6 – Employee Rights

Negotiate issues related to employee personnel files.

Article 8 – Total Compensation

Determine total compensation package for unit members.

Article 9 – Benefits

Negotiate changes in benefits and move certain clauses to more appropriate sections of the contract.

Article 10 – Work Week/Hours of Work

Negotiate language on hours worked and seniority and conform certain language to the law.

Article 11 – Timely Payment of Wages and Payroll Errors

Negotiate language on payroll errors.

Article 12 – Leave of Absence General Provisions

Negotiate notification procedures for leaves.

Article 13 – Vacation Leave

Negotiate how much vacation is earned and accumulated.

Article 14 – Personal Injury and Illness Leave

Modify language on leaves.

Article 15 – Leaves of Absence Without Compensation

Conform certain language to the law.

Article 17 – Holidays

Conform certain language to actual practice.

Article 18 – Health and Safety

Negotiate language on safety procedures.

Article 19 – Layoffs

Revise certain procedures.

Article 20 – Disciplinary Action and Appeal

Negotiate language on procedures and forms.

Article 21 – Grievance Procedure

Negotiate language on definitions and procedures.

Article 22 – Transfers

Negotiate transfer procedures.

Article 23 – Promotions

Propose new language on notification.

Article 27 – Transportation Department

Propose revisions to certain procedures. Conform language to law.

Article 28 – Definitions

Conform certain definitions to accepted practice and law.

Article 29 – Re-Openers

Delete certain language that is no longer applicable.

Term of Contract

Change term of contract dates throughout.

Appendices

Delete side letters no longer relevant and incorporate those that are relevant into contract.

Appendix G

Revise language concerning domestic partner

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence Superintendent
FROM: Lisa Udell, Ed.D. Assistant Superintendent, Human Resources
 Alan Levinson, Director, Classified Personnel
DATE: November 14, 2007
SUBJECT: APPROVAL OF HUMAN RESOURCES REPORT 07-18
 Following is Human Resources Report 07-18 which reports details of personnel assignments, employment, and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>TEMPORARY TEACHER</u>						
Robert Nakamoto	Psychologist	Special Education	General Fund	1.00/VII-12	10/26/07	6/13/08
Alicia Zakon	Teacher	BHS	General Fund	.60/I-01	9/19/07	6/13/08
<u>EXTRA DUTY STIPEND</u>						
Matthew Lipner		All District	Staff Dev	NTE \$1,467.00	8/27/07	6/13/08
Ashley Milton	Teacher	BHS	Title II	NTE \$200.00	10/27/07	10/28/07
Dana Moran	BPAR Support Provider	All District	Staff Dev	NTE \$1467.00	8/27/07	6/13/08
Carole Ono	BTSA/BPAR Coordinator	All District	Staff Dev	NTE \$3,542.00	8/27/07	6/13/08
Alma Owens	BPAR Support Provider	All District	Staff Dev	NTE \$1,467.00	8/27/07	6/13/08
Joel Scholefield	Teacher in Charge	Washington	General Fund	NTE \$1,064.00	8/27/07	6/13/08
Denisia Wash	Teacher in Charge	Washington	General Fund	NTE \$1,064.00	8/27/07	6/13/08
Sandra Farmer	Teacher in Charge	Franklin Pre-School	Child Dev	NTE \$2,129.00	7/1/07	6/30/08
Marie Hunter	Teacher in Charge	Hopkins Pre-School	Child Dev	NTE \$1,064.00	7/1/07	6/30/08
Winona Layne	Teacher in Charge	Hopkins Pre-School	Child Dev	NTE \$1,064.00	7/1/07	6/30/08
Connie Murphy	Teacher in Charge	Rosa Parks CDC	Child Dev	NTE \$2,129.00	7/1/07	6/30/08

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>RETIREMENT</u>							
Juan Dolorfina	Custodian I	Maintenance				10/31/07	
Sara Nickerson	Library Media Tech	Jefferson				10/31/07	
Sally Reed	Administrative Coordinator	Maintenance				11/1/07	
<u>RESIGNATION</u>							
Julie Batsel	Interpreter for the Deaf	King				8/29/07	
Michelle Farria	Instructional Tech (After School)	Rosa Parks				8/19/07	
Niambi Hill	Instructional Assistant (Special Education)	John Muir				9/24/07	
Lara Lawrence	Interpreter for the Deaf	BHS				6/15/07	
Stephanie Milona	Instructional Assistant (Special Education)	Hopkins EDC				5/25/07	
Marco McCleod	Instructional Tech (After School)	Washington				8/25/07	
Nicole Williams	Instructional Assistant (Special Education)	Washington				10/22/07	
<u>FAMILY MEDICAL LEAVE OF ABSENCE WITH PAY</u>							
Kevin Campbell	Custodian II	Cragmont	Maintenance	37/5	1.0 FTE \$18.58 hr	9/8/07	10/10/07
Vanessa King	Food Service Satellite Operator	B-Tech	Child Nutrition	31/5	.73 FTE \$16.01 hr	10/1/07	10/12/07
<u>EXTENDED LEAVE WITH 50% PAY</u>							
Kevin Campbell	Custodian II	Cragmont	Maintenance	37/5	1.0 FTE \$18.58 hr	9/8/07	10/10/07
Vanessa King	Food Service Satellite Operator	B-Tech	Child Nutrition	31/5	1.0 FTE \$16.01 hr	10/15/07	10/31/07
Linh Ling	Food Service Assistant	King	Child Nutrition	26/4	.73 FTE \$13.48 hr	10/29/07	1/28/08
<u>INTEGRATED SICK LEAVE WITH STATE DISABILITY (FMLA)</u>							
Lorna Laeno	Accounting Tech	Business Services	General Fund	43/3	1.0 FTE \$19.87 hr	9/26/07	10/31/07

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>MATERNITY LEAVE WITH 50% PAY</u>							
Tracy Miller	Food Service Satellite Operator	Emerson	Child Nutrition	31/1	.47 FTE \$13.13 hr	10/1/07	1/11/08
<u>LEAVE OF ABSENCE WITHOUT PAY</u>							
Bonnie Powers	Instructional Assistant (Special Education)	B-Tech	Special Ed	31/1	.73 FTE \$13.13 hr	10/15/07	1/28/08
<u>PERMANENT</u>							
Fundisha Adero	Instructional Assistant (Special Education)	Hopkins	Special Ed	31/2	+.05 FTE \$13.13	8/29/07	6/13/08
Lisa Beard	Instructional Specialist (Garden)	Longfellow	Calif. Nut. Network	51/2	+.10 FTE \$22.65 hr	10/1/07	6/13/08
Karmin Guzder	Instructional Specialist (Garden)	Longfellow	Calif. Nut. Network	51/2	+.20 FTE \$22.65 hr	10/1/07	6/13/08
<u>PROBATIONARY</u>							
Ramon Bradley	Custodian I	BHS	General Fund	32/1	1.0 2.0 FTE \$13.48 hr	10/1/07	3/31/08
Siobhan Brewer	Instructional Tech (After School)	Thousand Oaks	LRN SAFE	34/1	.60 FTE \$14.41 hr	10/5/07	4/4/08
Paulette Butler	Instructional Tech (After School)	Oxford	21 st Century	34/1	.13 FTE \$14.41 hr	10/5/07	4/4/08
Anna Cobb	Instructional Tech (After School)	Malcolm X	LRN SAFE/ After School	34/1	.53 FTE \$14.41 hr	10/17/07	4/16/08
Scott Cockrell	Micro Computer Tech	Technology	FD6 TEACH	52/1	1.0 FTE 2.0 \$22.51 hr	10/18/07	4/17/08
Sara Delee	Instructional Assistant (Special Education)	Emerson	Special Ed	31/1	.80 FTE \$13.38 hr	10/5/07	4/4/08
Allison Doolan	Instructional Assistant (Special Education)	Emerson	Special Ed	31/1	.80 FTE \$13.38 hr	10/5/07	4/4/08
John Douglas	Instructional Specialist (Garden)	Arts Magnet	Restricted Donation	51/1	.35 FTE \$21.96 hr	11/2/07	5/1/08
Laura Ducharm	Instructional Tech (After School)	Washington	21 st Century	34/1	.53 FTE \$14.41 hr	10/4/07	4/3/08
Jasper Eiler	Instructional Specialist (Garden)	John Muir	Calif Nut Network	51/1	.70 FTE \$21.96 hr	9/10/07	3/9/08
Ashley Gamboa	Instructional Tech (After School)	Thousand Oaks	LRN SAFE	34/1	.53 FTE \$14.41 hr	10/5/07	4/4/08

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
Monica Hernandez	Instructional Assistant (Special Education)	Rosa Parks	Special Ed	31/1	.80 FTE \$13.38 hr	10/5/07	4/4/08
Michael Maroney	Instructional Assistant (Special Education)	Washington	21 st Century	34/1	.53 FTE \$14.41 hr	10/5/07	4/4/08
Chris Meuiris	Program Assistant	Oxford	Restricted Donation	50/1	.27 FTE \$13.38 hr	10/5/07	4/4/08
Gaoussou Ouattara	Instructional Specialist (Special Education)	Malcolm X	Special Ed	31/1	.40 FTE \$13.38 hr	10/8/07	4/7/08
Jennifer Rodriguez	Instructional Tech (After School)	Longfellow	LRN SAFE	34/1	.45 FTE \$14.41 hr	10/5/07	4/4/08
Adrienne Stannish	Instructional Tech (After School)	Arts Magnet	After School	34/1	.43 FTE \$14.41 hr	10/5/07	4/4/08
John Stewart	Instructional Tech (After School)	Emerson	After School	34/1	.53 FTE \$14.41 hr	10/5/07	4/4/08
Robert Taylor	Instructional Tech (After School)	King	After School	34/1	.43 FTE \$14.41 hr	10/5/07	4/4/08
Michael Vaughn	Instructional Tech (After School)	Willard	LRN SAFE	34/1	.53 FTE \$14.41 hr	10/5/07	4/4/08
Nicole Williams	Instructional Tech	Washington	After School	34/5	.53 FTE \$17.58 hr	10/23/07	4/22/07
<u>PROVISIONAL</u>							
Elizabeth Budra	Sous Chef	Nutrition Services	Child Nutrition	52/1	1.0 FTE \$21.53 hr	10/29/07	1/28/08
Pauline Cross	Health Educator	Student Services	TUPE-HS/ DRUG FREE	58/1	.70 FTE \$26.14 hr	10/22/07	3/19/08
Sequoia Dandridge	Instructional Tech (After School)	Oxford	21 st Century/ After School	34/1	.67 FTE \$14.41 hr	10/1/07	12/31/07
Aida Franco	Instructional Tech (After School)	Washington	21 st Century	34/1	.53 FTE \$14.41 hr	10/9/07	1/18/08
John Douglas	Instructional Specialist	Arts Magnet	Restricted Donations	51/1	.35 FTE \$21.96 hr	9/17/07	11/1/07
Laura Ducharm	Instructional Tech	Washington	21 st Century	34/1	.53 FTE \$14.41 hr	10/1/07	10/3/07

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
Aisha Gorson	Instructional Specialist (Dance)	Malcolm X	BSEP	51/1	.30 FTE \$21.96 hr	9/24/07	12/23/07
Hermelinda Guerrero	Accounting Tech	Special Ed	Special Ed	43/4	.50 FTE \$20.88 hr	9/4/07	12/3/07
Michael Maroney	Instructional Tech (After School)	Washington	21 st Century	34/1	.53 FTE \$14.41 hr	9/18/07	10/4/07
Jennifer Matamoros	Instructional Tech (After School)	Willard	LRN SAFE	34/1	.60 FTE \$14.41 hr	10/1/07	12/31/07
Abdul Mixon	Maintenance Tech	Maintenance	Maintenance	45/4	1.0 FTE \$21.56 hr	9/24/07	2/1/08
Michelle Payton	Clerical Specialist	Human Resources	General Fund	42/1	1.0 FTE \$17.58 hr	10/15/07	1/14/08
Tara Spears	Instructional Tech (After School)	Washington	21 st Century	34/1	.53 FTE \$14.41 hr	9/17/07	12/16/07
Robert Taylor	Instructional Tech (After School)	King	After School	34/1	.43 FTE \$14.41 hr	9/11/07	10/4/07
Kidane Tesfai	Instructional Tech (After School)	King	LRN SAFE	34/1	.43 FTE \$14.41 hr	9/11/07	10/4/07
<u>AVAILABLE SUBSTITUTES</u>							
Juan Blackburn	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Linda Canady	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Lucy Castro	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Isidero Condor	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	10/19/07
Jhony Condor	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Trina Crawford	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
Ralph Dangerfield	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Martrell Dinkins	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Alana Ealy	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
LaTanya Fleming	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Aaron Galbraith	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Mindy Garza	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Joanna Halican	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Gia Jackson	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Mary Jackson	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Iesha Lee	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Mai Ma	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Nailah Milan	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Macheo Oliver	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
Albert Osby	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Sharon Pree	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
James Ross	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Koshia Willis	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Sulma Zevallos	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
Jemina Zunga	Food Service Assistant	All District	General Fund	26/1	NTE 7.5 hrs/day \$11.61 hr	8/27/07	6/13/08
<u>TEMPORARY/HOURLY/LIMITED TERM</u>							
Sequoia Dandridge	Instructional Tech (After School)	Oxford	21 st Century/ After School	34/1	10 hrs total \$14.41 hr	8/29/07	9/30/07
Laura Ducharm	Instructional Tech (After School)	Washington	21 st Century	34/1	15 hrs/wk \$14.41 hr	9/24/07	9/28/07
Jennifer Matamoros	Instructional Tech (After School)	Willard	21 st Century	34/1	10 hrs/wk \$14.41 hr	9/21/07	9/28/07
Carolyn Mead	Library Media Tech	Washington	LIB TECH	41/5	18 hrs total \$20.88 hr	8/16/07	8/28/08
Angelica Diaz-Naranjo	Tutor-Specialty (EDP)	Lonfellow	SCH LIB	31/1	10 hrs/wk \$13.38 hr	9/7/07	5/16/08
Jason Neeley	Noon Director	Emerson	General Fund	N/A	1.5 hrs/day \$11.91 hr	8/29/07	6/13/08
Claire Scott	Library Media Tech	Emerson	LIB TECH	41/1	18 hrs total \$17.15 hr	8/16/07	8/28/08
Patricia Smith	Library Media Tech	Malcolm X	LIB TECH	41/5	7.5 hrs total \$20.88 hr	8/28/07	8/28/07
John Stewart	Noon Director	Emerson	General Fund	N/A	1.5 hrs/day \$11.91 hr	8/29/07	6/13/08

CLASSIFIED EMPLOYEES

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
<u>STIPENDS</u>							
Adrian Anderson	7 th Grade Coach (Boys Basketball)	Longfellow	21 st Century	N/A	\$600.00	11/1/07	3/30/08
Moses Ceasar	Coach (Soccer)	Longfellow	BSEP	N/A	\$600.00	10/1/07	12/1/07
Jamie Faison	Athletic Trainer	BHS	General Fund/GATE	N/A	\$15,000.00	8/13/07	5/30/08
Tawanna Leslie	7 th Grade Coach (Girls Volleyball)	Longfellow	BSEP	N/A	\$600.00	9/10/07	12/1/07
Yan Sun	8 th Grade Coach (Girls Volleyball)	Longfellow	BSEP	N/A	\$600.00	9/10/07	12/1/07
<u>WORKING EVENING SHIFT, DIFFERENTIAL, ATTENDANT DUTIES, OR AS CONFIDENTIAL EMPLOYEE</u>							
Raymond Bradley	Custodian I	BHS	General Fund	32/1	6.5 hrs @ 5% differential \$.67 hr	10/1/07	3/31/08
Sara Delee	Instructional Assistant (Special Education)	Emerson	Special Ed	31/1	10% differential \$1.33 hr	10/5/07	4/4/08
Allison Doolan	Instructional Assistant (Special Education)	Emerson	Special Ed	31/1	5% differential \$.67 hr	10/5/07	4/4/08
Rachael Freeburg	Instructional Assistant (Special Education)	King	Special Ed	31/5	+5% differential \$.80 hr	8/29/07	6/13/08
Rasheedah Mwongozi	Instructional Assistant (Special Education)	Jefferson	Special Ed	31/5	10% differential \$1.60 hr	1/1/07	6/13/08
Erendia Sanchez	School Bus Driver	Transportation	Transporta- tion	42/5	1 hr @ 5% Differential \$1.05 hr	10/4/07	6/13/08

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Richard J. Dodson, Labor Relations Director
DATE: November 14, 2007
SUBJ: Berkeley Council of Classified Employees, AFT Local 6192, AFL-CIO (BCCE) District Proposals for New Contract

BACKGROUND INFORMATION

The term of the last collective bargaining agreement between Berkeley Unified School District and the Berkeley Council of Classified Employees, AFT Local 6192, AFL-CIO (BCCE) expired June 30, 2007. BCCE has requested that bargaining commence on a successor agreement. On October 24, 2007, the Board reviewed and held a public hearing on BCCE's proposals. Attached hereto and presented for Board consideration and public review as required by law are the District's proposals for changes to the expired agreement.

POLICY/CODE

Government Code section 3543.2 and 3547

FISCAL IMPACT

To be negotiated.

STAFF RECOMMENDATION

Consider public hearing input and approve the request to negotiate and direct staff to establish parameters to negotiate with BCCE.

**Berkeley Council of Classified Employees, AFT Local 6192, AFL-CIO New
Contract Proposals by the Berkeley Unified School District**

Article 1 – Agreement

Change effective date of Agreement.

Article 4 – Organizational Rights

Negotiate language about union rights.

Article 6 – Employee Rights

Negotiate the use of forms and what is included in personnel files.

Article 7 – Performance Review

Revise performance review procedures and forms.

Article 8 – Salary

Determine total compensation package for unit members and specific titles.

Article 9 – Compensation and Benefits

Negotiate changes in benefits.

Article 10 – Work Day/Work Year

Negotiate language on length of workday/workyear.

Article 11 – Leaves

Negotiate language and procedures on leaves.

Article 12 – Holidays

Conform certain language to actual practice.

Article 14 – Layoffs

Revise certain procedures.

Article 15 – Disciplinary Action and Appeal

Negotiate language on procedures and forms.

Article 16 – Grievance Procedure

Negotiate language on definitions and procedures.

Article 17 – Transfer

Negotiate over transfer procedures.

Article 18 – Promotions

Delete certain inconsistent language.

Article 22 – Definitions

Conform certain definitions to accepted practice and law.

Article 23 – Terms of Agreement and Re-Openers

Delete certain language that is no longer applicable and change term of contract dates throughout.

Appendices

Delete side letters no longer relevant and incorporate those that are relevant into contract.

Appendix C

Revise performance review procedures and forms.

Appendix E

Change work year for Instructional Assistants.

Appendix G

Revise language on domestic partners.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Michele Lawrence, Superintendent
FROM: Richard J. Dodson, Labor Relations Director
DATE: November 14, 2007
SUBJECT: Berkeley Federation of Teachers, AFT Local 1078, AFL-CIO
(BFT) New Contract Proposals

BACKGROUND INFORMATION

The term of the latest collective bargaining agreement between Berkeley Unified School District and the Berkeley Federation of Teachers, AFT Local 1078, AFL-CIO (BFT), expires June 30, 2008. BFT has requested that bargaining commence on a successor agreement. Attached hereto and presented for Board consideration, public hearing, as required by law, are the articles and areas to be discussed at the collective bargaining table by the Berkeley Federation of Teachers. This "Sunshine" of what is to be negotiated must be presented before collective bargaining can begin.

POLICY/CODE

Government Code section 3543.2 and 3547

FISCAL IMPACT

None

STAFF RECOMMENDATION

Consider public hearing input and Sunshine BFT contract proposal for negotiations.

Berkeley Federation of Teachers New Contract Proposals

Article I: AGREEMENT

The Union will be proposing new duration dates of the Collective Bargaining Agreement.

Article II: RECOGNITION

The Union will be proposing the addition of School Psychologist Interns to Article 2, Section 1.6.

Article VI: EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION CLAUSE

The Union will be proposing to modify the language on equal employment opportunity and non-discrimination.

Article IX: REASSIGNMENT

The Union will be proposing to modify the language on reassignment.

Article X: WORK DAYS

The Union will be proposing to modify the language on work days.

Article XI: HOURS OF EMPLOYMENT

The Union will be proposing to modify the language on hours of employment.

Article XII: LEAVES OF ABSENCE

The Union will be proposing to modify the language on leaves of absence.

Article XIII: CLASS SIZE

The Union will be proposing to modify the language on class size.

Article XIV: TEACHER COMPENSATION

The Union will be proposing to modify the language on teacher compensation.

Article XV: PERFORMANCE REVIEW

The Union will be proposing to modify the language on performance review.

Article XVI: SAFETY CONDITIONS

The Union will be proposing to modify the language on safety conditions.

Article XVII: RETIREMENT/EARLY RETIREMENT

The Union will be proposing to modify the language on retirement/early retirement.

Article XIX: PEER ASSISTANCE AND REVIEW PROGRAM

The Union will be proposing to modify the language on peer assistance and review.

Article XXI: ADDITIONAL EMPLOYEE RIGHTS

The Union will be proposing to modify the language on additional employee rights.

New Article

The Union will be proposing to add an article entitled "Disciplinary Action and Appeal".

