

**Berkeley Unified School District
Office of the Superintendent
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180
Phone: (510) 644-6206 Fax: (510) 540-5358**

BOARD OF EDUCATION – MEETING AGENDA*

Wednesday, March 4, 2009

Call to Order The Presiding Officer will call the Meeting to Order at
7:30 pm and immediately begin the special meeting
agenda

Roll Call
Members Present:

Nancy M. Riddle, President
Karen Hemphill, Vice President
Shirley Issel, Director
John T. Selawsky, Director/Clerk
Beatriz Leyva-Cutler, Director
Eve Shames ** - Student Director

Administration: Superintendent William Huyett, Secretary
Javetta Cleveland, Deputy Superintendent
Neil Smith, Assistant Superintendent of Educational
Services
Lisa Udell, Assistant Superintendent of Human Resources

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957. Recess to Closed Session (Government Code Sections 3549, 1(d), 54956.9(a) and 54957) and Education Code Section 49819(c)

- a) Conference with Legal Counsel – Existing Litigation/Anticipated
- b) Consideration of Student Expulsions
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal /Release/Evaluation
- e) Public Employment /Appointment
- f) Liability Claims
- g) Property Acquisition & Disposal

* Board agenda posted on District website: www.berkeley.k12.ca.us

** The Student Director does not attend Closed Session

The Berkeley Unified School District intends to provide reasonable accommodations in accordance with the Americans with Disabilities Act of 1990. If a special accommodation is desired, please call the Superintendent's Office 48 hours prior to the meeting at 510-644-6206

SPECIAL MEETING AGENDA

CALL TO ORDER

Report Closed Session actions

Approve Special Meeting Agenda of March 4, 2009

PUBLIC TESTIMONY

Persons wishing to address the Board should fill out a card located on the table by the door and submit the completed card to the Board Recorder. Speakers will be selected by lottery. The Public Testimony is limited to 30 minutes – 3 minutes per speaker. Speakers with the same concerns are encouraged to select a spokesperson to address the Board.

Union Representatives' Reports
Board Members' Reports
Superintendent's Report

ACTION ITEMS

These items are presented for action at this time. Some may have been reviewed at a previous meeting.

Personnel

2.1-A
Resolution No. 09-37 – Decrease Number of Certificated Employees due to a Reduction in Particular Kinds of Services

Staff Recommendation:
Approve Resolution No. 09-37 reducing particular kinds of services as an information and discussion item

2.2-A
Resolution No. 09-38 – Criteria for Determining the Order of Seniority

Staff Recommendation:
Approve Resolution No. 09-38 establishing criteria for order of seniority as an information item

INFORMATION ITEM

These items are intended to keep the Board informed on various District business matters, which do not require action, by the Board.

Educational Services

3.1-I
California Healthy Kids Survey Report

Staff Recommendation:
Receive California Healthy Kids Survey Report as information

**EXTENDED PUBLIC TESTIMONY
ADJOURNMENT**

Board of Education Meeting Dates for 2009

March 11 March 25 April 15 April 29	May 13 May 27 June 10 June 17	June 24 August 12 September 9 September 23	October 14 October 28 November 18 December 9 - org
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**Board of Education Meetings are broadcast live on KPFB/FM 89.3
Berkeley Government Access Channel 33**

Guidelines for Speakers

You are invited to participate in Meetings of the Board of Education and make your views known at these meetings.

WHEN YOU WANT TO TALK ABOUT AN AGENDA ITEM OR A NON-AGENDA ITEM:

Please fill in a **REQUEST TO ADDRESS THE BOARD OF EDUCATION CARD**) and give it to the Board Secretary. Speakers will be selected by lottery. Your card must be submitted before the Presiding Officer calls for **PUBLIC TESTIMONY**. You will be called to speak by the Presiding Officer. A Speaker has three minutes in which to make his/her remarks.

Any subject related to the District or its educational programs is welcome at the Board of Education Meetings. **However, we respectfully ask that matters pertaining to individual employees of the Berkeley Unified School District be discussed in private. There is an established procedure for making such complaints.** You may obtain information about this procedure from a school or from the Superintendent's Office.

MISSION AND GOALS OF THE BERKELEY UNIFIED SCHOOL DISTRICT

MISSION STATEMENT

The mission of the Berkeley Unified School District, a diverse community deeply committed to public education, is to ensure that all students discover and develop their special talents, achieve their educational and career goals, become life long learners, and succeed in a rapidly changing society by:

- empowering students, parents and staff,
- providing a strong standards based curriculum, and
- offering alternative learning experiences in a racially integrated, multilingual environment.

VISION

Berkeley Unified School District creates a system that enables every student, including those with diverse needs, to meet or exceed rigorous standards for academic performance. All students will develop the attitudes, skills and habits of mind needed to succeed in and beyond the classroom. The members of this school community share a vision of educational excellence, an appreciation for the partnerships with local government agencies, community based organizations, businesses, institutions of higher education and will work collaboratively to realize this vision.

PERFORMANCE GOALS

- 1. Increase the academic achievement of all students through effective instruction and a challenging and engaging curriculum**
- 2. Implement interventions that address barriers to student learning in order to meet the needs of the whole child**
- 3. Establish and maintain the culture and governance necessary to support an environment conducive to learning**

STRATEGIES TO CLOSE THE ACHIEVEMENT GAP

- A. Continue to build and implement a pre-K-12 comprehensive and aligned system of core curriculum, instruction, assessment and intervention**
- B. Strengthen the ability of BUSD staff to educate a diverse student body**
- C. Partner meaningfully with parents pre-K to 12**
- D. Prepare pre-school children for success in elementary school**
- E. Attract, support and retain teachers and administrators of color**

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lisa Udell, Assistant Superintendent, Human Resources
DATE: March 4, 2009
SUBJECT: Resolution No. 09-37 – Decrease Number of Certificated Employees due to a Reduction in Particular Kinds of Services

BACKGROUND INFORMATION

The District is confronted with budgetary problems that reduce its ability to provide the same type of services at the same level, and in the same manner as provided in previous years. As a consequence, the Board has the authority to reduce or discontinue particular kinds of services. “Particular Kinds of Services” are those services that are scheduled to be eliminated which are currently being provided by District certificated employees.

The Resolution proposed accomplishes two general objectives. It represents official action reducing particular kinds of services and it initiates the layoff process for affected certificated employees. It further reflects the assumption that all employees on leave of absence will be returning, unless we have been noticed in the contrary.

POLICY/CODE

Education Code Sections 44955

FISCAL IMPACT

Reduction in employee costs to alleviate budget deficit.

STAFF RECOMMENDATION

The Board is asked to approve the staff recommendations as stated above.

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 09-37**

**RESOLUTION TO DECREASE THE NUMBER OF CERTIFICATED
EMPLOYEES DUE TO A REDUCTION IN PARTICULAR KINDS OF
SERVICES**

WHEREAS, Education Code section 44955 permits the Governing Board of the District to reduce or discontinue particular kinds of services not later than the beginning of the following school year;

WHEREAS, the Governing Board of the District has determined that it shall be necessary to decrease the following programs of the District no later than the beginning of the 2009-2010 school year;

WHEREAS, it shall be necessary to terminate at the end of the 2008-2009 school year the employment of certain certificated employees of the District as a result of the elimination of the programs; and

WHEREAS, the Governing Board of the District has further determined that among employees who first rendered paid service to the District on the same day, the order of termination will be based solely on the needs of the District and the students thereof.

THEREFORE, BE IT RESOLVED by the Governing Board of the District that the following services shall be reduced or eliminated no later than the beginning of the 2009-2010 school year:

PARTICULAR KINDS OF SERVICES	NUMBER OF FULL TIME EQUIVALENT
<u>Administration</u>	<u>8.0</u>
Manager, Attendance & Welfare	1.0
VP Adult School	1.0
Dean	1.0
Coordinator, Independent Study	1.0
Coordinator, Staff Development	1.0
High School Vice Principal	1.0
Middle School Vice Principal	2.0

<u>Counselors</u>	<u>18.4</u>	
Counselors	18.4	
[Including Counselors serving under a Pupil Personnel Services Credential with specialization in School Social Work (5 CCR section 80049.1)]		

<u>Teachers on Special Assignment</u>	<u>44.55</u>	
Literacy/Reading Recovery/Writing Intervention/ULSS (Universal Learning Supports and Services)	19.05	1.7
BTSA/PAR	1.0	
ELD Coach	1.0	
EL Coordinator	1.4	
Two Way Immersion		0.2
Teacher Leaders BHS		4.8
International Baccalaureate		1.0
Professional Development		1.0
Media BHS	0.2	
Student Support Coordinator		1.0
Evaluation/Assessment/Technology		4.0
Counseling Liaison		0.2
Garden	0.4	
English Language Learner		0.6
Math Coaches K-5		3.0
Math Support		1.2
Technology BHS	1.4	
Activities Coordinator BHS		1.0
Middle School Administrative Support		0.2
After School Drama		0.2

<u>State PreSchool Teacher</u>	<u>1.0</u>
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<u>Music</u>	<u>2.0</u>
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<u>Math</u>	<u>6.0</u>
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<u>Biology</u>	<u>7.0</u>
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<u>Chemistry</u>	<u>1.0</u>
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<u>Physics</u>	<u>1.0</u>
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<u>English (Language Arts)</u>	<u>3.0</u>	
<u>Social Science</u>	<u>3.0</u>	
<u>Physical Education</u>	<u>2.0</u>	
<u>Mild to Moderate Special Education</u>	<u>5.0</u>	
<u>Moderate to Severe Special Education</u>	<u>6.0</u>	
<u>Multiple Subject</u>	<u>12.0</u>	
<u>Art</u>	<u>2.0</u>	
<u>ROP Fire Science</u>	<u>0.4</u>	
<u>ROP Bio Tech</u>		<u>0.2</u>
<u>Independent Study</u>	<u>2.0</u>	
	<u>53.6 FTE</u>	

BE IT FURTHER RESOLVED that it will be necessary to retain the services of certificated employees in the 2009-2010 school year regardless of seniority, who possess qualifications needed for the following programs:

Certification: National Board Certification.

Special Education: Deaf and Hard of Hearing, Visual Impairments, Physical and Health Impairments, Early Childhood Special Education; Psychologists; Clinical Rehabilitation in Speech, Hearing and Language; (including personnel serving under Provisional Internship Permit or Student Teacher Internship Program).

Single Subject Credential: Including Spanish, Mandarin, Kiswahili, Latin, American Sign Language.

Authorization: Bilingual Crosscultural Language and Academic Development (BCLAD) Spanish – English, or Bilingual Certificate of Competence (BCC) – Spanish- English.

BE IT FURTHER RESOLVED that the Superintendent or his/her designated representative is directed to send appropriate notices to all employees whose positions may be lost by virtue of this action. Nothing herein shall be deemed to confer any status or rights upon temporary certificated employees or any other employee in addition to those specifically granted to such employees by statute.

ADOPTED by the Governing Board of the School District on this 4th day of March 2009, by the following votes:

AYES:

NOES:

ABSENT:

I hereby certify that the foregoing is a true and correct copy of a Resolution of the Governing Board of the Berkeley Unified School District of Alameda County adopted by said Governing Board of the District at its meeting on March 4, 2009.

John T. Selawsky, Clerk, Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lisa Udell, Assistant Superintendent, Human Resources
DATE: March 4, 2009
SUBJECT: Resolution No. 09-38 – Criteria for Determining the Order of Seniority

BACKGROUND INFORMATION

The District is confronted with budgetary problems that reduce its ability to provide the same type of services at the same level, and in the same manner as provided in previous years. As a consequence, the Board has the authority to establish criteria for determining the order of seniority for those employees with the same first date of paid probationary service.

POLICY/CODE

Education Code Sections 44955

FISCAL IMPACT

Reduction in employee costs to alleviate budget deficit.

STAFF RECOMMENDATION

The Board is asked to approve the staff recommendations as stated above.

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 09-38**

**CRITERIA FOR DETERMINING ORDER OF SENIORITY FOR THOSE
EMPLOYEES WITH THE SAME FIRST DATE OF PAID PROBATIONARY
SERVICE**

WHEREAS, Education Code section 44955 provides for the termination of certificated employees because of reduction of particular kinds of services;

WHEREAS, the order of termination is generally based on the date a teacher first rendered paid service in a probationary position under Education Code section 44845; and

WHEREAS, as among employees who first rendered paid service to the District on the same date, the law requires the Governing Board to determine the order of termination solely on the basis of the needs of the District and its students.

THEREFORE, be it resolved that to meet the requirements of section 44955, the following criteria for determining order of seniority for those hired on the same date will be used:

1. Possession any of the following authorizations as of March 15, 2009 (1 point for each authorization):
 - a. Crosscultural Language and Academic Development (CLAD);
 - b. Specially Designed Academic Instruction in English (SDAIE);
 - c. Language Development Specialist (LDS);
 - d. Certificates of Completion of Staff Development in either SDAIE or English Language Development (SB 1969, SB 395);
 - e. Bilingual Certificate of Competence (BCC) any language;
 - f. Bilingual Crosscultural Language and Academic Development (BCLAD) any language.
2. Number of currently valid credentials held (1 point per credential);
3. Number of post graduate degrees held (Masters 1 point, Ed.D. 2 points, Ph.D. 3 points);
4. By random lottery.

For those employees sharing the same first date of paid probationary service, employees shall be ranked in order of points accumulated, with the order of seniority being assigned according to the number of points accumulated. Seniority for employees with the same first date of paid probationary service accumulating the same number of points shall be determined by random drawing.

The Board finds that these criteria meet the needs of the District and its students.

ADOPTED by the Governing Board of the District on this 4th day of March 2009, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

I hereby certify that the foregoing is a true and correct copy of a Resolution of the Governing Board of the Berkeley Unified School District of Alameda County adopted by said Governing Board of the District at its meeting on March 4, 2009.

John T. Selawsky, Clerk, Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: March 4, 2009
SUBJECT: California Healthy Kids Survey Report

BACKGROUND INFORMATION

The California Healthy Kids Survey (CHKS) is a comprehensive youth self-report data collection system that provides health risk information to schools, districts, and communities. The CHKS was administered in BUSD last Spring in grades 5, 7, 9, and 11 to collect data regarding local youth health risks, assets, and behaviors. The CHKS includes questions about drug use, violence, crime and physical and mental health.

Staff has prepared a presentation, copies of which are available under separate cover.

POLICY/CODE

No Child Left Behind Act (NCLB), Title IV Safe and Drug Free Schools

FISCAL IMPACT

None

STAFF RECOMMENDATION

Receive the California Healthy Kids Survey Report for information.

California Healthy Kids Survey Spring 2008

Berkeley Evaluation and Assessment
March 4, 2009

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Presentation Focus

- Provide an overview of the California Healthy Kids Survey (CHKS) at Elementary and Secondary levels
- Summarize the results from Spring 2008
- Compare BUSD results to prior years as well as the State and the National statistics

Berkeley Evaluation and Assessment

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Background

- CHKS is given every 2 years in conjunction with the CA Department of Education
- Administered in grades 5, 7, 9, and 11
- Only grade 5 participation requires positive parent consent (changed in 2008)
- CHKS data is used widely by many public agencies including the City of Berkeley Public Health Department

Berkeley Evaluation and Assessment

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Background

- Fulfills the requirements of the federal Safe and Drug Free Schools Act (SDFSCA)
- A subset of questions fulfills the requirements of the No Child Left Behind Act (NCLB)
- Provides information to facilitate early intervention. CDE research states that “delaying the onset of risk behaviors reduces the level of involvement and related problems.”

Berkeley Evaluation and Assessment

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Background

- Goals of CHKS are to:
 - Reduce risky behaviors
 - Help school districts to identify areas for intervention
 - Promote learning
 - Promote health programs

- CHKS focuses on:
 - Substance use
 - Violence
 - Safety

Sampling Issues

- Participation at 60% or above produces the most representative data. The data is less useful and representative as the participation drops below 60%.
- BUSD only met the 60% target in grade 9. However, data for all grades is presented in this report.
- Changes in parent permission policy did not improve participation, but may have influenced the composition of the sample.

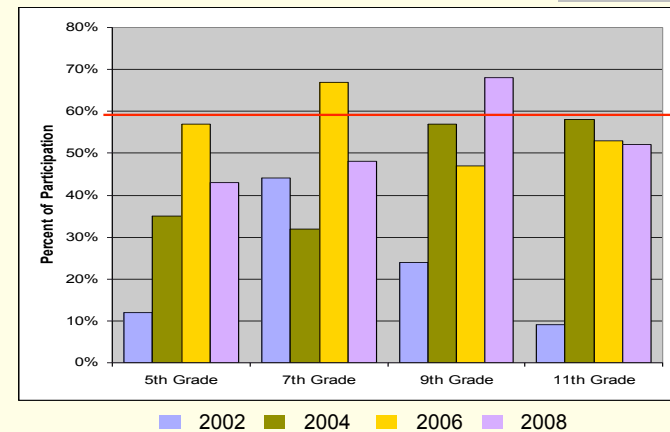
Participation Information

		5 th Grade Sample	7 th Grade Sample	9 th Grade Sample	11 th Grade Sample
2008	n	242	301	560	397
	%	43%	48%	68%	52%
2006	n	336	423	406	412
	%	57%	67%	47%	53%

n: Number of students who took the survey

% : Percent of total student population who took the survey

Participation Information



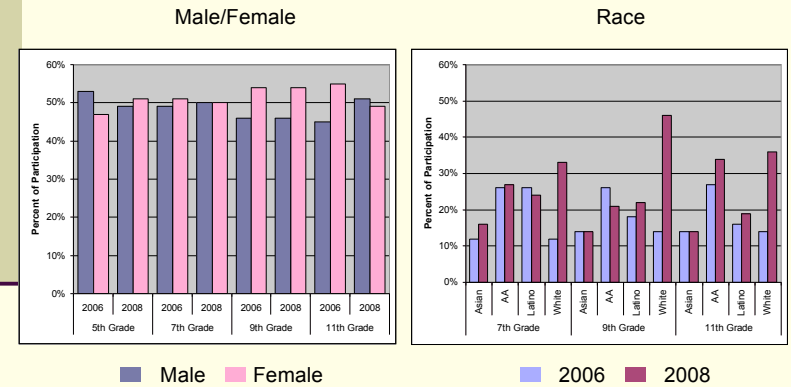
Participant Demographics

	5th Sample	7th Sample	9th Sample	11th Sample
Male	49%	50%	46%	51%
Female	51%	50%	54%	49%
African American	n/a	27%	21%	34%
Asian	n/a	16%	14%	14%
Hispanic/ Latino	n/a	24%	22%	19%
White	n/a	33%	46%	36%

Berkeley Evaluation and Assessment

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Participation Demographic



Berkeley Evaluation and Assessment

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Participation Summary

- For the 2008 CHKS, the 9th grade data is the most reliable.
- There is an over-representation of white students in the 9th and 11th grade responses. African American responses are over-represented in the 11th grade.

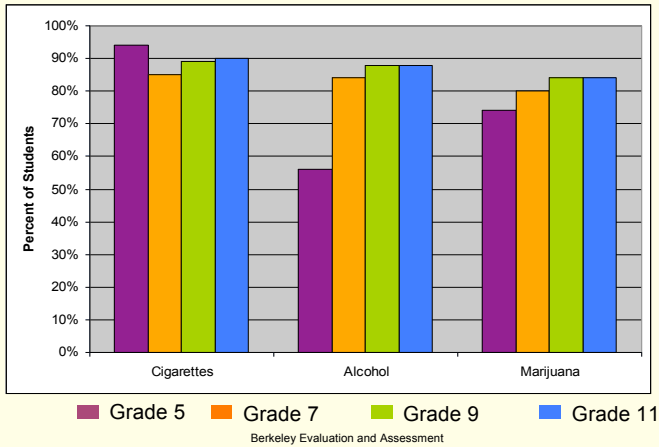
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Substance Use Patterns

Alcohol, Tobacco, and Other Drugs (ATOD)

12

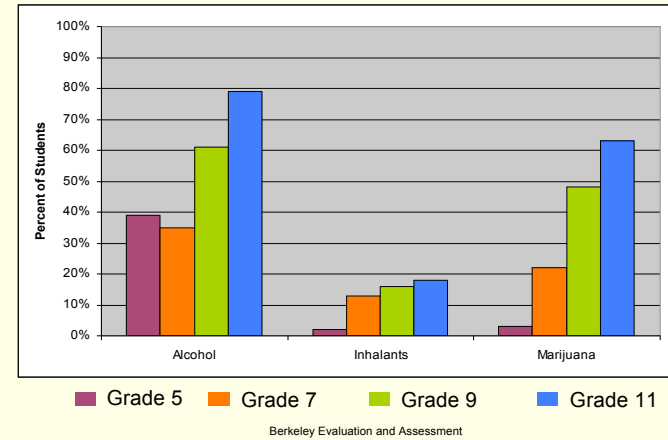
Perception that Use of Cigarettes, Alcohol, or Marijuana is Very Bad for a Person's Health



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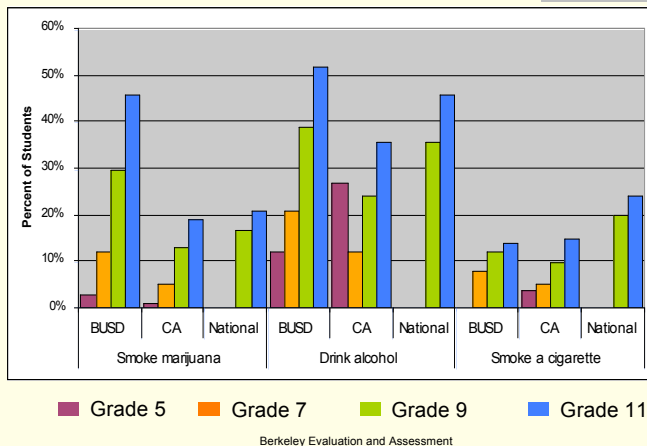
Lifetime ATOD Use

Percent of students who used alcohol or other drugs at least once in their life.



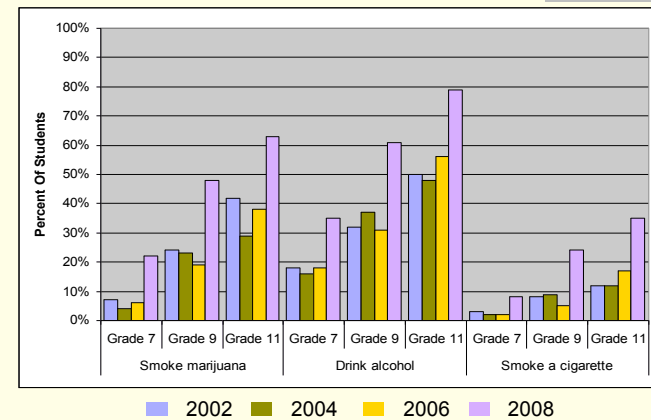
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Current ATOD Use- Last 30 days Comparing BUSD, State and National Data



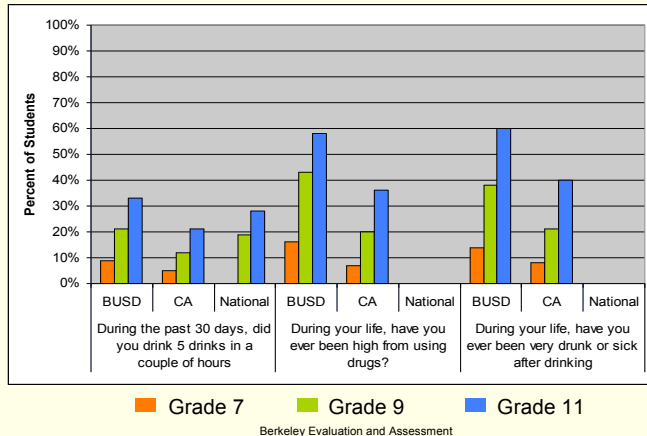
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Current ATOD Use- Last 30 days Comparison of BUSD Responses 2002,2004,2006,2008



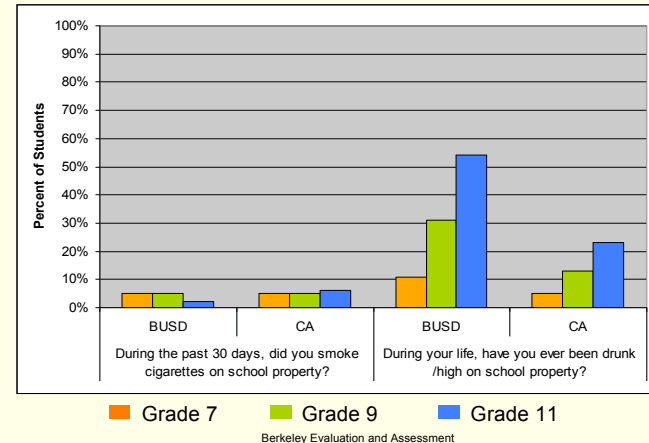
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ATOD High Risk Patterns- 2008



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ATOD Use on School Property 2008 Comparison of BUSD and CA



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ATOD Summary

- ATOD use increases from grade 5 to 11
- BUSD's rates of marijuana use in the last 30 days is twice the state and the nation.
- Twice as many 9th graders reported being high on drugs compared to the state.
- At grades 9 and 11, BUSD had twice as many reports of being drunk or high on school property than the state and the nation.
- BUSD reported higher consumption of alcohol than the state and the nation except at grade 5 and cigarette smoking at grades 9 and 11.

Berkeley Evaluation and Assessment

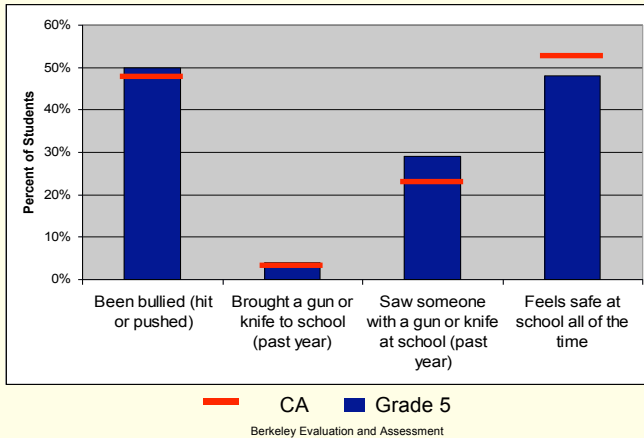
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Safety and Violence Issues

School and Community Context

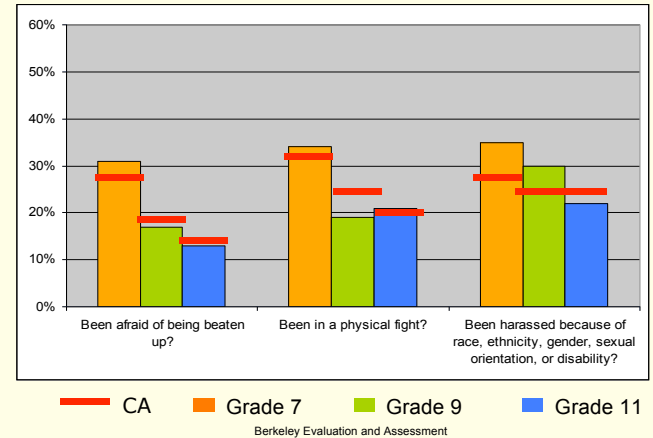
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Violence and Safety-Related Behavior and Experiences - 5th Grade



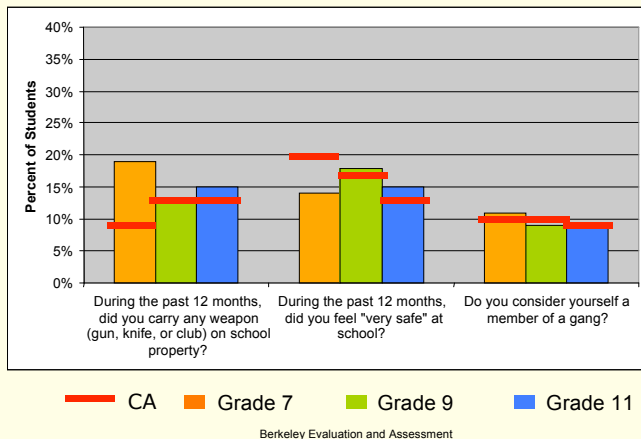
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Violence-Related Behaviors and Experiences 2008 During the past 12 months at school, have you ...



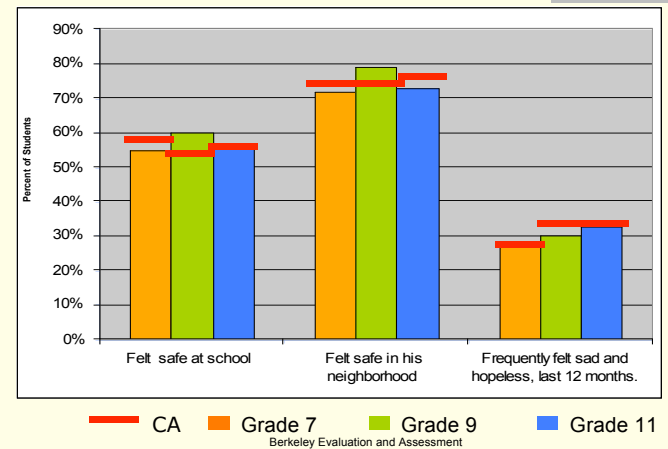
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Violence Related Behaviors and Experiences 2008



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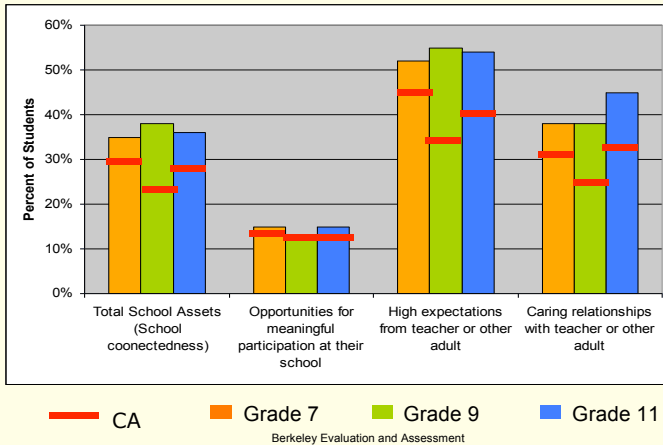
Perceived Safety 2008



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Protective Factors 2008

High Level of External Assets at School



Summary

- Students in grades 7 and 9 reported higher rates of bullying/ harassment than the state.
 - More than 50% of students in grades 7, 9, and 11 reported feeling safe at school and in their neighborhood.
 - Students in grades 7, 9, and 11 reported high levels of total assets, higher than the state.
- Berkeley Evaluation and Assessment 26

CDE Performance Indicators

- A subset of seven indicators identified for by the CA Department of Education (CDE) to meet NCLB requirements.
 - Allow schools to monitor and intervene in specific areas.
- Berkeley Evaluation and Assessment 27

Performance Indicators

	Grade 5	Grade 7	Grade 9	Grade 11
Tobacco Use				
The Percentage of students that have ever used cigarettes	3%	8%	24%	35%
Drug Use				
The percentage of students that have ever used marijuana	3%	22%	48%	63%
Safe Schools and Violence				
The percentage of students that feel very safe at school	84%	14%	18%	15%
The percentage of students that feel safe at school (Not a CDE Indicator)		40%	42%	43%

Berkeley Evaluation and Assessment 28

Performance Indicators

Protective Factors	Grade 5	Grade 7	Grade 9	Grade 11
The percentage of students that report high levels of caring relationships with a teacher or other adult at their school	52%	38%	38%	45%
The percentage of students that report high levels of high expectations from a teacher or other adult at their school	61%	52%	55%	55%
The percentage of students that report high levels of opportunities for meaningful participation at their school	16%	15%	12%	15%
The percentage of students that report high levels of school connectedness at their school (Total School Assets)	50%	42%	49%	43%

Summary

- Cigarette and Marijuana exposure increases throughout the grades. In grade 11, 35% reported using a cigarette and 63% reported use of marijuana.
- 84% of 5th graders reported feeling safe at school. In grades 7, 9, and 11, over 55% of students reported feeling safe or very safe.
- Over 50% of students in all grades reported high expectations from a teacher or other adult at their school.

Conclusions

- During the 2010 administration of CHKS, BUSD should make a stronger effort to ensure at least 60% participation and equal representation of all students.
- Areas of greatest concern:
 - Marijuana and alcohol use at Grades 9 and 11
 - ATOD use on campus at the high school level
 - Bullying/ harassment at grades 7 and 9
- Students in grades 7, 9, and 11 reported high levels of total assets, higher than the state.