

**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, August 4, 2010

Call to Order The Presiding Officer will call the Meeting the Regularly Scheduled Board of Education Meeting to Order at **6:30 pm**, recess to Closed Session and convene in Public Session by **7:30 pm**

Members Present:

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

Administration:

Superintendent William Huyett, Secretary
Javetta Cleveland, Deputy Superintendent
Neil Smith, Assistant Superintendent of Educational Services
Delia Ruiz, Assistant Superintendent of Human Resources

The Board will recess into closed session under the authority of the Brown Act (including but not limited to Government Code section 54954.5, 54956.8, 54956.9, 54957, 54957.6, as well as Education Code section 35146). Under Government Code section 54954.3, members of the public may address the board on an item on the closed session agenda, before closed session.

- a) Conference with Legal Counsel – Existing Litigation/Anticipated
- b) Consideration of Student Expulsions
Student Case No. 0910-04-122698
- 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

REGULAR MEETING AGENDA

CALL TO ORDER

Report Closed Session actions

Approve Regular Meeting Agenda of August 4, 2010

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

APPROVE CONSENT CALENDAR

CONSENT ITEMS

These items are considered routine and may be enacted by a single motion. Any items needing discussion may be moved to the appropriate section of the agenda upon the request of any member of the Board.

General Services

1.1-C
Approval of Resolution No. 11-03 in Opposition to Application for Beer/Wine at Walgreens in Downtown Berkeley

Staff Recommendation:
Approve Resolution opposing Walgreen's application for beer/wine license

7

Human Resources

2.1-C
Approval of Personnel Report

Staff Recommendation:
Approve Personnel Report No. 10-14

11

Educational Services

3.1-C
Approval of BEARS School Age Child Development Contract with State of California for 2010-11

Staff Recommendation:
Approve BEARS School Age Child Development Contract with State of California for 2010-11

12

3.2-C
Approval of Out of State Travel Requests

Staff Recommendation:
Approve Out of State Travel requests consistent with District policies and instructional programs

15

3.3-C Approval of King Mural Project	<u>Staff Recommendation:</u> Approve King Mural Project	17
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Business Services

4.1-C Approval of Contracts and Purchase Orders	<u>Staff Recommendation:</u> Authorize the Purchasing Manager and/or Deputy Superintendent to execute contracts and purchase orders	42
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4.2-C Acceptance of Gifts and Donations	<u>Staff Recommendation:</u> Authorize the donations and gifts to the District and request staff to extend letter of appreciation	44
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4.3-C Approval of Authorized Agents and Signers for Fiscal Purposes for the Berkeley Unified School District	<u>Staff Recommendation:</u> Approve Resolutions No. 11-01 and 11-02 identifying the authorized signers for fiscal purposes for the Berkeley Unified School District	46
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4.4-C Approval of Master Contracts for Non-public School Placements of Students - School Year 2010-11	<u>Staff Recommendation:</u> Approve and authorize the placement of students in non-public schools for Special Education Department for 2010-11 school year	51
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4.5-C Ratification for Payments to vendors for student services provided for Special Education Department in Fiscal Year 2009-2010	<u>Staff Recommendation:</u> Approve the vendor payments for the Special Education Department as submitted for Fiscal Year 2009-2010	59
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4.6-C Approval of Perishable Food Orders for Nutrition Services Department for the 2010-11 school year	<u>Staff Recommendation:</u> Authorize the Purchasing Manager or Deputy Superintendent to execute contracts and purchase orders	61
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ACTION ITEMS

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

General Services

1.1-A Approval of SSC Bylaws Staff Recommendation: Approve School Site Council Bylaws **62**

1.2-A Approval of Mission, Vision and Values Staff Recommendation: Approve the draft Mission, Vision and Values statements **94**

Business Services

4.1-A Approval of Independent Accountant's Reports for Measure A of 2006, Measure B of 1994, Measure BB of 2000 and Measure B of 2005 Staff Recommendation: Review and accept the independent accountant's reports for Measure A of 2006, Measure B of 1994, Measure BB of 2000 and Measure B of 2005 **96**

ADDITIONAL ACTION ITEMS

Approve Minutes of:
May 26, 2010
June 9, 2010
June 23, 2010

**EXTENDED PUBLIC TESTIMONY
ADJOURNMENT**

UPCOMING BOARD MEETINGS

August 18
September 15
September 22
October 13
October 27
November 10
December 8

**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:

- 1 empowering students, parents and staff,
- 2 providing a strong standards based curriculum, and
- 3 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**

BERKELEY UNIFIED SCHOOL DISTRICT

TO: Board of Education
FROM: John T. Selawsky, Director, Board of Education
DATE: August 4, 2010
SUBJECT: Resolution No. 11-03 in Opposition to the Proposed Beer/Wine Application at Walgreens in downtown Berkeley

BACKGROUND INFORMATION

The BUSD Board of Education is keenly aware of and concerned with the level of self-reported alcohol and drug use at Berkeley High School. According to the state survey, which BHS has participated in annually, our high school students are 50% more likely than state and national high school students to engage in alcohol and drug consumption, and there is a higher rate of self-reported behavior of students attending school while under the influence of alcohol and/or drugs. The Board has discussed this, and directed our Superintendent and staff to give this issue priority.

Walgreens, an all-purpose "pharmacy" in downtown Berkeley, within 1000 feet of our Berkeley High campus, is in the process of applying for a wine/beer license/permit for off-site sale. Several years ago Long's Drugs (now CVS), also within 1000 feet of BHS, similarly began the process of obtaining a wine/beer license for off-site sale. The Berkeley School Board at that time took a position of concern and opposition to that proposed application, and Long's Drugs subsequently dropped its application. ABC (alcoholic beverage control) has often stated that it relies on high schools and school districts recommendations if these school institutions are within 1000 feet of a proposed off-site alcohol beverage sale outlet.

Board member John Selawsky is requesting a Board statement of concern and opposition to the proposed beer/wine application at Walgreens in downtown Berkeley, based on concerns of abuse of alcohol and drugs at our high school, excessive underage drinking in the Berkeley downtown area, and a saturation of off-site alcohol sales within the census tract in question.

Trader Joe's, a major grocery retailer, just opened a store at the corner of MLK and University, and offers a large selection of off-site sale of not only beer and wine, but spirits as well. There are ample outlets for legitimate sales of beer, wine, and other alcoholic beverages in the downtown area.

POLICY/CODE

None

FISCAL IMPACT

None

BOARD MEMBER RECOMMENDATION

Approve Resolution No. 11-03 Opposing Beer/Wine Application at Walgreens in downtown Berkeley

**BERKELEY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 11-03

**in Opposition to Application for Beer/Wine License at
Walgreens in downtown Berkeley**

WHEREAS, the Berkeley Board of Education and BUSD has concerns about our high schoolers' and other youths' use of alcohol and other drugs; and

WHEREAS, our own self-reported surveys indicate alcohol and drug use by our Berkeley High students exceeding by a significant percentage both state and national reports; and

WHEREAS, Berkeley High School is an open campus, and as such our downtown area is utilized by our Berkeley High students before and after school, as well as during the lunch break; and

WHEREAS, downtown Berkeley already has ample outlets for off-site sale of beer, wine, and other alcoholic beverages; and

WHEREAS, Walgreens, on the northeast corner of Shattuck and Allston in downtown Berkeley is in the process of applying for a wine/beer off-site sale license, within 1000 feet of our Berkeley High School campus; and

WHEREAS, ABC (Alcoholic Beverage Control, the California regulatory agency for licensing alcoholic sales) considers School District and School Board concerns in assessing any alcohol sales application, and especially if within 1000 feet of a school facility; and

THEREFORE, BE IT RESOLVED, that the Berkeley Board of Education directs District staff to comment and send concerns to ABC during the required comment period of the proposed wine/beer sales application by Walgreens in downtown Berkeley; and

THEREFORE, FURTHER BE IT RESOLVED that the Board is on public record as opposing the proposed off-site sales of wine/beer by Walgreens in

downtown Berkeley, and that any Board member can and should so represent the Board and the District in public discussions and hearings on this matter; and

THEREFORE, FURTHER BE IT RESOLVED that the Board direct our Board President to send a letter including this resolution to our City Council and Mayor, as well as our City Manager; and

THEREFORE, FURTHER BE IT RESOLVED this 4th day of August, 2010, the Berkeley School Board does approve this resolution.

John T. Selawsky, Clerk
Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Delia Ruiz, Assistant Superintendent, Human Resources
DATE: August 4, 2010
SUBJECT: APPROVAL OF HUMAN RESOURCES REPORT 10-14
 Following is Human Resources Report 10-14 which reports details of personnel assignments, employment, and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>ADMINISTRATOR</u>						
Audrey Amos	Vice Principal	Willard	General Fund	1.00/13-12-01	7/01/10	
Susan Craig	Dir of Student Svcs	District	General Fund	1.00/12-08-01	7/26/10	
Jeremey "Paco" Furlan	Principal	Rosa Parks	General Fund	1.00/13-04-05	7/01/10	
Burr Guthrie	Vice Principal	BAS	General Fund	1.00/13-60-01	7/01/10	
Alexander Hunt	Principal	Malcolm X	General Fund	1.00/13-04-05	7/01/10	
Delia Ruiz	Assistant Superintendent of HR	District	General Fund	1.00/03-01-01	7/09/10	
Pasquale Scuderi	Principal	BHS	General Fund	1.00/13-08-03	7/01/10	

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: August 4, 2010
SUBJECT: King Mural Project

BACKGROUND INFORMATION

The Friends of King Park and Kala Art Institute have been working collaboratively with MLK Jr. Middle School Students to create a new mural on an existing retaining wall at King Park on Hopkins Street in North Berkeley. King Park is jointly-owned and maintained by the School District and the City of Berkeley. The existing unpainted concrete retaining wall varies from 2.5' to 5' tall, forming a focal point and a curving backdrop for King Park. Frequently tagged with graffiti, the community hopes to turn this eyesore into an opportunity. The neighbors applied for a grant for a "watershed and community themed" mural in 2009 and subsequently raised over \$6000 for implementation of this collaborative project with the goal of beautifying our park with an informative, engaging, publicly accessible mural. Our grant funding must be forfeited if the mural is not completed this summer, August 2010.

The initial concepts that laid the groundwork for the mural design were developed with students in Spring 2010 as a natural extension of Kala's Artists-in-Schools "Mapping Environments" program. Two day-long workshops in the classroom were held to develop the theme and artwork with artist Steven Holloway and teacher Larry Stefl.

Where does our water come from? Where does it go? The mural will depict the journey of our drinking water from its source in the Sierra, following the Mokulumne River through aqueducts and reservoirs to our taps at home in Berkeley. In giant raindrops, we see how we depend on water (including the gardeners in the edible schoolyard), we see ourselves, and we see that stormwater flows into Codornices Creek and on to the Bay. Completing the illustration of our water cycle, storm clouds carry snow and rain from the East while fog rolls in from the Bay on the west end. An effort will be made to incorporate student work and understanding of the watershed basin during classroom workshops held at King Middle School in June 2010. This colorful and engaging mural will be approximately 250 square feet, painted by a professional muralist with the help of community volunteers during scheduled work days during July and August 2010.

With support from the Berkeley Unified School District and King Middle School, subsequent mural work may involve the re-painting of this space over a three-year period with additions and changes made by student suggestions, student initiated design concepts, and student painting with the help of the Teaching Artist from Kala Art Institute. This work will follow from classroom workshops, field instruction and direct observations.

The design will be reviewed and approved by a committee of artists and administrators, as well as by the King school community and neighbors. A full report with color photos and drawings will be given to the Board under separate cover.

COLLABORATING PARTIES

The design has been reviewed and approved by King Middle School Arts Committee as well as staff, neighbors and community members including: Friends of King Park (local neighbors and community members), Archana Horsting, Executive Director of Kala Art Institute, Larry Stefl (MLK Jr. Middle School Art Teacher), Katherine Whitney (MLK Jr. Middle School Arts Committee), “Mapping Environments” student participants.

POLICY/CODE

Board Policy 7151

FISCAL IMPACT

Approximately \$6000 in grants and donations; there is no impact on the general fund.

STAFF RECOMMENDATION

Approve the Martin Luther King Jr. Middle School mural project at King Park.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION

**CALIFORNIA DEPARTMENT OF EDUCATION
Local Agreement
CONTRACT NUMBER – CCTR-0004
GENERAL CHILD CARE & DEVELOPMENT PROGRAM
PROJECT NUMBER 01-61114-00-0**

BE IT RESOLVED, that the Berkeley Unified Board of Education authorizes entering into local agreement number CCTR-0004 and that the person who is listed below, is authorized to sign the transaction for the Governing Board.

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
Javetta Cleveland	Deputy Superintendent	

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 4th day of August, 2010 by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, John Selawsky, Clerk of the Governing Board of the Berkeley Unified School District, of Alameda County, California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's signature)

(Date)

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: August 4, 2010
SUBJECT: Resolution to Authorize the Contracts with California Department of Education for the Child Development Programs for 2010-2011

Background Information:

Each year the District enters into a contract with the California State Department of Education (CDE) for funding for the Child Development Services for General Child Care & Dev. Programs (CCTR). Funding is based on actual student attendance with each full day of student attendance generating revenue of \$41.37 per day. Partial day rates are pro-rated to the full day rate.

This year the CDE has currently issued a temporary contract to Child Development based on the Governor's budget but contingent upon funding approval from the legislature. This contract could be terminated if it is not a part of the approved 2010-11 California State Budget.

Based on the funding generated by the District in previous years and the proposed reductions, the current allocation is \$2,227,850 in potential revenue for the BUSD School Age Child Development Program (BEARS).

In order to enter into the contract, the Board is required to approve the attached resolution.

POLICY/CODE:

Child Development Division
California Ed. Code Title 5

FISCAL IMPACT:

\$2,227,850 in potential revenue for the School Age Child Development Program (BEARS).

STAFF RECOMMENDATION:

Approve the Resolutions to Authorize the Contracts with the California Department of Education for the Childhood Development Programs for 2010-2011.



CALIFORNIA DEPARTMENT OF EDUCATION

1430 N Street

Sacramento, CA 95814-5901

F.Y. 10 - 11

DATE: July 01, 2010

CONTRACT NUMBER: CCTR-0004

PROGRAM TYPE: GENERAL CHILD CARE & DEV PROGRAMS

PROJECT NUMBER: 01-6114-00-0

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES

CONTRACTOR'S NAME: BERKELEY UNIFIED SCHOOL DISTRICT

By signing this contract and returning it to the State, you are agreeing to provide services in accordance with the FUNDING TERMS and CONDITIONS (FT&C - available online at <http://www.cde.ca.gov/fg/aa/cd/>) and the CURRENT APPLICATION which by this reference are incorporated into this contract. The FT&C and Requirements specify the contractual responsibilities of the State and the contractor. The Contractor's signature also certifies compliance with "Standard Provisions for State Contracts" (Exhibit A) which are attached hereto and by this reference incorporated herein.

Funding of this contract is contingent upon appropriation and availability of sufficient funds. This contract may be terminated immediately by the State if funds are not appropriated or available in amounts sufficient to fund the State's obligations under this contract.

The period of performance for this contract is July 01, 2010 through June 30, 2011. For satisfactory performance of the required services, the contractor shall be reimbursed in accordance with the Determination of Reimbursable Amount Section of the FT&C, at a rate not to exceed \$41.37 per child per day of full-time enrollment and a Maximum Reimbursable Amount (MRA) of \$2,277,850.00.

Any provision of this contract found to be in violation of Federal or State statute or regulation shall be invalid but such a finding shall not affect the remaining provisions of this contract.

SERVICE REQUIREMENTS

Minimum Child Days of Enrollment (CDE) Requirement 55,060.0

Minimum Days of Operation (MDO) Requirement 240

Exhibit A, Standard Provisions for State Contracts attached.

STATE OF CALIFORNIA		CONTRACTOR	
BY (AUTHORIZED SIGNATURE)		BY (AUTHORIZED SIGNATURE)	
PRINTED NAME OF PERSON SIGNING Margie Burke, Manager		PRINTED NAME AND TITLE OF PERSON SIGNING Javetta Cleveland	
TITLE Contracts, Purchasing & Conf Svcs		ADDRESS	
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 2,277,850	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Department of General Services use only	
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 0	(OPTIONAL USE) See Attached		
TOTAL AMOUNT ENCUMBERED TO DATE \$ 2,277,850	ITEM See Attached	CHAPTER	STATUTE
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702	FISCAL YEAR	
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.
SIGNATURE OF ACCOUNTING OFFICER See Attached		DATE	

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: August 4, 2010
SUBJECT: Out of State Travel Requests

BACKGROUND INFORMATION

The following out of state travel requests are being made.

Berkeley International High School is requesting to send ten teachers to receive subject specific IB training. These four-day workshops facilitated by IB professionals are intended to strengthen content knowledge as well as understanding of the philosophy and pedagogy of the IB Diploma curriculum.

Trainings for all subjects are necessary to provide a comprehensive and complete program for students in the BIHS program. Not all subjects are offered in California, and this necessitates out of state travel for the professional training.

IB Training Sessions

- Creativity Action Service (CAS) and IB Coordination
September 24 – 27, 2010, Orlando, FL
- Mathematics
October 6 – 9, 2010, Atlanta, GA
- English
October 24 – 27, 2010, Los Angeles, CA
- Theory of Knowledge
December 1 – 4, 2010, Tampa, FL

Cost and Funding Source

- Registration for Workshop Trainings for ten teachers: \$7,058
 - Includes curriculum, resources, access to IB professional and certificate of completion
- Lodging for ten teachers during workshops: \$3,703
 - Includes all meals
- Travel: \$2,800

Costs for these trainings will be paid from BHS Smaller Learning Communities site funds.

POLICY/CODE

Education Code, Section 35330
Board Policy 6153

FISCAL IMPACT

As indicated above.

STAFF RECOMMENDATION

Approve the out of state travel consistent with the District Policies and instructional programs.