

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, May 12, 2010

Call to Order The Presiding Officer will call the Meeting the Regularly Scheduled Board of Education Meeting to Order at 6:00 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
Valeria Gonzalez ** - Student Director

Administration:

Superintendent William Huyett, Secretary
Javetta Cleveland, Deputy Superintendent
Neil Smith, Assistant Superintendent of Educational Services
Lisa van Thillo, 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
0910-33-120195
0910-40-051999
0910-41-022499
0910-38-050892
0910-39-030593
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal /Release/Evaluation
Employee Contract
- 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 May 12, 2010

Recognition

Jefferson and Oxford schools, recently named 2010 California Distinguished Schools

Teaching and Learning

Becca Todd, Library Coordinator: BUSD Libraries Common Threads, Specific Highlights

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.

Human Resources

2.1-C Approval of Personnel Report Staff Recommendation: Approve Personnel Report No. 10-09 7

Educational Services

3.1-C Approval of Revision to Green Academy Proposal Staff Recommendation: Approve the revisions to the Green Academy proposal 11

Business Services

4.1-C Approval of Contracts and Purchase Orders Staff Recommendation: Authorize Purchasing Manager or Deputy Superintendent to execute contracts and purchase orders 13

4.2-C Acceptance of Gifts and Donations Staff Recommendation: Accept donations and gifts to the District and request staff to extend letter of appreciation 15

4.3-C 2010-2011 Carl D. Perkins Application for Supplemental Funding for Career and Technical Education Instruction at Berkeley Adult School Staff Recommendation: Approve the Berkeley Adult School 2010-2011 Carl D. Perkins application for funding to support Career & Technical Education instruction 16

Facilities

5.1-C Approval to award the bid for the Roof Replacement at Emerson School Staff Recommendation: Approve bid for the Roof Replacement At Emerson School. 31

5.2-C Approval to award the bid for Painting and Flooring at Berkeley Arts Magnet Staff Recommendation: Approve bid for the Painting and Flooring Project at Berkeley Arts Magnet 33

5.3-C Approval to Hire Consultants to Assist with the Sale of the Hillside Facility Staff Recommendation: Approve Hire of Consultants to Assist with the Sale of the Hillside Facility 35

ACTION ITEMS

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

Human Resources

2.1-A
Approval of Classified Layoffs

Staff Recommendation:
Approve classified layoffs

37

Educational Services

3.1-A
School Safety Plans

Staff Recommendation:
Approve School Safety Plans

39

INFORMATION ITEMS

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

Facilities

8:30 pm
5.1-I
Draft Language for a new bond

Staff Recommendation:
Receive Draft Language for a New Bond

41

8:45 pm
5.2-I
Draft Language for the Renewal of the
Maintenance Special Tax

Staff Recommendation:
Receive Draft Language for the Renewal of the
Maintenance Special Tax

51

5.3-I
Property Management and John Muir
School

Staff Recommendation:
Receive report as information

59

EXTENDED PUBLIC TESTIMONY
ADJOURNMENT

UPCOMING BOARD MEETINGS

May 26	September 22
June 9	October 13
June 23	October 27
June 30 -tentative	November 10
August 18	December 8
September 15	

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lisa van Thillo, Ed.D. Assistant Superintendent, Human Resources
DATE: May 12, 2010
SUBJECT: APPROVAL OF HUMAN RESOURCES REPORT 10-09
 Following is Human Resources Report 10-09 which reports details of personnel assignments, employment, and terminations.

CERTIFICATED EMPLOYEES						
NAME	POSITION	LOCATION	BUDGET	FTE & SALARY	FROM	TO
<u>SABBATICAL LEAVE OF ABSENCE</u>						
Jacob Disston	Teacher	Willard	GF	1.00	8/30/10	6/17/11
Amy Hansen	Teacher	BHS	GF	1.00	8/30/10	6/17/11
Matilde Merello	Teacher	Rosa Parks	GF	1.00	8/30/10	6/17/11
Adria Rosen	Teacher	Cragmont	GF	1.00	8/30/10	6/17/11

CLASSIFIED EMPLOYEES
CLASS

NAME	POSITION	LOCATION	BUDGET	RANGE STEP	FTE & SALARY	FROM	TO
<u>RESIGNATION</u>							
Amber Spencer	Secretary to the Supt.	Supt.'s Office				5/14/10	
<u>MEDICAL LEAVE OF ABSENCE WITH PAY</u>							
Kenneth Booker	Program Specialist	Adult School	Workability II	58/5	1.0 FTE \$33.60 hr	4/5/10	4/11/10
<u>EXTENDED SICK LEAVE WITH 50% PAY</u>							
Kenneth Booker	Program Specialist	Adult School	Workability II	58/5	1.0 FTE \$33.60 hr	4/12/10	4/26/10
Monica McClinton	Accounting Tech.	Business Services	General Fund	43/5	1.0 FTE \$23.22 hr	5/1/10	6/17/10
<u>EXTENDED SICK LEAVE WITH 50% PAY (FMLA)</u>							
Sharon Cooke	Instructional Assistant (Special Education)	Berkeley High	Special Ed.	31/5	.80 FTE \$17.24 hr	4/30/10	6/18/10
Ollie Johnson, Jr.	Custodian I	Cragmont	General Fund	32/5	1.0 FTE \$17.46 hr	5/3/10	6/4/10
<u>MATERNITY LEAVE WITH 50% PAY</u>							
Zakiya Green	School Bus Driver	Transportation	Transporta- tion	42/4	1.0 FTE \$21.27 hr	4/1/10	6/7/10
<u>MATERNITY LEAVE WITH 50% PAY (FMLA)</u>							
Sana Amanullah	Buyer	Purchasing	General Fund	50/2	1.0 FTE \$23.78 hr	4/26/10	8/6/10
<u>PROBATIONARY</u>							
Jennifer Gordon	Library Media Tech.	Willard	LIB TECH	43/1	.53 FTE \$19.03 hr	4/1/10	12/9/10
Gina Jackson- Morning	Food Service Satellite Operator	Malcolm X	Child Nutrition	31/1	.83 FTE \$13.97 hr	4/26/10	1/5/11
Roxana Mackthorn	Sr. Food Service Assistant	King	Child Nutrition	35/1	1.0 FTE \$15.45 hr	4/26/10	1/5/11
<u>PROVISIONAL</u>							
Leticia Amezcua	Parent Laison	Berkeley High	General Fund	45/1	+.27 FTE \$20.00 hr	4/5/10	6/18/10
<u>AVAILABLE SUBSTITUTES</u>							
Ann Aoyagi	Administrative Coordinator	All District	General Fund	52/5	NTE 7.5 hrs/day \$28.98 hr	1/20/10	6/18/10
Kelley Hopkins	Sr. Food Service Assistant	All District	Child Nutrition	35/1	NTE 7.5 hrs/day \$15.45 hr	8/24/09	6/18/10

NAME	POSITION	LOCATION	BUDGET	CLASS RANGE STEP	FTE & SALARY	FROM	TO
Stacy Kimmins	Food Service Assistant	All District	Child Nutrition	26/1	NTE 7.5 hrs/day \$12.36 hr	3/22/10	6/18/10
Ismael Saldana	Custodian I	All District	General Fund	32/1	NTE 7.5 hrs/day \$14.34 hr	4/13/10	6/18/10
<u>TEMPORARY/HOURLY/LIMITED TERM</u>							
Nicholas Boss	Lifeguard	King	Donations	N/A	7 hrs/day \$12.54 hr	4/13/10	6/18/10
Megan Hourula	Intramural Director	Malcolm X	General Fund	N/A	10 hrs/wk \$12.54 hr	4/16/10	6/18/10
Andy Lee	Tutor	Berkeley High	BSEP	N/A	10 hrs/wk \$12.54 hr	4/20/10	6/18/10
Stanley Leung	Tutor	Berkeley High	BSEP	N/A	20 hrs/wk \$12.54 hr	4/20/10	6/18/10
Shamideh Rossoukh-Cruz	Parent Liaison/Rec. & Culture Facilitator	CDC	First 5	45/1	.20 FTE	3/17/10	8/30/10
Tatiana Shelby	Student Worker (Workability)	Berkeley High	Workability I	N/A	10 hrs/wk \$8.00 hr	2/2/10	5/31/10
Brittany Thrower	Student Worker (Workability)	Berkeley High	Workability I	N/A	12 hrs/wk \$8.00 hr	9/2/10	5/31/10
Timothy Want	Tutor	Berkeley High	BSEP	N/A	20 hrs/wk \$12.54 hr	4/19/10	6/18/10
Nicholas Welch	Noon Director	Washington	General Fund	N/A	10 hrs/wk \$12.54 hr	4/14/10	6/18/10
<u>STIPENDS</u>							
Cassandra Bechman Widay	Head Coach (Girls Lacrosse)	Berkeley High	General Fund	N/A	\$1412.00	2/8/10	6/1/10
Matthee Bremer	Head Coach (Baseball)	Berkeley High	General Fund	N/A	\$2182.00	2/8/10	6/1/10
John Cazden	Coach (Ultimate Frisbee)	King	After School	N/A	\$600.00	4/13/10	5/28/10
Morgan Filler	Assistant Coach (Girls Swimming)	Berkeley High	General Fund	N/A	\$1129.60	2/8/10	6/1/10
Ramon Garcia	Coach (Track)	Washington	After School	N/A	\$350.00	2/1/10	6/18/10
<i>Page 3 of 4</i>							
CLASSIFIED EMPLOYEES							
CLASS							

NAME	POSITION	LOCATION	BUDGET	RANGE STEP	FTE & SALARY	FROM	TO
Sherman Montgomery	Coach (8 th Grade Boys Basketball)	King	After School	N/A	\$600.00	1/5/10	3/19/10
Reynaldo Quides	Coach (Volleyball)	King	After School	N/A	\$600.00	1/7/10	2/25/10
Reynaldo Quides	Coach (Baseball)	King	After School	N/A	\$600.00	3/1/10	5/31/10
Linda Safarik-Tong	Head Coach (Girls Badminton)	Berkeley High	General Fund	N/A	\$1412.00	2/8/10	6/1/10

Page 4 of 4

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
DATE: May 12, 2010
SUBJECT: Revisions to Proposal for the Green Academy at Berkeley High School

BACKGROUND INFORMATION

Staff at Berkeley High School has revised two sections of the proposal for The Green Academy, following the direction from the Board. These two sections are printed below.

I. Mission:

The mission of the Berkeley High School Green Academy is:

- 1) to prepare students to understand and actively engage in creating an environmentally sustainable and socially just world;
- 2) to prepare students for college and green careers; and
- 3) to provide educational and career opportunities in science and math to all students, including those who have been historically underrepresented in these fields.

IV. Governance:

- a. Describe your Small School Leadership Council (SSLC), its structures and processes.

The Green Academy Leadership Council (LC) is a governing body that will include our Assistant Principal, Counselor, the Lead Teachers of S.E.E.D. and H.E.A.T., 4 additional elected teachers, 4 elected students, and 4 elected parents. LC members represent their student, parent, and staff constituencies, not just themselves, and must be informed by and accountable to their constituencies.

The Leadership Council will meet as a full body every 4 – 6 weeks. Subcommittees will be established as needed to do the necessary work between the meetings. Examples of committees could include a Data Subcommittee, a Communications Subcommittee, or a Budget Subcommittee. The LC will also establish a Steering Committee to plan LC agendas, facilitate meetings, and coordinate the overall work of the LC and its subcommittees.

Whenever possible, the Leadership Council will make decisions by consensus. If consensus can't be reached, a vote will be held if a quorum is present. A quorum is defined as at least two parents,

two students, three teachers, and either one administrator or counselor.

A decision needs at least a majority to pass. However, a proposal cannot pass if all members present from any constituency vote against it. In some cases, an administrative decision may be required. The administrator will inform the Leadership Council in advance when this is the case and for what reason, and will get advisory input from the LC before making the decision.

A complete copy of the revised proposal is available in the Superintendent's Conference Room.

POLICY/CODE
Board Policy 0420.6

FISCAL IMPACT
None

STAFF RECOMMENDATION
Approve the revisions to the Proposal for The Green Academy at Berkeley High School.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 12, 2010
SUBJECT: Approval of Contracts/Purchase Orders for Services
Contracts

BACKGROUND INFORMATION

The District contracts with consultants or independent contractors who can provide valuable and necessary specialized services not normally required on a continuing basis. The following contract services are requested. Expenditures are within budget.

1. Starline Supply Company to provide restroom partition repairs at John Muir, Emerson, Longfellow and Rosa Parks Schools. The cost will not exceed \$27,912. To be paid from Measure BB. Requested by Steve Collins.
2. ECHO Landscape to provide installation of smart irrigation controllers at Martin Luther King Middle and Malcolm X Elementary Schools. The cost will not exceed \$26,805. To be paid from Measure BB. Requested by Steve Collins.
3. J&R Fencing to provide fence fabric replacement at LeConte and Jefferson Elementary and install guards and new fencing at Martin Luther King and Willard Middle Schools. The cost will not exceed \$22,528. To be paid from Measure BB. Requested by Steve Collins.
4. Burris Window Shades to replace all window coverings at John Muir Elementary School. The cost will not exceed \$23,423. To be paid from Measure BB. Requested by Steve Collins.
5. Gensler Architects to provide a Historic Architectural Building Survey (HABS) of the Old Gymnasium at Berkeley High School as agreed by the Board in the adoption of the Environmental Impact Report (EIR) for the South of Bancroft project. The cost will not exceed \$25,000. To be paid from the Bond. Requested by Lew Jones.
6. Increase in contract amount, PO 101134, to Henri Ducharme to provide additional chess and math classes at Malcolm X After School program. The original purchase order in the amount of \$8,528 was issued on October 28, 2009. The additional amount requested is \$4,480 for a total amount of \$13,008. To be paid from PTA and LEARNS. Requested by Emily Nathan.

7. Increase in contract, PO 101170, to Mad Science of Mt. Diablo to provide an additional semester of science classes at BAM after school program. The Board approved \$11,286 October 28, 2009. The additional contract amount will increase the cost by \$7,480 for a total amount of \$18,766. To be paid from PTA and LEARNS. Requested by Emily Nathan.
8. Increase in contract, PO 100816, to Michael's Transportation to provide transportation for BHS student athletic events for 2010SY. The Board approved \$35,000 on September 9, 2009. The additional contract amount will increase the cost by \$7,560 for a total amount of \$42,560. To be paid from General Fund. Requested by Jim Slemph.
9. Increase in contract, PO 100220, to Bay Area Tree Care to provide tree trimming and removal services for 2010 SY. The Board approved \$28,000 on March 10, 2010. The additional contract amount will increase the cost by \$12,000 for a total amount of \$40,000. To be paid from Measure BB. Requested by Steve Collins.

POLICY/CODE

Public Contract Code: 20111
Board Policy 3310

STAFF RECOMMENDATION

Approve the contracts with Consultants or Independent Contractors as submitted.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Javetta Cleveland, Deputy Superintendent
DATE: May 12, 2010
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. General Appliance has offered to donate a new 220 Volt Bosch electric oven to the Cooking Program valued at \$1,500 to Willard School.
2. John Muir School PTA donated \$3,000 to be utilized as needed to John Muir Elementary School.
3. Wells Fargo Educator Fund donated \$300 for the purchase of approximately 20 durable graphic novels to fill the need for attractive reading materials to motivate our reluctant and low-level readers and enhance our current collections to Longfellow Middle School.
4. Wells Fargo Foundation Community Partners donated \$295 to purchase learning games for the classrooms and \$285 to purchase PM readers for guided reading for grades K - 2 for a total donation of \$580 to Cragmont School.
5. Eric G. Price donated \$500 through the Wells Fargo Foundation Educational Matching Gift Program to be utilized as needed to Cragmont Elementary School.
6. Le Conte PTA donated \$281.50 for field trip transportation to Le Conte Elementary School.

BOARD POLICY BP 3290

FISCAL IMPACT

The District received a total of \$6,764.50 in donations.

STAFF RECOMMENDATION

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

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Sterling Bruner, Principal, Berkeley Adult School
DATE: May 12, 2010
SUBJECT: 2010-2011 Carl D. Perkins Application for supplemental funding for Career & Technical Education instruction at Berkeley Adult School

BACKGROUND INFORMATION

The Department of Education has made Carl D. Perkins Vocational and Technical Education Act funds available for noncompetitive grants. The purpose of the Carl D. Perkins Act is to develop more fully the academic, vocational and technical skills of secondary and postsecondary students by funding the development of challenging academic standards and to promote the development of services that integrate academic, vocational, and technical instruction. Every year the Adult School must submit a new application in order to qualify for the funds, and this request is for approval for the application for school year 2010-2011.

This year we will be joining a consortium with Sacramento County Office of Education because we are receiving funds of less than \$50,000. This consortium will be established for the purpose of meeting the minimum grant (\$50,000) eligibility requirement of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 Section 132 funds. The consortium is comprised of local educational agencies (LEAs) Berkeley Unified School District and Sacramento County Office of Education (the lead agency). This agreement will become effective with the time period covered by the 2010-2011 funds and will extend through the duration of the 2006 Act or until revised or disbanded by the participating LEAs.

In accordance with Section 132(a)(3) of the 2006 Perkins Act, the consortium's annual allocated funds will be used only for purposes and programs that (a) are mutually beneficial to both members of the consortium, and (b) only for the program improvement and student support activities presented in each member's 2008-2012 Local Plan as approved by the California Department of Education. No funds will be redistributed to individual members of the consortium for purposes or programs that are not available to all members of the consortium; however, each member will receive its individual allocation, with the lead agency having the authorization to charge no more than 5% in indirect costs to Berkeley Adult School.

The consortium has chosen technology programs within the Industry Sector of Arts, Media, and Entertainment as the focus for the 2010-2011 school year.

POLICY/CODE

Carl D. Perkins Vocational and Technical Education Act of 1988, Public Law 105-332

FISCAL IMPACT

The grant allocates \$36,908 to Berkeley Adult School, based on the number of eligible students. There is no cost to the Adult School general fund.

STAFF RECOMMENDATION

Approve the Adult School's application for the 2010-2011 Adult Education Carl D. Perkins Vocational and Technical Education Act grant.

DUE DATE: May 1, 2010

**Carl D. Perkins Career and Technical Education Improvement Act of 2006
 APPLICATION FOR 2010–11 FUNDING**

Local Educational Agency (LEA): Berkeley Unified School District Berkeley Adult School		County-District (CD) Code: 01-611143
Address of LEA: 2134 Martin Luther King Jr. Way, Berkeley, CA 94703		Check Appropriate Box: <input type="checkbox"/> Sec. 112 - State Institutions <input type="checkbox"/> Sec. 131 - Secondary <input checked="" type="checkbox"/> Sec. 132 - Adult/ROCP
Name of LEA Superintendent or Chief Administrator: William Huyett, Superintendent		
Allocation Amount: \$36,908		Board Approval Date: May 12, 2010
Name of Perkins Coordinator: Sterling Bruner Title: Principal	Telephone Number: (510) 644-6130 Extension: Fax Number: (510) 644-8764 E-mail Address: Sterling_Bruner@berkeley.k12.ca.us	
Perkins Coordinator's Address (If different from LEA address above): Berkeley Adult School, 1701 San Pablo Avenue, Berkeley, CA 94702		

CERTIFICATION: I hereby certify that all state and federal rules and regulations will be observed and that the assurances and certifications related to this program are accepted as the conditions in the operation of this program. The funds associated with this application will support the implementation of our 2008–2012 local Career Technical Education (CTE) Plan and provide a program that is of sufficient size, scope, and quality to effectively address the career preparation needs of our students. This funding will supplement state and local CTE funds and improve, enhance, or expand our CTE programs in the 2010–11 school year. I certify that, to the best of my knowledge, the information contained in this application is correct and complete.

Printed Name of Superintendent or Designee: Javetta Cleveland	Title (If not superintendent): Deputy Superintendent
Signature of Superintendent or Designee:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
Reviewed and Recommending Approval:	Date:
Final Approval:	Date:

[Type text]

SECTION I
**SIGN-OFF FORM FOR FEDERAL AND STATE ASSURANCES AND
CERTIFICATIONS**

This application is a commitment to comply with the following assurances, certifications, terms, and conditions associated with the Carl D. Perkins Career and Technical Education Improvement Act of 2006. A signature on this page confirms that the documents listed below are complete and on file in the agency and that the superintendent or an authorized designee has reviewed the documents and agrees to comply with the assurances, certifications, terms, and conditions.

The general assurances and certification are available on the CDE Web site. See page 12 of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, 2010–11 Request for Application* for the specific link to each assurance and certification. The complete text of program specific assurance, certification, terms and conditions can be found on pages 25–32 in the *Request for Application*.

- California Department of Education General Assurances (CDE-100A)
- Drug Free Workplace Certification (CDE-100DF)
- U.S. Department of Education Debarment and Suspension (ED 80-0014)
- U.S. Department of Education Lobbying (ED80-0013)
- Perkins IV Assurances and Certifications (CDE 100)
- 2010–11 Grant Conditions

CERTIFICATION: As the duly authorized representative of the local educational agency applying for Carl D. Perkins Career and Technical Education Improvement Act of 2006, 2010–11 funding, I have read the assurances, certifications, terms and conditions associated with this grant and I agree to comply with all requirements as a condition of funding.

Printed Name Javetta Cleveland Title Deputy Superintendent

Signature _____ Date _____

SECTION II

SIGN-OFF FORM FOR REPRESENTATIVES OF SPECIAL POPULATIONS

The Carl D. Perkins Career and Technical Education Improvement Act of 2006 requires local educational agencies (LEAs) to implement strategies to overcome barriers that may be lowering special population students' rates of access to or success in career technical education (CTE) programs assisted with the funds. CTE programs must be designed to enable special population students to meet the performance level targets established for the programs. These programs must also provide the activities needed to prepare these students for high-skill, high-wage, or high-demand occupations that lead to self-sufficiency.

This form confirms that the LEA coordinators or administrators responsible for each of the programs associated with special population groups have reviewed and approved the 2010–11 Perkins IV application for funds. Each special population category **must** be signed by the LEA's designated administrator or the certificated representative responsible for that program.

Economically Disadvantaged (Title I Coordinator/Administrator)

Printed Name Sterling Bruner Title Principal

Signature _____ Date _____

Limited English Proficiency (English Learner Coordinator/Administrator)

Printed Name Joan Lehman Title Vice Principal

Signature _____ Date _____

Disabled (Handicapped) (Special Education Coordinator/Administrator)

Printed Name Sterling Bruner Title Principal

Signature _____ Date _____

Single Parent or Single Pregnant Women (Title IX Coordinator/Administrator)

Printed Name Sterling Bruner Title Principal

Signature _____ Date _____

Gender Equity or Nontraditional Training (Title IX Coordinator/Administrator)

Printed Name Sterling Bruner Title Principal

Signature _____ Date _____

Displaced Homemaker (Title IX Coordinator/Administrator)

Note: Required only on Section 132 (Adult) applications

Printed Name Sterling Bruner Title Principal

Signature _____ Date _____

**SECTION III: ASSESSMENT OF CAREER TECHNICAL EDUCATION PROGRAMS (CORE INDICATORS)
ADULT**

Instructions are on page 19 of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, 2010–11 Request for Application*.

Core Indicator	Definition	LEA Level 2007/08	LEA Level 2008/09	State Level 2008/09	90% or more of the State level
1A1 Technical Skill Attainment	Numerator: Number of adult CTE concentrators enrolled in a CTE capstone course who passed an end-of-program assessment or earned a competency certificate during the reporting year.	100%	98.38%	70.0%	63.0%
	Denominator: Number of adult CTE concentrators enrolled in a CTE capstone course who took an end of program assessment or who were eligible to earn a competency certificate in a CTE program.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2A1 Credential, Certificate, or Degree	Numerator: Number of adult CTE concentrators enrolled in a CTE capstone course who earned an industry-recognized credential, certificate, degree, or completed a transfer program.	47.10%	92.34%	47.5%	42.75%
	Denominator: Number of adult CTE concentrators who were enrolled in a CTE capstone course.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4A1 Student Placement	Numerator: Number of adult CTE concentrators who left adult education and enrolled in postsecondary education or advanced training, entered military service, or employment as reported on a survey six months following the program year.	86%	98.16%	65.3%	58.73%
	Denominator: Number of adult CTE capstone concentrators who left adult education during the reporting year and responded to a follow-up survey.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5A1 Non-traditional Participation	Numerator: Number of adult CTE participants from underrepresented gender groups enrolled in a program sequence that leads to employment in nontraditional fields.	39.45%	29.19%	23.0%	20.7%
	Denominator: Number of all adult CTE participants enrolled in a program sequence that leads to the employment in nontraditional fields.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5A2 Non-traditional Completion	Numerator: Number of adult CTE concentrators from underrepresented gender groups enrolled in a capstone CTE course that leads to employment in nontraditional fields who passed an end-of-program assessment or earned a competency certificate.	100%	26.42%	18.0%	16.2%
	Denominator: Number of adult CTE concentrators enrolled in a capstone CTE course that leads to employment in nontraditional fields who took an end of program assessment or who were eligible to earn a competency certificate.				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Program Improvement Form

An LEA that does not reach 90 percent of the state-established performance level for any core indicator must submit this form. Instructions are on page 21 of the *Carl D. Perkins Career and Technical Education Improvement Act 2006, 2010–11 Request for Application*.

EXAMPLE				
Core Indicator: (not meeting 90% level)	Explanation (Why did the LEA not meet the state-established performance level for this core indicator?): Low numbers of female students enrolled in automotive and building trades programs.		Funding Source to be used to cover expenses:	Amount of funding:
6S1	Strategy to improve performance level (Describe the strategy that will be used to improve the performance level for this core indicator.): Raise awareness among students and staff about non-traditional student participation.	Planned activities (Describe the specific activities that will be employed to achieve the improvement strategy.): 1. Meet with school counselors about non-traditional careers and student enrollment. 2. Produce handouts/brochures for students.	Perkins IV	\$200
Core Indicator	Explanation:		Funding source to be used to cover expenses:	Amount of funding:
	Strategy to improve performance level:	Planned activities:		
Core Indicator	Explanation:		Funding source to be used to cover expenses:	Amount of funding:
	Strategy to improve performance level:	Planned activities:		

SECTION IV: PROGRESS REPORT TOWARD IMPLEMENTING THE LOCAL CTE PLAN

The implementation of every LEA's local CTE plan directly affects the implementation of the State CTE Plan. Through the five-year duration of Perkins IV, 2008–2013, LEAs will report on the progress they have made toward implementation of their local CTE plan. This progress report is an opportunity to reflect on the goals outlined in the local CTE plan as well as noting the successes and challenges that occurred during the 2009–10 school year.

Additionally, the LEA should set measurable CTE outcomes for the 2010–11 school year based on what has been learned and the core indicator data reported in Section III.

LEA personnel must respond to the following prompts or questions:

1. In the 2009–10 application (Section IV, question 3), the LEA identified three goals from the local CTE plan on which it would focus during the 2009–10 school year. What progress has the LEA made toward achieving those specific goals? How has the LEA improved, enhanced, or expanded CTE for students during 2009–10?

Implement the “Technology Boot Camp” course into the Hospitality, Tourism, and Recreation Industry Sector and the Health Science and Medical Technology Industry Sector sequences to help students in those sectors become job ready upon graduation.

Berkeley Adult School is in the planning stage of putting together computer classes just for the above-mentioned sectors, in particular for the Bread Project. The Bread Project has increased training in technology, as have students in Health Science. Due to the retirement of the principal and the elimination of one vice-principal in June of 2008, however, the complete implementation of “Technology Boot Camp” has been delayed until Fall of 2010.

Revise remaining programs of study to either include the industry recognized certification on site, have access to the certification data regarding students who take the exams at other locations or receive LEA certification.

Berkeley Adult School has implemented certification for the PC Repair program at Berkeley Adult School; in addition, courses offered through Inter-City Services now follow a sequence of courses leading to an industry-recognized program of completion. We have revised Computer Software PC courses to Microsoft (MS) Word I, MS Word II, MS Word Certification, MS Excel I, MS Excel II, MS Excel Certification and Basic Computer Literacy.

Formalize agreements with the local partners in the community.

Berkeley Adult School has completed Memoranda of Understanding with the San Francisco Paramedic Association, the Bread Project, Advance Medical School of Nursing and Inter-City Services. We are working on completion of an MOU with Berkeley City College.

We have increased the number of computers available to students, along with software, upgrading to Adobe CS4 from CS3. We have also begun offering more advanced classes in Microsoft and Adobe, leading to certification and to entry into related courses in colleges or to relevant industry jobs.

2. During the 2009–10 school year, how has the LEA's CTE Advisory Committee been involved in the ongoing development, implementation, and evaluation of CTE programs?

Berkeley Adult School concentrated on three areas during the 2009-10 school year: ongoing development of our culinary program, the Bread Project; of our EMT program; and of our PC Repair Program and MS Excel Certification. We are also evaluating their effectiveness in providing student transition to internships, jobs, and college.

3. What is the status of Career Technical Student Organizations (CTSOs) in the LEA's CTE programs? How has the LEA embedded leadership development in all CTE courses?

Given the nature of Berkeley Adult School's student population, there is no student organization in effect. However, we have embedded leadership development in CTE courses in that students learn about how to advance in their chosen CTE path and to eventually assume positions of management and leadership in relevant industries.

4. Identify at least three measurable outcomes from the local CTE plan on which the LEA will focus in 2010–11.

Improve the articulation of our CTE sequences so that students take all courses appropriate to their academic and professional goals.

Continue to embed leadership development in all CTE courses.

Continue to address SCANS competencies in our program sequences.

As this is a transition year for our consortium, we are working together to plan measurable outcomes that are mutually beneficial to students in both of our LEAs. To that effect, we are concentrating on industries which emphasize technology, identifying the demands of our regions and implementing programs of study that lead to a high-demand, high-wage occupation. We intend to use Perkins IV funds to augment our technology CTE paths in the industry sector of

Arts, Media and Entertainment so that we can supply local industries with qualified, job-ready candidates.

SECTION V: SEQUENCE OF COURSES TO BE FUNDED WITH PERKINS IV IN 2010–11

Instructions are on page 22 of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, 2010–11 Request for Application*

Only sequences of courses identified in the LEA’s approved Local CTE Plan, added or modified in the 2009–10 application, or submitted in Section VII (Local CTE Plan Update) of this application can be supported by Perkins IV funds.

Industry Sector	Career Pathway	School Site Where the Sequence Is Offered	Amount of Perkins Funding Allocated to this Sequence	Page # in Local CTE Plan
Arts, Media and Entertainment	Web Page Design and Management Specialist	Berkeley Adult School		39
Arts, Media and Entertainment	Digital Graphic Editing Specialist	Berkeley Adult School		38

SECTION VI
BUDGET AND EXPENDITURE SCHEDULE
 2010–11

Local Educational Agency (LEA): Berkeley Unified School District – Berkeley Adult School

CD Code: 01-61143

Authorized Signature: Sterling Bruner, Principal

Total Allocation: \$36,908
 Indirect Cost Rate (percent): 5%

Select One
 ORIGINAL BUDGET
 END-OF-YEAR CLAIM

Funding Source and Purpose:
 Section 112 State Institutions
 Section 131 Secondary
 Section 132 ROCP and Adult

Object Code and Budget Category	(A) Instruction (Including Career Technical Student Organizations)	(B) Professional Development	(C) Curriculum Development	(D) Transportation and Child Care for Economically Disadvantaged Participants	(E) Special Populations Services	(F) Research Evaluation and Data Development	(G) Career and Academic Guidance and Counseling for Students Participating in CTE Programs	(H) Administration or Indirect Costs	(I) Total
Percentage of grant expenditures allowed	At least 85% of the grant must be spent in these areas						Not to exceed 10% of total expenditure	Not to exceed 5% of total expenditure	
1000	Certificated Salaries		\$4,000			\$2,000		\$6,000	
2000	Classified Salaries								
3000	Employee Benefits								
4000	Books/Supplies	\$22,563						\$22,563	
5000	Services/ Operating Expenses	\$2,500		\$4,000				\$6,500	
6000	Capital Outlay								
7000	Indirect Costs						\$1,845	\$1,845	
	Total							\$36,908	

Instructions are on page 22 of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, 2010–11 Request for Application*.

SECTION VI: Budget Narrative

Instructions are on page 24 of the *Carl D. Perkins Career and Technical Education Improvement Act of 2006, 2010–11 Request for Application*. See Appendix B, Sample Perkins IV Budget Narrative, to comprehend the level of detail required in the budget narrative.

OBJECT #	EXPENDITURE DESCRIPTION	AMOUNT
1000	Certificated Salaries	\$6,000
	Subtotal for 1000 category	
2000	Classified Salaries	
	Subtotal for 2000 category	
3000	Benefits <ul style="list-style-type: none"> ▪ Certificated allocation: ▪ Classified allocation: 	
	Subtotal for 3000 category	
4000	Books and Supplies	
	Non-capitalized Equipment	\$22,563
	Subtotal for 4000 category	
5000	Services and other operating expenditures:	
	Transportation and Child Care for Economically Disadvantaged Participants	\$4,000
	Travel and Conferences	\$2,500
	Subtotal for 5000 category	
6000	Capital Outlay (list items below)	
	Subtotal for 6000 category	
7000	Indirect rate @ LEA percentage (minus capital outlay)	\$1,845
	GRAND TOTAL	\$36,908

SECTION VII: LOCAL CTE PLAN UPDATE

Applicants may update their local CTE plans annually, if necessary. This is a good time to review local CTE plan benchmarks and make adjustments to reflect progress or additions to the CTE program. This is particularly important if:

- New courses have been added to an existing program sequence.
- New sequences of courses have been developed for an existing industry sector.
- A new industry sector and the corresponding sequences of courses have been developed.

If Perkins IV funds will be used to support any new industry sectors or courses not included in the original Local CTE Plan, or submitted with the 2009–10 application and approved by the CDE, a new sequence of courses worksheet must be completed. Go to the CDE Perkins Forms and Files Web page at <http://www.cde.ca.gov/ci/ct/pk/forms.asp> and download the Sequence of Courses Worksheet from the Local CTE Plan Forms.

Other updates to the local CTE plan can be submitted in narrative form with a reference to the Local CTE Plan chapter, section, and question.

**MEMORANDUM OF UNDERSTANDING
FOR A CONSORTIUM ESTABLISHED TO PARTICIPATE IN THE CARL D. PERKINS CAREER
AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006 SECTION 132 FUNDS**

Participating Local Educational Agencies

Sacramento County Office of Education
Berkeley Unified School District

1. This consortium was established for the purpose of meeting the minimum grant (\$50,000) eligibility requirement of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 Section 132 funds. The consortium is comprised of the local educational agencies (LEAs) listed above. This agreement will become effective with the time period covered by the 2010-2011 funds and will extend through the duration of the 2006 Act funding, or until revised or disbanded by the participating LEAs.
2. As the administrative agency for the consortium, Tammy Sanchez, Assistant Superintendent; Business Services will receive and administer the consortium's allocated funds, and submit the necessary plans, applications, and all fiscal claims to the California Department of Education (CDE). Each of the LEAs participating in the consortium will cooperate in the development of these documents and will provide timely responses to the consortium fiscal agent's request for information and data.
3. Each member of the consortium will submit the two annual online end-of-program-year accountability reports required of all LEAs participating in the Perkins funds: (a) the E-1 report which provides enrollment, academic and skill attainment (program completion), and school completion data on all Career Technical Education (CTE) programs conducted by the LEA; and (b) the E-2 report which provides employment and/or postsecondary education placement data on the program completers reported on the E-1 report. The CDE will aggregate the report data submitted by individual consortium members into a single report for the consortium.
4. In accordance with Section 132(a)(3) of the 2006 Perkins Act, the consortium's annual allocated funds will be used only for purposes and programs that (a) are mutually beneficial to all members of the consortium, and (b) only for the program improvement and student support activities presented in the consortium's 2008-12 local plan and annual applications approved by the CDE. No funds will be redistributed to individual members of the consortium for purposes or programs that are not available to all members of the consortium.
5. Tammy Sanchez will utilize up to 5 percent of the consortium's annual Section 132 allocation for costs incurred in administering the annual grant award.

As evidenced by the accompanying Superintendent or Authorized Designee signatures, each of the consortium's participating LEAs agrees to the conditions set forth in this Memorandum of Understanding:

 Tammy Sanchez, Assistant Superintendent; Business Services Date

 Marty Cavanaugh, Deputy Superintendent Sacramento County Office of Education Date

 Javetta Cleveland, Deputy Superintendent Berkeley Unified School District Date

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 12, 2010
SUBJECT: Approve a Contract With Petersen Dean to Replace the Roofs at Emerson School

BACKGROUND INFORMATION

The Board approved Facilities Plan includes a project to replace the roof at Emerson School. The Board approved the advertisement of this project on March 24, 2010. On May 3, 2010, seven bidders submitted bids. We are recommending award to the low bidder.

The low bid is below the budget. We are recommending the award of the alternate, which ensures the replacement of the roofs located above the addition, originally installed in the winter of 1998-99.

POLICY/CODE

Public Contract Code 20110 – 20118.

FISCAL IMPACT

Cost to be paid from the Deferred Maintenance Fund (carryover) and the Bond.

STAFF RECOMMENDATION

Approve Petersen Dean for \$191,200.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION No. 10-43

Authorization to Award Contract for Roof Replacement at Emerson Elementary Project 813.1001

WHEREAS, in accordance with Uniform Public Construction Cost Accounting procedures, bids were solicited for Roof Replacement at Emerson Elementary Project 813.1001. Bids were opened on May 3, 2010 at 3:00, and the following 7 bids were received:

CONTRACTOR	Base Bid	Alt #1
Petersen Dean	177,900.00	13,300.00
Fidelity Roof Co	219,000.00	26,000.00
IMR Contractor Corp	245,240.00	26,800.00
Pioneer Contractors	255,900.00	34,400.00
Best Contracting Services, Inc.	274,704.00	28,800.00
Western Roofing Service	288,800.00	25,200.00
Reinhardt Roofing	311,691.00	25,911.00

WHEREAS, Peterson Dean is the lowest bidder and is deemed to be responsive, responsible and qualified to complete the work according to the specifications in project number 813.1001 documents;

NOW, THEREFORE, BE IT RESOLVED that the bid of Petersen Dean, for the Base Bid and Alternates #1 in the amount of \$191,200 be accepted; and the Deputy Superintendent and/or Purchasing Agent of this Board are hereby authorized to enter into a contract with said bidder for said amount in accordance with law.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 12th day of May, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

John T. Selawsky
Clerk, Board of Education
Berkeley Unified School District

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 12, 2010
SUBJECT: Approve a Contract With Leo's A-C Incorporated to Paint and Provide Floor Coverings at Berkeley Arts Magnet School

BACKGROUND INFORMATION

The Board approved Facilities Plan included a project to paint and replace floor coverings at Berkeley Arts Magnet. The Board approved the advertisement of this project on March 24, 2010. On April 28, 2010, six bidders submitted bids, but one was past the deadline and was not opened. We are recommending award to the low bidder.

The project is substantially below budget. We are recommending the award of both alternates (replacing flooring in seven portables and the refinishing of the multipurpose floor and a few other miscellaneous items). We are also recommending that the Board provide the authority to utilize the unit prices (vapor barrier under flooring and additional wood repair) in an amount not to exceed \$20,000.

POLICY/CODE

Public Contract Code 20110 – 20118.

FISCAL IMPACT

Cost to be paid from the Deferred Maintenance Fund (carryover) and the Bond.

STAFF RECOMMENDATION

Approve Leo's A-C Incorporated for \$370,000.

BERKELEY UNIFIED SCHOOL DISTRICT

RESOLUTION No. 10-42

Authorization to Award Contract for Flooring and Paint at Berkeley Arts Magnet - Project 822.1001

WHEREAS, in accordance with Uniform Public Construction Cost Accounting procedures, bids were solicited for Flooring and Paint at Berkeley Arts Magnet - Project 822.1001. Bids were opened on April 28, 2010 at 3:00pm, and the following 5 bids were received:

CONTRACTOR	BASE BID	Alt #1	Alt #2
Leo's A-C, Inc., Rowland Heights	272,000	44,000	34,000
TPA Construction, Inc., Rocklin	376,500	15,300	6,200
John Plane Construction, Brisbane	499,000	55,000	64,000
B Bros Const, Inc., San Leandro	551,930	110,260	100,890
Fix Painting Co., Woodland Hills	596,000	94,000	104,500

WHEREAS, Leo's A-C, Inc. is the lowest bidder and is deemed to be responsive, responsible and qualified to complete the work according to the specifications in project number 822.1001 documents;

NOW, THEREFORE, BE IT RESOLVED that the bid of Leo's A-C, Inc., for the Base Bid and Alternates #1 through #2 in the amount of \$350,000 be accepted; and the Deputy Superintendent and/or Purchasing Agent of this Board are hereby authorized to enter into a contract with said bidder for said amount in accordance with law.

PASSED AND ADOPTED by the Board of Education of the Berkeley Unified School District this 12th day of May, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

John T. Selawsky
Clerk, Board of Education
Berkeley Unified School District

Public Contract Code: 20111
Board Policy: 3310

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 12, 2010
SUBJECT: Approve CB Richard Ellis, a Commercial Real Estate Firm, to Assist in the Sale of the Hillside Property

BACKGROUND INFORMATION

On February 24, 2010, the Board approved the issuance of a Request for Proposal (RFP) to hire a consultant to help sell Hillside. Six firms expressed an interest and were sent proposals. Proposals were due on April 23, 2010 and two firms applied. The proposals were reviewed by the Deputy Superintendent and the Director of Facilities. We recommend hiring CB Richard Ellis (CBRE) for this project. CBRE has extensive experience in the school surplus and sale process. The other proposer has a great deal of Berkeley experience, but their team did not demonstrate experience in the public school surplus process.

The agreement will be based on a not to exceed initiation and data gathering fee of \$10,000. The commission for a sale will be 5%. The initiation fee will be credited against the future commission. Tasks in the initiation period will include:

1. Reviewing any additional relevant information about the Hillside School site;
2. Meeting with BUSD representatives, including staff and the Board and potentially with members of the Surplus Facilities Committee in order to validate our objectives;
3. Conferring with our legal counsel to review the legal process for surplus site disposition and understand the potential for exemptions to certain requirements for public bidding;
4. Conducting a more detailed site visit of the Hillside School, including touring the building interior in order to understand the condition of the facilities and the current uses of the property; and.
5. Defining the appropriate business terms for the property disposition, with the final terms to be reviewed and approved by staff and the Board (two meetings).

POLICY/CODE

Education Code 17455 – 17486.

FISCAL IMPACT

An initial cost of \$10,000. The sale of Hillside could result in the District receiving funds.

STAFF RECOMMENDATION
Hire CBRE to assist in the sale of Hillside

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lisa van Thillo, Assistant Superintendent – Human Resources
DATE: May 12, 2010
SUBJECT: Resolution No. 10-44 for Reduction or Elimination of Specified Classified Positions

BACKGROUND INFORMATION

Due to reductions in revenues in general, categorical and restricted funds and the tenuous and precarious nature of school district financing and State funding, a number of classified positions in the District will be reduced in hours or potentially eliminated because of funding. On April 28, 2010, the Board adopted Resolution 10-40 reducing or eliminating specified classified positions. This resolution would further reduce or eliminate additional classified positions.

We regret the hardship this notification process places on employees and the uncertainty of their future employment status. It is our expectation that many of the attached positions may return at a future date, although some will be restored at a reduced FTE, and some positions will be eliminated due to loss of funds. The affected employees will be notified about the lay-off process and their employment rights.

In light of Education Code requirements, it is necessary for the Governing Board to set forth and act on these reductions of classified positions so that each employee affected can be timely notified as prescribed by law and the collective bargaining agreement. Because of the shifting of and limitations in funding sources as well as the increase in personnel costs without monies to cover those costs, these positions are being eliminated or reduced.

POLICY/CODE

Education Code Section 45117 states that classified employees may be laid off due to lack of funds or lack of work.

FISCAL IMPACT

Reduction in employee costs.

STAFF RECOMMENDATION

Approve Resolution No. 10-44

BOARD OF EDUCATION OF THE
BERKELEY UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

))
In the Matter of the Reduction of)) RESOLUTION NO. 10-44
Positions in the Classified Service)

RESOLUTION TO LAY OFF
CLASSIFIED EMPLOYEES

WHEREAS, due to lack of work and/or lack of funds in the Berkeley Unified School District, the Board of Education hereby finds it necessary and in the best interest of the District to eliminate the full-time equivalent (FTE) of the classified services as specified below:

POSITION	SITE	FTE
Instructional Technician – EDP	Willard Middle School	0.20
Instructional Specialist II – Athletics	Washington Elementary School	0.22
Instructional Specialist II – PE	Washington Elementary School	0.22

NOW, THEREFORE, BE IT RESOLVED that as of June 30, 2010, the classified positions set forth above shall be discontinued to the extent herein above set forth.

BE IT FURTHER RESOLVED that the Superintendent or his designee is authorized and directed to give notices of lay-off to all affected employees not later than 45 days prior to the effective date of the lay-off as set forth above.

The foregoing Resolution was passed and adopted at a meeting of the Board of Education on May 12, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Clerk, Board of Education

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Neil Smith, Assistant Superintendent, Educational Services
Fellton Owens, Director, Student Services
DATE: May 12, 2010
SUBJECT: Approval of School Safety Plans

BACKGROUND INFORMATION

Each California public school must have and maintain an individual safety plan at each site. This plan is a composite of various community, agency, and school resources to ensure proper response to any emergency.

All School Site Safety Plans have the following standard components, although individual plans and responses may differ from site to site:

- Directory of District and City Emergency Contact Information
- List of Safety Team Members
- Emergency Action Plans
- Overview of District and School Site Responsibility for Students to and from School
- Basic Actions for Safety Responses
- Responsibility and Duties for all District Staff
- Procedures for Emergency Drills and Evacuation
- Crisis Response Team Protocol:
 - Intruder Shooting and Hostage
 - Bomb Threats
 - Student Unrest
- Policies and Procedures for:
 - Sexual Assault or Offense to and from School
 - School and After-school Disturbances, Fights, or Assaults
 - Arrest of Student
 - Sexual Harassment Policy
 - Hate Motivated Behavior Policy
 - Child Abuse Reporting
 - Suicide Attempt
 - Staff Notification of Dangerous Student
 - Dress Code
 - Campus Supervision

- Selected Rules and Procedures for Student Discipline
- District Suspension and Expulsion Policies
- Exposure and Control of Bloodborne Pathogens
- Implementation Plan
- Structural Assessment and Review

A copy of each site's Safety Plan has been placed in the Superintendent's Conference Room for review. The Safety Plans are now being presented to the Board for approval.

POLICY/CODE

Board Policy 3516

Education Code 32280-32289

FISCAL IMPACT:

None

STAFF RECOMMENDATION

Approve the School Safety Plans.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 12, 2010
SUBJECT: Draft Language for a New General Obligation Bond

BACKGROUND INFORMATION

The administration and the Board have been discussing the possibility of a new bond and a renewal of the maintenance parcel tax. Attached to this cover memo is the proposed language for a new bond measure. Our attorney, John Hartenstein, of Orrick Herrington & Sutcliffe will be available to discuss any legal aspects. That firm has functioned as our bond counsel for many years. The proposal has been reviewed twice by Cabinet and once by the attorney.

The proposed language is very general, even though the Board has discussed more specific allocations. The Proposition 39 bonds require that all locations and possible types of projects are listed. The bond language is written with maximum flexibility to fund needed projects.

Staff intends that if there are relatively minor changes to the language, we will incorporate those changes into a final proposal and return with a recommendation to proceed at a Board Meeting in June. If there are significant changes, the language may be brought back to the Board at the second Board Meeting in May.

POLICY/CODE

Education Code Sections 15264, et seq.

FISCAL IMPACT

No impact to review

STAFF RECOMMENDATION

Review the proposed language

EXHIBIT A

I. ABBREVIATION OF THE MEASURE

To improve school safety and facilities for learning and teaching, shall Berkeley Unified School District issue \$210,000,000 in bonds at interest rates within the legal limit, for new classrooms to reduce class sizes and qualify for State grants to seismically upgrade, construct science labs, upgrade computers and education technology, replace deteriorating restrooms, cafeterias, roofs, heating and fire safety systems, remove hazardous materials, and improve energy efficiency, with independent audits and citizen oversight? The State cannot take the funds.

II. FULL TEXT OF THE MEASURE

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Berkeley Unified School District (the "District") shall be authorized to issue and sell bonds of up to \$210,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List below, and in order to qualify to receive State matching grant funds, subject to all of the accountability safeguards specified below.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the District's voters and taxpayers may be assured that their money will be spent wisely to address specific facilities needs of the District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following).

Evaluation of Needs. The Board of Education has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the District at each campus and facility, and to determine which projects to finance from a local bond at this time. The Board of Education hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Limitation on Use of Bond Proceeds. The State of California does not have the power to take locally approved school district bond funds for any State purposes. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities listed in this proposition, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects.

Independent Citizens' Oversight Committee. The Board of Education shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are spent only for the school facilities projects listed in the Bond Project List. The committee shall be established within 60 days of

the date when the results of the election appear in the minutes of the Board of Education. The Board of Education may, but need not, constitute the Citizens' Oversight Committee as the existing School Construction Oversight Committee responsible for reviewing other bonds of the District.

Annual Performance Audits. The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List.

Annual Financial Audits. The Board of Education shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List.

Special Bond Proceeds Account; Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board of Education shall take actions necessary pursuant to Government Code Section 53410 and following to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent or the chief fiscal officer of the District shall cause a report to be filed with the Board no later than December 31 of each year, commencing December 31, 2010, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as such officer shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

FURTHER SPECIFICATIONS

Specific Purposes. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and shall constitute the specific purposes of the bonds, and proceeds of the bonds shall be spent only for such purposes, pursuant to Government Code Section 53410.

Joint Use. The District may enter into agreements with the City of Berkeley or other public agencies or nonprofit organizations for joint use of school facilities financed with the proceeds of the bonds in accordance with Education Code Section 17077.42 (or any successor provision). The District may seek State grant funds for eligible joint-use projects as permitted by law, and this proposition hereby specifies and acknowledges that bond funds will or may be used to fund all or a

portion of the local share for any eligible joint-use projects identified in the Bond Project List or as otherwise permitted by California State regulations, as the Board of Education shall determine.

Bonds may be Issued in Excess of Statutory Bonding Limit.

Issuance of all of the authorized bonds might require the outstanding debt of the District to exceed its statutory bonding limit of 2.50% of the total assessed valuation of taxable property in the District. In that event, the District intends to seek a waiver of its bonding limit from the State Board of Education, which has the power to waive certain requirements of the Education Code applicable to the District. By approval of this proposition, the voters have authorized the District to seek such a waiver, and to issue authorized bonds in excess of the 2.50% limit as the State Board of Education may approve. No such waiver has yet been sought or granted.

Rate of Interest. The bonds shall bear interest at a rate per annum not exceeding the statutory maximum, payable at the time or times permitted by law.

Term of Bonds. The number of years the whole or any part of the bonds are to run shall not exceed 40 years from the date of the bonds or the date of any series thereof.

BOND PROJECT LIST

The Bond Project List below describes the specific projects the District proposes to finance with proceeds of the bonds. Listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition. Certain construction funds expected from non-bond sources, including State grant funds the District expects to request for eligible projects, and public agency or nonprofit partner contributions to joint-use projects, have not yet been secured. Until all project costs and funding sources are known, the Board of Education cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further

government approvals by State officials and boards, to local environmental review, and to input from the public.

Each project is assumed to include its share of costs of the election and bond issuance and other construction-related costs, such as construction management, architectural, engineering, inspection and other planning and permitting costs, legal, accounting and similar fees, independent annual financial and performance audits, a customary construction contingency, and other costs incidental to and necessary for completion of the listed projects (whether work is performed by the District or by third parties).

Unless otherwise noted, the following projects are authorized to be completed at each or any of the District’s school sites:

Berkeley Arts Magnet Elementary	Cragmont Elementary	Emerson Elementary
Jefferson Elementary	John Muir Elementary	LeConte Elementary
Malcolm X Elementary	Oxford Elementary	Rosa Parks Elementary
Thousand Oaks Elementary	Washington Elementary	
	* * *	
M.L. King Jr. Middle School	Longfellow Middle School	Willard Middle School
	* * *	
Berkeley High School	B-Tech High School	Berkeley Adult School
	* * *	
1810 Hopkins Pre-school	Franklin Pre-school	King Pre-school
	* * *	
Oregon/Russell Facility	West Campus Facility Transportation Facility	East Campus Field

ENERGY, TECHNOLOGY & INFRASTRUCTURE IMPROVEMENTS

- Replace existing or acquire new classroom technology, including computers, digital projectors and document cameras, and District network servers, network interface devices, network switches and routers, wireless network equipment, firewalls, network security equipment, racking, power and cooling equipment and power supplies, over an approximately ten-year period on a three- to five-year replacement cycle
- Furnish and equip classrooms and other facilities with appropriate items, including desks, chairs and classroom furniture, science and lab equipment, school-site maintenance equipment, copy machines, "cubicle" partitions, chairs, storage units and school office equipment, kitchen equipment, including initial purchases and continued replacement of equipment and furniture as needed
- Complete upgrading, replacement or installation of building systems as needed, including interior plumbing, electrical wiring, lighting, heating, ventilation and air conditioning systems
- Complete upgrading, replacement or installation of Ethernet or other network access systems, telephone system, radio system, smoke and fire detection and alarm systems, public address system, intrusion alarm system and video surveillance system, and other security systems
- Repair, replace, install, add or upgrade utility systems and lines as needed, including water lines, gas lines, sewer lines, storm drains, electrical lines, telephone and data lines, and connections to city systems
- Acquire and install energy-saving improvements, including upgraded insulation, efficient lighting, shades and window coverings, energy management systems
- Acquire and install solar electricity generation and distribution systems, including rooftop installation of solar panels and construction of parking lot shade structures and other structures to support solar panels and related infrastructure

RENOVATION AND CONSTRUCTION OF CLASSROOMS AND SCHOOL FACILITIES

- Construct new classrooms and classroom buildings (for all grade levels, including pre-kindergarten, K-12 and Adult Schools), laboratories, lecture halls, theaters, multipurpose rooms, and other educational facilities, including to meet the requirements of increasing enrollment, class size reduction, grade or site reconfiguration
- Construct new classrooms and classroom buildings for career and technical education, or renovate, rehabilitate or reconstruct existing classrooms for career and technical education
- Modernize classrooms that have not yet been modernized
- Renovate, replace or construct gymnasiums, physical education and athletic fields and associated facilities, including all-weather tracks, natural or artificial turf fields, courts and stadiums, lighting, equipment, bleachers, restrooms, physical education, athletic and grounds maintenance equipment storage
- Renovate, modernize, or construct and equip school kitchens, cafeterias, and teaching kitchens, including food storage, preparation, serving and dining areas
- Renovate, modernize or construct other educational support facilities
- Install and upgrade door and window locks and security devices
- Retrofit or replace seismically unsafe educational and staff facilities with new or renovated facilities
- Renovate or construct Americans with Disabilities Act-compliant restrooms and remove physical barriers to accessibility
- Construct or renovate restrooms as needed to support population size
- If and as opportunities become available, and to the extent the Board determines that bond funds are available for the purpose, acquire additional locations and construct, convert, renovate or improve such additional locations as the Board determines may be necessary and appropriate to serve designated educational purposes

EXTERIOR & GROUNDS IMPROVEMENTS

- Acquire and install exterior safety lighting
- Acquire and install electronic message boards
- Acquire and install security systems
- Acquire and install campus signage
- Construct, repair, replace, renovate and rehabilitate walkways, covered walkways, breezeways and sidewalks
- Landscape and irrigate grounds
- Repair or upgrade roads and parking, including reconfigured or new pickup/dropoff areas, ingress, egress, traffic lights and mitigation
- Expand or construct new storage facilities
- Repair, replace or upgrade exterior campus fencing
- Resurface, refurbish, repair and paint building exteriors as needed
- Repair, replace and resurface quads and other paved areas, including installation or repair of drainage and installation of seating, tables and other amenities

ADDITIONAL NECESSARY AND INCIDENTAL PROJECTS

- Remove, dispose of, and otherwise remediate hazardous materials, including asbestos, lead, etc., where necessary
- Address unforeseen conditions revealed by construction or modernization (including plumbing or gas line breaks, dry rot, seismic, structural, etc.)
- Acquire or construct other improvements required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act (ADA)
- Perform necessary site preparation or restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including demolition of existing structures; removing, replacing, or installing irrigation, drainage, utility lines (gas, water, sewer, electrical, data and voice, etc.), trees and landscaping; relocating fire access roads; and acquiring any necessary easements, licenses, or rights of way to the property
- Acquire or construct storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel, and interim classrooms (including

relocatables) for students and school functions or other storage for classroom materials displaced during construction

- Lease any of the facilities on the Bond Project List or acquire through lease-purchase or other appropriate financial arrangements; execute purchase option under a lease for any of these authorized facilities or other District facilities currently under lease
- All other work, furnishing and equipping, necessary and incidental to specific projects described above.

For any project involving renovation, repair or rehabilitation of a building or the major portion of a building, the District shall be authorized to proceed with new replacement construction instead (including any necessary demolition), if the Board of Education determines that replacement and new construction is more practical than rehabilitation and renovation, considering the building's age, condition, expected remaining life, comparative cost, and other relevant factors.

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

<<<<<-----END OF FULL TEXT OF MEASURE.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 12, 2010
SUBJECT: Draft Language for the Renewal of the Maintenance Special Tax

BACKGROUND INFORMATION

The administration and the Board have been discussing the possibility of a new bond and a renewal of the maintenance parcel tax. Attached to this cover memo is the proposed language for a renewed maintenance tax. Our attorney, Marilyn Cleveland, from Dannis Woliver Kelley, will be available to discuss the legal requirements. The same law firm reviewed our Measure A language from 2006, and much of the structure of the renewal is based on that measure.

The Facilities Security Maintenance Oversight Committee (FSMOC) reviewed the current measure and made several recommendations. Staff incorporated their ideas into the proposal. The final proposal has been sent to the Committee for their review. Their next meeting is on May 6th, which occurs after the deadline for preparation of this document. The proposal has been reviewed twice by Cabinet and once by the attorney.

There are a few significant assumptions contained in this renewal. The most significant assumption is that it will be placed before the voters in November of 2010 and that it will be effective when the current measure expires, at the end of the 2012-13 school year. Another major assumption is that there are no planned COLA increases in 2011-12 and 2012-13. Staff can already predict that the current measure will not receive a COLA in 2011-12, but the District may have the right to impose a COLA in 2012-13. Staff believes that this COLA will be relatively small and that the Fund can be stable without an increase for that year.

Staff intends that if there are relatively minor changes to the language, we will incorporate those changes into a final proposal and return with a recommendation to proceed at a Board Meeting in June. If there are significant changes, the language may be brought back to the Board at the second Board Meeting in May.

POLICY/CODE

Government Section 50075

FISCAL IMPACT

No impact to the review.

STAFF RECOMMENDATION

Review the proposed language.

BERKELEY PUBLIC SCHOOLS FACILITIES SAFETY AND MAINTENANCE ACT OF 2010 - BALLOT SUMMARY

To provide essential maintenance of schools and grounds, shall Berkeley Unified School District continue its existing special tax of 6.31¢/square foot on residential buildings and 9.46¢/square foot on commercial buildings, and \$20 on unimproved parcels with annual cost-of-living adjustments for 10 years? Revenues maintain school buildings, classrooms, roofs, electrical systems, and address fire and safety hazards. The state cannot take the funds. An independent committee oversees funds.

FULL TEXT OF MEASURE

1. TITLE AND PURPOSE

The revenues raised by this Measure, the "Berkeley Schools Facilities Safety and Maintenance Act of 2010", will improve safety and essential building maintenance and grounds operations of all Berkeley Unified School District ("District") facilities.

2. DEFINITION OF PURPOSE

Available Revenues raised by this special tax shall be used exclusively to provide grounds operations and essential maintenance of District buildings and grounds, thereby protecting the health, safety and security of children and staff and creating an environment that supports student and staff success.

The monies shall be deposited into a restricted account and shall be expended according to a plan developed annually by District staff and adopted by the Board of Education of the District (the "Board").

All terms used herein and not otherwise defined herein shall be defined by reference to Berkeley Municipal Code Section 7.56.020, as effective on the date of adoption of this Act.

3. THE TAX LEVY

A. Tax Base

i. The special tax shall be levied on the Square Footage of all Improvements, including all Buildings and Structures, on Parcels of taxable real property in the Berkeley Unified School District, except where the Improvements are otherwise exempt from taxation.

The tax levied shall be at the rate of 6.31 cents/square foot on all Improvements on Residential Parcels, 9.46 cents/square foot on all

Improvements on Commercial, Industrial, and Institutional Parcels and \$20/parcel on Unimproved Parcels.

ii. The tax base shall be as described in the Berkeley Municipal Code Section 7.56.020 which defines and delimits the parameters of the square footage applications, and which is incorporated by reference herein. Current definitions of the terms "Buildings," "Improvements," "Parcels," "Square Footage," and "Unimproved Parcels" pursuant to the Berkeley Municipal Code are provided in Section 5 of this Measure. In the event of the expiration of this Municipal Code for any reason, the same definitions shall continue to apply as the basis for this special tax. In the event of the modification of any Berkeley Municipal Code definition or term that applies to this special tax, the definition or term as modified shall apply to the basis for this special tax after the effective date of the modification.

iii. An exemption from the special tax may be granted annually on any single family residential Parcel or multi-family dwelling unit owned and occupied by one or more very low-income senior citizens, upon annual application to the City of Berkeley for this exemption. To be eligible for this exemption, the senior citizen must be 65 years of age or older as of July 1 of any applicable tax year, and must meet the very low-income qualifications of Berkeley Municipal Code Section 7.56.035, which is incorporated by reference herein. In the event of expiration of Municipal Code Section 7.56.035 for any reason, the same qualification criteria shall continue to apply to this exemption.

iv. With respect to all general property tax matters within their respective jurisdictions, the Alameda County Tax Assessor or the City of Berkeley shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the special tax, a District administrative review panel or the City of Berkeley, as the designated agency, shall make all necessary final determinations, and that decision shall be final and binding.

B. Term

The term of this Measure shall be 10 years. The Measure shall be operative immediately upon passage. The tax shall be levied beginning in the 2013-2014 tax year and shall continue each year thereafter for ten years. Any proceeds from this special tax not spent during those fiscal years may be spent on all authorized purposes until exhausted.

C. Cost-of-Living Adjustment

Each year, commencing with the 2013-14 tax year, the first year of assessment, and thereafter, the rates imposed by this special tax may

be increased by a cost-of-living adjustment equal to the annual percentage increase of the State of California statutory inflation adjustment as defined in Education Code Section 42238.1(b) which is incorporated by reference herein.

Any increase in funds raised by this Measure due to the cost-of-living adjustments set forth in this Section shall be allocated to the Measure's purposes in accordance with Section 2 of this Measure.

D. Constitutional Spending Limit

Pursuant to Article XIII B of the California Constitution and applicable laws, the appropriations limit of the District shall be increased periodically by the amount collected by the levy of this special tax.

E. Savings Clause

The provisions of this Measure shall not apply to any person, association, or corporation or to any property as to whom or which it is beyond the power of the District to impose the tax herein provided. The Board of Education hereby declares, and the voters by approving this measure concur, that every sentence, clause, section, and part of this Measure has independent value and the Board of Education and the voters would have adopted each provision hereof regardless of every other provision hereof. If any sentence, clause, section, or part of this Measure or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, or part of this Measure and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this Measure. It is hereby declared to be the intention of the Board of Education and of the electorate that this Measure would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof, not been included.

4. ACCOUNTABILITY PROVISIONS

A. Separate Account

Proceeds of this special tax shall be deposited into an account which shall be kept separate and apart from other accounts in the District and shall be applied only to the purposes specified in Section 2.

B. Participation in Oversight of Special Tax Funds

i. Annual Plan

An expenditure plan (the "Annual Plan") shall be developed annually by District staff with input from the Facilities Safety and Maintenance Oversight Committee. The Annual Plan will recommend expenditures of the tax proceeds that are consistent

with the intent of the Measure. The assumptions associated with the recommended expenditures shall be included in the Annual Plan. The Plan shall be presented for Board action each year in conjunction with the District's annual budget adoption process. To facilitate public discussion, the recommended Annual Plan shall be distributed to the Facilities Safety and Maintenance Oversight Committee and made available for public review two weeks prior to Board action.

ii. Oversight

The implementation of the Measure will be overseen by the Facilities Safety and Maintenance Oversight Committee, which was constituted by Board action on March 5, 2003, in part to "provide enhanced accountability to the community by ensuring that the monies are spent in accordance with the (Berkeley Schools Facilities Safety and Maintenance Act of 2000) measure." The Committee is further charged with providing "input into the long term Strategic Plan for the maintenance and security of the District's facilities and the Annual Plan for expenditures on maintenance and safety." The Measure shall be subject to indirect support rates to pay for District business and personnel functions as calculated by the District and approved by the California Department of Education. The Measure shall not be subject to direct support rate charges.

Expenditures shall be for maintenance and grounds operations. District staff plans to inform the Committee before authorizing individual planned expenditures greater than \$25,000, except in the case of an emergency.

iii. Public Comment Process

Members of the public may comment on the plans, reports and conditions of the Measure during the public comment period of any Facilities Safety and Maintenance Oversight Committee meeting and any Board Meeting.

C. Financial Oversight

The District shall make available to the Facilities Safety and Maintenance Oversight Committee and the general public, updated revenue and expenditure reports of the proceeds of this special tax at least four times annually: before adoption of the District's annual budget, concurrently with the State-required interim reports, and with the end of the fiscal year report on the Measure.

D. Independent Auditor's Report and Audit Committee

Each year, an independent auditor retained by the District shall review District records to determine that funds generated by this Measure have been allocated and expended in compliance with the provisions of this Measure, including:

- i. that the funds raised by this Measure have been allocated to the purposes specified in Section 2;
- ii. that the funds raised by this Measure have been spent for purposes specified; and,
- iii. that other provisions of this Measure have been satisfied.

The audit shall be conducted in accordance with generally accepted accounting principles, the Standards and Procedures for Audits of California K- 12 Local Educational Agencies, and this Measure and shall be a part of the District's annual audit.

Subsequent to issuance of the Auditor's Report, the District's Audit Committee, as established by the Board of Education, shall review the Auditor's Report.

F. Civil Remedies Available at Law

The above provisions are in addition to civil remedies available at law for assuring compliance with the terms of this Measure.

5. DEFINITIONS

For purposes of this Measure, the following terms shall be defined as set forth below:

- A. "Available Revenues" shall mean the amount of money provided by this Measure after deduction of authorized collection charges by the county or city for collection of the tax.
- B. In accordance with Berkeley Municipal Code Section 7.56.020, subdivision A, which is incorporated by reference herein, "Building" means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."
- C. In accordance with Berkeley Municipal Code section 7.56.020, subdivision B, which is incorporated by reference herein, "Commercial," "Industrial" and "Institutional" shall refer to all buildings and improvements within the District that are not classified by that chapter as dwelling units.
- D. In accordance with Berkeley Municipal Code section 7.56.020, subdivision C, which is incorporated by reference herein, "Dwelling"

shall mean a building or portion of a building designed for human occupancy.

- E. In accordance with Berkeley Municipal Code section 7.56.020, subdivision D, which is incorporated by reference herein, "Dwelling unit" shall mean a building or portion of a building designed for or occupied exclusively by one family.
- F. In accordance with Berkeley Municipal Code section 7.56.020, subdivision F, which is incorporated by reference herein, "Improvements" mean all buildings or structures erected or affixed to the land.
- G. "Operational costs" are all costs of operating relevant District programs to accomplish the Measure's purposes and include but are not limited to personnel, materials, equipment, services, technology, and administrative costs. Administrative costs incurred in implementing this Measure shall be paid from the proceeds of this Measure at the District's Indirect Cost Rate authorized by the California Department of Education.
- H. In accordance with Berkeley Municipal Code Section 7.56.020, subdivision I, which is incorporated by reference herein, "Parcel" means a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.
- I. "Residential Parcel" means a taxable Parcel that is not an Unimproved Parcel and that is not a Commercial, Industrial or Institutional Parcel.
- J. In accordance with Berkeley Municipal Code Section 7.56.020, subdivision G, "Square Footage" means the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:
 - i. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto;
 - ii. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to

natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building; and,

- iii. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designated or used as sales, display, storage, service or production areas.
- K. In accordance with Berkeley Municipal Code Section 7.56.020, subdivision H, which is incorporated by reference herein, "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- L. "Unimproved Parcel" means a taxable Parcel that does not contain Buildings or other Improvements.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: May 12, 2010
SUBJECT: Property Management and John Muir School

BACKGROUND INFORMATION

The Board adopted property management rates in August 22, 2007. The Board has two types of charges: market rates and direct rates. The District charges market rates if admissions are charged, funds are solicited, or the net proceeds are not expended for the welfare of the pupils of the District; the District charges Direct rates when no admission is charged or if admissions or fundraising takes place, the receipts are expended for the welfare of the District or for District approved charitable purposes in which students, employees or the District receive the direct benefit from total dollars raised.

The District rents facilities to two private child care providers on a regular basis, one at Jefferson and one at John Muir. Although the two child care providers may not meet the exact requirements of the policy, the District determined that both programs would be charged the lower rates. The charge for a dedicated use of a space is \$1.05 per square foot. When a program uses a space for a portion of the day or year, the direct rate charge is \$16 per hour for cafeterias and cafetoriums.

The District also charges for other impacts to a program. The District charges \$39 per hour for custodial services and charges additional cost for incidental expenses such as required additional garbage pickup.

The School District has experienced budget cuts in the last few years. The District responded to those cuts by, among other things, reducing the number of custodians. As a result of this reduction, one of the strategies to minimize the need to hire additional summer help is to consolidate our summer programs at a few sites. Another reduction was made in garbage pick-up. During the school year when the students are being fed, the minimum garbage pick-up is twice a week. In the summer we can reduce our garbage pickup to once a week at sites that do not include feeding.

This summer, Malcolm X, Washington and Rosa Parks are open elementary sites. Our summer school, the City recreation and feeding program and the YMCA all have been assigned or relocated to those sites. To the extent possible, we encourage any other prospective vendor who wishes to utilize an elementary school to be at one of those sites.

Currently, most of the space at Rosa Parks and Washington is being used by our programs or rented; we still have available space at Malcolm X. The cost for summer rental at Malcolm X is less than summer rental at a closed site because the District is already providing custodial and twice weekly garbage pick-up at that site.

Use of other sites is possible, although sometimes an entire site is not available because of construction. This summer, the construction at Berkeley Arts Magnet makes it unavailable. The District will accept summer use at other sites provided the program signs a contract and pays up front for the program's impact. Currently, there is one approved rental permit this summer for the use of a school yard. No breakfast or lunch are served at this site, so the garbage pick-up is still reduced to once a week. The program pays for an hour of custodial costs per day because it accesses and uses the restrooms.

The Kids in Motion program has been a long standing tenant at John Muir. The District has no interest in displacing the program. The District must have a signed contract with the tenant that does not subsidize the program. For a number of reasons last year, no contract was finalized. We want to make sure we have a contract with this program in the coming year.

The monthly rental cost for the spaces occupied by the Kids in Motion program averages approximately \$1,856 (based on their planned use of the cafeteria of 4.5 hours per day or 97.5 hours per month). There are no permitted offsets to the rates, and the District is pleased to rent the space to the program if we have a contract and are paid that amount in advance each month.

We have encouraged the program to relocate to Malcolm X during the summer. We are also open to Kids in Motion renting the spaces at John Muir during the summer at an estimated average cost of \$3,033 per month (the regular fee plus the added cost for one hour of custodial service and additional garbage pick-up). As an alternative, Kids in Motion may rent the cafeteria at Malcolm X for the same number of hours for \$1,560 per month. We have not yet received a rental request from the program.

A number of parents of the Kids in Motion program came to the Board on April 28th. The Superintendent has made numerous attempts to hold a meeting with those parents to explain the information in this document, but they have not agreed to meet. This document has been written as an information item so the Board and the broader public can be informed on this issue.

POLICY/CODE
Education Code 40040-40043

FISCAL IMPACT
None

STAFF RECOMMENDATION
Receive for information.