



BERKELEY UNIFIED SCHOOL DISTRICT MEASURE

B MEASURE B: To support quality public education, shall the Berkeley Unified School District be authorized to continue its special tax for twelve years at a rate of 9.5¢/square foot on residential buildings and 14.25¢/square foot on commercial buildings, to provide: smaller class sizes; school enrichment programs; supplementary books and educational materials; and school maintenance and security; and, Shall the District's constitutional spending limit be increased for four years in the amount of the tax?	YES
	NO

FULL TEXT OF MEASURE B

"BERKELEY PUBLIC SCHOOLS EDUCATIONAL EXCELLENCE ACT OF 1994"

1. TITLE AND PURPOSE

The revenues raised by this Measure, the "Berkeley Public Schools Educational Excellence Act of 1994," are to be used to provide quality educational programs which lead to improved student achievement in the Berkeley Public Schools. The Measure reflects agreements of a community with diverse perspectives about programs to enhance student achievement in the Berkeley Public Schools.

2. ALLOCATION OF FUNDS

Funds raised by this special tax shall be deposited in restricted accounts, and the available funds raised by this special tax shall be allocated as follows:

- Smaller class sizes and program diversity60%
- School Enrichment Programs20%
- Books and Educational Materials12%
- School maintenance and security 8%

3. DEFINITION OF PURPOSES

A. Smaller class sizes and program diversity

Sixty percent (60%) of the available revenues generated by this Measure shall be dedicated annually for the Purpose of reducing class sizes in the elementary schools, and reducing class sizes and allowing a wider diversity of course offerings in grades seven through twelve than could be achieved solely through the use of the District's General Fund for this purpose.

- i. The goals for class sizes to be achieved by the use of these monies are an average class size district-wide of 25:1 for the elementary grades and of 27:1 for grades seven through twelve. Alternative methods to reduce class sizes may be developed at a school site in a particular year by that particular school community (staff and parents) and adopted as approved by the School Board.
- ii. The monies dedicated to this Purpose may be spent to cover all personnel, operational and material costs attendant to class size reduction. This includes, in addition to all attendant personnel expenses, those expenses associated with maintaining or opening classrooms or schools needed to accommodate the additional teachers hired to reduce class size. In no case, however, any monies dedicated in this Measure for the Purpose of Maintaining Reduced Class Sizes and Program Diversity be expended for any other purpose.
- iii. The monies dedicated to the Purpose of reducing class sizes and maintaining program diversity shall be expended in accordance with a Plan as developed annually by the Planning and Oversight Committee (as described in Paragraph 5A below) and adopted as approved by the School Board.

B. School Enrichment Programs

Twenty percent (20%) of the available revenues generated by this Measure shall be dedicated annually to the Purpose of providing School Enrichment Programs in such areas as music, the arts, athletics, sciences, tutoring and student activities, to be allocated as follows:

- i. Eighty percent (80%) of the monies for School Enrichment Programs to be distributed annually, on a per pupil basis, to each school site from preschool through twelfth grade, for enrichment programs during the regular school day and/or before- and after-school.
- ii. Twenty percent (20%) of the monies for School Enrichment Programs to be allocated annually to a district-wide elementary instrumental music program. A plan for the expenditure of these monies shall be developed annually by a district-wide music curriculum committee, comprised of staff (including music teachers), parents and citizens, and adopted as approved by the School Board.
- iii. An annual plan for expenditure of the school site's allocation shall be developed by a Site Committee established at each school site, (as described in Section 5B below) and adopted as approved by the School Board.

C. Books and Educational Materials

Twelve percent (12%) of the available revenues of this Measure shall be dedicated to the Purpose of increasing student access to quality educational materials, providing sufficient materials for the classrooms, improving school libraries, furnishing special equipment in areas such as science, technology, physical education and the arts, and providing for the staff support to effectively adopt and utilize the enriched curriculum materials. The monies dedicated to this Purpose are to be distributed annually for use at the school sites for these books and educational materials.

- i. Up to forty percent (40%) of the revenues dedicated to this Purpose may be used for personnel to support improved access to the instructional materials, and/or to facilitate the adoption of new curriculum. This could include (but is not limited to): science and technology resource teachers and technicians, library personnel, and staff training.
- ii. The monies dedicated to the Purpose of providing Books and Educational Materials shall be expended according to a Plan developed annually by the Planning and Oversight Committee (as described in Section 5A below) and adopted as approved by the School Board.

D. School Maintenance and Security

Eight percent (8%) of the available revenues generated by this Measure shall be dedicated to improving school security and maintaining the district's buildings and grounds, thereby protecting the health, safety and security of children and staff and creating an environment more conducive to learning.

The monies dedicated to the Purpose of providing school maintenance and security shall be expended according to a Plan developed annually by the Planning and Oversight Committee (as described in Section 5A below) and adopted as approved by the School Board.

E. Matching Funds

To maximize enrichment opportunities for students, up to two percent (2%) of the revenues dedicated to the Purposes described in Paragraph 3A through 3D of this Measure may be used to provide matching funds for grant awards for programs which would otherwise qualify as eligible for funding under any of the Purposes of this Measure.

Any allocation of monies under this category shall be allowed as recommended by the Planning and Oversight Committee and adopted as approved by the School Board. Monies allocated according to this paragraph shall be deducted from the appropriate account of this Measure prior to distribution to the school sites.

F. Administrative Costs

Central administrative expenses incurred in implementing this Measure, including (but not limited to) such requisite functions as accounting, personnel, payroll, purchasing, as well as support of the Planning and Oversight Committee and Site Committees, auditing, reporting, outreach and related processes necessary to develop and implement districtwide enrichment programs shall be paid from the monies generated from this Measure. These expenses shall be allowed at a rate equivalent to the District's "indirect costs ratio" as established in accordance with the State of California formula for school districts.

Up to an additional one percent (1%) above the "indirect costs ratio" formula for implementation may be used to provide all Berkeley families access to information about the District's educational programs.

The monies for these expenses shall be deducted from the available revenues from this tax before the monies are distributed to each Special Purpose.

4. THE TAX LEVY

A. Tax Base

- i. The special tax shall be levied on the square footage of all improvements in the City of Berkeley, except where the improvements are otherwise exempt from taxation. The tax levied shall be at the rate of 9.5¢/ square foot on all Residential Buildings and Improvements and 14.25¢/ square foot on all Commercial, Industrial, and Institutional Buildings and Improvements.
- 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. 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.
- iii. Exemption for very low-income homeowners shall be allowed in accordance with Municipal Code Section 7.56.035, which is incorporated by reference herein. In the event of expiration of this Municipal Code for any reason, the same exemption clause shall continue to apply to this tax.

B. Term

The tax levied by this Measure shall be operative on January 1, 1995, and for each year thereafter that follows for twelve years.

C. Constitutional Spending Limit

Pursuant to Article XIII B of the California Constitution, the Constitutional Spending Limit of the School District shall be increased by the amount collected by the levy of this special tax for four years upon a majority vote of the electorate every four years. This Measure does not require reapproval of the Constitutional Spending Limit if state law were to change that requirement.

D. Cost of Living Adjustment

Each year the rates imposed by this special tax may be increased by a percentage equal to the annual percentage increase of the Consumers' Price Index, All Urban Consumers, All Items, for the San Francisco-Oakland Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, but in no event shall such percentage increase exceed 5% of the Special Tax rate for the previous year.

Any increase in funds raised by this Measure due to the cost-of-living adjustment set forth in this Section shall be allocated to each Purpose in proportion to its share of the Measure established in Section 2 of this Measure.

E. Collection

The District may request that the special tax be collected by the County of Alameda, or other designated agency. The collection of taxes under this Measure, including the imposition of penalties, additional fees, and interest upon persons who fail to remit the special tax imposed by this Measure, or who fail to remit any delinquent remittance, shall be subject to and governed by the rules, regulations, and procedures authorized by law. Every penalty imposed and such interest as accrues under the provisions of this Measure shall become a part of the tax herein required to be paid to the School District.

F. 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. 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 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.

5. PLANNING, PUBLIC INFORMATION AND COMPLIANCE REVIEW PROVISIONS

A. Planning and Oversight Committee

A Planning and Oversight Committee, advisory to the School Board, shall be established to:

- develop and present to the School Board the annual expenditure plans for each of the Purposes,
- provide communication among school sites to enhance their effective use of the revenues provided by this Measure, and
- review District administration of and compliance with the terms of this Measure.

- i. This Committee shall consist of representatives from each school site and shall meet regularly as established in by-laws adopted by the School Board.
- ii. This Committee shall establish guidelines and procedures for the development and oversight of the Annual Plan for expenditures of these monies.
- iii. The District shall make available to the members of the Committee financial reports on the status of the budget and expenditures of the funds raised by this Measure at least twice a year, or upon request of a vote of the Committee.
- iv. The Committee shall, subsequent to issuance of the Auditor's Report, prepare a report to the District assessing the District's compliance with the Measure. The Committee shall assist the District in achieving full compliance with the terms of the Measure.

B. School Site Committees

A representative Site Committee shall be established at each school site in accordance with by-laws adopted by the School Board for School Site Committees.

- i. Each Site Committee shall develop an Annual Plan for the use of the funds allocated by this Measure to that school site. This Annual Plan shall be based, in part, on an annual survey of site staff, administration, parents, and students and shall consider comments and suggestions of the district-wide Planning and Oversight Committee.
- ii. The District shall make available regularly to the principal and the Site Committee of each site a financial tabulation detailing the current situation of budget and expenditures of the Site.
- iii. The Site Committees shall also assist the District to prepare the Annual Report on the expenditures of funds allocated to the site from this Measure.

C. Annual Plan

A Plan shall be developed annually by the Planning and Oversight Committee to recommend expenditures of the monies dedicated to each Purpose that satisfy the intent of this Measure. The assumptions associated with the expenditure recommendations shall be included in the Annual Plan. This Plan shall be presented for Board action each year in conjunction with the District's annual budget adoption process.

D. Financial Reports

The District shall make available to the Planning and Oversight Committee and the public, at least twice yearly, updated budget and financial expenditure reports of the restricted accounts of this special tax. These reports shall be organized to display clearly how the expenditures relate to the Purposes of this Measure.

E. Annual Report

An Annual Report which provides an overview of the programs funded by this Measure shall be produced annually by the District for parents, staff and the public.

F. Independent Auditor's Report

Each year, an independent auditor retained by the School District shall review District records to determine that funds generated by this Measure have been allocated and expended in compliance with the Annual Plan and that other conditions of this Measure have been satisfied. Said 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.

The independent auditor shall transmit a "Finding of Violation" to the District if:

- (1) Funds raised by this Measure have not been allocated to the respective Purposes in the percentages specified in Section 2.
- (2) Funds raised by this Measure have been spent for Purposes other than those specified in Section 3.
- (3) Other conditions of this Measure have not been satisfied.

G. Public Comment Process

- i. To facilitate public discussion, the above Reports shall be promptly distributed to the Planning and Oversight Committee.
- ii. Members of the public may comment on the plans, reports and conditions of the Measure during the public comment period of any Planning and Oversight Committee meeting, Site Committee meeting, and Board of Education Meeting.

Annually, the Board of Education shall hold a public hearing or hearings for the purpose of reviewing compliance with the terms of this Measure, including the presentation of the Report on Compliance of the Planning and Oversight Committee.

H. 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.

6. DEFINITIONS

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

1. "Average Class Size" shall mean the district-wide average of the class enrollment of all classes excluding special education special day classes. The formula for determining the number of full time equivalent (FTE) teachers necessary to meet the goals for average class size at grades 7 through 12 shall be:

Student enrollment x 6 class periods/day per student / Average class size objective x 6 class periods/day taught per 1.0 FTE

2. "Reducing class size" shall mean that the monies allocated under Section 3A of this Measure shall be spent to reduce class sizes below the staffing ratios supported by the District's General Fund which shall be as follows:

- a. The General Fund will provide teaching staff for Grades K-6 at a student-teacher ratio of 32:1.
b. The General Fund will provide teaching staff for Grades 7-12 at a student-teacher ratio of 35:1.

The District has the authority to modify these staffing ratios set forth herein only in the case of a "severe fiscal emergency" as shall be declared by a 4/5 vote of the School Board.

3. "Available Funds" shall mean the amount of money provided by this Measure after deduction of costs for collection of the tax as provided in Section 4E, and the costs of administration as provided in 3F.

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE B

Government Code sections 50075 et seq., which implement article XIII A of the California Constitution, authorize cities, counties, and districts to submit to the voters for approval or rejection a measure permitting the levying of a special tax.

In 1986, Berkeley voters approved Measure H which authorized a special tax for the Berkeley Unified School District of 7 cents per square foot on residential buildings and improvements and 10.5 cents per square foot on commercial, industrial, and institutional buildings and improvements for a period of 8 years. Because of annual increases permitted by Measure H based upon the Bay Area Consumers' Price Index, the present special tax rates are 9.04 cents per square foot on residential buildings and improvements and 13.56 cents per square foot on commercial buildings and improvements.

If two-thirds of the qualified electors voting on the measure vote for approval, the Board of Trustees of the Berkeley Unified School District will be authorized to extend the special tax previously authorized by Measure H for a period of 12 years beginning January 1, 1995 at the rate of 9.5 cents per square foot on all residential buildings and improvements and 14.25 cents per square foot on all commercial, industrial, and institutional buildings and improvements. An exemption for very low-income homeowners is allowed. The measure provides for an annual increase in the tax rate equal to any annual increase in the specified San Francisco Bay Area Consumers' Price Index, said increase not to exceed 5 percent of the prior year's rate.

The measure provides that the special tax revenues are to be deposited in restricted accounts, and the available funds raised by the special tax are to be allocated as follows:

- 60 percent — smaller class sizes and program diversity
20 percent — school enrichment programs
12 percent — books and educational materials
8 percent — school maintenance and security.

The District's appropriations limit, established by article XII B of the California Constitution, is increased by the measure to the amount collected by the special tax in each of the first four years covered by the measure.

If two-thirds of the qualified voters voting on the measure do not vote for approval, the measure will fail and the proposed tax will not be levied.

s/Kelvin H. Booty, Jr.
County Counsel

ARGUMENT IN FAVOR OF MEASURE B

OUR PUBLIC SCHOOLS STILL NEED OUR HELP.

In 1996 and 1990, Berkeley voters overwhelmingly approved the Berkeley Schools Enrichment Program tax (BSEP). BSEP makes it possible for Berkeley to provide its students with the basics of a quality education for which there is no longer enough State funding:

- Lower class sizes;
- Funds that each school can choose to spend on special programs, such as tutoring, arts and music instruction, science, athletics, etc.;
- Up-to-date libraries, educational materials, computers and instructional equipment;
- Improved building maintenance and school security.

All these programs would be lost if Measure B is not passed!

THESE PROVEN PROGRAMS NEED TO BE CONTINUED.

Passage of Measure B continues the funding for these vital student needs. In addition, the renowned school music program would be restored.

Without this Measure, 80 teachers would be laid off and every classroom would have about seven more students. Our schools would lose most music, art, computer, sports and special science instruction. Most school libraries would be shut and building maintenance would be substantially reduced...

We can't let this happen! We must renew this funding!

THIS IS NOT A NEW TAX.

Measure B would continue the same tax amount which we have been paying for the past eight years, adjusted for the yearly Cost-of-Living Index. There is a low-income exemption. Every four years, voters must approve continued spending of these funds.

MEASURE B HAS COMMUNITY-WIDE SUPPORT:

- All School Board Members • All City Council Members • Mayoral Candidates Dean Jellinek • League of Women Voters • Berkeley PTA Council • Berkeley Federation of Teachers • Congressman DeFazio • State Senator Petris • Assemblyman Bates • Supervisor Keith Carson • Jo Dulal Jubilo • Raghu Bantus • Wilma Jordan • Kristen Prentice • Belinda Richards • Jim Smith • Rebecca Wheat • Clifford Wong • Many other community leaders

YES ON MEASURE B!

s/Chang-Uh Tien
Chancellor, U.C. Berkeley

s/Frank Brown
Chairman, NAACP

s/Mary Friedman
Berkeley Public Education
Foundation

s/Jeffrey Shalluck Letter
Mayor, City of Berkeley

s/Miriam Maxwell
Co-Chair, Berkeley PTA Council

NO ARGUMENT SUBMITTED AGAINST MEASURE B