

**Berkeley Unified School District
Office of the Superintendent
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180
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SPECIAL BOARD OF EDUCATION-MEETING AGENDA*

Friday, July 18, 2008

Call to Order The Presiding Officer will call the Meeting to Order at **4:00 pm**. Closed Session will occur after the Open Session agenda. The Board will return to Open Session and report out Closed Session actions.

Roll Call

Members Present:

John T. Selawsky, President
Nancy Riddle, Vice President
Joaquin Rivera
Karen Hemphill
Shirley Issel

Administration:

Superintendent William Huyett, Secretary
Neil Smith, Assistant Superintendent of Educational Services
Lisa Udell, Assistant Superintendent of Human Resources

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 prior to the meeting at 510-644-620

SPECIAL MEETING AGENDA

CALL TO ORDER

Approve Special Board Meeting Agenda of July 18, 2008

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
Superintendents' Reports

ACTION ITEMS

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

Education Services

3.1-A

Staff Recommendation:

Approve acceptance of grant **5 +under separate cover**

Review and give direction on acceptance
Of the Berkeley High School Smaller
Learning Communities Grant

Facilities Services

5.1-A

Staff Recommendation:

Approve the resolution **6**

Approval of a Resolution to Develop a
Comprehensive Plan for the Future
Development of Public Pools

Closed Session

Prior to Closed Session, as necessary, staff/employee comments are taken per
Government Code Section 54957

Recess to Closed Session (Government Code Sections 3549, 1(d), 54956.9(a) and 5497)
and Education Code Section 49819(c)

- (a) Existing/Potential Litigation
- (b) Consideration of Student Expulsions
- (c) Collective Bargaining
- (d) Public Employee Discipline/Dismissal/Release/Evaluation
Classified Employees
- (e) Public Employment/Appointment
- (f) Liability Claims
- (g) Property Acquisition

* Board agenda posted on District website: www.berkeley.net

ADJOURNMENT

**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: Board of Education
FROM: William Huyett, Superintendent
DATE: July 18, 2008
SUBJECT: Berkeley High School Smaller Learning Community Grant

BACKGROUND INFORMATION

Berkeley High School applied for, and has been awarded a five year grant to implement strategies to expand small schools and “provide every student with a rigorous and personalized college prep education while closing the achievement gap”. The funding granted is \$ 1,013,530.00 to cover the first three years of the grant.

The activities required by the grant for 2008-2009 include; piloting an advisory program, piloting a block schedule, planning and developing a new small school, engaging students in professional development to close the achievement gap and continuing the growth in Berkeley International High School and the School for Social Justice and Education.

The Board is asked to review the grant and give approval to implement the required reforms. Some of the reforms may require agreements with BFT and the District for compensation and exceptions to the contract.

Under separate cover is a copy of the letter from the United States Department of Education awarding the grant, a copy of the grant application and a survey of teachers regarding the advisory program.

FISCAL IMPACT

Grant funds will cover the costs of additional personnel and services. Depending on the outcome and design of the advisory program and block schedule, additional costs could be obligated by the District.

STAFF RECOMMENDATION

It is recommended that Berkeley High School be allowed to move forward with the Smaller Learning Community grant for the 2008-2009 school year. A review of the progress of the reforms will be presented to the Board in the Spring of 2009 to determine continued funding for succeeding years.

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: July 18, 2008
SUBJECT: Approval of a Resolution to Develop a Comprehensive Plan for the Future Development of Public Pools

BACKGROUND INFORMATION

The School District and the City of Berkeley have collaborated in public recreation for many years. The most recent Memorandum of Understanding (MOU) is dated June of 1991. Among other agreements, there is an agreement concerning four pool complexes: King, Willard, West Campus and Berkeley High School (BHS). The MOU was written at an earlier time and may need to be updated.

In November 2000, the City of Berkeley and the Berkeley Unified School District (BUSD) each passed General Obligation Bonds. One project initially conceived in BUSD's program was the renovation of the Old Gym at BHS to house classrooms and gymnasiums. This project was to be coupled with the City Measure (Measure R) to renovate the warm water pool which is contained in the same building. BUSD hired a design firm to more fully investigate the Old Gym building and to begin design on renovating that structure. BUSD performed a significant amount of destructive testing to have a more complete understanding of the built structure. It turned out that the structure was not built as designed and was significantly more unsafe than originally thought. This raised concerns about continued occupancy of the structure and significantly increased the cost to retrofit. This caused the District to pause before deciding a course of action for the Old Gym.

On June 30, 2004, the District hired SMWM to create a master plan for the south half of Berkeley High School. They facilitated four Site Committee Meetings and four community workshops. On May 11, 2005, they presented their recommendations based upon their analysis and the community feedback. Their recommendations included building new classrooms, gymnasium and bleachers and contemplated the demolition of the Old Gymnasium. A space across Milvia Street was designated as a potential new warm water pool location and a parking structure across Milvia Street was an option. The recommended plan was designated by the Board as the preferred option under the California Environmental Quality Act (CEQA). This preferred option was studied, along with a rehabilitation option and a no project alternative.

The City hired Glass Architects in early 2005 to conduct a facility review of the warm water pool and provide recommendations to the Council. In April 2005, they reported on five possibilities: short term renovation of the existing building (long term option was not considered to be viable); demolishing and replacing the existing pool; constructing a new pool across Milvia Street; building a new pool at West Campus; and renovating one of the existing pools at West Campus.

On January 17, 2007, the Board approved the Environmental Impact Report (EIR) of the proposed south of Bancroft BHS project, a statement of overriding considerations and approved the project. The master plan included a proposed location for a new warm water pool to be built by the City of Berkeley across Milvia Street from the main campus. No decisions were made about how the property was to be sold or leased to the City of Berkeley to be used for this purpose.

In early 2007, the City hired ELS Architects to do preliminary design of a new warm water pool on the Milvia Street site. Their final report was published on October 5, 2007. This report was used as the basis for estimating the cost of a new pool by the City.

The District was sued over the EIR. That suit was settled in late February 2008, and no new suit can be filed on this matter. The District hired Baker Vilar Architects to design the south of Bancroft improvements. A Site Committee was appointed and they have met eight times in the past six months. A Community Meeting is scheduled for August 6th, and the Board is scheduled to review and consider approval of the schematic design on August 20th. The project is a three phase project, with the main pieces of each phase being the construction of a new bleacher building, followed by the demolition of the Old Gym, followed by the construction of a new classroom building and smaller gymnasium building. The proposed schedule is as follows:

1. Board approval of schematic design (all phases) August 20, 2008
2. Construction of new bleacher building April 2010 – June 2011
3. Demolition of Old Gym June 2011 – November 2011
4. New classroom building and gymnasium January 2012 – August 2013.

The City Council has held a number of meetings in the past few months concerning the warm pool and pools in general. The recent idea is that both the School District and the City would pass a resolution as was done for the 2020 Vision. On July 15th, the Council discussed the following draft resolution:

City of Berkeley and Berkeley Unified School District

Joint Resolution on Future Development of Public Pools

1. *The City of Berkeley and Berkeley Unified School District (BUSD) agree to establish a joint 11 member Aquatics Program Task Force co-chaired by the Mayor and School Board President to develop a comprehensive plan for all the pools located on BUSD property.*

2. *The Aquatics Program Task Force will:*

- *Be staffed by the City of Berkeley and will represent pool users, including the warm water pool and three community pools, pool neighbors, school district, and key stakeholders.*
 - *Assess the aquatic needs and uses of the Berkeley community including the needs of people with disabilities, seniors, youth, and adults, as well as the recreational, therapeutic, and competitive uses.*
 - *Assess the facility needs and utilization of current public pool sites, including the three community pools and the warm water pool, and make recommendations to the City Council and School Board on how the City should put forth a June 2010 bond measure that would construct a new warm water pool and possibly fund renovations or other improvements deemed necessary for the three community pools.*
 - *Make recommendations to City Council and School Board on potential sites for the warm water pool, and possibly other pools, to be studied and provide the public forum for the CEQA process. The Berkeley School Board and Berkeley City Council agree that the warm water pool will be located at either West Campus or another site approved by both parties.*
 - *Research and recommend sources for capital funding (i.e. bonds, regional allocations, general fund, etc,) and make recommendations to the City Council.*
 - *Identify operating costs and existing and/or potential sources for ongoing operating expenses.*
3. *The Aquatics Program Task Force will return to the City Council and School Board with a comprehensive plan and recommendations for community pools, including the warm water pool, that meet the timeline for placing a bond measure on the June 2010 ballot.*
 4. *The City of Berkeley will fund the costs of Task Force planning, environmental analysis required by the California Environmental Quality Act (CEQA), estimated to cost approximately \$300,000.*
 5. *Pending approval of a June 2010 bond measure for construction of a warm water pool and possibly other pools, the City will commence detailed construction drawings suitable for bidding and award of a construction contract.*
 6. *Pending approval of a November 2010 bond measure for school district facilities, including Berkeley High School classrooms, the School Board will proceed with plans to demolish the existing Berkeley High School warm pool and old gym no earlier than June 2011.*

7. *The City of Berkeley will work with the Downtown YMCA to provide therapeutic pool services for warm water pool users during construction of a new public warm water pool.*
8. *Upon completion of a renovated or new pool on school district property, BUSD will enter into long-term lease with City of Berkeley for maintenance and operation.*
9. *The Mayor will propose this resolution for approval at the July 22nd Berkeley City Council meeting and the School Board President shall call a special meeting of the School Board no later than July 22nd to present the resolution.*

Both City Councilmembers and School District officials identified a number of changes that should be incorporated into a final joint resolution. Attached to this cover memo is a resolution that District staff is recommending for Board adoption.

Two other concepts bear consideration. The analysis of aquatics provides an opportunity for the District to review its own needs and to provide that information to the task force. The District should review both its Physical Education (PE) program and its special needs population aquatics needs. When that review is complete, BUSD should share that information with the task force so that can be integrated into the final recommendation. A final decision on revised pool locations or agreements may also require a re-write of at least a portion of the existing MOU.

POLICY/CODE

Not applicable.

FISCAL IMPACT

There will be minor administrative costs in participating in the task force. No analysis of other costs can be done until that task force has met and begun to develop options.

STAFF RECOMMENDATION

Approve the attached resolution. Allocate staff time to support the task force and to develop the PE and special needs aquatic use.

**BERKELEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 09-01
TO SUPPORT THE CREATION OF AN AQUATICS TASK FORCE AND FUTURE
DEVELOPMENT OF PUBLIC POOLS**

WHEREAS, The City of Berkeley through a joint agreement with Berkeley Unified School District operate and maintain three community pools and one warm water pool located on school district property;

WHEREAS, The warm water pool, currently located at Berkeley High School, needs to be relocated due to Berkeley Unified School District's plan to add classrooms at Berkeley High School and to demolish the seismically unsafe pool and old gym;

WHEREAS, The Berkeley City Council and the Berkeley School Board agree to conduct a public process that will relocate the warm water pool to West Campus or other appropriate site;

WHEREAS, the City of Berkeley conducted a public process that resulted in a preliminary warm water pool design and report completed in October 2007;

WHEREAS, Berkeley's three other community pools are aging and have long been in need of renovation and repair;

WHEREAS, Developing a plan for all pools and constructing a new pool will take approximately 48-49 months, including adequate public input, compliance with the California Environmental Quality Act (CEQA), permit process and construction timelines;

WHEREAS, There are active pool user groups, including the warm water pool, with people who have dedicated hundreds of hours and tremendous energy to addressing the needs of Berkeley's pool users.

NOW THEREFORE BE IT RESOLVED that the Berkeley Unified School District join together with the Berkeley City Council to develop a comprehensive pool plan, including the warm water pool, so that the City may prepare a ballot measure for the June 2010 election.

NOW THEREFORE BE IT FURTHER RESOLVED that the Superintendent of Berkeley Public Schools work with the Berkeley City Manager to:

- a) Convene key stakeholders to develop a comprehensive public pool plan- a plan that addresses the needs of the warm water pool and the three community pools. This plan shall represent the following interests:
 - The Berkeley Unified School District, responsible for the property and school programs;

- The City of Berkeley, responsible for pool operation, maintenance and community programming;
 - Warm Water Pool Users;
 - Community/Neighborhood Pool Users;
 - Pool Neighbors;
 - YMCA – bridging the gap for warm water pool users during construction;
 - Parks and Recreation Commission; and,
 - Disabilities Commission.
- b) Assess the aquatic needs and uses of the Berkeley community including the needs of people with disabilities, seniors, children, youth, and adults, as well as the recreational, therapeutic, and competitive uses.
- c) Assess the facility needs and utilization of current public pool sites, including the three community pools and the warm water pool.
- d) Estimate capital and operating costs for potential sites and identify existing and/or potential funding sources for capital funding and ongoing operating expenses.
- e) Following a public process for site identification, make recommendations for a preferred project and alternatives for the warm water pool and possibly other pools to be studied as required under CEQA.
- f) Make recommendation for a capital program in time to place a measure before the voters no later than June 2010 that would do one or more of the following: 1) construct a new warm water pool; 2) fund renovations or other improvements deemed necessary for the existing community pools; and/or 3) construct new community pool(s).

NOW THEREFORE BE IT FURTHER RESOLVED the School Board agrees not to demolish the existing Berkeley High School warm water pool and old gym before June 2011.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Berkeley will fund the costs of planning and environmental analysis required by the California Environmental Quality Act (CEQA).

NOW THEREFORE BE IT FURTHER RESOLVED, pending approval of a June 2010 bond measure for construction of a warm water pool and possibly other pools, the City will commence detailed construction drawings suitable for bidding and award of a construction contract.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Berkeley will work with the Downtown YMCA to bridge the gap in pool services for warm water pool users during construction of a new public warm water pool.

NOW THEREFORE BE IT FURTHER RESOLVED, that prior to construction of a renovated or new pool on school district property, the School District will negotiate an agreement with the City of Berkeley for maintenance and operation.

The following Resolution was adopted by the Berkeley School Board on July 18, 2008 by the following vote:

Ayes:

Noes:

Absent:

John Selawsky, President

William Huyett, Superintendent
Secretary/Clerk