

**RESOLUTION     -**

**BEFORE THE BOARD OF EDUCATION OF THE  
BERKELEY UNIFIED**



described herein, and any additional procedures established by the District shall be the exclusive claims procedure for claimants seeking an exemption, refund, reduction, or re-



## **EXHIBIT A**

### **Summary of Measure**

The Measure shall be summarized in the following form, and the County of Alameda Registrar of Voters is requested to cause this summary of the Measure to appear on the ballot:

#### **Berkeley Public Schools Educational Excellence Act of 2016**

To support high quality public education and fund class size reduction, school libraries, teacher training, student support, music programs, instructional technology, and other designated purposes, shall the Berkeley Unified School District replace its expiring special tax with an annual tax at \$0.37 per sqft for taxable buildings, for eight years, with annual cost-of-living adjustments and a low-income senior exemption? An oversight committee and independent auditors will monitor this fund.

**EXHIBIT B**

**FULL BALLOT TEXT**

**Measure \_\_**

*[letter designation to be assigned by Alameda County]*

**BERKELEY UNIFIED SCHOOL DISTRICT**

**BERKELEY PUBLIC SCHOOLS EDUCATIONAL EXCELLENCE ACT OF 2016**

To support high quality public education and fund class size reduction, school libraries, teacher training, student support, music programs, instructional technology, and other designated purposes, shall the Berkeley Unified School District replace its expiring special tax with an annual tax at \$0.37 per sqft for taxable buildings, for eight years, with annual cost-of-living adjustments and a low-income senior exemption? An oversight committee and independent auditors will monitor this fund.

**1. Title and Purpose**

This measure shall be known as the "Berkeley Public Schools Educational Excellence Act of 2016" ("Measure"). The revenues raised by the Measure are to be used to improve the educational achievement of Berkeley Unified School District's ("District") public school students by providing high quality educational programs.

**2. Allocation of Funds**

- secondary schools, and 18:1 for continuation high school and other secondary opportunity programs.
- ii. Available Revenues may be used to further reduce elementary class sizes to a goal below 26:1, as long as the State provides sufficient class size reduction funds to support further reduction.
  - iii. At the time of writing of this Measure, State class size reduction funding is targeted to K-3 class sizes of 24:1. It is the intent of this Measure to reduce class sizes below the K-3 state target of 24:1 to a goal of 23:1, and to do so for the entire elementary grade span of K-5. Therefore, beginning in 2017-18, the District-operated elementary school class sizes shall be gradually adjusted toward achieving a goal of school-wide averages of 23:1 by the sixth year of the measure. In the interim, alternative class size configurations may be considered in order to best meet the needs of students.
  - iv. After resultant class sizes meet the goals stated above, funding may be

used for, b



4. **Amount and Basis of Tax**

This special tax shall authorize the District to levy a special tax of

claimants seeking an exemption, refund, reduction, or re-computation of this Special Tax. Whether any particular claim is to be resolved by the District, City of Berkeley, or County of Alameda

The Annual Report shall display the revenues generated by the Measure and the expenditures of the revenues as of the closing of the fiscal year, and shall include a report on the status of projects funded by the revenues. This report shall be organized to display how the expenditures correspond to each of the purposes of the Measure.

The Annual Report shall be delivered to the Planning and Oversight Committee no later than January 15 following the closing of the fiscal year. The Planning and Oversight Committee shall review the Annual Report and report to the Board of Education on the District's compliance with the conditions of this Measure by February 1 following the closing of the fiscal year.

- E. 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:

- ! that the funds raised by this Measure have been allocated to the respective purposes in the percentages specified in Section 2.
- ! that the funds raised by this Measure have been spent for purposes specified in Section 3, subdivisions A-D.
- ! 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.

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.

## **9. Definitions**

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

- A.

After elementary class-size balancing has been fully implemented, "Average Class Size" shall mean school-wide averages for the elementary grades and district-wide averages for secondary grades, with the exception of physical education classes, which may be larger.

The formula for determining the number of full-time equivalent teachers (FTEs) in grades 6-12, to meet the Average Class Size objectives shall be: student enrollment multiplied by six (6) class periods per day/per student, divided by five (5) teaching periods, divided by the Average Class Size objective, unless and until this formula is altered contractually by agreement between the District and the Berkeley Federation of Teachers (or the union representing District teachers).

- C. 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 or property of any kind. The word "Building" includes the word "Structure."
- D. 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.
- E. "Operational Costs" are all costs of operating relevant District programs to accomplish this Measure's purposes and include but are not limited to personnel, materials, equipment, services, technology, facilities, maintenance 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.
- F. 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.
- G.

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 iii 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.
  - 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.
- J. In accordance with Berkeley Municipal Code Section 7.56.020, subdivision H, which is incorporated by reference herein, "Structure" means anything

**11. 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

**EXHIBIT C**

**FORMAL NOTICE OF SPECIAL TAX ELECTION  
[For Use by County Superintendent]**

NOTICE IS HEREBY GIVEN to the qualified electors of the Berkeley Unified School District of Alameda County, California, that in accordance with the provisions of the Education Code and the Government Code of the State of California, an election will be held on November 8, 2016, for the purpose of submitting to the qualified electors of the District this Measure summarized as follows:

To support high quality public education and fund class size reduction, school libraries, teacher training, student support, music programs, instructional