

**RESOLUTION OF THE GOVERNING BOARD
OF THE BERKELEY UNIFIED SCHOOL DISTRICT
Resolution No. 16-042**

**Resolution of Credential Waiver Pursuant to Education Code Section 35029 and
Amendment of Superintendent Employment Contract**

WHEREAS, California Education Code section 35029 authorizes the Governing Board of the Berkeley Unified School District ("Governing Board") to waive the credential requirement of the chief administrative officer of the school district;

WHEREAS, Donald Evans was first appointed as the Superintendent of the Berkeley Unified School District ("District"), effective July 1, 2013, and has continuously served as the chief administrative officer of the District since the date of his appointment as Superintendent and during such time was fully qualified to do so;

WHEREAS, at the time of his initial appointment, Superintendent Evans held a valid school administrative services and teaching certificate issued by the California Commission on Teacher credentialing, which credentials expired on or about July 1, 2014 and were renewed on about January 4, 2016 and remain in full force and effect;

WHEREAS, the Board finds it is appropriate to waive the credential requirements set forth in Education Code section 35028 and amend the Superintendent's Employment Contract for the period July 1, 2014 through January 4, 2016, to ensure the continuity of programs and District leadership, and to reduce any potential questions regarding the validity of actions taken by Superintendent Evans on behalf of the District or Governing Board in his capacity as the chief administrative officer of the District during the period July 1, 2014 through January 4, 2016;

NOW, THEREFORE, the Governing Board of the Berkeley Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The credential requirement set forth in Education Code section 35028 for Superintendent Evans is hereby waived for the period July 1, 2014 through January 4, 2016, pursuant to the authority granted the Governing Board under Education Code section 35029 and other law, and all actions taken by Superintendent Evans in the course and scope of his responsibilities as Superintendent on behalf of the District and/or Governing Board during the period July 1, 2014 through January 4, 2016 are hereby deemed actions taken by him in his capacity as the chief administrative officer of the District.
3. The waiver provided herein is expressly intended to amend the credential requirement in the Superintendent's Employment Contract for the period July 1, 2014 through January 4, 2016, and to ratify the actions taken by the District pursuant to Section 42647 during the period July 1, 2014 through January 4, 2016.
4. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on April 20, 2016, at a duly noticed meeting by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

I, Judy Appel, Clerk of the Governing Board of the Berkeley Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on April 20, 2016, by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this 20th day of April, 2016.

Clerk of the Governing Board

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