

Berkeley PUBLIC SCHOOLS

Berkeley Unified School District

Board Policy Subcommittee Minutes

1231 Addison St.

May 4, 2016

1:00-4:00pm

Director Daniels called the Policy Subcommittee Meeting to order at 3:01pm.

Roll Call

Josh Daniels, Chair – Present

Ty Alper, Director – Present

Donald Evans, Superintendent – Present

Lyz Chairez, Recorder – Present

Approval of Agenda

Motion to approve agenda as is:

Alper/Daniels and unanimously 2-0.

Public Comment

EBCLC rep commented on the policies saying they represent a significant effort to dismantle school-to-prison pipeline while ensuring the safety of our students. One area of concern in the discipline and police interaction policies is the piece around harm. In an effort to build bridges, they connected with SHAQ, who holds a different perspective on this issue. Yet, they found areas of significant agreement, specifically with an adversarial criminal process not being the best way to resolve. A restorative justice process is much more humane. They both protect victims and allow the offender to assume responsibility and move forward.

Heidi Goldstein said she was concerned how these policies impact the school-to-prison pipeline. First the student discipline policy appears to more greatly focus on the discipline aspect and less on the support for the victim. There's only one intervention counselor at BHS. It is

important to make sure that we are giving equal time and consideration to all who involved.

A community member thanked the policy committee for the revisions made to policies presented today. She said she was concerned about the stories of sexual harm that students share with the Board.

Cathy Campbell commented on the discipline policy which, she feels, gets better after each revision. On behalf of BUSD teachers, she expressed enthusiasm on current draft. Some teachers have expressed grave concerns on the options for the victim and accused. She is most excited about restorative practices as an option.

Laura Babbit thanked the policy committee for its work on the policies. They speak to many of the things that parents of PCAD relate to. She stressed the importance of clearly defining each part of the policy.

Approval of Board Policy Meeting Minutes for 2016

Alper/Daniels and approved 2-0

Student Discipline – Expulsion

Time allotted: 60 min

Actual time: 85 min

Alper explained that he and Dr. Craig drafted this with input from the public. This policy is part of a global effort to take a deep dive into our discipline policies and improve them. We hope to have the BP for the Board's approval in June.

A participant asked what happens when someone files a complaint on behalf of the victim.

Alper responded that the victim is still considered the victim under the definition in this policy.

EXPELLABLE OFFENSES

Are defined as zero tolerance and require a referral.

Daniels added that pursuant to Ed Code, this only applies to incidents that occur at school or school events.

Babbit suggested that this discretion be clearly included in the policy.

Daniels responded that under the Ed Code, any offense listed under 48-900 can include a recommendation for expulsion. The purpose of this policy is to say that we do not believe that students should be expelled for committing anything of what is listed, and should be limited to extraordinary circumstances.

Babbit suggested including specific scenarios in the AR to help guide administrators in dealing with these cases.

Participants discussed the importance of spelling out the scenarios.

Under the investigation, EBCLC rep referred to the investigation process and said we should aim to have more robust and transparent investigation processes.

SUSPENDED EXPULSIONS

Participants discussed the language in this category. More specifically, They discussed whether suspending the expulsion of an expelled student is one single or two separate actions.

DURATION OF EXPULSION

Daniels suggested to include language about what the panel recommends regarding duration.

READMISSION

Participants discussed readmission and the guidelines used approval or denial.

Daniels clarified that even if the Board is not part of the hearing like the panel, they still review all of the documents.

Craig added that we can involuntary transfer students 16 and older.

Alper said that the goal is to encourage alternative school placement in lieu of expulsion.

A parent commented on the advocate for complainants, saying that it should be more well thought out. Who is the advocate? Are they allowed to accompany accused/victim to meetings and hearings?

Daniels said if there is no adequate level of support for either the accused or victim, then we should add it in the policy. We want to make sure that a student awaiting expulsion does not miss out on educational opportunities.

Craig said we cannot legally claim ADA for a suspended student. In almost every case, where a student is facing expulsion, there usually is a level of harm posed.

Daniels suggested creating a teacher position to serve suspended students facing expulsion. Even for a student on a 5-day suspension.

A participant said that San Francisco USD has a full time position that serves suspended students, but suspended students are not compelled to participate.

Daniels said that we would make it a requirement.

A participant pointed out that the system should recognize that some students will have parental support, but others won't.

Daniels asked if they had a sense as to what kind of support BUSD can extend to victims.

Goldstein said that student should have access to counseling resources to better understand their role in the expulsion process.

A participant commented on the last part of policy allowing student to petition the Board to expunge records related to suspension or expulsion prior to graduation be removed.

A revised draft of this policy reflective of today's input will be brought back to the next policy meeting.

BUSDs Response to Community-Focused Threats

Allotted time: 20 min

Actual time: 38 min

Daniels explained that we could not find any examples for clear guidance on how to communicate with the community.

Craig said that in addition to the Nov 4 incident there was an incident this week involving a gun. We have existing safety plans but there is not a procedure in place for getting the message out to the community. This draft is not limited to just to hate crimes, weapons, or active shooter threats. It also covers natural disasters. She walked the committee through the policy. She welcomed feedback from participants.

A community member suggested having templates in place that will allow administrators to fill in the blanks and send out as communication to the public following an emergency.

Participants discussed possible language/key words in communicating with families and the time parameters around when information is disseminated.

A participant brought up the issue of proximity—when there's an incident across the school, for example.

Participants discussed various scenarios and the specifics that should be included in our communication with the community. Some of the scenarios included earthquakes, fire, gas leak.

Craig said she had enough feedback to bring back a revised draft of this policy.

Interaction with Law Enforcement

Allotted time: 30 min

Actual time: 38 min

Alper said we received a number a requests from BUSD employees to provide them with some guidelines in their interaction with the police. This policy only governs District employees and cannot dictate what law enforcement can and cannot do. This one's less far along than the expulsion policy.

Participants discussed the language.

Daniels pointed out that the policy does not allow BUSD to use “the fruits of the police [in its] discipline proceedings.” Participants discussed whether there should be any exceptions.

ARRESTING A STUDENT ON CAMPUS

EBCLC rep suggested adding unaccompanied minors to the list. SFUSD allows the student to select a staff member as his/her advocate.

Babbitt suggested to include a form to obtain parental consent to use specified people as their child’s advocate in a case involving interaction with the police. These people are different from people listed on the emergency contact list.

Participants went on to discuss language.

Daniels said that in a case where police know what school a kid they’re searching attends, but not the classroom number, our cooperation in the police search of student lessens the level of humiliation. Because the school knows the student, they also have a sense as to how the student will react.

Craig added that she will look at the Ed Code to make sure we are in compliance in terms of releasing student information. It might not be appropriate for us to facilitate this interaction if we are not allowed to release information to law enforcement.

With respect to data collecting and reporting, Daniels suggested directing staff to record every interaction with the police.

We will revisit this policy at a later meeting.

Update Board Policy Calendar

Policies to consider at the next meeting on May 18:

Student Discipline – Action (60 min)

BBs 9321-9321.1 – Action (30 min)

Meeting adjourned at 4:16PM