

BERKELEY PUBLIC SCHOOLS
Board of Education
1231 Addison St., Berkeley, CA 94702
510-644-6206

Official Minutes
December 7, 2016

President Leyva-Cutler called the meeting to order at 7:40 She reported that the Board convened to Closed Session at 6:00 pm.

Roll Call

Board of Education:

Beatriz Leyva-Cutler, President – Present
Ty Alper, Vice President – Present
Judy Appel, Director/Clerk – Present
Josh Daniels, Director – Present
Karen Hemphill, Director – Present
Petra Silvey, Student Director, BHS – Present
Alaunte Keys, Student Director, BTA – Absent

Administration:

Donald E. Evans, Ed. D, Superintendent
Javetta Cleveland, Deputy Superintendent
Pasquale Scuderi, Assistant Superintendent, Educational Services
Evelyn Bradley, Interim Assistant Superintendent, Human Resources
Lyz Chairez, Recorder

YEARLY ORGANIZATIONAL MEETING

Swearing in of Board Directors by City Clerk

Reelected Board of Directors Beatriz Leyva-Cutler and Judy Appel were sworn in by City Clerk Mark Numainville

Appointment of President/Chair, Vice-President/Vice Chair, Secretary and Clerk

Appel moved to approve the following appointments:

Ty Alper appointed as President/Chair
Josh Daniels appointed as Vice-President/Vice Chair
Superintendent Donald Evans as Secretary
Beatriz Leyva-Cutler as Clerk

Appel/Hemphill and unanimously approved 6-0

Approval of proposed Board meeting calendar for 2017

Motion to approve proposed Board meeting calendar for 2017:

Daniels/Appel and unanimously 6-0

**Approval of proposed committee and school assignments for 2017
Leyva-Cuter/Silvey** and unanimously approved 6-0.

Adjourned to regular Board of Education Meeting

OPEN SESSION

APPROVAL OF REGULAR MEETING AGENDA

Motion to approve agenda:

Leyva-Cutler/Appel and unanimously approved 6-0

REPORT CLOSED SESSION

President Alper reported out on closed session:

**Conference with Legal Counsel—Existing Litigation (Government Code
54956.9(a))**

The Board received an update from counsel; no action was taken.

**Conference with Real Property Negotiators (Government Code Section
54956.8)**

District Negotiator: David A. Soldani, Legal Counsel; Negotiating Party: City of Berkeley; Property: 1231 Addison; Under Negotiation: Status update

The Board provided direction to the Superintendent; no action was taken.

**Collective Bargaining (Government Code Section 54957.6); Lead
Negotiator: Joshua Stevens, Legal Counsel; District Representative:
Javetta Cleveland—BCCE**

The Board provided direction to the Superintendent; no action was taken.

Superintendent's Evaluation (Government Code Section 54957)

This item was postponed until next meeting.

PUBLIC TESTIMONY

A total of 14 people addressed the Board:

Four students and a parent shared the experience of a student who was sexually harassed.

A community member thanked the administration for approving a study to review the District's summer school program.

Three students, a parent and three teachers spoke in support of the policy for the protection of undocumented students.

A community member requested disclosure of complaints from the last four years.

UNION COMMENTS

BFT President Cathy Campbell congratulated Alper and Daniels for their new roles as President and Vice-President and thanked Leyva-Cutler for a great year of service. On Behalf of BFT, she commented in support of the policy for the protection of undocumented students.

BCCE President Paula Phillips said that all types of harassment should be taken seriously and should involve a high level of sensitivity for the victim. She also expressed her support for the policy for the protection of undocumented students.

UBA Representative Marcos Garcia spoke in support of the board policy for the protection of undocumented students.

COMMITTEE COMMENTS

Vice Chair to BHS PTA Orlando Williams spoke regarding incidents at Berkeley High.

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Director Hemphill will not hold office hours this month. She announced that the annual MLK breakfast will be held on Jan. 16.

Director Appel recognized Director Leyva-Cutler for her work as President and for her strong advocacy for families. She thanked the students who came out tonight. Office hours on December 17, 1pm-3pm at Café Leila.

Director Leyva-Cutler expressed appreciation for our school community who came out to share with the Board. No office hours in December.

Director Daniels thanked Director Leyva-Cutler for her work as president. Will resume office hours in January.

Student Director Silvey thanked her peers for coming out to speak up. She expressed her support for the BHS Stop Harassing and the policy for the protection of undocumented students.

CONSENT CALENDAR

Motion to approve the Consent Calendar:

Leyva-Cutler/Appel and unanimously approved 6-0

ACTION ITEMS

Board Policy for Protection of Undocumented Students

Allotted time: 30 min

Actual time: 30 min

President Alper thanked the people who worked on crafting this policy just days after the election of Trump. He added that this is a Board Policy directing staff on what information to collect and disclose in the event that it is requested by federal immigration authorities. A resolution is forthcoming and will reaffirm our values and commitment to the safety of our students and make clear the extent to which we hold dear the principles discussed tonight. Questions and discussion followed.

Daniels added that adopting this policy does not mean it is final. As time goes on, we have the flexibility to improve it. (Daniels excused himself at 9pm)

Alper proposed adding language to clarify that our direction is to challenge any request by federal immigration authority for student records without a lawful and valid court order. The Board reviewed language.

Motion to approve this policy as amended tonight, to disseminate it as widely as possible prior to Inauguration and to have staff come back with an update on implementation of the policy at the January 11 Board meeting:

Leyva-Cutler/Appel and unanimously approved 5-0

Director Appel, Silvey, and Leyva-Cutler will work together with community stakeholders to craft a resolution to be presented at the January 11 meeting.

First Interim Budget Report for the Period Ending October 31, 2016

Allotted time: 30 min

Actual time: 17 min

Pauline Follansbee presented the first interim budget. Her presentation highlighted changes since adoption, accomplishments and multi-year projections. Questions and discussion followed.

DISCUSSION ITEMS

Developer Fees Justification Study

Allotted time: 30 min

Actual time: 23 min

Director of Facilities Tim White presented the purpose of developer fees. The recommendation is for the Board to approve the levying fees. This item will come before the January 11 meeting for further discussion or approval.

Board Meeting Norms

Allotted time: 15

Actual time: 15

President Alper said this was an opportunity to review and discuss current norms. He welcomed comments from the Board. The consensus was that the norms are good as they stand.

EXTENDED PUBLIC TESTIMONY

A total of four people addressed the Board:

Two community members and a teacher commented on the policy for the protection of undocumented students

BCCE President commented on the unfilled positions listed in the First Interim Budget.

ADJOURNMENT

President Alper adjourned open session at 10:33pm.