

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

MINUTES, REGULAR MEETING

Page 1

Wednesday, June 4, 2003
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

CALL TO ORDER

President Joaquin J. Rivera called the Board of Education Meeting to order at 5:00 p.m.

BOARD ROLL CALL

MEMBES PRESENT: President Joaquin J. Rivera
Vice President John T. Selawsky
Director Terry S. Doran
Director Shirley Issel
Director Nancy Riddle
Student Director Andy Turner*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 459567

No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) 54957 and Education Code Section 49819(c)

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsion
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 5:00 p.m. and reconvened in Public Session at 7:42 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed:

- c) Collective Bargaining
- d) Public Employment Appointments

No action was taken.

Approve Agenda

Motion: Directors Selawsky/Riddle and approved unanimously on voice vote:

That the June 4, 2003 Board of Education agenda is approved as amended. The amendments are to pull items 1.2-C and 1.3-C for further clarification.

PRESENTATION

President Rivera announced that there was a Reception for Retirees this afternoon. At that reception, the Board and Superintendent honored the 2002-2003 retirees.

Motion: Directors Doran/Selawsky and approved unanimously on voice vote:

Approval of the Resolution of Appreciation for Retirees for the 2002-2003 School Year.

PUBLIC TESTIMONY

Seven speakers addressed the Board.

REPORTS

Union Representatives' Reports

Ms. Anne Graybeal, President, Berkeley Council of Classified Employees, Local 6192, addressed the Board. She reported on her first year as the union president.

Advisory Councils' Report

Mr. Bill Flounders, BSEP (Berkeley Schools' Excellence Project) Planning and Oversight Committee, read the following statement regarding the Board's action on May 7, 2003, regarding the BSEP Site Plan at Berkeley High School.

"The BSEP Planning and Oversight Committee would like to express our concern regarding the May 7, 2003 Board action that mandated specific modifications to the Berkeley High School BSEP Site Plan. We would like to emphasize that our response is not related to the substantive merit of the Board's action or to the content of the individual site plan but to the process by which the school board imposed its will. Our interest is in creating a process by which both Board of Education and site committee oversight responsibilities can be fulfilled where divergent views can be reconciled. We would like to point out the following:

1. No Board in the history of BSEP has ever unilaterally modified a school site plan.
2. The Board's unilateral action undermines the extensive effort and assessment made at each site in creating a site plan.
3. The Board's action will encourage advocates of specific programs to lobby members of the Board and request funding for their preferred programs rather than having their proposal on a level playing field using the site committee process. Lobbying and unilateral Board modifications completely bypasses and negates the detailed process by which these site plans and accompanying budget recommendations have always been developed.
4. The Board's action will have the unintended consequences of reducing local site committee participation because it undermines community confidence in the integrity of the process by which site-directed funds are allocated.
5. The Planning and Oversight Committee recognizes the Board's responsibility for approving or rejecting budget recommendations. However, we believe the Board has an obligation to respect and maintain the integrity of the local site plan development process.

Advisory Councils' Reports (continued)

Mr. Bill Flounders, BSEP Planning and Oversight Committee (continued)

“Site decisions are based on detailed localized assessments of the various programs and before substantiating its views or the views of the site committee, the Board should understand the site committee’s rationale for including certain programs and rejecting others.

“In the fall, the Planning and Oversight Committee will present to the Board its recommendation for a process that will enable site plan modification to address specific Board concerns but maintain the integrity of the process by which the site plan was developed.”

Ms. Mary Reiter, BSEP (Berkeley Schools’ Excellence Project) Planning and Oversight Committee and Co-Chair, Berkeley High School Site Committee, read into the record, on behalf of the Berkeley High School Site Committee, a statement regarding the carryover funding priority set by the Board at the May 7, 2003 Board Meeting, regarding the Writers’ Room. She requested that the Board reconsider its decision of May 7, 2003.

Superintendent’s Report

Superintendent Lawrence recognized Debra Smith, 2002-2003 California Heart of the Program Award recipient. She acknowledged the graduates and the 2002-2003 retirees. Ms. Lawrence said the retirees have a combined total of 1,193 years of service to the District.

Board Members’ Comments

Director Issel commented regarding the Board’s decision about the Berkeley High School Site Committee Plan. She said: “I understand the ramification of the Board’s vote. It was a very difficult decision. I appreciate that Mr. Flounders brought forth some recommendations for a more structured process in the future.

Board Members' Comments—Director Shirley Issel (continued)

“I consider the Writers’ Room to be the key to student achievement at Berkeley High School. That is the basis for my vote. I want to be held accountable for that achievement. I want to assure you that my vote was based on my coming to a reasoned conclusion. I look forward to working with BSEP to become more involved and to address these kinds of concerns when they are brought up.”

Director Riddle reported on the various graduation ceremonies she attended including the Mayor’s Student Recognition Award Ceremony. She announced that there will be a BOCA (Berkeley Organizing Congregations for Action), meeting on Sunday, June 8, 2003, 6:00 p.m.-7:30 p.m., at the St. Joseph the Worker Church, 1640 Addison Street, Berkeley. She encouraged everyone to attend. Regarding the Board’s decision about the Berkeley High School BSEP Site Plan. She said the Board has the right to modify the plan. Director Riddle said this is about process and not about the Writers’ Room.

Director Selawsky highlighted the graduation exercises he attended and the student and employee recognition awards. President Rivera said he attended the BBEI graduation and the Mayor’s Student Recognition Award Ceremony. He acknowledged the comments that were made during the Advisory Councils’ Report regarding Berkeley High School BSEP Site Committee Plan.

CONSENT ITEMS

Motion: Directors Doran/Selawsky and approved unanimously on voice vote:

That the Consent Items are approved as amended. The amendments are that items 1.2-C, 1.3-C and 2.1-C, are pulled for further clarification.

1.1-C: Acceptance of Gifts/Donations

1.2-C: 2003-2004 Designation of California Interscholastic Federation

This item was tabled.

CONSENT ITEMS (continued)

1.3-C: Application for Multi-School Team Status

This item was tabled.

1.4-C: Resolution Proclaiming Gay, Lesbian, Bisexual, and Transsexual Pride Month in BUSD

2.1-C: Acceptance of Personnel Report

On page 12, under Sabbatical Leave of Absence with Pay, delete Evelyn Kavalier's name.

3.1-C: Overnight Field Trips

3.2-C: Local Education Agency Plan

3.3-C: Revised BSEP School Site Plan

3.4-C: North Region Special Education Local Plan

3.5-C: New Non-public school placement for special education student

4.1-C: Approval of Contracts Purchase Orders for Services and Contracts

4.2-C: Approve Resolution 02-94: To award the Campus Green Project at Berkeley High School

4.3-C: Authorization to Reject and not Re-advertise for Bids replacement of worn elevator controls at John Muir Elementary School

4.4-C: Resolution 02-96 listing the Authorized agents and approval of signatures for accounts and records

4.5-C: Authorization investment of monies in the Local Agency Investment Fund

At this time, President Rivera announced that as part of the Personnel Report, we are accepting the resignation of Ms. Christine Lim, Associate Superintendent, Educational Services. He said: "I am really going to miss you, Chris. San Leandro is lucky to have you. Thank you for all you have done for the Berkeley Unified School District."

ACTION ITEMS

1.1-A

Procedures for the Development of Small Schools

Superintendent Lawrence said at the Board of Education Meeting of May 7, 2003, a progress report on the development of a Small Schools Implementation Model was presented to the Board. At that meeting, the Small Schools Task Force solicited from the Board suggestions, which might be considered as the final document for dissemination. She then deferred to representatives from the Small Schools Task Force: Ms. Kalima Rose, Mr. Larry Donaker, Mr. Kenneth Purser, Mr. Caleb Dardick and Mr. Andy Turner. The representatives highlighted the Procedures for the Development of Small Schools at Berkeley High School.

Superintendent Lawrence recommended that the Board approve the Implementation Model for the formal establishment of Small Schools at Berkeley High School.

Director Riddle said teacher diversity is still not being addressed. She requested that staff monitor this part of the RFA and provide the Board with periodic reports regarding the progress of diversifying the staff. In addition, she requested that an evaluation process be established to evaluate small schools as a whole. She said the financial integrity of the district is her first priority. She is asking the Berkeley High School community to support this model. Director Issel also requested that there be an evaluation process put in place. Vice President Selawsky said he is happy to support this effort and “wants to be sure that we do it right.” President Rivera said: “I hope this will receive a unanimous Board vote—that the Board is 100% behind this model and are committed to making small schools successful at Berkeley High School.”

Motion: Directors Doran/Selawsky and approved unanimously on voice vote:

Approval of the Administrative Plan for the Development of Small Schools at Berkeley High School.

AGENDA REORDER

4.1-I

Information on the Governor's May Revise to the State Budget and its Impact on BUSD

Mr. Eric D. Smith, Associate Superintendent, Business and Operations, reviewed the elements of the Governor's budget and the potential impact on the District's budget. He said on May 14, 2003, the Governor released the May Revisions to the budget he proposed in January. The May Revised Budget represents a significant milestone in the budget development process since the Governor's revised estimates of State revenues and expenditures directly affect the development of the District's budget. Mr. Smith gave an overview of the May Revision.

Vice President Selawsky requested clarification regarding the impact of the budget on the summer school program. President Rivera requested that staff bring back to the Board an analysis of the PERS reduction including revenue loss to the District.

4.2-I

Calculation for Direct and Indirect Costs

Mr. Eric Smith, Associate Superintendent, Business and Operations, provided detailed information regarding the calculation for direct support and indirect support costs. He said it is the intention of administration to now charge the State approved indirect support cost rate to all restricted programs and funds and allocate Direct Support Cost to all programs where legal to do so, with four exceptions.

AGENDA REORDER

2.1-A

Resolution 02-95 for reduction or elimination of 1.94 classified positions

Motion: Directors Selawsky/Riddle and approved 5-0-(1)-0 on voice vote:

That Resolution 02-95 for reduction or elimination of 1.94 classified positions is approved.

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky
NOES: None
ABSTAIN: (Student Director Turner)
ABSENT: None

2.2-A

Renewal of Health and Medical Premium Rates for FY 2004

Dr. David Gomez, Associate Superintendent, Human Resources, said the increase in premiums for medical and dental benefits for the next fiscal year amounts to approximately \$1,769,401. Medical benefits have been increasing significantly during the past few years. As a consequence, the staff is analyzing cost containment strategies. Implementation of cost containment for benefits is being negotiated with the unions in the hope that these costs do not further impact the District's budget deficit.

Motion: Directors Selawsky/Riddle and approved unanimously on voice vote:

The approval of the renewal rates for medical and dental benefits for FY 2004 until negotiations are complete with the unions to contain costs.

3.1-CF

First Reading: Board Policy 5131(c): Conduct Use of Electronic Signaling Devices

Ms. Christine Lim, Associate Superintendent, Educational Services, said SB 1253 gives local school boards the right and responsibility of establishing policies regulating the possession and use of cellular phones and electronic signaling devices on school campus. The new law, effective January 1, 2003, makes obsolete a previous State law that prohibited use and possession of such devices by students on campuses. The law precludes school boards from prohibiting a pupil from using an electronic signaling device if it is determined to be essential for the health of a pupil as prescribed. The intent of the legislature is not to encourage student's use of such devices. Rather, the law is intended to recognize that school boards are best positioned to determine the policy on the use and possession of such devices.

Director Doran said an alternative proposal would be to provide land line telephones in every school so that students can communicate to the outside world. Director Issel said this policy has not been discussed with students. She said she wants some discussion with students at Berkeley High School, regarding this policy.

3.1-CF

First Reading: Board Policy 5131(c): Conduct Use of Electronic Signaling Devices (continued)

Motion: Directors Selawsky/Riddle and approved 4-1-(1)-0 on voice vote:

AYES: Directors Doran, Riddle, Rivera, Selawsky
NOES: Director Issel
ABSTAIN: (Student Director Turner)
ABSENT: None

3.1-I

Administrative Regulations 5123: Pupil Promotion and Retention

Ms. Christine Lim, Associate Superintendent, Educational Services, said after three years of using the “C” grade as a passing grade in English and mathematics at the middle school and never implementing the “C” grade as passing in English, mathematics, history and science at the 9th grade as required, it is the overwhelming opinion of middle school and high school staff that the “D” grade be reinstated as a passing grade for all subjects. It is strongly recommended that students receiving a “D” grade attend an intensive intervention program and/or summer school. The “D” grade reflects that the student is doing some work and thus provides more grading options for teachers. It realigns the appeal process to current state mandated assessments by using the California Standards Test in English and Mathematics and college requirements. It clarifies the language regarding grade status and the credits needed toward meeting graduation requirements at the secondary level. It provides for grade consistency across all courses—science, physical education, history and electives.

3.2-I

Proposed Administrative Regulation for Electronic Devices

Ms. Christine Lim, Associate Superintendent, Educational Services, presented this item. She said due to new legislation, local boards are now given the authority to draft policies related to use of electronic signaling devices on school campuses. These Administrative Regulations serve as guidelines for implementation of the proposed Board Policy.

EXTENDED PUBLIC TESTIMONY

There was no Public Testimony at this time.

At 10:44 p.m., the Board recessed to Closed Session. The Board returned to Public Session at 11:59 p.m. President Rivera stated that there was nothing to report from Closed Session.

ADJOURNMENT

President Rivera declared the Regular Meeting of June 4, 2003, adjourned at 11.59 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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