

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

MINUTES, REGULAR MEETING

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Wednesday, May 7, 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 6:00 p.m.

**BOARD ROLL CALL**

**MEMBERS 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 459567

- 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
  - 1) Principal
- f) Liability Claims
- g) Property Acquisition

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\*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 6:00 p.m. and reconvened in Public Session at 7:32 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed and acted on the following:

d) Public Employee Discipline/Dismissal/Release

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

To dismiss a classified employee.

e) Public Employment Appointment:

a) Principal

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

The appointment of Ms. Patricia Christa, Principal, Berkeley High School.

g) Property Acquisition

No action was taken.

Approve Agenda

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

That the agenda is approved as amended. The amendments are to pull, for further clarification, items 2.2-C, 3.3-C and 4.1-C.

Approve Minutes

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

That the following Board of Education Meeting Minutes are approved: Special Meeting of March 19, 2003; Regular Meeting of March 19, 2003; Regular Meeting of April 2 and 23, 2003.

**PUBLIC TESTIMONY**

Twelve speakers addressed the Board.

**REPORTS**

Union Representatives' Reports

Mr. Barry Fike, President, Berkeley Federation of Teachers, addressed the Board regarding the teacher layoff hearings.

Advisory Councils' Reports

Ms. Rosemarie Richie, Music Committee, announced the music fundraiser to be held Saturday, May 24, 2003, at the Berkeley Community Theater.

Superintendent's Report

Superintendent Lawrence congratulated Bob Traum, Athletic Director, Berkeley High School, on his retirement and thanked him for his years of service to the students and staff of our District. She welcomed Ms. Patricia Crista, newly appointed Principal, Berkeley High School. Superintendent Lawrence also welcomed Mr. Eric Smith, Associate Superintendent, Business and Operations. She extended her regrets to those teachers who are going through the layoff process and said we hope to re-instate 85-90% of the teachers by June.

### Board Members' Reports

Student Director Turner requested that all who can to please attend the May 8, 2003 budget lobby day in Sacramento. He expressed his concern regarding the teacher layoffs. Director Riddle said she will be one of the chaperones accompanying those students who will be going to Sacramento on May 8, 2003. She, too, expressed her regrets that due to budgetary constraints, we have no choice but to layoff some of our teachers and classified staff. Director Doran thanked the members of the Berkeley High School Principal Selection Committee for their time and hard work during the selection process. He said he appreciates the comments made during Public Testimony regarding Small Schools. He encouraged the Berkeley community to support the Small Schools effort. Director Doran wished Bob Rudometkin, Project Coordinator, Construction, the best in his retirement. He welcomed Mr. Eric Smith, Associate Superintendent, Business and Operations. President Rivera said he, too, will be attending the May 8 lobby day in Sacramento.

## **AGENDA REORDER**

### General Services

#### 1.1-I

#### Progress Report Regarding Small Schools

Superintendent Lawrence stated that in 2000 the Board approved a resolution, based on supporting national research, which gave affirmation to the formation and establishment of Small Schools at Berkeley High School. Simultaneously, the Board approved a planning grant to study Small Schools that generated staff and community interests and passions around the idea of transforming Berkeley High School into small schools. She then deferred to representatives of the Small Schools Task Force. The representatives discussed their work and progress in preparation for a formal recommendation to the Board on May 21, 2003.

1.1-I  
Progress Report Regarding Small Schools (continued)

Representatives from the Small Schools Steering Committee included: Mr. Rick Ayers, Communication Arts & Science (CAS), Ms. Nancy Feinstein, Ms. Priscilla Myrick, Mr. Doug Powers, teacher, Berkeley High School, Ms. Kalima Rose and Ms. Gina Wolley. Ms. Wolley highlighted the Small Schools document. She presented the guiding principles of how small schools will fit within the comprehensive high school which means small schools will be part of the solution of improving the overall functioning of Berkeley High School. This means that cooperation and coordination between all segments of both the comprehensive high school and the small schools must occur. Goals and objectives of small schools should be consistent with the overall goals and objectives of Berkeley High School as a whole, and in turn, the rest of the school must support the small schools. Ms. Wolley discussed the Vision: Development and review of a Small School Request for Authorization (RFA); Diversity; Small School Leadership and Governance; Structures: Staffing, Parents/guardians and students and Facilities, Resources (Funding and resource allocation). Ms. Priscilla Myrick discussed Accountability and Assessment; Curriculum; Recruitment, Admission and Enrollment and Evaluation of the Small Schools reform effort.

Superintendent Lawrence said three years from September 2003; we hope to have one-half of Berkeley High School in small schools. She said she will calendar a full day to be at Berkeley High School to answer questions and receive comments from students and teachers.

Board Members thanked the committee members for their hard work on this committee. Board Members' comments included the following:

Director Shirley Issel:

Director Issel noted that there is no place for input from the Shared Governance Committee in the RFA. She said approval of new small schools appears to be a principal-driven process. She said she will be looking for some input from the Shared Governance Committee when RFA's come forward to the Board. Director Issel said she is concerned about setting up a Small Schools Leadership Council without a relationship with the Shared Governance Committee. She said on page 125 of the Small Schools document, it reads: "Students will apply to small schools by order of preference. Choice will be granted for students by lottery, within District assignment guidelines that reflect demographics (ensuring integration by race and special needs) of the district)." Director Issel reminded staff that we should not make assignments based on race.

1.1-I

Progress Report Regarding Small Schools (continued)

Director Nancy Riddle

Director Riddle said she would like to know what happens next in the RFA process. Also, she wanted to know if the RFA is a contract. She noted that there was nothing regarding diversity in the teaching staff and she would like diversity included. She would like to see this included before the document is finalized. Director Riddle said she would like the issue of outreach to middle school students addressed. There needs to be a more formal outreach program. She, too, expressed her concerns about the student assignment section of the Small Schools document.

Director Terry Doran:

Director Doran said: "Our school is not successful it is a segregated school. It is not working for many of our students. That is what prompted the request that there be small schools at Berkeley High School."

Vice President John Selawsky:

Vice President Selawsky said he would like a clear admissions and enrollment policy. He requested a status report on the existing small schools.

Student Director Turner

Student Director Turner said there are some areas that are foggy and the new Berkeley High School principal will need to make decisions about these areas. However, we do not know his/her beliefs regarding small schools.

President Joaquin Rivera

President Rivera said he is excited that we are moving in this direction. It is important that these schools be fully integrated. In addition, integration of special education services should be part of the RFA. President Rivera said there needs to be a process for 10<sup>th</sup> and 11<sup>th</sup> grade students who may want to leave or join a small school. There should be a process that would allow this to happen. He asked if the District's programs are going to be imbedded in the comprehensive high school. He said we need to make sure that we have goals for both the comprehensive high school and the small school.

**AGENDA REORDER**

**CONSENT ITEMS**

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

That the Consent Items are approved as amended. The amendments are that items 2.2-C, 2.3-C, 3.3-C and 4.1-C are pulled for further clarification.

- 1.1-C: Resolution Honoring Mary Friedman
- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Petition to Abolish the Merit System

Please see page 8 of these minutes.

- 3.1-C: Overnight Field Trip Requests

Please see page 8 of these minutes.

- 3.2-C: Recommendation for the Approval of the Berkeley Schools Early Childhood Education and Berkeley-Albany YMCA Head Start Program

- 3.3-C: Alameda County Office of Education Independent Study Program

Please see page 10 of these minutes for action on this item.

- 4.1-C: Approval of Contracts/Purchase Orders

Please see page 11 of these minutes.

2.2-C:  
Petition to Abolish the Merit System

Director Riddle wanted to know when staff will receive the results of the petition. She said we should have a clear and definitive process for developing and hiring all staff.

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

To acknowledge and accept the petition, schedule a date for the election, preferably during the second week of September 2003, and appoint a three-member Tabulation Committee to work with the Board to devise a balloting process and select a certain date for potential termination of the Merit System.

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

3.1-C:  
Overnight Field Trip Request

Motion: Directors Riddle/Selawsky and approved 3(1)-0-0-2-0 on voice vote:

To ratify and approve the overnight field trips in accordance with District policies and procedures.

AYES: Directors Riddle, Rivera, Selawsky,  
(Student Director Turner)  
NOES: None  
ABSTAIN: None  
NOT SEATED: Director Doran, Issel  
ABSENT: None

**AGENDA REORDER**



3.2-A:  
BSEP School Enrichment Program Plans for FY 2004

Ms. Monica Thyberg, Manager, Berkeley Schools Excellence Project, explained that the Berkeley Public Schools Educational Excellence Act of 1994 (BSEP) directs that 20% of the annual revenues from the BSEP Measure be dedicated to the Purpose of providing School Enrichment Programs in such areas as music, the arts, athletics, sciences, tutoring and student activities. This is an increase of \$5 per pupil for 2004. She then introduced Ms. Mary Reiter and Mr. Billy Keys, Co-Chairpersons, Berkeley High School Site Committee, who provided additional comments. Ms. Reiter said it was the intent of the Berkeley High School Site Committee that all of the Parent Resource Center money was to be earmarked for funding to personnel.

Vice President Selawsky noted that no administrator signed off on the Berkeley High School Enrichment Plan.

Motion: Directors Doran/Riddle

To approve the recommendations for expenditures to provide BSEP School Enrichment Programs at all schools in FY 2004.

Motion failed.

Substitute Motion: Directors Issel/Selawsky

To approve all of the BSEP School Enrichment Program Plans for FY 2004 except the high school part of the Plan. The Berkeley High School Plan is to be tabled.

The maker of the motion withdrew the motion.

3.2-A

BSEP School Enrichment Program Plans for FY 2004 (continued)

Substitute Motion: Directors Issel/Selawsky and approved 3(1)-2-0-0 on Roll Call vote:

To approve the recommendations for expenditures to provide BSEP School Enrichment Programs at all schools in FY 2004 with the provision that the first priority for carryover funding at the high school should be for funding the Writers' Room, at the same level as FY 2003.

AYES: Directors Issel, Rivera, Selawsky,  
(Student Director Turner

NOES: Directors Doran, Riddle

ABSTAIN: None

ABSENT: None

**AGENDA REORDER**

3.3-C

Alameda County Office of Education Independent Study Program

Mr. Gerald Herrick, Director, Student Services, said the Alameda County Office of Education (ACOE), in cooperation with the District, proposes to open immediately a Community Day School Independent Study Program in Berkeley to provide an additional placement option for Berkeley students. ACOE will operate the program at no cost to the District. The District agrees to provide office space for the program. The program will be housed between May 8, 2003-June 13, 2003 at the Berkeley Adult School. The location for the program for the 2003-2004 school years has yet to be determined. Mr. Herrick said 20 students will be served.

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

Approval of the Memorandum of Understanding for the Alameda County Office of Education Independent Study Program.

**AGENDA REORDER**

4.1-C  
Approval of Contracts/Purchase Orders

President Rivera questioned the amount of funds being spent on photocopying. He requested that staff investigate alternative photocopying options and suggested that, as a cost-saving measure, that photocopying services be combined.

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

That the Associate Superintendent Business and Operations or Purchasing Agent are authorized to execute Purchase Orders.

**ACTION ITEMS**

2.1-A  
Resolution 02-82 for Reduction or Elimination of Specified Classified Positions

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

Approval of Resolution 02-82.

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

3.1-A  
Revised 2003-2004 Single Plan for Student Achievement

Ms. Christine Lim, Associate Superintendent, Educational Services, explained that the California Department of Education requires all schools participating in school-based coordinated categorical programs to have a board approved three year Single Plan for Student Achievement that is revised annually.

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

Approval of the revised Single Plan for Student Achievement at Arts Magnet, Cragmont, Emerson, Jefferson, John Muir, King, LeConte, Malcolm X and Washington.

4.1-A

Resolution 02-84: Temporary Transfer of Available Fund Balances for Cash Flow Purposes

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

Approval of Resolution 02-84: Temporary Transfer of Available Fund Balances for Cash Flow Purposes.

**EXTENDED PUBLIC TESTIMONY**

No one addressed the Board at this time.

**ADJOURNMENT**

President Rivera declared the Regular Meeting of May 7, 2003, adjourned at 12:01 a.m.

**APPROVED:**

**ATTEST:**

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District

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