

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, November 17, 2004
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

UNOFFICIAL MINUTES
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CALL TO ORDER

President John T. Selawsky called the meeting to order at 6:00 p.m. and the Board recessed to Closed Session.

ROLL CALL

MEMBERS PRESENT: President John T. Selawsky
Vice President Nancy Riddle
Director Terry S. Doran
Director Shirley Issel
Director Joaquin J. Rivera
Student Director Lily Dorman-Colby*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957. No one addressed the Board at this time.

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

- Conference with Legal Counsel – Existing Litigation
- Consideration of Student Expulsion
- Collective Bargaining
- Public Employee Discipline/Dismissal/Release
Senior Budget Analyst
- Public Employment Appointment
- Liability Claims
- Property Acquisition

Reconvene in Public Session

The Board reconvened in Public Session at 6:19 pm, Student Director Dorman-Colby was absent. The Board conducted oral interviews for the position of

* The Student Director does not attend Closed Session.

Personnel Commissioner. Two candidates were interviewed. The Board recessed to Closed Session again at 7:00pm and again reconvened in public session at 7:42pm. All members were present at this time.

Report Closed Session Action

President Selawsky reported that the Board discussed the following items in Closed Session:

- Collective Bargaining—No Action was taken.
- Nomination of the Personnel Commissioner—Roy Doolan was appointed Personnel Commissioner by vote

Motion: Directors Issel/Rivera and approved on the vote:

Ayes: Directors Issel, Rivera, Riddle

Nos: Directors Doran, Selawsky

The Board publicly thanked Carolyn Weinberger for her service as Personnel Commissioner and noted that both candidates were very qualified.

Approve Agenda

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

That the Regular Meeting Agenda of November 17, 2004 is approved as amended.

The amendments are:

- That Item 3.3C be pulled for further consideration.
- That the last item on Personnel Report #04-19, on Page 15 of the packet, be pulled.

Approve Minutes

Motion: Directors Dorman-Colby/Riddle and approved unanimously on voice vote:

That the Minutes of the October 20, 2004 be approved with the following corrections:

- Under Public Testimony on Page 3, the record should be changed to reflect the incident at a middle school, not elementary.
- Under Director Rivera's Report on Page 4, the record should be changed to reflect that Director Rivera was responding to Ms. Allan, not Ms. Graybeal.
- On Item 4.2A, Page 11, the record should show that Director Riddle requested a part of the Maintenance and Grounds Department Annual Plan for 2004-2005 be read into the record. That part reads: "The Facilities Safety and Maintenance Oversight Committee has received, reviewed, studied, edited, commented, and forwards to you with its support the 2004-2005 Measure BB Annual Plan."

TEACHING AND LEARNING PRESENTATION

BTSA- Beginning Teacher Support Assessment

Jan Goodman, BTSA Coordinator, presented information to the Board that described BTSA's function, particularly after the passage of Senate Bill 2042. BTSA is a program for first and second year teachers or for out-of-state teachers who have taught fewer than 5 years. BUSD is part of a consortium that works collaboratively to construct a program with the goal of improving beginning teacher performance and teaching students from diverse backgrounds. Each teacher gets a support provider, release time, as well as monthly seminars with a series of activities designed to help them improve their teaching. Ms. Goodman showed pictures of BTSA events and activities, as well as beginning teachers in the classroom. She also showed slides of teachers preparing lessons and discussed strategies for inservice training. She explained that research shows that 50% of teachers that do not participate in BTSA leave the profession within five years, while 90% of those who receive it, stay.

PUBLIC TESTIMONY

PTA Council President spoke about the food policy and commended the Board for putting it together, for having the PTA council look at it, and for incorporating the changes that were recommended.

A representative from the Cal Run-for-Life Foundation explained the Run-for-Life and how students and their families may participate in the Run-for-Life activity to be sponsored by the University on April 16th, 2005.

REPORTS

Superintendent Report:

The Superintendent thanked the community for the passage of Measure B and those who worked so diligently for its passage. She also thanked everyone for their support in the wake of her injury and expressed appreciation for their kindness. She noted that the Rotary Club's Third Grade Dictionary Project supplied dictionaries to every third grader. She gave a progress report on work being done to begin the Planning Process.

Board Members' Report:

Student Director Dorman-Colby

Student Director Dorman-Colby described Unity Day at BHS and noted that winter athletic programs have started.

Director Issel

Director Issel thanked the community for the passage of Measure B and congratulated Directors Selawsky and Rivera on their reelection. She reported that

she attended a Special Education Task Force meeting, the Community Fund meeting that honored teacher Rick Ayers, the Berkeley Boosters dinner, the Adult School opening, and a Healthy Start Region 4 conference on health in schools, which detailed some suggestions to improve student health.

Director Rivera

Director Rivera thanked the Berkeley community for the passage of Measure B, noting the 72% approval, as well as for his reelection to a third term and congratulated Director Selawsky on his reelection. He also thanked Director Riddle for her hard work on Measure B and Director Issel for her support during the campaign. He pledged his hard work for the district and stated that closing the achievement gap will continue to be a top priority for him. Director Rivera commented on a letter published on October 29th written by Stephanie Allan regarding the demonstration at the last Board meeting in which Ms. Allan stated that the District did not have the authority to instate a \$50 monthly charge to the union's employees. He noted that this was in fact part of their contract with the District. Director Rivera asked to adjourn the meeting in the memory of Gail Kellerman.

Director Doran

Director Doran thanked Berkeley for its continued support for public education and congratulated the reelected Board members. He commented that the economy is still in tatters after the election and that the City will be looking at some hard times because of the failure of city measures, noting that it will have a direct impact on the youth of the city. He congratulated the sports programs at Berkeley High School. He requested that staff put together some information and perhaps give a presentation regarding the Berkeley High School Academic Choice program.

Director Riddle

Director Riddle congratulated the Varsity Women's Volleyball team at Berkeley High School on their record of 14-0 in their league and the 2004 ACCAL title. She talked about the Measure B campaign, saying she was very proud of the volunteer effort and noting the hard work of teachers and staff that went far to bring credibility to the District and created goodwill within the community. She thanked the oversight committees that keep the district focused and ever-improving as well as their leaders. Finally, she thanked the PTAs, families, students, the property owner who let them use the space, the data analysts, Wanda Stewart, Ann Jennings, Caleb Dardick, Larry Gordan, Susan Henderson, and Dan Lindheim.

Director Selawsky

Director Selawsky thanked the voters of Berkeley for the passage of Measure B and congratulated Director Rivera on his reelection. He thanked his supporters, but said he would hold off declaring his reelection until all provisional ballots had been counted. Director Selawsky said he would like to recognize a friend who passed

away, Robert Brower. He reported that he attended the Adult School opening ceremony.

2 x 2 Committee Report:

Director Selawsky reported on the 2x2 Committee. He reported that there had been discussion about the Safety Resource Officers, but that now that the Youth Measure had not passed their status was in question and that the City had not made a commitment to fund those positions at the middle schools. He noted the need to have discussions with the City about this issue. He also reported that there was an update on the closure of Allston Way and that discussions were continuing between the high school and the City in regards to the possibility of a walkway on Allston Way to allow safer access to the park for students. There was also discussion about the issue of park management. He reported a brief update on the new Adult School and on the status of the West Campus planning and the transportation yard. He noted that the next meeting will be sometime in mid-January.

The Board conducted a Public Hearing for adoption of a Resolution to approve Instructional Materials.

Educational Services

3.1-A The Board held a public hearing at 8:30pm to adopt the Resolution for Grades K-12 Textbook and Instructional Materials Compliance for Fiscal Year 2004-05

Motion: Directors Rivera/Riddle and approved unanimously on voice vote: To approve the Resolution.

There were no comments from the public.

CONSENT CALENDAR:

Motion: Directors Issel/Doran and approved unanimously on voice vote: That the Consent Calendar be approved as a block except for Item 3.3C.

General Services

1.1-C Acceptance of Gifts/Donations

The Board accepted a \$300 donation to Rosa Parks Magnet School from JTB International.

Human Resources Items

2.1-C Acceptance of Personnel Report #04-19

Reports details of personnel assignments, employment and terminations.

- 2.2-C** Approval of the Declaration for the need for fully-qualified educators – Title V Regulation 80026

Educational Services

- 3.1-C** Overnight Field Trip Requests

The Board approved overnight field trips to Woodward Park, CA for a CIF Cross-country meet and to the Marin Headlands.

- 3.2-C** Approval of the Declaration for the need for fully-qualified educators – Title V Regulation 80026

- 3.4-C** Approval of Resolution 04-18: State Preschool for FY 2004-05, Child Development Contract for the purpose of providing quality child care and development

- 3.5-C** Approval of Resolution 04-17: Child Development Contract for FY 2004-05 for the purpose of providing quality child care and development

- 3.6-C** Approval of Resolution 04-16: Child Development Contract for FY 2004-05 for the purpose of providing quality child care and development

- 3.7-C** Approval of Resolution 04-15: Child Development Contract for FY 2004-05 for the purpose of providing quality child care and development

Business and Operations Items

- 4.1-C** Approval of Contracts/Purchase Orders for Services Contracts

- 4.2-C** Approval of payroll payments made in September 2004

ITEMS PULLED FROM THE CONSENT CALENDAR

- 3.3-C** Approval of the revised Single Plan for Student Achievement for the District

Motion: Directors Doran/Issel, and approved on voice vote with Student Director Dorman-Colby abstaining.

Director Rivera thanked Neil Smith, Director of Curriculum, for his work with the principals to improve school site plans and recognized some improvement. However, he felt that there was still a lot of work that needed to be done in order to make the plans what they should be and noted the need for sites to establish a different set of goals in order to close the achievement gap. He said he would like to see more use of student data to

drive the plans. He hoped that the sites would be able to establish plans that would help them allocate their resources to improve student achievement. He said that he would give the staff more detailed comments and suggestions.

Director Doran said he was impressed with this set of plans, especially in comparison with the previous set of plans. He noted that the plans had been reviewed by State and Federal programs and were recommended for approval, and pointed out the requirement that the Board approve the plans if they are to continue to use State and Federal monies. He said he was impressed with the attempts of the staff and was comfortable with approving the plans for this year, with the understanding that they will improve in the future.

Director Riddle asked if the principals wrote the analysis of current educational practices, and Neil Smith said that the principals watched the tape of the Board meeting where the plans were discussed and then they discussed what should be rewritten, which included the analysis. He said that it was taken back to the site councils, with the statement of goals for approval. Director Riddle felt one positive point about the plans was that they continually noted collaboration time and class-size reduction as positive measures. She was concerned about alignment with District goals in the plans, and felt the sites didn't have specific goals related to ELL students and their proficiency. She felt that some plans still aren't addressing what they are doing in the 2004-05 school year and about constructing a more inclusive culture for Special Education students. She asked when the Board would look at last year's plans.

Superintendent Lawrence agreed with the Board members' comments and noted that this was the direction that they hoped to go with school site plans. She commented that the District still has a ways to go towards a school plan that lines up with the Board's goals and objectives as well as with budgeting processes. She felt that the school site plans will be the major vehicle through which the goals and plans articulated in the planning process will be translated. She felt that a comparison between this year's and last year's plan would not yet necessarily yield an understanding of improvement from year to year and was not sure if that process would be a productive effort. She noted that staff is undertaking the process to achieve these goals articulated by the Board for these site plans. Superintendent Lawrence suggested that the Board give staff time to discuss possibilities for addressing some of the Board members' concerns, but also asked Neil Smith about the potential for accommodating the Board's request to review last year's plans to see if objectives had been met. Discussion ensued about this possibility.

Director Issel asked where Berkeley High School's and Willard's plans were. Neil Smith and the Superintendent responded that they would be receiving their plans, as they originally submitted a plan not of the same structure as the others. Berkeley High School's plan was different in order to accommodate many disparate requirements. Willard wrote one action plan for all three goals, so they were asked to create a specific action plan for each one of their goals. Director Issel was prepared to approve the plan, but noted that there was no standard for many of elements of the plan. She felt that it was important that there be consistency in the way in which goals for achievement are measured.

Director Rivera noted that he was glad that the plans were moving from being just a bureaucratic formality to being a living document that guides instruction. He said that future approval will be contingent upon improvement and urged that it be a data-driven document to address the needs of each sub-group of children.

Director Selawsky urged that written comments be given by the Board members to the principals and Neil Smith.

ACTION ITEMS:

General Services

2.1-A Appointment of candidate to the Personnel Commission effective December 1, 2004 as the Board's designated appointee

See the Report of Closed Session Action.

Business and Operations Items

4.1-A Acceptance for Final Reading and approval of the Berkeley Unified School District Food Policy

Motion: Directors Doran/Issel and approved unanimously on voice vote: To approve the Food Policy as amended.

The Superintendent felt that while the changes helped to bring in the community, they did not represent a shift in implementation. Director Doran corrected his former statements that opposed delaying the approval of the policy, saying that he was wrong and was happy that they were cautious in order to get improvement.

Director Rivera asked for clarification about the sale of sweets in #6 of the policy and the Superintendent responded that it represented the difference between the principal authorizing parent organizations to sell sweets or arrange activities where children are present, and children being allowed to sell candy. It was suggested that the language be changed to reflect this difference. Eric Weaver, representative from the CNAC Committee,

suggested the addition of language in #6, so it reads “bake sales and/or ice cream socials may be held at the K-8 level schools with the permission of the school principal, in moderation and with consideration and consistency of the goals of this policy.” Mr. Weaver explained that the distinction is between homemade, more healthy goods, and pre-packaged foods. Karen Candito, Director of Nutrition Services, added that they are in the process of developing a list for schools of healthy choices for “sweets.”

Director Doran suggested separating #6 into two numbers so that it is even more clear, making #6 address the students selling sweets and #7 address adult-organized activities. Student Director Dorman-Colby offered to make a Food Policy Student Council Committee in order to get the process moving for creating a food policy that included the high school.

CONFERENCE

Business Services

4.1-CF Accept for First Reading the Berkeley Unified School District Policy regarding Conflict of Interest

Motion: Director Doran/Selawsky to approve the policy as a first reading and then send to committee for revisions subsequent to approval

Director Doran asked why this policy before the Board at the present time and the Superintendent responded that it was because she forgot that one of the criteria that the FCMAT committee is looking at right now states that the District must have a conflict of interest policy and a current policy could not be located. Director Doran said that he would research the existence of past conflict of interest policies before the next meeting.

Director Rivera noted that the policy could be edited so that it is easier to read. Director Riddle felt that it would be good to have more transparent and more detailed language. She felt that this could be worked out in the sub-committee on policy before approval. The Board referred the policy to the sub-committee.

INFORMATION

Educational Services

3.1-I As part of performance indicators, a report on current class sizes was presented

Peter Bloomsburgh, Director on Special Assignment, presented a class-size report detailing the trends by grade, and, at the high school level, by class type, comparing the current class size in October 2004 to what they were in January of 2003. Mr. Bloomsburgh reported that average regular education

class sizes in grades K-3 have increased slightly from 18.7 to 19.6. Average regular education class sizes in grades 4-5 have increased by 2.4. Average special education class sizes at the elementary level have stayed about the same. At the Middle Schools, average regular education class sizes for grade 6 have increased by 3.4, and for grades 7-8 have increased very slightly from 28.8 to 29.9. Average special education class sizes at the middle schools have increased by 2.1. At Berkeley High School, average regular education class sizes for freshman English and History courses have increased by 11.5 and for all other courses have increased on average by 4.4. Average special education class sizes have increased very slightly from 9.2 to 9.7.

Student Director Dorman-Colby said that as a representative of the students at BHS she found the numbers appalling and was particularly worried about science and lab sciences, as students need to fulfill their lab science requirement in order to be UC eligible. She asked how much Measure B would help this problem. The Superintendent responded that they will be closer to where they were two years ago with the exception of the 9th grade classes. She said that she would take note of the Student Director's concerns about sciences and lab sciences and that she will discuss it with the school administration.

Director Riddle said that she would like a more detailed report of the class sizes at the middle and high school levels in order to be able to look at the classes one-by-one. The Superintendent said that she will have staff run a master schedule for each of the Board members so that they see details and answer questions from the community.

3.2-I Receipt of monthly enrollment and ADA reports

Business Services

4.1-I Receive the Measure BB and Maintenance quarterly update

Director Doran said that he was happy that they now have a more detailed timeline for the process for making decisions related to the University Ave., Oregon, Russell and City Hall sites. He asked if it was a typographical error that demolition at the East Campus site would begin in the spring of 2005 but that construction would begin in spring of 2006. The Superintendent said that Lew Jones, Director of Facilities, would be available to give a more full report at the next meeting.

BOARD COMMITTEE APPOINTMENTS

There were none.

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony.

ANNOUNCEMENTS:

Schedule of Board of Education Meetings for 2004:

November 30, 2004-Special Closed Session

December 8, 2004

December 15, 2004

New calendar to be set at Board meeting of December 8, 2004

ADJOURNMENT

President Selawsky declared the Regular Meeting of November 17, 2004, adjourned at 10:37 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District