

BERKELEY UNIFIED SCHOOL DISTRICT  
MINUTES, REGULAR MEETING  
Wednesday, October 6, 2004  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

**ADOPTED 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 Joaquín 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
- Public Employment Appointment
- Liability Claims
- Property Acquisition

### **Reconvene in Public Session**

The Board reconvened in Public Session at 7:40 p.m. All members were present.

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\* The Student Director does not attend Closed Session.

### **Report Closed Session Action**

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

- Conference with Legal Counsel – Existing Litigation
- Collective Bargaining

No action was taken during closed session.

### **Approve Agenda**

**Motion:** Directors Rivera/Riddle and approved unanimously on voice vote: That the Regular Meeting Agenda of October 6, 2004 is approved as amended. The amendments are:

- that Items 1.1A, 1.2A, 1.4A, 1.5A and 4.1A are moved to the Consent Calendar
- that Item 4.3C is pulled for further clarification

### **Approve Minutes**

**Motion:** Directors Riddle/Issel and approved unanimously on voice vote: That the Minutes September 22, 2004 be approved with the following corrections:

- On page 4, after the sentence that ends “at the pre-Kindergarten level,” the sentence “Early results are quite promising.” be inserted.
- On page 11, Item 1.2CF says that Director Issel abstained. It should be changed to show that Director Riddle abstained.
- On pages 13 and 14, Item 1.3CF, the sentence at the bottom of page 13 should read “Superintendent or *his/her designee*.” In addition, the following paragraph should be stricken. Finally, in the paragraph beginning with “Director Riddle inquired,” in the sentence beginning with “At that time,” “the Board” should be replaced with “Berkeley High School administration.”
- On page 15, Item 3.2CF, the first sentence should read: “Although the Board did not approve the application for a federal grant to support Small Learning Communities (SLC) last spring, subsequently Berkeley High School did receive the grant and is now requesting the Board to accept funding.” The last sentence of this paragraph should read: “However, because local misunderstandings might ensue, staff made the following clarifications pending approval:”
- On page 17, under Item 3.1I, the last line should read: “AYP criteria is not the same as meeting school API targets under the California accountability system.”
- On page 19, under Item 3.1I “Next Steps,” the first sentence should read: “Director Riddle commented that it was not acceptable that African American students at Washington school are only 9% at/or above proficient in English Language Arts.”

## **TEACHING AND LEARNING PRESENTATION**

### **Math in the Garden-Oxford School**

Kathleen Lewis, Principal of Oxford, explained that Oxford is not part of the California Nutrition Network and that, for this reason, she is especially grateful to parents and to the district for the pledge drive to cover the salary of the garden teacher. She noted that Oxford is extremely proud of their sustainable garden that the school sustains through these types of fundraising activities. She then introduced Chris Nakao, Oxford's garden teacher and Katie Johnson, third-grade teacher. They both explained the use of the garden and the application to course content.

### **PUBLIC TESTIMONY**

Several parents spoke on the issue of IA assignment and transfers, particularly as they affected Thousand Oaks.

Two teachers at Thousand Oaks also spoke to the issue of IA assignment and transfers.

A Berkeley High School parent and BSPEP member requested the confirmation of Instructional Assistant support and that it be reported and funded at Berkeley High School for the 0 period (lab period), in addition to the full IA support already provided.

Two Program Coordinators for After-School Programs spoke regarding the issue of fees for the middle school After-School Programs and presented an invitation to the Board to "Lights On Afterschool!" on Thursday, October 14<sup>th</sup>, from 3 to 7pm.

Two individuals spoke on behalf of the Jefferson Name Change Committee and presented a letter to the Board.

## **REPORTS**

### **Union Representatives' Reports**

Berkeley Council of Classified Employees (BCCE) - Ann Graybeal:

Union President Graybeal asked the Board to respond to her concerns and stated that she had heard nothing since the last board meeting. She pointed out that employees have an interest in having IAs matched with students and said it was part of the union's goal this summer during negotiations. She urged the district to uphold the collective bargaining agreement as she felt it did not stand in the way.

No other union representatives addressed the Board at this time.

**Committee Reports**

**2x2**

Director Doran asked that the 2x2 Committee report be moved to the October 20<sup>th</sup> Board meeting.

**Superintendent Report:**

Nothing to report at this time.

**Board Members' Report:**

Student Director Dorman-Colby

Director Dorman-Colby informed the Board that Berkeley High School student government had kicked off its food drive.

Director Issel

Nothing to report at this time.

Director Rivera

Director Rivera apologized to Union President Graybeal, stating that he misunderstood her at the last meeting, and pledged to become more educated about the issue of Instructional Assistants.

Director Doran

Director Doran thanked all the people who came to speak at the board meeting. He said that he felt there had been some misinformation about the process with IA assignment and urged better communication of what that process is.

Director Riddle

Nothing to report at this time.

Director Selawsky

Nothing to report at this time.

**CONSENT CALENDAR:**

**Motion:** Directors Riddle/Rivera and approved unanimously on voice vote:  
That the Consent Calendar be approved as a block except for Item 4.3-C.

**General Services**

**1.1-C** Acceptance of Gifts/Donations

The Board accepted a \$1600 donation from MPR Financial Corporation and a \$250 donation to the SMILES Program in connection with the Longfellow Extended Day Program from the Iota Chapter of Sigma Pi Fraternity.

**Human Resources Items**

- 2.1-C** Acceptance of Personnel Report #04-17
- 2.2-C** Acceptance of Personal Growth Advisors for the 2004-2005 School Year  
The Board approved the list of administrators to be designated as Professional Growth Advisors.

**Educational Services**

- 3.1-C** Overnight Field Trip Requests  
The Board approved an overnight field trip to Angelo Nature Reserve for two groups of Berkeley High School students.
- 3.2-C** Approval of Adoption of New Editions of Textbooks for Grades 9-12  
*The Americans, Biology: Life on Earth, and Fundamentals of Anatomy and Physiology* were adopted.
- 3.3-C** Approval of the Continuing Non-Public School Placement for Special Education Student

**Business and Operations Items**

- 4.1-C** Approval of Contracts/Purchase Orders for Services Contracts
- 4.2-C** Authorization for the Purchasing Manager to Reject Bid Schedule No. 1335 for Fire Safety and Sprinkler Systems Inspection Services and to Reschedule through CA Uniform Public Construction Cost Accounting Program
- 4.4-C** Approval of the purchase of the SchoolDude Work Order System and Technical Support Services

ITEMS MOVED TO THE CONSENT CALENDAR

**General Services**

- 1.2-A** Approval of Berkeley Unified School District Integrated Policy for Nutrition Education, Physical Activity and Food
- 1.4-A** Approval of Berkeley Unified School District Physical Education Policy
- 1.5-A** Approval of Berkeley Unified School District Environmental Education Policy

**Business and Operations Items**

- 4.1-A** Receive and review information regarding the refunding of Series A Bonds

ITEMS PULLED FROM THE CONSENT CALENDAR

**Business and Operations Items**

- 4.3-C** Approval of request for Increase of Custodial Positions at King Middle School and Maintenance office

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

To approve the request that the Board make permanent the temporary 1.0 custodial assignment at King Middle School, and increase the custodial support services staff allotment by 3.0 hours for the Hillside School and West Campus sites. Hillside School and West Campus do not currently have assigned on-going custodial support services.

The request states that the increase will come out of the General Fund. It also states that money has already been allocated to fund the temporary position at King. Director Riddle had a question as to how the positions will be funded. The Superintendent and Director of Maintenance, Rhonda Bacot, explained that the goal for the increase was to have a presence at the Hillside School and West Campus sites, and not to provide thorough cleaning. These were general fund positions. Director Issel said that she would like to see a schedule to make sure that it is working.

**ACTION ITEMS:**

**General Services**

- 1.1-A** Approval of proposed fee for the middle school After School Learning Programs at King, Longfellow and Willard

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

To approve the fee for middle school after-school programs.

Student Director Dorman-Colby stated that she was very glad that they tabled the item and received more information. Selawsky stated that we will make it very clear that no student will be turned away.

- 1.3-A** Approval of Berkeley Unified School District Food Policy

**Motion:** Directors Riddle/Issel. The original motion was not voted on because a substitute motion was made.

Director Riddle had concerns about Pages 57-8, Items #6-8 of the policy. She described it as a change in behavior and practice, and was worried that parents will feel like the policy is coming from on high without discussion with communities and with the PTAs. She suggested pulling these items to allow more time for the community to consider them and give input.

The Superintendent explained that the policy was built and based on a committee of participants that thought that the selling of candy during the school day ought to be prohibited. Director Riddle responded that she felt it was a matter of process, allowing them have input. Director Rivera agreed with Riddle, suggesting that the policy would be more powerful if it came from the bottom up.

Director Selawsky said that he believed that the process had taken place and that he did not want to see the food policy and its implementation delayed any longer. Director Doran agreed and noted that advisory committees had been set up to receive feedback. Director Issel asked how we are going to define a "sweet." Director Doran responded that there will be administrative regulations that will define what it is.

Superintendent Lawrence stated that a delay of a two-week period will not significantly delay the policy and concurred with Director Doran, that there had been significant process. She suggested a second notification and that the policy come for a third reading, so that if there are objections, the PTA can notify the Board. She suggested emailing the PTA presidents so that they may have more input. Director Issel suggested changing Item #7 to during the "school" day.

Director Dorman-Colby asked how this policy would be regulated and come into effect. Superintendent Lawrence responded that the process would be to create a philosophy and tone from leaders in the community. She related that the policy gave designation for judgment calls. Director Doran added it would set a tone that this district believes in having healthy foods as another part of educating a community.

Director Issel and Superintendent Lawrence suggested that Item #7 be changed to "should strive to be consistent."

**Motion:** Directors Rivera/Doran and approved unanimously on voice vote:

To accept the policy as a second reading and bring it back for a third reading in order to do a bridge with PTAs and other parent and employee groups in the interim.

**Business and Operations Items**

**4.2-A** Receive and review information regarding the upgrade of technology equipment by SBC Data Com

**Motion:** Directors Doran/Riddle and approved unanimously on voice vote:

To receive and review the information.

Director Riddle asked what the rationale was for taking the funding out of the West Campus. Deputy Superintendent Thompson explained that the money will be taken out of West Campus, but that they will be able to replenish the money with Bond interest money at the end of this fiscal year. Director Rivera asked if the upgraded equipment will be able to be relocated with the district offices in a couple of years. Staff responded that the equipment is in hub sites and is not building-specific, but will carry signals for the whole site.

**INFORMATION**

**Business Services**

**4.1-I** First Reading of the Maintenance and Grounds Department 2004-05 Measure BB Annual Plan

The Board received the information and Director Rivera asked Maintenance Director Rhonda Bacot whether the results of the performance and needs assessment would be presented to the Board, referring to the bottom of Page 86. Maintenance Director Bacot responded that it would be and was forthcoming. The Board commended her on the plan and she took the opportunity to thank Lew Jones, Eric Smith, Anne at OID and everyone else involved as well as the community for voting Measure BB back into effect.

**4.2-I** Receive and review information regarding the Accessibility Report

The Board received the information and there were no questions at this time.

**BOARD COMMITTEE APPOINTMENTS**

None at this time.

**EXTENDED PUBLIC TESTIMONY**

There was no Extended Public Testimony at this time.



**ANNOUNCEMENTS:**

Schedule of Board of Education Meetings for 2004:

October 20, 2004  
November 3, 2004  
November 17, 2004  
December 1, 2004  
December 15, 2004

**ADJOURNMENT**

President Selawsky declared the Regular Meeting of October 6, 2004, adjourned at 9:52 p.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