

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

MINUTES, REGULAR MEETING

June 22, 2005

Wednesday, District Administrative Offices

2134 Martin Luther King Jr. Way

Berkeley, CA 94704-1180

CALL TO ORDER

President Nancy Riddle called the meeting to order at 5:30 p.m. and the Board recessed to Closed Session.

ROLL CALL

MEMBERS PRESENT: President Nancy Riddle
Vice President Terry Doran
Director John T. Selawsky
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
- Public Employment Appointment
- Liability Claims
- Property Acquisition

Reconvene in Public Session

The Board reconvened in Public Session at 8:02 p.m.

Report Closed Session Action

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

*The Student Director does not attend Closed Session.

- Public Employee
- Employee Discipline
- Collective Bargaining – no action taken

Approve Agenda

Directors Selawsky/Rivera and approved unanimously on voice vote:

That the Regular Meeting Agenda of June 22, 2005 is approved as amended:
Rivera moved to address Item 1.1.-A, Jefferson Elementary School Name Change,
as first item after Public Testimony

AYES: 6
NOES: 0
ABSTAIN: 0

PUBLIC TESTIMONY

Public comment was strong and mixed for the Jefferson Elementary School name change.

CONSENT CALENDAR:

Motion: Directors Doran/Selawsky and approved unanimously on voice vote the Consent Calendar.

REPORTS

Union Representatives' Report: Stephanie Allen from Local 39 addressed the Board on Item 4.2-A, Non-District Sponsored Transportation for Sporting Events. The Union opposes the Resolution being presented because she believes it takes work away from District employees who also have the required experience and training. She also voiced her opinion about the risks and issues associated with non-district employee driving students.

Facilities Committee Report: Hank Silver spoke for the Measure BB Committee about the financial recovery plan for this committee. He has three distinct issues: (1) The Committee does not find imposition of costs defensible; feels it contradicts the spirit of the measure, i.e. costs for infrastructure maintenance; (2) District staff bypasses committee review required by the Committee; and (3) the Committee is requesting a well defined Board approved procedure for its review and comment on additional expenses imposed on the fund noting that it is not a discretionary fund for the Superintendent's use. The Committee cannot make appropriate recommendations when they have to operate in the blind; they did not have up to date figures when they prepared their recommendations and the recommended fund transfers may not be affordable. Mr. Silver is concerned about the

relationship between the Board and the community and fears the Board's practices may have a negative impact on the community.

Superintendent's Report: Superintendent Lawrence responded to the presentation by Hank Silver, Measure BB Committee by pledging to meet with them before September to review calculations, method and philosophy.

Student Director Report: Student Director Lily Dorman-Colby announced her recent graduation from BHS and thanked everyone for their involvement. Teal Miller will be the new Student Director.

Board Members' Report:

Director Issel: Director Issel had no comments at this time.

Director Doran: Director Doran extended his congratulations to all graduates.

Director Selawsky: Director Selawsky expressed his thanks to Superintendent Lawrence and the entire staff for their hard work during the past year.

Director Riddle: Director Riddle reserved her comments for later

Director Rivera: Director Rivera had no comments at this time.

ACTION ITEMS:

1.1-A Jefferson Elementary School Name Change

Motion: Doran /Selawsky recommendation to change name of school
A lengthy discussion followed beginning with Director Selawsky who commented that his role as a Board member is to ensure that the Board policy was followed and to ratify the decision. He notes that while the discussion about the name change has been healthy, it has also been divisive. He also feels the Board policy is flawed although he is not suggesting that we change halfway through the process. He supports the site process and believes the Policy was followed.

Student Director Dorman-Colby voiced her support for the name change

Director Doran thanked Jefferson for using the policy in place. He endorses the recommendation and votes to change the school name. This decision is not about history but rather how we respect our community and our own policies. He feels the present stakeholders should decide about the name change.

Director Issel addressed concerns raised by the PTA Council. The Board has been unclear with them about the advisory nature of their role in this process citing it

was implicit in the policy rather than explicit. She does not believe the role of the Board is simply to ratify the decision and says the Board has not given away its authority in this matter. She is voting against the name change and adds that the process has been distracting, divisive and has not furthered trust in this community.

President Riddle commented that the policy needs to be reviewed. She is against changing the name.

Roll Call: Accept recommendation of Jefferson Elementary School and change the name to Sequoia Elementary School

President Riddle: no
Vice President Doran: yes
Student Director Lily Dorman Colby: yes
Director Issel: no
Director Rivera: no
Director Selawsky: yes

Motion: Failed to pass

1.2-A Compensation Increase

Motion: Directors Selawsky/Rivera all ayes except Dorman-Colby who abstained

2.1-A Annual Declaration of Need for Fully Qualified Educators –

Title V Regulation 80026

Approval of Annual Declaration of Need for Fully Qualified Educators required for teachers on emergency teaching permits pursuant to Education Code 44225.7 and Title V Regulation 80026

Motion: Directors Selawsky/Rivera and approved on voice vote. Student Director Dorman-Colby abstained.

3.1-A Consolidated Plan for Educating the Whole Child

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

4.1-A Additional Budget Reductions

Motion: Directors Rivera/Selawsky and approved on voice vote Student Director Dorman-Colby abstained.

4.2-A Resolution re Non District Sponsored Transportation

Director Selawsky expressed concern about using young drivers. Superintendent Lawrence noted that use of drivers is discretionary. Vice President Doran explained that some of the coaches are college students and are presently responsible for

transportation. He does not wish to be hasty on the age requirement; it may tie the hands of some people who are trying to help us cut costs. Superintendent Lawrence said that this is a wide spread practice and used in most districts.

Motion: Selawsky/Doran to continue meeting past 11 p.m. and approved unanimously on voice vote.

Vice President Doran thanked Local 39 for its comments on the possibility of lost jobs and noted that the community would be critical of the district if we hire outside drivers. Superintendent Lawrence countered that most of the proposed cuts would come from overtime and said that no drivers would be losing their jobs; just overtime.

Motion: Directors Rivera/Selawsky and approved unanimously on voice vote.

CONFERENCE

1.1-CF Williams Settlement Policies

Accept for First Reading

Motion: Issel/Selawsky and approved unanimously on voice vote

2.1-CF -2.5-CF Public Disclosure of Financial Impact of Collective Bargaining Agreements

Director Rivera noted that there was an error and the Board has just received corrected documents. Request that this item be brought back at the June 29, 2005 Board meeting.

3.1-CF Textbook Adoption

Accept for First Reading

Motion: Selawsky/Issel and approved unanimously for adoption

8:30 p.m.

4.1-CF Preliminary Budget

Superintendent Lawrence explained that the debate in Sacramento continues to keep things up in the air. The collective bargaining agreements and the fact that the 06-07 year end parcel tax is up for renewal made it a challenge to prepare a budget. The multi year projections are therefore built on the assumption that the parcel tax will be approved. Deputy Superintendent Thompson advised the Board that the adopted budget will come forward on June 29 and there will be no significant changes between now and then.

Director Rivera had several questions which were addressed by Deputy Superintendent Thompson and Director of Fiscal Services, Song Chin-Bendib.

Superintendent Lawrence commented that we may be back to qualified status but believes we will have this reserve covered by the end of FY 06-07. The Board will receive another budget update before the First Interim by the first or second Board meeting in September.

Director Riddle expressed concern that there were no details regarding Special Education.

Motion: Rivera/Selawsky to Accept for First Reading and move to second Reading

INFORMATION

President Riddle excused herself because of a possible conflict of interest and asked Vice President Doran to take the meeting

4.1-I Report by Citizen's Construction Oversight Committee given by Lew Jones, Bruce Wicinas, Lloyd Lee, Matt Tacker and David Cobb. The Committee welcomes ideas and suggestions for prioritizing matters. They can be useful to Board but want to know if they should remain within strict boundaries set by Measure A or venture out and take on other projects. Vice President Doran thanked them for their hard work. Superintendent Lawrence had several ideas about which she has been mulling and knows the District can use the help. She cited several projects where their skills and expertise can be used.

Approval of Minutes of June 8, 2005:

Motion: Dorman/Selawsky and approved unanimously on voice vote with changes.

EXTENDED PUBLIC TESTIMONY

There was no Extended Public Testimony at this time.

ANNOUNCEMENTS:

None

ADJOURNMENT

President Riddle declared the meeting adjourned at 11:30 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District