

BERKELEY UNIFIED SCHOOL DISTRICT

**ADOPTED MINUTES**

MINUTES, REGULAR MEETING  
Wednesday, March 09, 2005  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

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**CALL TO ORDER**

President Nancy Riddle called the meeting to order at 5:35 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 7:53 pm.

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\* The Student Director does not attend Closed Session.

### **Report Closed Session Action**

President Riddle reported that the Board discussed the following items in closed session:

- Consideration of Student Expulsion #04051- The Board voted unanimously to expel the student for one year
- Collective Bargaining – A special closed session meeting will be held this Sunday, March 13, 2005 at 3p.m.
- Public Employee Discipline/Dismissal/ Release- Non Re-election of Teachers – The teachers will be dismissed at the end of the 2004-05 school year

### **Approve Agenda**

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

- That the Regular Meeting Agenda of March 09, 2005 is approved

### **Approve Minutes**

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

- That the Regular Meeting Minutes of February 02, 2005 are approved

## **TEACHING AND LEARNING PRESENTATION**

### **Enhancing Education Through Technology (EETT)**

Presented by Janet Levenson, Coordinator of Technology and Libraries.

The technology program is currently serving students in all three BUSD middle schools. More information about EETT can be viewed on the BUSD website:

[www.berkeley.k12.ca.us](http://www.berkeley.k12.ca.us).

## **PUBLIC TESTIMONY**

The following students expressed their support for a plan that would close Derby Street: Drew Leader-Picone, Alex Day, Lucas Fogarty, DJ Brookes and Michael Durant.

The following community members voiced their support for keeping Derby Street open: Martin Bourque, Susie Marzuola, Raquel Rivera Pinderhuges and Liz White.

East Campus Association member, Michael Ray, stated that he hasn't heard enough about the idea of a land swap. This could include grass implants, a permanent fence and BHS would have to have rights. He believes it would be better to invest the money in the park instead of spend more money on something that would not be as good as a revamped San Pablo park.

Community members George Rose and Mark Shaw expressed their concerns about appropriation of funds for Willard Middle School.

BHS Baseball Coach, Tim Moellering, doesn't believe that a land swap would work. He asked why another community would give up their land for BHS to play

baseball. He recounted that BHS has tried for 40 years to get a better baseball field at San Pablo Park and it hasn't happened.

Community member Dave Fogarty would like to see the plans for a closed Derby Street. With an alternative plan he thinks it will give BUSD the tools needed to decide what is best for the neighborhood.

Community member Peter Waller commented that the community has tried for many years to get a new ball field. He does not believe that this is an issue of having a ball field in the neighborhood rather it is a matter of not having enough community space. He reported that there is another full-sized baseball field currently under construction in Berkeley.

Willard students expressed that they need better desks, a better theatre, and that the bathrooms are in disrepair and dirty. They would like it if their school was given more attention.

## **REPORTS**

**BFT Report:** Two letters were read from the Letters to the Editor section of the March 4, 2005 issue of the Berkeley Daily Planet.

**Berkeley City Council:** Council Member Max Anderson stated that he came to watch the process and not to participate. He stated that he would like to view these issues as solvable and believed that they could be taken on as a community. He reported that he would be meeting with representatives from the city managers and council member Daryl Moore and will convey the concerns of the public to them. He wants to make sure that the farmers market will stay on Derby Street and agreed that the process over the past year has been very successful even though it started out as somewhat contentious. He hopes we'll end up building a stronger sense of community out of this.

### **Superintendent's Report:**

Superintendent Lawrence received an email yesterday from State Superintendent Jack O'Connell that said BUSD would be on the Program Improvement list. Even though every school had met academic targets, BUSD had failed to test an adequate number of students in each category.

### **Board Members' Report:**

#### Student Director Dorman-Colby

The Student Director was upset that so many people left the meeting and would not be able to hear the Second Interim Report or what was going to be said in the rest of the meeting. She wanted the Board and public to know that she was in favor of a full-sized baseball field.

She expressed her opinion about 'work-to-rule' and the hardships for both teachers and students.

Director Issel

Director Issel thanked the Student Director for her courage in expressing her views. She reported on a regional meeting she attended that was hosted by Wells Fargo, and she learned that Wells Fargo gives back 2% of their profits to public schools. She then presented Superintendent Lawrence with a check from Wells Fargo in the amount of \$4,405.

Director Terry Doran

Director Doran thanked everyone that attended the meeting. He stated that he understood the intentions behind 'work-to-rule' and that he is optimistic, but says that everyone clearly needs to move forward. On another note, he pointed out that he is a sports fan and that BHS has stellar men and women's basketball teams.

Director Rivera

Director Rivera directed anyone with interest in what the Board has been doing the past couple of years with District money to read the Second Interim report being presented later in the meeting. He expressed concern that BFT did not stay to learn more about their concerns from this report and to get their questions answered.

Director Selawsky

Director Selawsky thanked the Student Director for her words and let her know that she was an incredible asset to the Board. He reported that he had visited John Muir Elementary and said that they are doing wonderfully and that the school is on a list for a federal Blue Ribbon School award. He thanked everyone for coming tonight and for the civil tone, which he hopes will continue.

President Riddle

President Riddle reported that BHS student Megan Winkelman had been appointed to the Peace and Justice Commission. She thanked the students, as well as the adults, for attending the Board meeting. She also wanted to send out condolences to the family of BHS Senior Gregory Johnson who was killed in an accident this past weekend.

**CONSENT CALENDAR:**

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

That the Consent Calendar be approved as a block except for Item 1.1-C Resolution to Support H.R. 147 and Item 4.1-C Approval of

Contracts/Purchase Orders for Service Contracts, which were pulled for discussion.

**Personnel Services**

- 2.1-C** Personnel Recommendation  
Acceptance of Personnel Report #05-06

**Educational Services**

- 3.1-C** Overnight Field Trip  
Approval of the overnight field trip for students consistent with the District policies and instructional programs

**Business Services**

- 4.2-C** Approve the Listing of Warrants Issued in February 2005  
Authorized monthly bill warrants issued in February 2005
- 4.3-C** Approve Payroll Warrants Issued in February 2005  
Approval of payroll payments issued in February 2005
- 4.4-C** Worker's Compensation Trust Fund Account  
Approval of request to increase the Trust Fund Account to cover anticipated claims from April 1, 2005 to June 30, 2005
- 4.5-C** Approve to Bid the C Building and Community Theatre Project at Berkeley High School  
Approval to Bid the C Building and Community Theatre Project and School

**General Services**

- 1.1- C** – Resolution to Support H.R. 147

Director Issel said she wanted to vote against this because background information was not included.

Director Rivera said that he would support the item because he believes the teachers are not being treated fairly.

Director Doran stated that he was offended by Director Issel's statement.

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

**AYES: 3 – Directors Selawsky, Rivera and Doran**  
**NOES: 1 – Director Issel**  
**ABSTAIN: 1 – President Riddle**

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

Director Selawsky had a question regarding Item No.1 - Ratification of contract to Hertz to provide rental of tables and chairs for BHS CAHSEE Testing. The cost to be paid will not exceed \$1295.74. To be paid from General Fund Testing Budget. Requested by Neil Smith. He asked why money was being requested for chairs and tables when the District already owned many chairs and tables. Superintendent Lawrence told him it was for student testing at the high school. She stated there weren't enough chairs for the tables being used and, because it was testing specific, tables were needed for the proctoring.

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

To authorize the Purchasing Manager and Deputy Superintendent to execute contracts and purchase orders.

#### **ACTION ITEMS:**

**Motion:** Directors Rivera/Selawsky and approved unanimously on voice vote: That the Action Items be approved as a block.

#### **Business Services**

##### **4.1-A Certification of Second Interim Report**

To accept the Qualified Certification of the Second Interim Report, certifying that the District "may no be able to meet its financial obligations for the remainder of the current fiscal year or the subsequent fiscal year" without additional significant expenditure reductions and revenue enhancements.

##### **4.2-A Resolution 04-33: Establishment of the tax rate for Measure BB for FY 2005-06**

To approve Resolution 04-33 to establish the 2005-2006 tax rate for the Berkeley Schools Facilities Safety and Maintenance Act of 2000 (Measure BB, November 2000).

##### **4.3-A Resolution 04-34:COLA Increases for BSEP**

To approve Resolution 04-34 to establish the 2005-2006 tax rate for the "Berkeley Public Schools Educational Experience Act of 1994" (Measure B, 1994 - Schools Special Tax).

##### **4.4-A Resolution 04-32:Approval of the 2005 Facilities Plan**

To approve the 2005 Facilities Plan.

##### **4.5-A Recommend Recruitment of New Teachers**

To begin recruitment of new teachers to meet class size reduction goals in the 2005-2006 school year.

**CONFERENCE ITEMS:**

**1.1-CF** Resolution to Amend Contract with WLC Architects

**Motion:** Directors Doran/Rivera and denied on voice vote: To approve the Resolution to amend the WLC architects contract to include a plan for a regulation size ball field, a dedicated space for the Farmers Market, and Derby Street closed between Martin Luther King Jr. Way and Milvia Street. Motion failed.

**AYES: 2 – Directors Doran and Rivera**

**NOES: 3 – Directors Issel and Selawsky, President Riddle**

**ADVISORY AYE: Student Director Dorman-Colby**

Director Doran reminded the Board that this resolution does not get a ball field. He stated that this resolution is a response to the public wanting to gather more information so that we are better able to make a decision. He thinks this information is needed and that every single Board member should be comfortable voting for this resolution. He believes a closed Derby Street is something that would enhance the community and not hurt it. The details of what the public is asking for would come out if this motion is passed, he said. He expressed that he does not see this as an impediment in the process. He recounted that he had gone to the City in 1998 with a Board Resolution that was passed and asked for an EIR that had Derby Street closed and the farmers market in place. He believes BUSD could be spending a lot more money in the future if it isn't explored now.

Student Director Dorman Colby stated that she hasn't seen clear reasons why we shouldn't consider closing Derby as an option. She thinks if the farmers market is a reason not to close Derby Street then the market can move to another location if need be. She reminded the Board that as student director she represents what is best for students and said she felt the baseball team had been left out and has had to use a terrible field for 40 years.

Director Rivera said that he was not a sports fan and definitely not a baseball fan, but that he understood the importance of this issue. He restated that he has always supported building a baseball field, but thinks all options should be looked at. He believes it is important to look at the option of closing Derby Street.

Director Selawsky thanked the students and ballplayers for their heartfelt concerns. He pointed out that the plan that doesn't close Derby Street is the plan accepted by the community and believes it would solve many of the problems

BUSD is facing. He thinks it is a disservice to the community if the Board votes to turn this around this late in planning.

Director Issel addressed the ballplayers in the audience and said, "The community is saying that we don't care about our kids because we haven't built a field. That is not true. The City gives up funds to let our youth play at San Pablo when the money is greatly needed, but the children are more important."

She apologized to the students for the environment that is being created by the dispute between the unions and the District. She reiterated that the reason the Board did not take on the ballfield project earlier was because we have been dealing with very significant issues like the budget and the unions. At this point, she said, "I think it would lack integrity and be unethical" to change direction.

Superintendent Lawrence stated that there was no question in her mind that the kids need a field, and that she understands the importance of it. She thinks the District should continue to strive to get those things for them. But, she stated, her view has not changed and the unsafe buildings on the property need to be taken care of as soon as possible

President Riddle pointed out that there has been some meanness around this topic and that it was not good role modeling for the students. In regards to whether or not BHS should have a ball field: she stated that she too has the experience of going to other schools in the suburbs and seeing their facilities. She sees no reason why BUSD should not have the same world-class facilities as the suburbs. She expressed that she came at this with "let's get rid of those buildings and give our kids a place to play" perspective. She agreed with Director Issel that to add Director Doran's motion on at the end is not a fair process. She stated that when this comes to the Board we can make the adjustments we need to make. She believes if this had been put out as an option in the beginning then the Board could have been dealing with different stakeholders and may had hired someone different to help with this.

#### **EXTENDED PUBLIC TESTIMONY**

There was no extended public testimony to report.

#### **ANNOUNCEMENTS:**

##### **Schedule of Board of Education Meetings for 2005:**

April 6  
April 20  
May 11  
May 25  
June 8  
June 22



June 29  
August 24  
September 7  
September 14  
September 21  
October 5  
October 19  
November 2  
November 16  
December 7- **organizational meeting**  
December 14 - **tentative**

**ADJOURNMENT**

President Riddle declared the Regular Meeting of March 09, 2005 adjourned at 11:51p.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