

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting
October 5, 2005
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

ADOPTED MINUTES

CALL TO ORDER

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

MEMBERS PRESENT

President Nancy Riddle
Vice President Terry Doran
Director John T. Selawsky
Director Shirley Issel
Director Joaquin J. Rivera
Student Director Teal Miller

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))

- a. Conference with Legal Counsel – Existing Litigation
- b. Consideration of Student Expulsion
- c. Collective Bargaining
- d. Public Employee Discipline/Dismissal/Release
- e. Public Employment Appointment
- f. Liability Claims
- g. Property Acquisition

Reconvene in Public Session

The Board reconvened in Public Session at 7:40 p.m.

Report Closed Session Action

President Riddle reported the following:

Motion: Doran/Selawsky to suspend the expulsion of two students and implement behavioral contracts

Motion: Rivera/Selawsky to approve 15-day suspension of classified employee for disciplinary reasons

Student Appeal: The Board met with parents concerning a student complaint.

Approve Agenda

Motion: Rivera/Selawsky to approve unanimously with the following changes:
Superintendent Lawrence: Item 3.1-A - Approve Resolution for Grades -12
Textbook and Instructional Materials Compliance for Fiscal Year 2005-06
Move forward with Public Hearing; pull item from agenda
Director Selawsky: Item 4.3-C; correct name: instead of Franklin Adult, refer
to as Berkeley Adult School
Director Issel: Item 4.4-C – LEA Billing – pull for discussion

Teaching and Learning

Pete Doering, Library Coordinator was introduced by Superintendent Lawrence who noted that he was recently elected President of the California Library Association. Mr. Doering provided the Board with his vision for Berkeley's libraries saying that overall California has some of the worst libraries in the country; however, Berkeley is above the average. He outlined his goals and challenges saying his mission is to "ensure that students and staff are effective users of ideas and information."

Public Testimony

Several members of the public addressed the West and East Campus issues as well as the formation of the site committee for West Campus.

REPORTS

Union Representatives' Report

Cathy Campbell, representing BFT, addressed the Board about the Union's opposition to Propositions 74, 75 and 76. She also commented about the Universal Breakfast and its effect on the working conditions of BFT members and said the Union would be filing a demand to bargain around this issue.

Superintendent's Report

Superintendent Lawrence advised that the educational planning process is moving forward. She announced that the first joint union/special education meeting will be held on October 13.

Student Director Teal Miller

Ms. Miller announced that student representatives are needed for Berkeley Schools Excellence Project (BSEP).

Director Shirley Issel

Director Issel reported that she attended a training held by the City that focused on the \$1 million mental health grant received by the City and how to best use those funds to address barriers to learning among Berkeley youth.

Vice President Terry Doran

Vice President Doran thanked President Riddle and Director Rivera for drafting the Resolutions against Propositions 73, 74, 75 and 76.

Director Joaquin Rivera

Director Rivera discussed the several Resolutions on the agenda. The first Resolution declares September 15 through October 15 as Hispanic Heritage Month and is aimed at providing an opportunity for students to learn more about the culture and contributions of Hispanic Americans to our community.

Director Rivera also discussed the Resolutions opposing the following Measures:

Proposition 73 will require parents of minors to be notified 48 hours before an abortion. One of the key components of this Proposition defines abortion as causing “death of the unborn child, a child conceived but not yet born, thus making conception the legal start of life.”

Proposition 74 increases the probationary period for new teachers from two to five years, and also defines unsatisfactory performance differently than it is presently defined by districts. The passage of this Proposition would impose new and unreimbursable costs, add to and complicate collective bargaining, and take away districts’ ability to define unsatisfactory teaching performance.

Proposition 75: This would force public employee unions to adopt elaborate requirements before spending member dollars and is both cumbersome and bureaucratic.

Proposition 76: A Proposition that would give the Governor broad powers to make across-the-board budget cuts without legislative oversight and would also eliminate the basic provisions guaranteed to voters when they passed Proposition 98.

Director Selawsky

Director Selawsky also thanked members for bringing the Resolutions forward. He noted his pleasure that the West Campus Site Committee is being formed. He shared that he spent his Saturday working at the community garden at Berkeley Adult School and added that the site has been positively transformed. Director Selawsky announced that he is holding a community meeting on November 21 from 6pm to 7:30 pm at the downtown Berkeley Library in their meeting room and invited community members to join him.

President Nancy Riddle

President Riddle welcomed guest John Bernard, Superintendent from Newark Unified School District who was in the audience. She thanked Director Rivera for doing the lion’s share of the work in preparing the Resolutions. She recently attended BHS’s Open House and reported that it was a positive experience. Finally, she announced that BHS’s Drama Club is presenting the Laramie Project this month beginning October 21.

Committee Report: 2 x 2 Committee

President Riddle and Vice President Doran attended the September 16, 2005 2 x 2 Committee meeting along with Councilmember’s Mayo and Spring. They discussed the loss of City resource officers at our middle schools and their plans to replace them with our own campus supervisors. The District thanked the police for their help with parking issues at school sites. Neil Smith, Director

of Educational Services, also attended the meeting and talked about the District's focus this school year. Also briefly discussed was the recently received mental health grant that will be worked through Berkeley Alliance and the City. The idea of a joint City/District meeting was discussed but any decision was held in abeyance until the Mayor weighs in with his thoughts at a later meeting. The next meeting of the Committee is December 9, 2005.

CONSENT CALENDAR

Motion: Rivera/Selawsky to approve Consent Calendar approved unanimously with the following change: Pull Item 4.4-C for discussion

8:30 p.m.: Item 3.1-A: Resolution for Grades -12 Textbook and Instructional Materials Compliance for Fiscal Year 2005-06

Motion: Selawsky/Rivera to Open Public Hearing

Motion: Selawsky/Rivera to Close Public Hearing

Item to be placed on October 19, 2005 Board Agenda

Item 4.4-C

Director Issel expressed concern about the 9% increase cost of using this agency and asked Deputy Superintendent Smith for insight. Smith explained that we were having difficulty with the last provider. Director Issel said that she would hope that a new agreement would provide some value to the District and suggests we may not have reaped the full benefits of the agency because we do not train our staff well in billing procedures.

Motion: Issel/Selawsky and approved on voice vote – Director Issel abstained

8:45 p.m.: Item 3.2-A: Universal Breakfast

Presenting this item were Ann Cooper, Steve Rutherford, Marsha Guerrero and Josie Gerst. Background information was provided to the Board noting that universal breakfast has rich and measurable rewards in the form of increased academic performance and lessening of behavioral problems. Board members expressed their gratitude for the adoption of this important program. Director Selawsky expressed concerns relayed to him by parents such as allergies, dietary concerns, both religious and health centered issues.

President Riddle requested clarification on the vote before the Board, i.e. whether we vote is to support the program this year or commit to deficit spending in 2007-08. Superintendent Lawrence explained that we are requesting approval for this year using the grant money received. If it looks like there will be a deficit, she will bring it back to Board next spring and show the amount of dollars needed to continue the program. It is also likely that we will have to return to the collective bargaining table and come up with a MOU to address the change in classroom logistics and the level of teacher involvement.

Motion: Doran/Selawsky and unanimously approved on voice vote

9:15 p.m.: Item 3.2-I Berkeley LEARNS

BUSD's After School Program Coordinator Suzanne McCulloch was on hand to discuss programs and funding sources for the District's after school program. There was much discussion around the data presented by Suzanne. Superintendent Lawrence asked her to set up a meeting with the evaluating

agency in order to gain a clear understanding of how it is being gathered and if it is recreationally centered or tied to academic achievement.

Item 3.3-A: Planning for BSEP Measure

Vice President Doran requested that the agenda be amended to reflect what Superintendent Lawrence is requesting the Board to approve: On the agenda, under staff recommendation it should say “approve timeline for the renewal of the BSEP Tax Measure election, November 2006.”

Motion: Selawsky/Rivera and approved unanimously on voice vote

Item 4.1-A: TRANS

Deputy Superintendent Eric Smith presented a Resolution to adopt issue notes in excess of \$17 million to shore up the District’s cash flow. President Riddle asked Deputy Smith to provide the District’s rating from S&P when available.

Motion: Rivera/Selawsky and approved unanimously on voice vote

Item 4.2-A: Approval to create a Site Committee for the West Campus project and an approval to refer the policy for Site Committee involvement in Capital Improvement Projects to the Board Policy Sub Committee

Student Director Miller noted that the proposed Committee does not include student participation. Director Issel requested that the staff put in more work before this Policy is referred to the Board Policy Committee. Vice President Doran noted that this Policy does not include community participation in planning and sees this as a potentially provocative issue. Superintendent Lawrence committed to developing a preliminary draft for a new policy.

Motion: Selawsky/Doran and approved on voice vote: Director Issel abstained

Item 4.1-CF: East Campus Data

Facilities Director, Lew Jones, brought three items that the Board requested on August 24 in the form of minimal schemes for the open and closed Derby Street options. There was a lengthy discussion about the construction and soft costs and the fiscal implication of either option.

Director Selawsky expressed his disagreement with the majority of the Board’s support of the closed option, noting that land use issues in Berkeley are contentious. He feels the Board should give more thought to the neighborhood relationships we are damaging especially in light of a parcel tax renewal next year.

The Board discussed direction for an East Campus plan and crafted a motion to summarize their discussions. The motion was as follows:

- The Board formally requests that the City Council close Derby Street
- The District will budget \$1.3 million toward the Derby Street closed project
- The Board requests that the City work with the community to raise additional revenues for the project and/or work with the District to reduce the project requirements
- On April 15, 2006, the Board will move forward with planning a Derby Street open project

Director Issel expressed her support to Director Selawsky saying his commitment to students is without question and the Board will work in a sensitive way to mitigate the impact on the neighborhoods.

Motion: Riddle/Issel and approved on voice vote with Director Selawsky opposing

Motion: Rivera/Issel to continue meeting until 11:30 p.m. and approved unanimously on voice vote

Item 1.1-I: Board of Education Minutes from 8-24-05 and 09-07-05

Received for information with change to 8-24-05 Minutes re **Item 4.1-A – Transportation Study**: Vote on Motion to Call Question was: Directors Riddle and Selawsky abstained; Director Doran voted No and Directors Rivera and Issel voted Yes: **Motion failed to pass**

Additional Action Items:

Board of Education Minutes: **09-14-05**

Deputy Superintendent Eric Smith: second to last paragraph should read: “Deputy Smith then brought up self-insurance issues that have only recently come to his attention. Last year a liability of \$575,000 for incurred but not reported (BNR) claims for property and liability was mistakenly set up in workers compensation. Although the change has no effect to fund balance, staff has corrected the entry to make sure that it is properly recorded on our books.”

Motion: Issel/Rivera and approved unanimously on voice vote with changes

Board of Education Minutes: **09-21-05**

Director Rivera: pg 3, change “Business Services Director Eric Smith to Deputy Superintendent Eric Smith.”

List Student Director Teal Miller on 09-14 and 09-21 Minutes

Director Issel: page 4, second paragraph, should read “will help sites by providing tech support” and last paragraph should read “other recommendations include lowering class size in secondary gate keeping classes.”

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

EXTENDED PUBLIC TESTIMONY

None

ANNOUNCEMENTS

None

The Board recessed to Closed Session at 11:30 p.m.

Reconvene in Public Session

The Board reconvened in Public Session at 12:30 a.m.

Report Closed Session Action

President Riddle reported the following

Motion: Doran/Selawsky to deny the request to have the student's schedule altered. The Board determined there to be no unfair or discriminatory treatment.

Approved on voice vote: Director Issel abstained

Motion: Rivera/Doran to authorize the hiring of Ann Cooper as Director of Nutrition Services and Richard Dodson as Manager of Labor Relations

Approved unanimously on voice vote

ADJOURNMENT

Adjourned by President Nancy Riddle at 12:31 a.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District