

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting
February 15, 2006
District Administrative Offices
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

ADOPTED MINUTES

ROLL CALL

MEMBERS PRESENT

President Terry S. Doran
Vice President Joaquin Rivera
Director John T. Selawsky
Director Shirley Issel
Director Nancy Riddle
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

President Doran called the meeting to order at 7:38 p.m.

Closed Session Actions:

The Board unanimously voted to approve the following action: The Board has directed the Superintendent to issue a notice of material breach to Krama, Inc. on the Martin Luther King Jr. Dining Common construction project and has reviewed and approved Krama's right to proceed under the contract. The project shall, by default, be terminated ten days after the effective date of the notice unless the District has found that they have made acceptable progress in curing the defect in the notice

The Board voted unanimously not to rehire four probationary teachers for next year

The Board also voted unanimously to reject two liability claims

Approve Agenda of February 15, 2006

Superintendent Lawrence deleted Item 4.1-A

Item 2.1-C was corrected to pull employee Sabrina Lenior from the personnel report

Vice President Rivera requested that Items 3.2-A, 4.5-A and 4.6-A be moved to consent. Two Board members expressed a desire to comment on Items 3.2-A and 4.5-A; only Item 4.6-A is moved to Consent.

Teaching and Learning Presentation

Principal Cheryl Wilson of LeConte School presented on the topic: Going from Good to Great and highlighted the elements that make the school good and what they are doing to make it a great school.

Public Testimony

There was 30 minutes of public testimony mainly on the Derby Street East Campus project.

Reports

Superintendent Michele Lawrence had nothing to report

Student Director Teal Miller had nothing to report

Director Nancy Riddle congratulated BHS students on their Vagina Monologues performance and noted that the proceeds go to a worthy organization – Bay Area Women against Rape. She thanked Lloyd Lee, a former Board of Education Director who announced his resignation from the Facilities Committee after 13 years. She also thanked those who attended the community workshop held last week where the Superintendent reported on the State of the District. She announced that Jefferson and LeConte are putting on a Resource Fair on March 18 at 10 a.m. which offers an opportunity for the community to learn about summer and sports programs. She expressed her sorrow to the families in Albany and El Cerrito for their loss in the recent tragedy that happened at a Berkeley party.

Director John Selawsky thanked Principal Cheryl Wilson for her presentation and also thanked the speakers who gave public testimony. He announced that comments for the BHS south Campus EIR are due to the District by February 23.

Director Shirley Issel had nothing to report

Vice President Joaquin Rivera had nothing to report

President Terry S. Doran thanked those who gave public testimony. He noted that the next Board meeting on March 8 is also International Women's Day and that this holiday will now be celebrated in our schools with appropriate activities.

CONSENT CALENDAR

Selawsky/Riddle and approved unanimously as amended

ACTION CALENDAR

Item 1.1-A – CSBA Delegate Assembly Election

There was discussion among Board members about automatically and routinely voting for all candidates up for election. Motions on the floor were withdrawn and re-framed as follows:

Selawsky/Issel and move to vote for Joaquin Rivera as delegate and approved unanimously on voice vote

Issel/Rivera and move to vote for Janice Schaffer as delegate and approved on voice vote with Director Riddle abstaining

Item 3.1-A – CAHSEE

Neil Smith and Rory Bled were on hand for this item which requests a change in the District's current Board policy for students who are passing their courses but not passing the high school exit exam. There was a question about whether these students would receive a Certificate of Completion, if not a diploma. Superintendent Lawrence suggested that such a move would require further study and conversation before it was implemented, noting that Special Education students do receive Certificates.

Director Issel asked Neil Smith to review the numbers and give the Board an idea of how are students are doing in passing the exam. Neil Smith advised the Board the revised Administrative Regulation and Policy would be presented at the March 8 meeting

Selawsky/Riddle and approved unanimously on voice vote

Item 3.2-A MOU between BUSD and the Berkeley Alliance

Director Issel presented an amendment to the MOU asking that protocols and standard operating procedures be included in the MOU.

Superintendent said that there are time constraints on getting the MOU signed; Vice President Rivera suggested that we approve the item as is and bring Director Issel's comments back at another Board meeting. Director Issel withdrew her proposed amended.

Issel/Riddle and approved unanimously on voice vote

Item 3.3-A – Public Hearing on CELDT Waiver

Open Public Hearing on CELDT Waiver – **9:15 p.m.**

Riddle/Rivera and approved unanimously on voice vote

Close Public Hearing on CELDT Waiver – **9:17 p.m.**

Rivera/Selawsky and approved unanimously on voice vote

Item 3.4-A CELDT Waiver

Vice President Rivera expressed his annoyance that this item was not submitted to the State on time noting that such errors were why FCMAT began overseeing the District.

Rivera/Riddle and approved unanimously on voice vote

Item 4.2-A – Hire Consultant to perform EIR for Derby Street

There was a lengthy discussion among Board members about this item. Lew Jones, Director of Facilities, informed the Board that the Consultant would be reviewing and studying the environmental implications already approved by the Board; not to change the design. He also explained that a community meeting was not planned because this is only an environmental study. After the study is completed, it would be sent out to State clearing agencies and then a community meeting would be held where the draft EIR would be presented and questions could be asked. Comments could be submitted and any mitigation would go before the Board. The cost included in the Resolution is based upon a relatively limited public process. If this item is approved by the Board, it would take two to three months for the initial study and about nine to ten months before it is brought back to the Board.

Director Selawsky would like feedback on Phase I and suggested that he bring it back to the Board in the form of a Resolution. Director Issel would like to see bids submitted for the consultant’s review and wondered about the City’s willingness to share in the cost. before the District decides to foot the entire cost. She indicated that she is ready for Phase I of the project to go forward.

President Doran proposed an amendment to the Resolution: approve up to \$100K to proceed with EIR and that we formally take the information we have and request the City, either through the Mayor or City Council – to partner with us and share the cost of the study.

Director Selawsky said we could have the open Derby Street option by the summer of 2007 and shared a report from Livable Berkeley, a broad-based organization that supports smart growth and sustainable development in Berkeley, California.

VOTE – Roll Call

President Terry S. Doran – yea
Vice President Joaquin Rivera – yea
Director Shirley Issel – yea
Director Nancy Riddle – yea
Director John Selawsky - nay

**Approved on roll call vote to approve \$100K toward the cost of the EIR.
Director John Selawsky voted no**

Item 4.3-A – Jefferson Kitchen

Note Director Riddle has conflict of interest and was not present for the vote
Rivera/Selawsky and approved unanimously on voice vote – Director Riddle did not vote

Item 4.4-A – King Dining Commons

Selawsky/Rivera and approved unanimously on voice vote

Item 4.5-A – UC Berkeley/BUSD Agreement

Rivera/Selawsky and approved unanimously on voice vote

CONFERENCE ITEMS

1.1-CF – BP 1312.3 – UCP/Community Relations

Riddle/Selawsky and approved unanimously for First Reading

INFORMATION ITEMS

3.1-I – Enrollment and ADA Report

Vice President Rivera compared 2004 enrollment to 2005 enrollment and said six sites have huge variances with a 10% decline in earned ADA. He thinks sites are not developing strategies to improve attendance, emphasizing the importance of making attendance a priority.

Superintendent Lawrence assured the Board that Neil Smith will be taking this information to the principals and that issues of attendance will become a part of the school plan.

Director Riddle also expressed her grave concerns about the decline in earned ADA.

Item 3.2-I – Site Plan Data Analysis

Director John Selawsky would like to see disaggregate data on attendance, tardies, etc. and see if those factors have a bearing on student achievement.

Item 4.1-I – Facilities Plan Update

Received for information

Additional Action Item:

Approve Minutes of February 1, 2006:

Re: Item No. 3.1-A - Director Issel would like President Doran's comments on the criteria for approving the Proposal included in the Minutes.

Selawsky/Riddle and approved unanimously on voice vote as amended

Extended public testimony

None

Public announcements

Student Director Teal Miller announced that the student senate extended the time period for students to clear absences from three to five days.

Superintendent Lawrence announced that there is a community forum on March 2, 7 p.m. at BHS to allow community input on the proposed new parcel tax

Meeting Adjournment:

President Doran adjourned the meeting at 10:53 p.m.

ATTEST:

Terry S. Doran, President
Board of Education

ATTEST:

Michele Lawrence, Secretary
Board of Education