

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting
June 7, 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 7:40 p.m.

Report on Closed Session Actions:

The Board reported on the following actions taken in closed session:

Student Case No. 0506-47-083192 – Accepted recommendation for suspended expulsion and conform to rehabilitation plan through 2006-07 school year

Selawsky/Rivera and approved on voice vote with **Director Riddle dissenting**

Student Case No. 0506-50-123193 – Accepted recommendation for suspended expulsion and conform to rehabilitation plan through 2006-07 school year

Selawsky/Doran and approved on voice vote with **Directors Rivera and Riddle opposing**

Student Case No. 0506-48-023892 – The Board voted unanimously to expel student through 2006-07 school year

Student Case No. 0506-46-022190 - The Board voted unanimously to expel student through 2006-07 school year

Approve Agenda of June 7, 2006

Selawsky/Riddle and approved unanimously on voice vote

President Doran interjected that this was the last Board meeting before the end of the school year and he extended his well wishes to all graduates.

Teaching and Learning Presentation

Rita Kimball, Principal of Washington Elementary and teachers Simone Miller and Kate Graves discussed how the assessment wall is used to contribute to student success.

Public Testimony

The majority of speakers came to support the proposed new tax measure. There was also comment about the agenda item on professional development. One speaker discussed the state of the district's bathrooms.

REPORTS

Committee Reports

Ann Graybeal (BCCE) commented on the proposed measure, pointing out that there is no professional development slated for classified employment. She further commented on the District's failure to satisfy infrastructure needs before funding administrative positions. Finally, she spoke about the loss of employees who did not meet NCLB requirements, saying that other districts have used a variety of standards to ensure their employees' retention.

Barry Fike (BFT) discussed the class size provision in the proposed measure, and recited the Resolution recently passed by BFT regarding endorsement of the measure.

Dan Lindheim representing the P&O Committee discussed several issues relative to the proposed new measure.

Board Members' Reports

Superintendent Michele Lawrence responded to public testimony about the bathrooms and ensured the Board that this issue is not being overlooked. As we move toward the last week of the school year, she extended congratulations to graduates and to our student director, Teal Miller. She also gave her thanks to several of our long time employees, who are retiring.

Student Director Teal Miller gave an update on the many activities that are taking place before the end of the school year. The Senior Ball went well, the senior trip to Santa Cruz was a success and the senior awards ceremony was eventful.

Director Nancy Riddle thanked Avi Samuelson for his service on the Youth Commission Committee; he is graduating next week. She attended several

year-end events and was particularly enthusiastic about the CPA Academy's exhibit. She wishes all the graduates well.

Director John Selawsky thanked the public for coming tonight and providing comments. He extended his thanks to students, staff and teachers, parents and the entire community for a productive school year. He highlighted the receipt of a distinguished school award to Malcolm X. He also mentioned the media attention the district is receiving around the School Lunch Initiative. There was a favorable write up in the *Chronicle* and there is an upcoming article in *Time* magazine. Finally, he remarked on the union's comments about the proposed measure and the class size reduction issue. John graciously commented that no one gets everything they want from the measure, but we all get something. The goals set out in the language are reachable and he offered his commitment in reaching those goals.

Director Shirley Issel had nothing to report.

Vice President Joaquin Rivera had nothing to report

President Doran recently had an accident that prevented him from attending several year end functions. He offered his apologies.

CONSENT CALENDAR

Rivera/Selawsky and approved unanimously on voice vote

ACTION ITEMS

Item 1.1-A – Final Recommendations – Proposed New Tax Measure

Director Riddle proposed two amendments to this item: She proposed that the name of the proposed measure be Berkeley Public Schools Educational Excellence Act of 2006 (BSEP 2006).

Riddle/Rivera and approved unanimously on voice vote to call the measure BSEP 2006.

Her second proposed amendment is that language be added to page 54(h) Fiscal Emergency to read: For a severe fiscal emergency to be declared, it must be the result of unforeseen financial events and can only be declared by the Board of Education with no less than 4/5 votes.

There was discussion among Board members about the name of the measure. Vice President Rivera weighed in on the issue commenting that BSEP has a positive connotation in the community and that even though this is a new measure, it has the major elements of the original measure. He also commented that the Board compromised in keeping this measure at the same tax level as the one currently in place.

Director Selawsky said he was perfectly happy to go along with the majority. He also added that the beauty of this measure that we retain local control and local oversight.

Student Director Miller added that the name should reflect continuity and that a tried and true name will help the measure to succeed.

Board members weighed in on their support for this proposal. Vice President Rivera commented that there was give and take in crafting this measure and he feels the best possible measure has been fashioned. He is happy to lend his support.

Director Issel spoke to concerns expressed by the community and the unions, particularly around the class size issue. She emphasized that the Board operates with veracity and has the students' best interests at heart.

President Doran thanked the public for coming to the meeting and gave his full support of the measure.

Director Issel suggested an editing issue on page 43, under Implementation. Number 1 should be PIO, 2 should be Special Project Manager and 3 should read Part Time Clerical, 4 is Contracts, etc.

Director Riddle had several comments: She asked Deputy Superintendent Smith if the audit language had been reviewed, and was advised that they were fine with the language. She appreciated the community input on the development of the measure. She also appreciated several aspects of the language in the proposed measure such as the teaching and learning, data collection, site committees and parent outreach. She said that, in her opinion, the new resultant class size reduction and severe fiscal emergency language is much stronger and will inform future Boards. The strong audit language is maintained and she thinks that the additional required review by the District's Audit Committee, with its majority citizen membership, further strengthens the measure. She pointed out that the program evaluation funds will provide tools to the District and the site committees to evaluate effectiveness of programs.

Director Riddle described the delicate balance of writing a measure is flexible, clear and not too cumbersome and then described three areas that go beyond the measure itself. The first area will be the updating of the P&O bylaws through a very public process which will help keep us on track with the purposes of the measure and address uses and definitions. As a second area, she proposed that the Board draft two new Board Policies to institutionalize and clarify our intent: one on resultant class sizes and one on declaring a severe fiscal emergency. Finally, Director Riddle stated that it was important to put our legislative intent on the record with regard to the class size goal language. She said that we have a commitment to planning, to budgeting in a transparent way, and to staffing to achieve average class sizes at grades K-3 of 20:1, 4-5 of 26:1 and of 28:1 for secondary grades. She noted that, of course, there would be differences between planning in June and actual students in September and that there would be some deviations around the average. But, what we are going to strive for and what we are going to plan for are the resultant class sizes because that is a covenant we have with our teachers, our community and the taxpayers. The only time we would deviate would be in the time of a declared severe fiscal emergency.

Riddle/Selawsky and approved unanimously on voice vote to approve the full ballot text and authorization to place a special tax measure before the voters in November 2006 as amended

Item 3.1-A Parent Outreach

Vice President Rivera commented that parent outreach was added to the measure as a result of community input.

Rivera/Selawsky and approved unanimously on voice vote

Item 3.2-A Recommendation for the Annual Plan and Budget for the Instrumental Music Program

Selawsky/Issel and approved unanimously on voice vote

Item 3.3-A Recommendation for Professional Development Staffing in 2006-07

Vice President Rivera asked Assistant Superintendent Neil Smith how these recommendations were developed. Smith said there was an extensive process consisting of a group of teachers and administrators who worked together to develop strategic direction. The plan was shared with the Professional Development Advisory Council and reviewed by budget people. Rivera wanted to know why classified staff was not included. Smith replied that they picked a starting point and that was to focus on teachers; classified employees are not being excluded. Rivera also questioned Smith about the science piece, wanting to know if the cooking and garden programs are the focus or just one piece of the curriculum. He was advised that those programs are only one aspect. They met with science teachers last week and feel those programs are an opportunity to expand students' understanding of science concepts. They will teach state science standards.

Selawsky/Rivera and approved unanimously on voice vote

Item 4.1-A – Print Shop

Selawsky/Riddle and approved unanimously on voice vote

CONFERENCE ITEMS

Item 1.1-CF – Board Policy on School Sponsored Trips

Director Issel proposed that language under paragraph 5 be changed to: if the trip involves water activities or other activities requiring enhanced supervision, this ratio should be revised to ensure supervision of all students.

Superintendent Lawrence added that an Administrative Regulation be developed that expands on school trips and supervision.

Selawsky/Rivera and approved for First Reading unanimously on voice vote

INFORMATION ITEMS

Item 4.1-I – Fiscal Oversight

Deputy Superintendent Smith presented a presentation on how the district is fiscally monitored. Director Riddle explained that the District is overseen by state and federal agencies as well as our own internal monitoring. She feels it is good trusteeship for us to monitor ourselves. Superintendent Lawrence asked that Deputy Superintendent Smith prepare a report which shows how we are monitored and how we self monitor.

ADDITIONAL ACTION ITEMS:

Minutes of April 26, 2006

Rivera/Riddle and approved unanimously on voice vote

Minutes of May 17, 2006

Issel/Selawsky and approved unanimously on voice vote

Minutes of May 24, 2006

Selawsky/Rivera and approved unanimously on voice vote

Public announcements

None

Meeting Adjournment

President Doran adjourned the meeting at 10:52 p.m.

ATTEST:

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Terry S. Doran, President
Board of Education

Michele Lawrence, Secretary
Board of Education