

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting
June 28, 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: 41 p.m.

Report on Closed Session Actions:

Student Case No. 0506-29-020188 and approved Selawsky/Riddle on a vote of 3:2 to overturned the recommendation for expulsion

Liability Claim No. 06-08 and voted unanimously to reject claim

Approve Agenda of June 28, 2006

Selawsky/Riddle and approved unanimously on voice vote as amended: Director Selawsky requested that Item 1.1-C be pulled for clarification and Item 4.10-C pulled for questions. Vice President Rivera asked that Items 1.1-A and 3.1-A be moved to Consent. Director Riddle pulled Item 1.2-C to honor outgoing Student Director Miller.

Item 1.2-C – Resolution Honoring Student Director Teal Miller

Rivera/Riddle and approved unanimously on voice vote. President Doran read a Resolution honoring Student Director Miller. An inscribed plaque was presented to her in recognition of her year of service to the Board.

Public Testimony

Several students from B-Tech spoke about their exclusion from the Latino/Chicano graduation celebration. A representative from United in Action spoke in support of the students excluded from the celebration, and also encouraged the board to get more community involvement in the parent outreach selection process.

REPORTS

Barry Fike, representing BFT, spoke about budget issues.

Ann Graybeal of BCCE, had comments about the NCLB aides.

Superintendent’s Report

Superintendent Lawrence commented on the students’ exclusion from the Chicano program and expressed her distress at the way it was handled. She promised to send a letter to the volunteer who organized the program. She also had comments in response to those made by Ann Graybeal and Barry Fike. First she addressed Graybeal’s comments about the District’s handling of NCLB aides. She stated that only 11 aides have not met the requirement; four aides have never responded to our communications. She concurred that there were inconsistencies in the testing process, and the district is following up on that issue. She also agreed that, unlike other districts, they set high standards and do not automatically accept experience in lieu of credentials. As to the budget statements made by Barry Fike, she responded that the reserve fund has never been met from the general fund; it continues to be met by the parcel taxes.

Board Members’ Reports

Student Director Teal Miller expressed her dismay that certain students were excluded from the graduation process. She thanked the Board for having her serve on the Board.

Director Riddle thanked the students who came to speak. She suggested that the Board take up the discussion of non-official graduations in an effort to gain clarity. She thanked the PTA Council for their involvement with the District, and noted that the BFT Executive Committee endorsed the parcel tax measure. She thanked Student Director Miller for her leadership and role modeling over the past year.

Director John Selawsky congratulated Teal Miller for her graduation and acceptance at UC Davis.

Director Issel also thanked Student Director Miller and extended her apologies to the excluded students.

Vice President Rivera extended his congratulations to Teal Miller. He commented that the exclusion of certain students raises issue on the District's relationships with outside celebrations and feels we need to discuss setting protocols. He also made comments to Barry Fike about the reserve fund issue, and asked that if there is such a report that shows we met the reserve fund, he would like a copy.

President Doran stated that he would do everything he could to make certain students were never again excluded. He also gave his assurances that he will make sure parent outreach is high on his list of priorities.

CONSENT CALENDAR

Selawsky/Rivera and approved unanimously on voice vote as amended

ACTION ITEM

Item 4.1-A – Budget

There was a lengthy discussion among Board members.

Director Selawsky expressed his reservations about the infrastructure needs outlined in the report. He is not in full support of the \$772K listed for infrastructure needs and has suggestions on lowering that amount. He believes the technology upgrade and the furniture needs are less pressing than the vehicle replacement.

Superintendent Lawrence notified the Board that these items were included because they are not discretionary in nature. She would like to see a unanimous approval of the budget.

Director Selawsky suggested that instead of a five year plan for technology upgrade, it could be increased to six years. He would like to cut the furniture bill in half until a detailed list of needs is created.

President Doran supports the budget as presented, and stated that any adjustments can be made when we get the final budget from the state.

Director Riddle thanked Song Chin Bendib for her ownership of the budget process; however, she is uncomfortable with the budget. While she recognizes the need for these infrastructure items, she feels the District should focus on funding reserves. In her view, the District is not in a routine balanced budget mode. She would like to look toward Sacramento to fund our furniture needs and technology requirements.

Director Issel's concern is with filling our furniture needs. She stated that we have needed furniture for many years. She would like to see a list of items needed, and solicit input from the public.

Vice President Rivera suggested that we approve the budget but not spend any discretionary funds on infrastructure needs. He also pointed out that we are over \$1million short in our reserve fund, and a contribution of \$50K is insufficient.

Superintendent Lawrence cautioned the Board that we need to purchase a special education bus now. We are spending more money by contracting for special education transportation. The purchase of a bus would halt the encroachment on the general fund.

There was an Amended Motion by Director Riddle that we move the budget allowing transportation items to go forward and that no other funds be committed for technology and furniture needs until further discussion by the Board in the fall.

Riddle/Selawsky and approved unanimously on voice vote.

CONSENT ITEMS

Item 1.1-C – Tax Measure

Director Selawsky pulled this from the consent calendar because there were minor revisions; none of a substantive nature.

Selawsky/Riddle and approved unanimously on voice vote as revised

Item 4.10-C – Derby Street

Director Selawsky pulled this item because he had questions about the height of the fences, and he would like a little more open space. President Doran noted that these plans were previously approved by the Board and any changes would require it to be re-visited again by the Board. He stated that in consideration of the safety of our students and the community, the fences cannot be lower. Student Director Miller made a request that the gates remain open so the space can be used by the community. President Doran proposed an amendment to the motion that says: with the acceptance of this plan, we also agree to allow the Ecology Center to place port potties along the area of Milvia Street to accommodate the Farmer’s Market on Tuesdays. Director Riddle cautioned that this item was not on our agenda and believes it is improper for us to amend the motion. She suggested an MOU be worked out between the District and the Farmer’s Market. President Doran and Director Selawsky countered that we can amend the Resolution and remain within the Brown Act guidelines. We can say that the Board is willing to provide space for the Farmer’s Market, pending an MOU between the District and the Center.

Doran/Selawsky and approved on voice vote with Director Riddle abstaining

ACTION ITEMS

Item 4.2-A – Measure BB Annual Report

Director Issel concurs with the Committee’s comments that this is a clear and cohesive document and she is appreciative of their work. She would like some clarification on a few items, and requested that Facilities Director Lew Jones bring it back to the Committee for clarification. Specifically, she addressed the statement about the Measure’s responsibility and the framing of the statement. She also noted that there was means of measuring achievement of goals. She would like a progress report on custodial standards, noting that this item has been hanging on for years. Director Issel would like the District to think about fertilization in reference to the high cost of contracted services.

Selawsky/Riddle and approved unanimously on voice vote

Item 4.3-A – Resolution re Budget Transfer

Issel/Rivera and approved unanimously on voice vote

INFORMATION ITEMS

Item 3.1-I – Williams Complaints

Item 3.2-I – Revised Student Performance and Organizational Indicators

Item 4.1-I – Emergency Response

Item 4.2-I – Disaster Preparedness

Item 4.3-I - Facilities Update

These items were received for information

ADDITIONAL ACTION ITEM:

Approval of Minutes from June 7, 2006

Rivera/Selawsky and approved unanimously on voice vote as amended

Public announcements

None

Meeting Adjournment

President Doran adjourned the meeting at 10:55 p.m.

ATTEST:

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Terry S. Doran, President
Board of Education

Michele Lawrence, Secretary
Board of Education