

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting
October 4, 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 Mateo Aceves

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: 49 p.m.

Report on Closed Session Actions:

No action taken

Approve Agenda of October 4, 2006

Vice President Rivera requested Item 2.2-C be pulled for discussion

Rivera/Selawsky and approved on voice vote as amended

Teaching and Learning Presentation

Suzanne McCulloch, Program Manager of Visual and Performing Arts along with three of her music teachers discussed the Orff music experience for third graders in the district.

Public Testimony

Yvette Felarca and Mark Airgood representing BAMN (By Any Means Necessary) lent their support to the District's legal battle with the Pacific Legal Foundation in its fight to maintain the district's voluntary desegregation plan. The Supreme Court is hearing two school desegregation cases (cities of Seattle and Louisville). BAMN is sponsoring a march on Washington on December 4 to defend *Brown v. Board of Education*.

There were five speakers who expressed their frustration at the lack of a permanent tenth grader English teacher at the high school.

REPORTS

Superintendent's Report

Superintendent Lawrence announced that the Pacific Legal Foundation has filed a lawsuit against the district in the belief that the District has violated California's Proposition 209 by using race as a factor to determine where students are assigned to schools or programs.

Board Members' Reports

Student Director Mateo Aceves shared that the BHS student leadership team went on a team building retreat. He announced that the student activities director has recently resigned, and they are seeking a replacement. He also attended the alcohol and drug meeting at the county health office.

Director Nancy Riddle attended back to school night at the high school and expressed her pleasure for a successful event. She was pleased at the attendance which she felt included a broader group of parents than had attended in the past.

Director John Selawsky thanked the speakers from BAMN for their moral and actual support. He also thanked the parents who spoke about the lack of an English teacher at the high school and assured them they would receive a response. The draft EIR was completed last week for the South Berkeley campus and the comment period runs through November 9. He announced that there are copies available at the main library's reference desk.

Director Shirley Issel thanked Director Selawsky for his comments about the situation at the high school saying it is of deep concern to the board and to the administration. She was happy to announce that the BHS jazz band has been selected to play at this year's CSBA conference in December.

Vice President Joaquin Rivera had nothing to report at this time.

President Terry Doran expressed his unhappiness at hearing about the teacher situation at the high school. He added that this situation points out some of the difficulties that educators must confront: the poor state of funding of public education and the difficulty of recruiting and retaining quality teachers.

Open Public Hearing: 8:31 p.m.

Selawsky/Rivera and approved unanimously on voice vote to open public hearing

Rivera/Selawsky and approved unanimously on voice vote to close public hearing

Item 3.3-A – Resolution

There was an extended discussion about approval of this Resolution. Director Riddle voiced her opposition to approving this item. World history books and perhaps other textbooks have still not arrived at the high school. Neil Smith informed the board that a rush book order was placed last week but he does not have an answer about their arrival date. Student Director Aceves advised the board that he still does not have a science book and has been told by his teacher that they too are on order. Director Issel again asked Assistant Superintendent Smith for an answer to Director Riddle's question about the legitimacy of approving this resolution.

Superintendent Lawrence does not believe Williams requires the Board to certify that all students have textbooks; rather, it requires the Board to verify that they have exercised due diligence to certify sufficient textbooks have been provided and/or a plan is in place. Approval of the Resolution tonight is for approval of the public hearing. She further commented that lack of sufficient textbooks is a yearly issue and instructed Neil Smith to meet with all department heads at the high school to establish a process that would ensure accountability and prevent this recurring problem. Director Issel requested that this matter be added to the organizational performance indicators. President Doran had several questions about what alternative teaching methods were being used by teachers whose students were without books. After this lengthy conversation, Director Riddle reiterated her decision to vote against approval of the Resolution. Assistant Superintendent Neil Smith suggested that the Resolution be tabled and brought back to the board on October 18.

Selawsky/Issel to table Resolution until October 18 and approved on voice vote: Student Director Aceves and Vice President Rivera abstained.

CONSENT CALENDAR

Riddle/Rivera and approved on voice vote as amended

Item 2.2-C – Nutrition Services Chef Series Job Descriptions

Vice President Rivera pointed out that the position of Chef de Cuisine was not a part of the reorganization plan submitted and approved on September 20, 2006 and therefore not approved as a job description. Superintendent Lawrence pulled the item and will bring back for clarification. She also clarified that the sous chef and chef de cuisine report to the Executive Chef, not the Director of Nutrition Services.

ACTION ITEMS**Item 2.1-A – Provisional Internship Permit**

Rivera/Selawsky and approved unanimously on voice vote

Item 2.2-A – Variable Term Waiver

Selawsky/Riddle and approved unanimously on voice vote

Item 3.1-A – GLEEM Grant

Director Issel requested that outcomes of this grant be charted via the student performance indicators.

Rivera/Selawsky and approved unanimously on voice vote

Item 3.2-A – MOU/Seneca

Selawsky/Riddle and approved unanimously on voice vote

Item 4.1-A – Resolution to Create Separate and Distinct Cash Account

Correction: after first WHEREAS, it should read Measure BB

Issel/Riddle and approved unanimously on voice vote

Item 4.2-A – Authorization to Create a Special Reserve Fund

Director Issel commented that she was glad to see this item presented. There is a correction to the first paragraph, last sentence: instead of “Strands” it should read “Standards.” Also the amount shown under the first bullet, beginning with the sentence 2006-07 mandated cost reimbursements is corrected to \$1,027,921.

Issel/Riddle and approved unanimously on voice vote

Item 4.3-A – Pupil Equipment Fund

CBO Smith noted that Bernadette Cormier, Manager of Transportation, is developing a bus replacement policy. This long term planning will go hand in hand with the creation of this fund.

Selawsky/Rivera and approved unanimously on voice vote with Director Riddle abstaining

INFORMATION ITEM

Item 3.1-I – AMAO Report

This report discussed the way the State defines progress of English language learners. The District has exceeded state standards by at least ten percent. Vice President Rivera noted that the two of our schools that did not meet their goals were TWI schools. He would like a follow up report on their progress.

ADDITIONAL ACTION ITEMS

Minutes of 09-06-06

Aceves/Selawsky and approved unanimously on voice vote as amended

Minutes of 09-13-06

Riddle/Rivera and approved unanimously on voice vote as amended

Minutes of 09-20-06

Selawsky/Riddle and approved unanimously on voice vote as amended

Public announcements

Superintendent Lawrence appointed Jim Rowland to the Maintenance Committee

Meeting Adjournment

President Doran adjourned the meeting at 9:30 pm

ATTEST:

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Terry S. Doran, President
Board of Education

Michele Lawrence, Secretary
Board of Education