

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting

OFFICIAL MINUTES

Wednesday, January 26, 2011
Berkeley Unified School District
2134 Martin Luther King Jr. Way
Berkeley CA 94704

Roll Call 6:00pm

Members Present:

Beatriz Leyva-Cutler, President
John T. Selawsky, Vice President /Clerk
Karen Hemphill, Director
Leah Wilson, Director
Josh Daniels, Director
Lias Djili, Student Director

Administration: Superintendent William Huyett, Secretary
Javetta Cleveland, Deputy Superintendent
Neil Smith, Assistant Superintendent of Educational
Services
Delia Ruiz, Assistant Superintendent of Human
Resources

President Leyva-Cutler called the meeting to order at 7:18pm

Report Closed Session Actions

The Board heard Human Resource issues and received updates.

Student Case No. OD1011-11-071794

Staff recommendation to readmit student.

Selawsky/Wilson and approved unanimously 5-0

APPROVAL OF REGULAR AGENDA

3.1C pulled by Director Wilson

1.1C pulled by Director Hemphill

Selawsky/Daniels and approved as amended on a vote of 5-0

Public Testimony

The Peace and Justice Commission spoke in support of naming January 30th Fred T. Korematsu day. The commission thanked President Leyva-Cutler and Director Hemphill for putting the resolution forward and helping our children to learn about Mr. Korematsu and civil liberties.

UNION REPORT

Paula Phillips, BCCE, updated the Board on their shoe drive. Approximately forty new pairs of shoes and \$1100 were donated. Shoe distribution will take place at the adult school on January 29th. Ms. Phillips recognized Mary Butler for working closely with BCCE during the planning of professional development for classified staff on January 31, 2011.

Board's Report

Director Daniels: Planning a community engagement forum on Saturday, February 19th. He will inform the public via email. Director Daniels thanked the city of Berkeley for giving \$5000 for mental health services to our elementary schools. A teaching channel is being created and will feature Berkeley Teachers. The District was awarded a QSCB grant of \$25 million dollars. We will save tax payers money and improve our facilities. Director Daniels thanked Lew Jones and Chanita Stevenson for filing the application. "I am sad to announce the passing of Tim Moellering. He has been involved in Berkeley Baseball for years. There is a memorial and reception at Willard on January 29th at noon.

Vice-President Selawsky: "The Audit Committee met this past week. We have a new auditor, Perry Smith. The audit report was of June 2010. I was pleased with the thoroughness of the report. The report will come to the Board on February 23."

President Leyva-Cutler: "Thank you Board members Daniels and Wilson for attending the MLK walk at Jefferson school. It was a great event. We hope for more participation in the future. Thank you to all that participated. Dr. Craig and I are participating on the Alameda County task force for restorative justice. I will keep the Board updated."

Director Hemphill: JFK University is interesting in partnering with the school district in the fields of psychology and social work. They are looking for intern positions.

Student Director Djili: "BHS is in finals week. Dance productions went really well. A fire arm was brought on campus by a student. I am happy that students told administration about the firearm."

Superintendent's Report

Superintendent Huyett will notify the city that we will extend the use of the warm water pool until construction calls for its closure at the end of the calendar year.

APPROVE CONSENT CALENDAR

1.1-C

Approve Resolution No.11-27, Declaring January 30 as Fred T. Korematsu Day.

Director Hemphill wanted to take a moment to expand upon the civil rights work of Fred T. Korematsu.

Hemphill/Daniels and approved unanimously 5-0

3.1-C

Approval of Consolidated Application

Director Wilson requested a brief overview of the use of the funding. Christina Faulkner, Director of Curriculum and Instruction, answered questions and presented information. The funding is weighted per individual student. We will make this report twice a year. The funding goes to the individual sites based on their allocations. The school site plans must follow the rules of the funds. We also monitor Title II money for private schools in Berkeley.

Daniels/Selawsky and approved unanimously 5-0

ACTION ITEMS

5.1-A

REALM Charter School Facilities

Information presented by Lew Jones, Facilities Director. This is Berkeley's first time to respond to a Charter's facilities request. We are preparing a preliminary response. The threshold for enrollment at each of the Charters is 89. At this time, the middle school does not meet the numbers. The high school does not currently meet the numbers. If they do meet the projections, the west campus site would be the best based for classroom requirements. We will still have to identify office space. We did list several possibilities and expenditures for the middle school. We are under no obligation to provide space since they are under the threshold. We need to provide a preliminary response by February 1, 2011.

Director Selawsky restated that neither the middle school nor high school has met the ADA threshold. Superintendent Huyett stated that they have until February 1st to verify the five additional students needed to meet the threshold. The Board can still allocate facilities with an agreement. We are asking you to authorize the proposal put forth by staff.

The High school would be at West Campus in the Pre-K spaces. The District would be paying for the space if they qualify. If they do not qualify, REALM would be paying the costs.

Director Hemphill posed the question; what do we do if the district qualifies the ADA and students do not arrive at the start of school. Ms. Cleveland responded that it would be placed in the agreement that they must maintain the ADA or they would incur costs. This is a one-year agreement.

Director Wilson questioned where the 90% ADA figure come from. Javetta Cleveland, Deputy Superintendent, stated that it came from the REALM charter. Director Wilson asked if we could adjust the percentage and if the District had a planned usage for the three classrooms for 11-12/12-13 school years. Lew Jones responded that there is no plan for the classrooms. If we were going to charge the Charter to lease the classrooms, it is currently \$1.05/sq foot. The classroom space is approximately 4500 sq/feet.

President Leyva-Cutler asked if the middle school could also be located at the West Campus site. Lew Jones responded that portables would have to be brought in. There is not a real option to renovate classrooms under the timeline. Superintendent Huyett suggested that Willard would be the best and cheaper option for REALM. Franklin school is also an option.

Director Hemphill stated, "I don't think the Franklin site would be a good option. We also have to consider the space we need for our own continuation programs and CTE programs. I do not support the inclusion of Franklin."

Director Daniels asked if ongoing maintenance costs would be covered by the lease agreement. He also questioned how disruptive the renovation of classrooms at Willard would be to education time and if the set up at West Campus would be a hindrance to the construction at West Campus for District offices?

Lew Jones responded, "every year REALM would have to meet the ADA to qualify for facilities. They would be very likely to meet the ADA in subsequent years. The agreement that we make now will be the MOU for subsequent years."

Director Hemphill: "When this Board approved REALM, there was a lot of controversy. We need to adhere to the rules for providing facilities based on the statute. We are going to have more charter proposals. We need to be careful in setting precedence. Charters have money to pay for their space. My preference is to go with the staff recommendation. We need to be in accordance with state guidelines."

Director Selawsky stated, “I also favor the staff recommendation. We should meet our obligations, but not go beyond that.”

Director Wilson stated, “I think it is important that we reflect about why the Charter was submitted and the reason and passion behind it. We as a district have not met the obligations to educate all our students. I think it would be in poor judgment of the Board to deny facilities based on 4 ADA. I propose that we eliminate the caveat in item 1, that we state that 85 ADA is sufficient and we move forward with the high school. We would be doing a disservice to the community. I urge the group to modify item 1.”

Student Director Djili stated, “Denying this space is denying experimentation. We have failed students in our classroom. I agree with Director Wilson.”

President Leyva-Cutler stated, “I agree that we need to be in support of the Charter School. I have no doubt that they will have enough ADA for the start of school. I would like to remove Franklin from the possibilities for the middle school.”

President Leyva-Cutler motioned to go forward with a modified staff recommendation; *eliminating Franklin as a site possibility for the middle school and lowering the ADA requirement for the high school to 77.*

Wilson/Daniels and approved modified staff recommendation with a vote of 3-2

Yes: Wilson, Daniels and Leyva-Cutler

No: Hemphill and Selawsky

Director Hemphill requested that the minutes reflect that she was not voting no due to non support of REALM, but was concerned about setting a precedent regarding the use of District funds.

INFORMATION ITEMS

1.1-I

Study Session: Goals and Strategies

Information was presented by Assistant Superintendent Neil Smith and the City of Berkeley.

EXTENDED PUBLIC TESTIMONY

None

President Leyva-Cutler adjourned the meeting in memory of Tim Moellering at 10:10 pm.

John T. Selawsky, Clerk
Board of Education