

BERKELEY UNIFIED SCHOOL DISTRICT

Minutes, Regular Meeting

OFFICIAL MINUTES

Wednesday, May 11, 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 7:51 pm

Report Closed Session Actions

The Board heard Human Resource issues and received updates on collective bargaining.

Expulsion:

Student Case No. 1011-33-070895

Daniels/Wilson voted to reject the staff recommendation of 5-0
The Board gave staff direction on the case.

Student Case No. 1011-34-042195

Selawsky/Leyva-Cutler and approved on a vote of 5-0

Certificated Dismissals (BPAR)

The Board directed staff to pursue dismissal proceedings for two certificated employees.

Appointment of one principal

Janet Levenson – Principal of King Middle School

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

Certificated Administrative Reassignments
Selawsky/Leyva-Cutler and approved on a vote of 5-0

APPROVAL OF REGULAR AGENDA

Selawsky/Wilson and approved on a vote of 5-0

2.1C Pulled by Hemphill

5.2C Pulled by Wilson

5.4C Pulled by Wilson

3.6I moved up on agenda by Daniels

Public Testimony

Several community members spoke about their concern for housing REALM charter school at 8th/Addison. They requested that a proper traffic and parking study be conducted. There are currently three schools already in the neighborhood. They believe that a fourth would have a negative impact on the neighborhood being that it does not have any parks or outdoor space for the students. Several students, staff and community members spoke in support of a high school teacher. A parent from Emerson requested that the Board review problems related to bullying that exist at Emerson and in the District. Tracey Shear, REALM charter school board president thanked the Board for considering 5.4-C. She said they would address the neighborhood concerns and conduct a traffic study. A local business owner spoke against negotiating a PLA stating that it hurt small business owners. A group of parents from the TWI program thanked the Board for the TWI study and Rivera report. A special education teacher from Rosa Parks expressed support of the IA's that work in her classroom. A community member expressed concerns about the possibility of a community day school being housed at the Berkeley Adult School. Several local employment representatives expressed support for the District entering into a Project Labor Agreement (PLA).

UNION REPORT

Cathy Campbell, BFT President, thanked the Board for supporting the resolution appreciating teachers and staff. She asked the Board and community to come to the rally on Friday, May 13th at 4:00 in San Francisco. She expressed support for negotiating a PLA. A PLA honors a highly skilled work force. Ms. Campbell urged the Board to accept the recommendations made in the TWI report and urged staff to move quickly. She suggested there is a need for long term TWI data in decision making and planning.

Paula Phillips, BCCE President, addressed the Board resolution to lay off thirty-three Special Ed Instructional Assistants. Several IA's were present and spoke to the Board. They didn't understand how they are going to be laid off and rehired at a lesser pay. They expressed concern that they take a cut every year but are expected to do more work. They invited the Board to come see them at work before they make a decision to lay them off and cut their pay. Ms. Phillips asked the Board to review the contract with ANOVA.

Steve Collins, Local 21, "we have built a great relationship with the district. We have been flexible and amicable." He addressed items 2.1C and 2.3I. A manager is being laid off, while another manager is going to be put in the position. There was no notice of the layoff. The greatest concern is that she is a permanent employee in good standing. There is only one Student Assignment Project Manager. There was no talk of adding a second position. There was no discussion at the Superintendents Budget Advisory Committee meeting to lay off the position. The only way she could be bumped is if the Director of Classified Personnel was laid off. He was not laid off.

Motion to extend meeting past 11:00
Daniels/Hemphill and approved unanimously 5-0

APPROVE CONSENT CALENDAR

2.1C (pulled by Hemphill) She had a question about an employee that was listed on leave as well listed for separation. Ms. Ruiz clarified that the employee was separating after the completion of a leave.

Selawsky/Leyva-Cutler and approved unanimously 5-0

5.2C (Pulled by Wilson)

Director Wilson: Is it true that non union contractors are restricted from participating in a PLA? No

Does entering into a PLA increase our costs? There is no change in the rate at which workers will be paid. There could be increased costs because we may not get as many bids. There are occasions that a local contractor would not be able to work with their current staff. What is the negotiation process for the training opportunities for our students that are part of a PLA? Career training is a priority of the Board. This would be our first time to enter into a PLA. The Superintendent and Director of Career Tech would be part of the negotiations process.

Director Hemphill requested that we consult with members of our construction committee that have experience working with PLA's to recommend what type of negotiations team should be created.

Daniels/Selawsky and approved unanimously 5-0

5.4C (Pulled by Wilson)

Wilson: If we did not authorize an exemption, what would it require REALM to do? Lew Jones responded, "They would have to get a use permit and go through the City's design review commission. They would also have to get construction permits. REALM's biggest concern was the timelines. Without the waiver, it would be impossible for them to open on time. They are planning on hiring their own traffic consultant to conduct a study." Do you believe the traffic concerns are legitimate? The school has a way to mitigate the concerns. Parking is also a community concern.

Motion to approve 5.4C

Selawsky/Hemphill and approved unanimously 5-0

Motion to approve the remaining items on consent:

Selawsky/Wilson and approved unanimously 5-0

ACTION ITEMS

2.1-A

New Position: Coordinator, Special Programs to Support the 2020 Vision

Neil Smith stated that this position would replace the current Professional Development Coordinator. There is no additional cost to the District. The position is being opened up to new candidates. It is not a direct transfer of the current Professional Development Coordinator into the new position. This is a shifting of resources to allow us to fulfill our goals of streamlining systems to meet student needs. Supt. Huyett believes this is a true need. The 2020 work is not getting enough attention and focus. Director Wilson recommended a coordinator of special projects that would be housed in the office of Superintendent. We are not challenged in coming up with great ideas. We are challenged at implementing new programs. Director Wilson is not prepared to support the new position without further review. The Board would like to reexamine the overall staffing patterns and how resources can be shifted to realign with our goals. Director Daniels suggested the Board approve the item while also continuing the work suggested by the Board.

This item was not voted on by the Board

2.2-A

New Position: Principal, Adult and Career Education

This is a cost neutral position. The Principal of the Adult School would also be the leader of Career Technical Education (CTE). This lines up well with the growing needs in CTE and the shrinking needs in adult education. The District has not had any oversight of CTE for some time. There is an obligation and a need for someone to be implementing CTE at

the District level. Director Hemphill had a concern about the program being housed under Student Services and not under Curriculum and Instruction. Director Wilson is also in support of the position but would like it to be housed somewhere else. We do not want to see a segregated program. We want to send the message that this is a very important academic program.

Motion: to approve the position noting that the position will be supervised by the Superintendent.

Wilson/Hemphill and approved unanimously 5-0

2.3-A

Resolution to Eliminate or Reduce Certain Classified Positions

The 27.4 FTE of Instructional Assistant, Special Education (Specialized Health Care) will be replaced with 27.4 FTE of Instructional Assistant, Special Education. We agreed to a transitional year that is coming to completion. The District predicts that we only have one student that requires specialized health care. The nurse has reviewed all the cases to determine which students need specialized health care. Director Wilson asked when the employees were noticed that they would be losing the 5% and required to reapply. Director Hemphill questioned how the employees were not aware when it was a negotiated MOU with the union last year. Director Wilson stated she was not sure that the employees were given proper notification.

The resolution will come back to the Board in two weeks.

No vote for elimination of IA Special Education (Specialized Health Care) positions.

3.1-A

Proposal for BSEP Measure A Funds for Professional Development

Director Wilson requested feedback on how well the TSA positions are working.

Daniels/Selawsky and approved unanimously 5-0

3.2-A

Proposal for BSEP Measure A Fund for Technology

Daniels/Selawsky and approved unanimously 5-0

3.3-A

Proposal for BSEP Measure A Funds for Evaluation and Assessment

Daniels/Selawsky and approved unanimously 5-0

3.4-A

Recommendation for the expenditure of BSEP Books and Educational Materials Fund (Fund 6) carryover monies in FY 12

Director Wilson questioned if materials were budgeted to support the TWI classrooms.

Daniels/Selawsky and approved unanimously 5-0

INFORMATION ITEMS

3.1-I

Student National Origin Report

We did not have an increase this year. We will lose funding because the state requires a 5% increase. It dropped significantly. Could there be a fear for parents to report? The Board would like to see a comparison with other surrounding districts.

Received for Information

3.2-I

R-30 Language Census

Received for Information

3.3-I

Progress Report on Steps to Eliminate Weapons at Berkeley High School
Supt. Huyett mentioned that the ad hoc safety committee met today.

There was a discussion about uniforms, visitor procedures and electronic devices. The Superintendent has also had discussions with the chief of police. The Chief was concerned about the communication between the District and the police department. The concerns were around robbery.

Received for Information

3.4-I

Williams Case Settlement Quarterly Report

Received for Information

3.5-I

2010 API Rankings

Neil Smith stated that he believes the scores are good and that they show progress. Director Hemphill and Wilson questioned which districts we were compared to in developing the score.

Received for Information

3.6-I

Proposal by Alameda County Office of Education to Operate a Community School on the Berkeley Adult School Campus

Presented by Sheila Jordon, Joaquin Rivera and Dr. Susan Craig.

Supt. Huyett: Last year Rock LaFleche School was closed. Our expelled students were sent to Rock LaFleche in North Oakland. We are currently sending our expelled students to Hayward. We propose to put a single community day class at our adult education school. An independent study program would also be incorporated into the program. There would be no more than seventeen students total on the campus at one time. The County would pay a facility use fee, pay for security/safety staff, two teachers and one instructional aide. Mr. Huyett has seen this type of program implemented in many communities with success. The students are well supervised and monitored. We believe this is the best location for the students due to the administrative structure in place. These are students that we need to serve. They are young people who have made a mistake and are working to correct their mistakes. They have to be enrolled in school. This is a safe option for the school, students and community.

Alameda County Superintendent Sheila Jordon: This is not something that we are “doing” to Berkeley. This is something Berkeley asked us to do for their students. We are excited about this opportunity. Our goal is to get the students back into school. Some students do stay in the community school till graduation depending on their age. There is always going to be some concern when something new comes into a community.

Joaquin Rivera: This came from a need that was identified by the Berkeley community. We have an obligation to serve and educate these kids. This is a good plan to serve the needs of the students. They need our help and support. We need to provide them with an opportunity to be part of a successful program.

Supt. Huyett: This is for information tonight, but we need direction from the Board as to when they would like to see it brought back.

These are our kids. They are currently in our school right now. They are in our high schools and in our Adult school. They will return to our schools after they complete our programs. This is a restorative justice type program.

Director Selawsky: “We have expressed concern about some of our students needing these services. I do want it to come back for approval. What is the role of BUSD in protocol? It is collaboration with the County, Adult School and the District. We will not be serving kids who have been involved with violent crimes.”

Director Wilson: “Who would we be sending to the schools? Would students that would be returning from a camp be allowed in the program?” Yes. We have 3-4 Berkeley kids in the Hayward school. Director Wilson is not sure that the location of the Hayward school is an actual problem. She is concerned that the students we would serve at the school would not be a majority of Berkeley kids. She does not want to build the capacity to allow kids to be removed from school to be placed at the community school.

Director Hemphill: She thanked the County for putting forward a proposal with the small school model. She expressed concern about the model morphing and changing. She wanted to definitively know what students would be eligible for the program.

Sheila Jordon proposed that the Board put forth their questions and that they can be answered via Dr. Craig. Supt. Huyett stated that he needed to make sure that the Board wants it to come back as an action item.

Supt. Huyett: It is true that we do not expel many students. The Independent Study program will complete the needs of the student. It may also be a program for recovery for students that are not on track for graduation. They may have dropped out of school and are choosing to come back.

Dr. Craig: The District is not permitted to place students on a District independent study program. We can refer them to the County run IS program in San Leandro.

Sheila Jordon: Hayward is pretty full. Very few of the kids that have to travel this far to school actually make it to school.

Supt. Huyett: I am hearing concerns in three areas. We want to make sure we are doing things and that we are doing them well. We need more information on who can be served and the criteria, what is the curricular program and what is the supervision and support. We will not be ready in two weeks, but doesn't mean we won't in the spring. Do you want to get further information and are you interested in moving forward?

Director Daniels: Had questions about measuring success and the safety and supervision before and after school and will email them to save time.

Student Director: To say no and to put it somewhere else, when we have the capacity is wrong.

The Board would like to continue to pursue the possibility of housing the community day school as long as their questions can be addressed and answered. He encouraged the Board to email questions by Monday.

Received for Information

3.7-I

Report on School Linked Health Services
Presented by Kay Altizer

Received for Information

3.8-I

Report on the Two Way Immersion Program in the Elementary Schools
Mr. Smith requested that the Board speak with the Superintendent regarding recommendation #1.

The majority of the board gave direction to staff to bring forward an action item to implement one or more recommendation from the report by May or June.

The item will be placed on a May or June agenda.

4.1-I

School Enrollment and Attendance Report Data
Director Wilson suggested targeted attendance goals for next year.
Received for Information

5.1-I

Update on Division of the State Architect Closeout and Building Survey
Received for Information

5.2-I

Maintenance Construction Standards
Received for Information

ADDITIONAL ACTION ITEMS

Approve Minutes of April 27, 2011

Selawsky/Wilson and approved unanimously 5-0

EXTENDED PUBLIC TESTIMONY

None

President Leyva-Cutler adjourned the meeting at 12:53 pm.

John T. Selawsky, Clerk
Board of Education