

**BERKELEY UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
Meeting Location: 1231 Addison Street, Berkley, CA 94702  
Phone: (510) 644-8764**

**OFFICIAL MINUTES  
Wednesday, March 25, 2015**

---

President Judy Appel called the meeting to order at 7:40 p.m. She reported that the Board held interviews for the Measure H Bond Oversight Committee at 5:30. The Board Education recessed into Closed Session at 6:00 p.m.

**Roll Call 7:43 p.m.**

Board of Education:

Judy Appel, President - Present  
Beatriz Leyva-Cutler, Vice President - Present  
Karen Hemphill, Director/Clerk – Present  
Josh Daniels, Director - Present  
Ty Alper, Director - Present  
Jesse Barber, Student Director, BHS - Present  
Carlos Ku-Ceja, Student Director, BTA – Absent

Administration:

Donald E. Evans, Ed.D, Superintendent  
Javetta Cleveland, Deputy Superintendent  
Pasquale Scuderi, Assistant Superintendent, Educational Services  
Delia Ruiz, Assistant Superintendent, Human Resources  
Lyz Chairez, Recorder

**Report Closed Session**

**Collective Bargaining – Conference with Labor Negotiators:**

District designated representative: Roy Combs  
Employee organization: BFT Negotiations  
Employee organization: Local 21 Negotiations  
Unrepresented Employees: Classified Management

**Public Employee Discipline/Dismissal/Release/Evaluation**

Classified Employee Settlement Agreement  
Classified Employee Suspension (Leyva-Cutler/Alper 5-0)

The hearing for employee was postponed to April 8<sup>th</sup>.

Motion to accept staff recommendation for the Classified Employee Settlement Agreement:

**Lyva-Cutler/Alper** and unanimously approved 5-0

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Karen Hemphill, Director/Clerk – Yes

Josh Daniels, Director - Yes

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS – N/A

Carlos Ku-Ceja, Student Director, BTA – N/A

Motion to accept recommendation for the Classified Employee Suspension:

**Alper/Hemphill** and unanimously approved 5-0

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Karen Hemphill, Director/Clerk – Yes

Josh Daniels, Director - Yes

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS – N/A

Carlos Ku-Ceja, Student Director, BTA – N/A

### **Public Employment/Appointment**

Update on BHS Principal Recruitment

### **Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a))**

Names of Cases:

OCR Complaint No. 09-15-1041 – No Action

OCR Complaint No. 09-15-1095 – No Action

### **OPEN SESSION**

The open session meeting was called to order at 7:40pm.

### **APPROVAL OF REGULAR AGENDA**

Motion to approve regular agenda:

**Leyva-Cutler/Barber** and unanimously approved 6-0

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Karen Hemphill, Director/Clerk – Yes

Josh Daniels, Director - Yes

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS - Yes

Carlos Ku-Ceja, Student Director, BTA – N/A

Director Hemphill requested that item 6 be pulled from Consent Calendar.

Vice President Leyva-Cutler withdrew her initial motion.

Motion to approve agenda as amended by Director Hemphill:

**Leyva-Cutler/Barber** and unanimously approved 6-0

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Karen Hemphill, Director/Clerk – Yes

Josh Daniels, Director - Yes

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS - Yes

Carlos Ku-Ceja, Student Director, BTA – N/A

### **Mission Statement**

Mission statement was read by Crystal Montero, a student at Berkeley Adult School

### **PUBLIC TESTIMONY**

A total of 14 people addressed the Board:

2 people, a representative of the Northern California Education Equity Team and a member of the PAC talked about Board bylaws.

2 teachers addressed the SBA testing

2 parents expressed concern relative to Jefferson's fourth and fifth grade reconfiguration for 15-16.

3 Students and 1 parent addressed their standing request for Evidence Based Training for Sexual Harassment.

2 parents spoke about the cancellation of Thousand Oaks' bilingual program.

1 person talked about the Bay Construction Project at Malcolm X Elementary. He explained the work involved and the timeline for completion.

1 parent shared his son's unpleasant experience in the lottery process and addressed the systems by which class placements for students with IEPs are determined.

### **UNION COMMENTS**

#### **Cathy Campbell, BFT**

She addressed SBA and stated that these assessments will not allow students to accurately display what they have learned. She stated that SBA assessments have failed at communicating accurate progress according to district and classrooms measures. She added how earning low scores would affect student

morale and requested the Board to collect qualitative and quantitative data this year in order to arrive at a more informed decision.

### **COMMITTEE REPORTS**

#### **Mark Baylor, PAC**

He addressed the process by which the Board is establishing bylaws. He expressed support for the Board to bring forth bylaws to the PAC for consideration prior to taking action. He urged the Board to acknowledge the PAC as a partner that can contribute to the shared responsibility.

### **BOARD MEMBERS AND SUPERINTENDENT COMMENTS**

#### **President Appel**

She acknowledged all of the students' hard work and said she hopes they enjoy their very well deserved Spring break.

**Vice President Leyva-Cutler** thanked Jefferson and Thousand Oaks parents who addressed the Board. She expressed that the issue of enrollment is a shared concern. She commented on the safety plan and thanked Dr. Craig for her work in developing a more uniform safety plan. She suggested that a component is added to the safety plan that will allow parents to understand school site goals relative to school climate, and to be more informed about how we will reunite families following an emergency lockdown.

**Student Director Jesse Barber** provided an update on the Job Fair and said it was a success. He also shared that he was part of organizing a Berkeley High Leadership event, The Student Summit. It was the first step to selecting fifty students who will represent Berkeley High's student body.

**Director Karen Hemphill** thanked the sexual harassment group representative, whom she met with and discussed not just issues related to sexual harassment, but issues concerning our schools' climate in general, including racial harassment, bullying, and alcohol and drug use. she said she looked forward to continue working to make BUSD a model district.

**Director Ty Alper** announced his office hours, which are every fourth Sunday at Casa Latina from 3pm to 5pm.

**Director Josh Daniels** announced that he will cancel his next office hours due to a Berkeley alumni baseball game, to which he invited everyone to attend on Saturday, April 11 at 1p.m. He acknowledged the BAS students for showing up consistently with their signs. He went on to comment on the SBA, which he said was part of a larger assessment system known as the California Assessment for Student Performance and Progress (CAPP), saying that there is a push for the state to declare it a state mandate. In doing so, the state would have to provide schools with the funding to afford the technology required to

administer the mandated tests. He added that the state is moving towards a multiple measure of school districts. In addition, he provided an update on Measure D Soda Tax and said that all nine representatives, six of which have strong ties to BUSD, have been appointed. He expressed appreciation for all of the emails he received from Jefferson families and reminded them that in a previous Board meeting they had predicted to have split classrooms in six of the eleven elementary schools. Lastly, he stated that he was interested in significant investment in restorative justice practices.

**Superintendent Evans** thanked everyone who spoke about the sexual harassment policy and acknowledged the Jefferson and Thousand Oaks parents for speaking. He announced that letters went out to families about the bilingual program, but only seven kids enrolled. In a second attempt to recruit additional students, the enrollment increased to twelve students, so they decided to keep the bilingual program going in 15-16. He added that split classrooms are not uncommon as we have had them in the past. He said that they will work closely with Jefferson's teachers and administration to make this work. Lastly, he mentioned that he was proud of our LCAP and is looking forward to improve it in collaboration with the PAC.

### **APPROVE CONSENT CALENDAR**

Motion to Approve Consent Calendar without item 6:

**Barber/Alper** and approved unanimously 6-0

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Karen Hemphill, Director/Clerk – Yes

Josh Daniels, Director - Yes

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS - Yes

Carlos Ku-Ceja, Student Director, BTA – N/A

### **DISCUSSION ITEM**

#### **1. Sexual Harassment and Administrative Regulation – 5145.7 – First Reading**

Before turning it over to President Appel, Superintendent Evans introduced this item by clarifying that this was a first reading of the policy and that it would be an interim policy until the OCR complaint process concludes. President Appel said she looked forward to working in collaboration with students, parents and staff in the implementation of a final policy. She expressed that it was important to have a policy that reflects the current state of the law. She said she was excited to continue working with SHAC and taking into consideration its requests for revision to the policy.

Questions and discussion followed.

Dr. Craig, Director of Student Services, Interim Title 9 Coordinator shared thoughts relative to the kind of support needed to carry out Title 9 Coordinator duties in the interim.

## **2. Board Policy LCAP - 0460 and E0460 – First Reading**

Before turning it over to Director Daniels for facilitation, Superintendent Evans introduced this new policy by stating that after receiving feedback from stakeholders, staff is bringing this item before the Board for further input. He added that it will then be submitted to the PAC for additional review and feedback on bylaws on April 7<sup>th</sup>. He acknowledged PAC's requests to be able provide input on subsequent Board meetings and meeting agendas, and to be surveyed periodically.

Pat Saddler shared some PAC process highlights. She added that she looks forward to creating a Student Advisory Committee, scheduled to meet on April 6<sup>th</sup>.

Questions and discussion followed.

Director Daniels proposed that the Board direct staff to hold discussion on policy and bylaws and present specific questions in order to facilitate a more focused LCAP/DSAP Meeting.

## **3. Smarter Balanced Assessment**

Superintendent Evans introduced this item by acknowledging that more outreach has to be done for families. He added that the assessment is administered in grades first through eighth and in the eleventh for English Language Arts and English.

Teacher on Special Assignment for SBA and Director of Assessment Accountability Research presented highlights including faster results, shorter test length, increased precision, tailoring to student ability, greater security and mature technology. They shared past successes and the process by which they are training staff and families. Questions and discussion followed. Entire presentation is online.

President Appel moved to extend public session to 11:15

Motion to extend public session to 11:15 p.m.:

**Appel/Leyva-Cutler** and unanimously approved 6-0

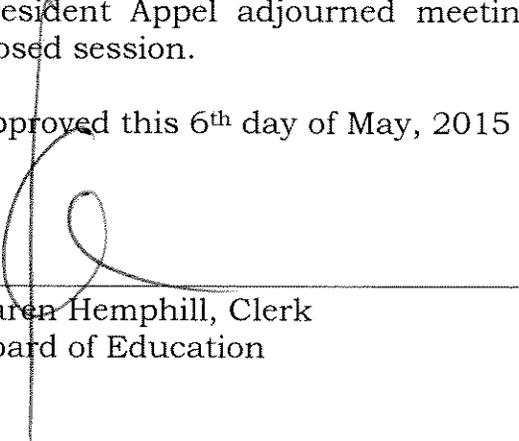
Judy Appel, President – Yes  
Beatriz Leyva-Cutler, Vice President - Yes  
Karen Hemphill, Director/Clerk – Yes  
Josh Daniels, Director - Yes  
Ty Alper, Director - Yes  
Jesse Barber, Student Director, BHS - Yes  
Carlos Ku-Ceja, Student Director, BTA – N/A

**EXTENDED PUBLIC COMMENT**

A total of 2 people addressed the Board during Extended Public Comment:

President Appel adjourned meeting at 11:00 p.m. The Board recessed into closed session.

Approved this 6<sup>th</sup> day of May, 2015



---

Karen Hemphill, Clerk  
Board of Education