

BERKELEY UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

Meeting Location: 1231 Addison Street, Berkeley, CA 94702

Phone: (510) 644-8764

OFFICIAL MINUTES

Wednesday, May 20, 2015

President Judy Appel called the meeting to order at 7:35 p.m. She announced that the Board of Education convened to closed session at 5:35 p.m.

Roll Call 7:37 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

Student Discipline Matters:

Motion to approve staff recommendation:

Daniels/Hemphill and unanimously approved 5-0

Collective Bargaining – Conference with Labor Negotiator: Legal Counsel

Roy Combs

BFT, UBA and Local 21 Negotiations - No Action

Conference with Legal Counsel – Anticipated Litigation

PERB Case No. SF-CE-3027-E: Brian Crowell vs. Berkeley Unified School

District (pending) - No Action

Public Employee Discipline/Dismissal/Release/Evaluation

Separation Agreement for Certificated Employee - No Action

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

Name of Case: OCR Complaint – 09-15-1095 - No Action

OPEN SESSION

The open session meeting was called to order at 7:35pm.

APPROVAL OF REGULAR AGENDA

Director Daniels requested that Discussion Item 1, Draft of Local Control and Accountability Plan, precede Action Item 2, Approval of Facilities Master Planning and Community Outreach Process; Consideration to Move Forward with the RFP Process. Director Hemphill pulled Consent Calendar Item 7, Approval of Job Description for Title IX Coordinator, to Action. President Appel moved Board comments to the end of the agenda.

Motion to approve regular agenda as amended by Director Daniels, Director Hemphill and President Appel:

Daniels/Leyva Cutler and unanimously approved 5-0

PUBLIC TESTIMONY

A total of 16 people addressed the Board:

A student shared her experience in seeking student support.

A student talked about Black Lives Matter.

A student representative of BHS Stop Harassing talked about the sexual harassment policy.

Two community members, representing Save Our Shattuck Cinemas, addressed the development at 2211 Harold Way.

A BAS teacher asked the Board to consider BAS student needs as they plan the move of the school.

A parent addressed the Board and expressed her displeasure in seeking educational support for her child and with filing a complaint with OCR.

A BAS student and a teacher addressed the move of BAS.

A teacher representative of the Berkeley Alliance for Gender Inclusive Schools group said that children should feel safe and accepted.

A teacher expressed frustration to the Board.

A supervising attorney from the East Bay Community Law Center addressed the Board about a restorative justice proposal.

A parent brought up the access of students to OCR investigation around sexual harassment.

Three teachers talked about the misuse of the term “full inclusion”. They referred to twice exceptional students who are often overlooked and who have a unique and special talent, yet experience a disability that makes learning difficult.

UNION COMMENTS

Joyce Berrison, Berkeley Federation of Teachers (BFT), Representative

She presented the Board with a petition signed by 900 staff and students asking that Berkeley Adult School be removed as an option to solve the current enrollment problem. She suggested that the West campus would be a much better suited space for an additional elementary school. She submitted to the Board that BAS, unless moved in its entirety with all of its departments, students and staff, should be removed as an option to solve the enrollment problem and other options should be more strongly considered.

COMMITTEE REPORTS

Mimi Pulich, Parent Advisory Committee (PAC), Representative

She said that the way information has been given to the PAC does not allow them enough time for discussion. She requested that BUSD submit summarized information in a consistent format and updated with references to LCAP documents and presentation materials shared in meetings. She added that PAC wants more input from teachers and recommended that there be an LCAP office to address communication disconnects and facilitate data gathering and program evaluation.

BOARD MEMBERS AND SUPERINTENDENT COMMENTS

President Appel directed Board members to only announce their office hours at this time and save their comments for the end.

Director Josh Daniels

Office Hours: Saturday, June 6 at Take 5 Café from 2pm to 4pm.

Director Ty Alper

Office Hours: Last Sunday of the month from 3pm to 5pm at Casa Latina.

Director Karen Hemphill

Office Hours: Saturday, May 30 at 10am at Café Leila.

Vice President Leyva-Cutler

No office hours

President Appel

No office hours

Student Director Jesse Barber

No comment.

Superintendent Evans reported that BUSD is fully cooperating with OCR. He said they are committed to making Berkeley schools as safe and welcoming as possible for all students.

APPROVE CONSENT CALENDAR

Motion to Approve Consent Calendar as amended:

Daniels/Barber and approved unanimously 5-0

Action Item

1. Public Hearing for Approval of Resolution for Grades K-12 Textbooks and Instructional Materials Compliance for Fiscal Year 2014-15

President Appel opened public hearing at 9:07pm. Hearing no comment, the Board proceeded to action.

Motion for Approval of Resolution for Grades K-12 Textbooks and Instructional Materials Compliance for Fiscal Year 2014-15:

Daniels/Alper and unanimously approved 5-0

2. Approval of Job Description for Compliance Officer and Title IX Coordinator

Director Hemphill, who moved to have this item pulled from Consent Calendar, expressed concern relative to the description which she feels does not capture all issues affecting school climate as a whole. She added that program components involving compliance and programming should be more clearly separated and individually defined.

Motion to approve the Job Description for the Compliance Officer and Title IX Coordinator with the understanding that Director Hemphill will work directly with staff to revise it so that it clearly reflects broader climate goals:

Appel/Hemphill and unanimously approved 5-0

3. Approval of Facilities Master Planning and Community Outreach Process; Consideration to Move Forward with RFP Process

Superintendent Evans introduced this item by saying that it would be a modified version reflective of the Board's previous recommendations.

Director White elaborated by saying that this modified master plan was more focused on the current needs and would allow for a more comprehensive approach at a later time. Ultimately, he said, this master plan proposes to generate educational specifications for elementary schools, middle schools, high schools, the adult school and child development centers. Questions and discussion followed.

Director Daniels recommended that this item be revisited on June 10th with Director White's proposal included in writing.

Motion to bring this item back with a write-up on Consent for the June 10th Board Meeting:

Daniels/Leyva Cutler and unanimously approved 5-0

Director Daniels moved to extend Open Session to 12:30 a.m.

Motion to extend Open Session to 12:30 a.m.:

Daniels/Appel and unanimously approved 5-0

4. 2211 Harold Way Development in Berkeley High School Zone

Superintendent Evans introduced this item by reporting that the zoning adjustment board agreed to delay action pending new plans from the developers. He added that the District will be weighing in on the Environmental Impact Report to address issues associated with air quality, increased traffic patterns, and proximity to the high school.

Director White informed the Board that this project involves the construction of a 1.6 acre property for both residential and commercial use. Given the written concerns submitted by the BHS safety committee, he recommended that the Board write a letter to the city addressing concerns relative to this development. Questions and discussion followed.

Director Daniels moved to nominate President Appel and Director Hemphill to work with staff to draft a letter.

Motion to nominate President Appel and Director Hemphill to work with staff to draft a letter:

Daniels/Appel and unanimously approved 5-0

Discussion Item

1. Draft of Local Control and Accountability Plan (LCAP) Superintendent Evans introduced this item by saying that tonight's plan incorporates the existing three year plan with the new state metrics.

Director Saddler and Director Riddle reported that they are still in the drafting phase and said that major LCAP expenditures had been categorized by the following goals:

- High quality instruction with appropriate interventions
- Ensure that all systems are culturally and linguistically responsive.
- Ensure safe and welcoming schools

They also shared the following recommendations to employ projected carryover:

- .6 TSA for recruitment and retention of teachers of color
- Super Science Saturday
- Restorative Practices (66k for k-5),

They reported that feedback period for stakeholder has been extended to 6/1/15. Questions and discussion followed:

2. First Reading – Board Policy 5111 and Administrative Regulations 5111.1 – Enrollment

Superintendent Evans introduced this item by saying that this was a first reading following the most recent enrollment projections.

Francisco Martinez, Admissions Manager, explained the procedures in place to enroll families who need to provide proof of residency and formal identification. He added that families will also need to provide the same documentation as they transition from elementary to middle school and from middle school to high school. Questions and discussion followed.

The Board inquired about ensuring equitable verification does not disproportionately fall on African American, Latino and low income families.

Additionally, they said that this policy should also consider other special circumstances including the use of a Berkeley business address or Berkeley property address, families that are doubled up in a Berkeley household, and requested changes to the policy regarding children of divorced parents without proper custody provisions.

In addition to compiling data, the Board agreed to more closely look at the policy to ensure equity in BUSD's enrollment process.

3. First Reading – Administrative Regulation 1312.3 – Uniform Complaint Procedure

The Board agreed that the Board Policy Subcommittee would look at whether or not ADR could be used in a case of assault and battery. Director Daniels added that while minor grammatical changes may be applied, the policy would essentially capture this discussion.

4. Information on the Governor's Budget May Revise

Deputy Superintendent Cleveland gave update on the Governor's budget, reporting that there is an increase in funding for BUSD in 2015-16. She added that gains for K-14 primarily came from the passing of Proposition 98 for a total of \$6.1 billion funding to schools.

EXTENDED PUBLIC COMMENT

Two people addressed the Board:

A community member addressed the 2211 Harold Way development project

A community member addressed the Board about the importance of investing in a high caliber person to oversee implementation of restorative practices as recommended in the teachers' proposal.

President Appel adjourned meeting at 12:34 a.m.

Approved by the Governing Board of the Berkeley Unified School District on this **9th day of September 2015**.

Karen Hemphill, Clerk
Board of Education