

BERKELEY UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION

Meeting Location: 1231 Addison Street, Berkeley, CA 94702

Phone: (510) 644-8764

OFFICIAL MINUTES

Wednesday, May 06, 2015

President Judy Appel called the meeting to order at 7:40 p.m. She announced that the Board of Education convened to closed session at 5:50 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 – Excused Absence

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:

Student Expulsion – Case No. 1415-12-111501

Motion to accept staff recommendation:

Leyva-Cutler/Daniels and Approved 3-1

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Josh Daniels, Director - Yes

Ty Alper, Director - No

Conference with Legal Counsel

Conference with Legal Counsel – Anticipated Litigation

PERB Case No. SF-CE-3027-E -- Brian Crowell v. Berkeley Unified School District

Motion to Accept Staff Recommendation:
Daniels/Leyva-Cutler and unanimously approved 4-0

Public Employee Discipline/Dismissal/Release/Evaluation

Immediate Suspension and Dismissal of Certificated Employee

Motion for the Immediate Suspension and Dismissal of Certificated Employee No.6740:

Daniels/Alper and Unanimously Approved 4-0

Suspension of Classified Employee

Motion to reduce the Suspension of Classified Employee No. 3333 to twenty days:

Daniels/Alper and unanimously Approved 4-0

Collective Bargaining – Conference with Labor Negotiators:

President Appel reported that the Board did not have an opportunity to discuss this item.

OPEN SESSION

APPROVAL OF REGULAR AGENDA

Director Daniels requested that Items C4, Recommendation for Allocation of BSEP Class Size Reduction Funds in FY 2015-16, and C5, Recommendation for Expenditures in 2015-16 from the Library Portion of the Berkeley Public Schools Educational Excellence Act of 2006 (BSEP), be pulled from Consent Calendar and be voted on respectively.

Motion to approve regular agenda as amended by Director Daniels:

Daniels/Barber and unanimously approved 4-0

PUBLIC TESTIMONY

A total of 16 people addressed the Board:

Seven teachers came forward to demand a fair and strong contract.

Two Library Technicians advocated for the additional district library staff..

A Berkeley High parent and two community members talked about the 18-story building plans on Harold Way.

Two students and a parent, representing the Green Team, talked about the importance of recycling and water conservation.

A parent thanked the Board for its support in ending vaccination loopholes.

A parent came forth to discuss BUSD's response to sexual harassment.

UNION COMMENTS

Paula Phillips, Berkeley Council of Classified Employees (BCCE)

She said that the Classification Study calls for the collapsing of a number of classified positions coupled with an increase in responsibilities and a reduction in compensation. She urged the Board to bargain without ignoring pleas for just and fair compensation. She expressed support for the California Librarians Association and said that no classified employee should be displaced.

Cathy Campbell, Berkeley Federation of Teachers (BFT)

Asked the Board to present a fair contract before the end of the current school year. For the first time in many years, she added, BUSD did not begin this current year fully staffed. She said this was indicative of BUSD's inadequate compensation for its teaching force. She went on to emphasize that teachers must be the district's number one budget priority.

COMMITTEE REPORTS

Construction Oversight Bond Committee

Committee representatives Stephanie Allan and Suzie Marinola expressed support for the preparation of district wide planning documents, which include education specifications, a master plan and an implementation plan. They said that this plan would help in articulating the education vision and program and student needs, as well as frame the mission of the district and ensure equity across school sites and individuality among school sites. They added that this plan would also be valuable to developers as they improve facilities.

Parent Advisory Committee (PAC)

PAC representative, Mimi Pullich, reported that the PAC does not feel that there is sufficient program evaluation data. She said that there are more questions than answers and suggested that the Board delegate responsibilities across the district to facilitate data collection. She went on to say how the lack of data presents equity issues. Literacy coaching resources, in particular, she said, present equitable issues for which they would like more time to review and provide feedback.

BSEP Planning and Oversight Committee (P&O)

A P&O representative addressed the Board on behalf of the Berkeley Schools Excellence Program Planning and Oversight Committee to express support for the approval of the plan for the class size reduction budget. He suggested that making inevitable cuts early would help minimize the possibility of major traumatic cuts later. He went on to say that after careful consideration, P&O's

general consensus is that employing a short term general fund along with other monies would aid in buffering the BSEP priorities of extended course offerings.

Berkeley Arts Steering Committee

Invited the Board to upcoming performances.

BOARD MEMBERS AND SUPERINTENDENT COMMENTS

Board and Superintendent Comments were pulled to accommodate full agenda.

APPROVE REGULAR AGENDA (AMENDED)

Motion to Approve Regular Agenda with item C3, the Approval of School Safety Plan for Berkeley High School, pulled and Items C4, Recommendation for Allocation of BSEP Class Size Reduction Funds in FY 2015-16, and C5, Recommendation for Expenditures in 2015-16 from the Library Portion of the Berkeley Public Schools Educational Excellence Act of 2006 (BSEP), moved to Action Items:

Leyva-Cutler/Barber and approved unanimously 4-0

APPROVE CONSENT CALENDAR

Motion to Approve Consent Calendar:

Alper/Barber and approved unanimously 4-0

Action Items

1. Recommendation for Allocation of BSEP Class Size Reduction Funds in FY 2015-16

Director Daniels introduced this item by saying that his concern lied in the proposed budget's structural deficit of about \$400,000. He added that the proposal on how to address this gap is a minor cut that will employ one-time funds for the following year. He suggested that it would be best to eliminate now as opposed to next year, when cuts will have to be made four to five months before voting on BSEP. He proposed that the Extended Class offerings (ECO) list be prioritized. Questions and discussion followed.

Motion to approve staff Recommendation for Allocation of BSEP Class Size Reduction Funds in FY 2015-16:

Leyva-Cutler/Appel and approved 3-1

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Josh Daniels, Director - No

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS - Yes

2. Recommendation for Expenditures in 2015-2016 from the Library Portion of the Berkeley Public Schools Educational Excellence Act of 2006 (BSEP)

Director Daniels introduced this item by expressing similar concerns as with the previous Action Item, saying that although Director Todd has done a great job managing the libraries' budget, going into the next measure did not guarantee any additional funds, which means that it is highly probable that the current proposed budget may not be able to be carried into 2017-18. He clarified that in this case, there is no need to make cuts but rather prevent an expansion. Questions and discussion followed.

Motion to approve Recommendation for Expenditures in 2015-2016 from the Library Portion of the Berkeley Public Schools Educational Excellence Act of 2006 (BSEP):

Appel/Leyva-Cutler and approved 3-1:

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Josh Daniels, Director - No

Ty Alper, Director - Yes

3. Annual Declaration of Need for Fully-Qualified Educators

Motion to accept staff recommendation on the Annual Declaration of Need for Fully-Qualified Educators:

Daniels/Alper and approved unanimously 4-0

4. Superintendent's Recommendation on Budget for 2015-16

Staff came back with a list of budget priorities reflective of Board's recommendations. Superintendent Evans said it has been a challenging process to prioritize what will be brought forward. In an effort to gather further direction from the Board, he went through the list item by item. Questions and discussion followed.

Motion to accept Superintendent's Recommendations on Budget priorities with the exception of the Compliance Officer, and opting for Scenario 1 of the Child Development Staffing with the condition that raising fees is considered:

Appel/Daniels and unanimously approved 4-0

5. Resolution No. 15-058 for Issuance of General Obligation Bonds and Resolution No. 15-059 for Refunding General Obligation Bonds

Motion to adopt resolution No. 15-058 for Issuance of General Obligation Bonds and Resolution No. 15-059 for Refunding General Obligation Bonds:

Daniels/Leyva-Cutler and unanimously approved 4-0

6. Public Hearing for Initial Proposals for a Reopener Agreement between the District and UBA

President Appel opened the Public Hearing for the initial Union of Berkeley Administrators (UBA) Proposal for A Reopener Agreement. Hearing no public comment, the Board proceeded to action.

Motion to approve the Initial Proposals for a Reopener Agreement between the District and UBA:

Daniels/Barber and unanimously approved 4-0

Director Daniels moved to extend Open Session to 12:00 a.m.

Daniels/Appel and unanimously approved 4-0

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

Director White introduced this item by saying how much more effective it is to take a preventative approach rather than a crisis control one with respect to facilities planning. His presentation addressed the education specifications of facilities master planning. He encouraged the Board to consider the draft of the Request for Proposals before the Board. Questions and discussion followed.

President Appel suggested that Director White reach out to individual members of the Board to figure out how to better refine his recommendation and hone the scope of his planning. Staff agreed to bring this item back to the Board.

Discussion Item

1. Local Control and Accountability Plan (LCAP) Update

Superintendent Evans introduced this item as the first reading of the LCAP, saying it would provide an update on year one's engagement, programs, proposed budget, timelines and measurable outcomes.

Director Saddler presented data reflective of stakeholder and community engagement, expenditures, programmatic budget allocations, budget projections, and timeline. She reported that they had completed the LCAP draft book and submitted it to the county for technical feedback before it is made available to Cabinet and stakeholders. The goal is to have it ready by June 2, 2015 and approved by June 20, 2015. Questions and discussion followed.

Following the Board's direction and recommendations, Director Saddler agreed to come back to the Board with a final recommendation.

President Appel moved to extend the meeting to 12:30 a.m.

Appel/Alper and approved 4-1

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Josh Daniels, Director - No

Ty Alper, Director - Yes

Jesse Barber, Student Director, BHS - Yes

2. Proposed Position for Title IX Coordinator/Compliance Officer

The Board weighed in on what this position entailed and the FTE required to carry out assigned responsibilities.

Motion to adopt the Superintendent's Proposed Position for Title IX Coordinator/Compliance Officer with the condition that this position is defined as and encompasses a broader breadth of responsibilities:

Appel/Barber and approved 3-1

Judy Appel, President – Yes

Beatriz Leyva-Cutler, Vice President - Yes

Josh Daniels, Director - No

Ty Alper, Director – Yes

Jesse Barber, Student Director, BHS - Yes

EXTENDED PUBLIC COMMENT

No one came forward.

President Appel adjourned meeting at 12:30 a.m.