

BERKELEY UNIFIED SCHOOL DISTRICT
Board Policy Subcommittee Minutes – October 28, 2015
Superintendent’s Conference Room
3:30 – 4:30 p.m.

Judy Appel – President
Josh Daniels – Chair

Meeting called to order by President Appel at 3:40 p.m.

Approve Agenda

Daniels /Appel and approved 2-0

Public Comment

Attorneys from East Bay Community Law Center (EBCLC) discussed their submission of Key Issues to Address in Revising BUSDs School Discipline Policy. This document was presented to the Committee as a possible aid in developing a new student discipline policy. Part of the discussion focused on the issues involved, relevant law and proposed policy recommendations.

One of the concerns expressed was BUSD’s position that zero-tolerance cases cannot be settled prior to a suspended expulsion hearing. Dr. Susan Craig, Director of Student Services, countered that the District only initiates expulsion when one of the five zero-tolerance charges is violated.

Also explored was the use of restorative justice in sexual harm cases. Dr. Craig offered that the OCR does not recommend using restorative practices for sexual violence cases. EBCLC says research shows that restorative justice can be used as an alternative to expulsion or as part of a rehabilitation plan. EBCLC suggest that restorative justice and PBIS should be used whenever the law permits and when suspension is not needed to address an immediate safety concern.

There was discussion about providing suspended students with classwork and some form of instruction rather than miss months of critical instruction.

Clarity was suggested about the role of law enforcement around police presence and their roles and responsibilities at schools. It was recommended that the Committee consider drafting a policy and MOU with the BPD. In that same vein, it could be useful to have a policy that addresses the sharing of confidential student information between schools, the police and the district attorney.

Finally, the issue of expunging student records was discussed. A policy could be crafted that allows for automatic expungement at the end of the term or prior to the time students apply for college.

Discipline Policy discussion

Director Daniels discussed the process to develop the policy. He proposed a two-prong process, one part to be completed by July 2016 with the second half being finalized by July 2017.

President Appel prefers an overarching policy around suspensions and discipline and suggests rewriting AR and BP 5144.1, the suspension and expulsion policy. She also would like to incorporate language from the Willful Defiance Resolution approved by SFUSD. Further, the Restorative Practices Group can take a look at prevention, intervention and supported re-entry into the school community. All interested stakeholders would then review the draft.

President Appel would like to have an evaluation of the PBIS and Toolbox methods used by the District.

Director Daniels will prepare an outline for BP and AR 5144.1, adding restorative justice components,

Approval of Board Policy Committee Minutes – October 14, 2015

Daniels/Appel and approved 2-0

Bylaws

Approval of Bylaws 9131 and 9132

Daniels/Appel and approved 2-0

Refer to Construction Oversight and Facilities and Maintenance Committees for approval

Next Policy meeting agenda items:

Bylaws 9100, 9124 and 9130

Meeting adjourned by President Appel at 4:40 p.m.