

**BERKELEY PUBLIC SCHOOLS  
Board of Education**

**Meeting Location: 1231 Addison Street, Berkeley, CA 94702  
Phone: (510) 644-6206**

**Official Minutes**

February 24, 2016

President Leyva-Cutler called the meeting to order at 7:30 p.m. She reported that the Board convened to closed session at 6:00 p.m.

**Roll Call**

Board of Education:

Beatriz Leyva-Cutler, President – Present

Ty Alper, Vice President – Present

Judy Appel, Director/Clerk – Present

Josh Daniels, Director – Present

Karen Hemphill, Director – Present

Angelo Paraiso-Arroyo, Student Director, BHS – Present (Excused tardy)

Alaunte Keys, Student Director, BTA – Present

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**

President Leyva-Cutler reported out on Closed Session:

**Conference with Legal Counsel-Pending Litigation (Government Code Section 54956.9)**

OCR Complaint #09-16-1075/Complaint #09-16-1066/Appeal of Complaint Resolution  
Per AR 1312.1

Motion to deny appeal for a hearing in this matter:

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

**Conference with Real Property Negotiators (Government Code Section 54956.8)**

District Negotiator: David A. Soldani, Legal Counsel; Negotiating Party: City of  
Berkeley; Property: 1231 Addison; Under Negotiation: Terms for Facility Use

Motion to approve the short-term lease agreement for the use of the Board Room:

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

## **Recognition**

Deputy Superintendent Cleveland presented We CARE awards to 11 classified employees:

Kelsey Jones, Bus Driver  
Walter Mitchell, BHS Security Officer  
Jesus Rodriguez, Instructional Assistant  
Vivian Wiggins, Administrative Assistant  
Mark McAnally, Maintenance Technician  
Shannon Brown, Security Officer  
Lorraine Mahley, School Secretary  
Milagro Andrade, Food Service Assistant  
Miguel Dwin, Budget Analyst  
Shedrick Chambers, Custodian  
Gayle Brandt, Administrative Assistant

## **Approve Regular Meeting Agenda of February 24, 2016**

At the request of Daniels Consent Item 13.2, Consolidation of Transitional Kindergarten Programs in SY 2016-17, will follow Action Item 12.2, Update on Possible New School Facility.

**Daniels/Appel** and unanimously approved 7-0.

## **PUBLIC TESTIMONY**

A total of 15 people addressed the Board:

Four students addressed the Board about sexual harassment and asked the Board to take a comprehensive approach in responding to their requests. They shared some stories.

Two students advocated for additional support at Malcolm X.

Two students spoke in support of the Lifelong Program.

A League for Women Voters representative thanked the Board for its support in promoting youth voter registration and voting.

A TK teacher commented on the TK consolidation item and asked the Board to reject the plans and keep TK at the elementary school sites.

A MX parent commented on the possibility of a new elementary school and asked the Board to give sites their flex spaces back.

A parent commented on overcrowding issues at MX and Washington and urged the Board to provide proportional support.

BTAs PTA President introduced himself to the Board and advocated for resources at BTA.

A BAM parent voiced concerns about the absence of a crossing guard at the MLK and Virginia intersection.

A person spoke in response to the Board's denial of appeal on case discussed during closed session.

### **UNION COMMENTS**

Cathy Campbell, Berkeley Federation of Teachers (BFT), President

Campbell commented on the educator effectiveness proposal and thanked staff for their consultation with BFT on this item. With respect to middle school ELA, she said that it might need a little more time. For budget priorities, she stated that BFT is strongly opposed to the on going expenses of almost \$500,000. With regards to large schools, she urged creative use of LCAP funds to address their needs. Campbell expressed her appreciation to the Board for allocating funds for the lifelong program and said she would like to work with the Board to ensure the program's long-term sustainability. As for TK consolidation, she asked the Board to truly consider all of the concerns voiced tonight. Lastly, in terms of the new facility, she urged the Board to wait to see what the class size goals will be in the new measure.

### **BOARD MEMBER AND SUPERINTENDENT COMMENTS**

**Director Paraiso-Arroyo** spoke in support of BHS Stop Harassing.

**Director Daniels** extended his condolences to the BTA students who were injured in a shooting a week and a half ago. He announced the Policy Subcommittee will meet on Friday, Feb 26 to discuss a student intervention policy and a draft of a policy regarding the naming of our facilities. He also announced tomorrow's BSEP event at 7pm in the Board Room. He will hold office hours on Feb. 27 at 1pm at Take Five Café.

**Superintendent Evans** announced that the Black Parent Affinity retreat will be this Saturday from 9am-2pm in the Board Room. He also announced that BUSD hired a Title IX Coordinator, Beverly Bueno. With respect to the gun violence incident outside of BTA, he shared that we have provided resources and ongoing support to the students involved, their families and the BTA community.

**Director Hemphill** clarified that the gun violence incident did not take place on campus, but did affect some of our students. She added that our goal is to support our students and their families. She announced that she will be out of town until March 8, and will hold her office hours on March 12 at Café Leila at 1:30pm.

**Director Appel** thanked the students, staff and community members who came out tonight. She also extended her condolences to the students who were injured. She shared that she attended several meetings around the implementation of comprehensive sex education requirements that were just passed into law last year. She wants to make sure that we are in compliance with the new laws and that we include the LGBT community. She thanked people who came out to her office hours. She will continue to hold office hours from 10am to 12pm at Mo'joe Café every third Saturday of the month.

**Vice President Alper** announced that BFT will host an event where Brian Jones, an education activist, will be speaking on racial justice and the fight for public schools.

**President Leyva-Cutler** acknowledged the passing of two former BUSD students. She shared that she attended an event at Little Theatre where a former Black Panther spoke to the students. She encouraged the Adult Education advocates to also write to the Governor in request of support.

## **CONSENT CALENDAR**

Motion to approve the consent calendar  
**Appel/Hemphill** and unanimously approved.

## **ACTION ITEMS**

### **Resolution 16-027: Refunding of General Obligation Bonds 2016**

Motion to approve Resolution 16-027:

Daniels/Alper and unanimously approved 7-0.

### **Update on Possible New School Facility**

Director of Facilities, Tim White explained that this item explores the possibility of a new school. He said his presentation is based on the information we have to date such as enrollment, class inventory and current capacity, and should prompt direction from the Board with respect to what is unknown. Questions and discussion followed.

Hemphill said there was still much in the air. The new BSEP measure, in particular, will impact and better inform a decision on a new school. She said it was important to have flex spaces before we move on to deciding on a new school, or the sizes of the school. Having a complete EdSpecs would be helpful for the decision making process. She would also like more information on demographics and how they have changed in the recent years.

Director Appel added that this is the first time that we have done an Ed Spec, which is a planning document to lay out the needs of the district and best practices, and that she needs the Ed Spec before she thinks we should go too far down the path of build a new site or re-purpose an existing site so that we are using our resources to create the kind of learning environments that we want for our students. She said that referring to spaces that are not classrooms as “flex spaces” almost implies that they’re extra and addressing this as a part of the Ed Spec will help reinforce that said spaces are not extra, but rather a critical part of creating the kind of schools that we want for our students. She expressed support in investing in a demographic study that will provide us with a projected increase in student population and direct us in our decision to either build a new school or repurpose existing sites.

White responded that EdSpecs will be finalized by early May.

Director Daniels said that flex spaces mean different things to different sites. If we were to approve the new school, it will not happen until fall of 2018. A delayed approval will mean an additional year under the status quo and no flex spaces. Waiting for EdSpecs to tell us what we already anticipate will not be significantly revealing; it will just mean more time under present circumstances. If we are going to open to new school eventually, why wait. We need to approve opening one now.

Director White responded that EdSpecs will help identify what kind of spaces sites will need and to what standards they should be configured.

President Leyva-Cutler expressed interest in exploring the repurposing of 2020 Bonar and BAS.

Vice President Alper added that according to the presentation, it sounds like we can handle the status quo for the next couple of years. He asked: Are we willing to approve the new school for 2018 or are we comfortable enough with the status quo to pause the planning for a new facility? Can we truly be a world class district under the status quo?

Hemphill commented that it would be helpful to bring all of the different concerns/discussions with respect to a new facility together on one table in order to arrive at a more informed decision.

Director Appel proposed giving staff more time to come back to the Board with a better sense of what information is available.

Motion to direct staff to bring this item back in April. Daniels and Alper will work closely with the Superintendent in this effort:  
**Appel/Hemphill** and approved 7-0.

### **DISCUSSION ITEMS**

#### **Consolidation of Transitional Kindergarten (TK) Programs in SY 2016-17**

Assistant Superintendent Scuderi said this was a solution we have considered over the last year and a half to address enrollment increase. The plan is to house the current seven TK sections at MX, LeConte and King CDC. The presentation displayed costs and considerations with respect to food services, administration, transportation, and after school programming needs. With regards to student assignment, Admissions will use the standard process. This is the leading medium term solution. Questions and discussion followed.

Leyva-Cutler said this is a good opportunity to align Pre K and TK curricula. She expressed concern with respect to the supervisor/administrator position.

Scuderi explained that this position would be filled by a current preschool program administrator whose classification and compensation would be renegotiated in order to reflect additional duties.

Daniels acknowledged that staff is putting forward a difficult proposal. He said it was helpful to look at the history of this issue more closely. About three years ago, former Director Lew Jones proposed to consolidate some classes at Hopkins. The Board at that time showed no interest and did not move forward with proposal. Last year, the item was brought back to the table and it was rejected as a medium term solution on a 3-2 vote. As we reconsider it now, he reminded everyone that originally there were multiple options including John Muir and Thousand Oaks. In the case that we do approve this and we have a separate physical site housing TK-5 students with its own administrator, he asked whether we would technically consider it a new school or consider it part of one of our existing elementary schools.

Scuderi said he would look into that.

Given the mid-year approval of a new special ed class for just this year, Daniels asked where we would house a special ed class should the need for it arise once again mid-year next year.

Scuderi responded that it would be housed at Hopkins

Daniels pointed out that the one available room at Hopkins has been prone to flooding.

Director White confirmed that the flooding issue had been resolved.

Principal Carriedo further explained that should the need for a special ed arise next year, Hopkins would house this addition by relocating its resource center to a conference room and turning its library into a mobile one.

Scuderi added that once student assignments are finalized in March,

Director Graham will have a good sense as to whether or not the additional special ed class will be necessary.

Hemphill said she was concerned about there being too few flex spaces to equitably serve the special ed class.

Alper stated that while this is the best option we have, he really did not like it. He reiterated that this is a medium term solution while we determine a long-term one

The Board agreed to direct additional questions or concerns to the Superintendent.

#### **African American Town Hall Action Plan Update**

Superintendent Evans said this presentation was a progress update on short-term and immediate actions approved at the January 13 Board meeting.

Action: Develop a communication protocol involving all stakeholders

Status: It is scheduled for completion at the end of April

Action: Develop a policy on hate speech/crime.

Status: The policy subcommittee met on Feb 9 and began working on this policy

Action: Develop an anonymous reporting system

Status: We are currently reviewing a reporting system and hoping to implement it by the end of April

Action: Establish Board policy protocols

Status: This will come before the Board in the spring

Action: Provide training to school safety officers

Status: Trainings will be scheduled for spring and summer

Action: Increase the African American parent, guardian and mentor presence at schools.

Status: The Black Affinity Group and the Office of Family Engagement will have an event on Feb 27 and will continue to hold workshops to encourage parent participation and involvement.

Action: Fund the African American studies department, a resource center, and teacher training on cultural sensitivity.

Status: The Superintendent attended a teacher leaders meeting where teachers shared

how they are incorporating BSU requests. The Superintendent will share a list with the Board.

Superintendent Evans went on to propose an Anti-Racism Task Force to oversee the implementation and prioritization of actions. He clarified that this Task Force was different from the PAC or the 2020 vision. This will be its own committee comprised by representatives of PCAD, BSU, NAACP, BFT and the Board. The goal is to meet as early as March. Questions and discussion followed with Director Hemphill as facilitator.

Hemphill further explained that the Board is being asked to hear the update. These initiatives are simply the beginning of our work. Racism, she added, does not happen in a vacuum, but permeates throughout the country. These initiatives are specific to the anti-racism work resulting from the community's response. The goal is to get Board direction on the Superintendent's Task Force.

President Leyva-Cutler expressed support for the Superintendent's Task force. She added that there will be costs associated with the implementation of these actions.

Director Keys said he wanted to see more emphasis on the timeline and requested that the task force also include a representative from BTA and the African American studies department.

Daniels said that these actions should be added to the LCAP to ensure accountability. With respect to the Superintendent's Task Force, he noted that the Superintendent has the prerogative in its composition. He suggested that the task force be charged with bringing to the Board budgetary recommendations.

Appel said she agreed with the task force proposing spending levels.

Alper expressed the importance of the task force having focused goals and being adequately staffed.

Motion to extend open session to 11:30 p.m.:  
**Alper/Appel** and unanimously approved 7-0

Board members directed staff to develop the matrix into an even more helpful tool. Staff will bring back an update in April.

### **Superintendent Recommendations on Budget Priorities**

Presenters: Pasquale Scuderi, Assistant Superintendent, Ed Services  
Javetta Cleveland, Deputy Superintendent

Cleveland explained that this presentation was a follow-up to the recommendations on budget priorities presented at the last Board meeting.

She clarified that budget priorities include only what can be funded out of base grant funds. She added that receiving the Board's input around District priorities will be key in remaining solvent.

Scuderi went on to address questions and requests for additional information voiced by the Board at the last meeting:

Part-day program closure: there is enough space to accommodate students and families in other sections.

IB Coordinator: BHS currently has a .4 FTE for each department.

Special Education: The request for additional 12.0 FTE for IAs in an effort to more equitably distribute IAs across all sites given the number of students with disabilities currently served.

Technology: The consideration of computers as an ongoing cost is in response to BSEP's inability to resource ongoing technology support in schools due to increasing staff cost.

Cleveland added that an analysis of what should be funded on an ongoing basis will be completed by the end of current school year. Questions and discussion followed.

Daniels asked if there was any consideration to employ one-time funds for liability for retiree health benefits (OPEB) and whether there was any analysis conducted for tiered staff levels.

Cleveland explained that there is no OPEB recommendation coming forward at this time due to the \$4 million currently in Fund 20 to meet compliance requirements. An additional \$1 million will be added to Fund 20 annually.

Appel said she was in support of reducing the IA ratio and asked why SpEd is not covering associated costs.

Cleveland responded that SpEd has a tight budget and does not currently have the resources to pay for the additional \$188,000 for the benefit portion.

Daniels requested information on costs associated with tier staffing levels to be presented on March 9.

Additional questions or concerns will be directed to the Superintendent.

#### **EXTENDED PUBLIC TESTIMONY**

A total of five people addressed the Board

One person spoke in support of the lifelong learning program.

Three people spoke in support for additional support at MX.

A BAS teacher advocated for BAS to be kept whole.

#### **BOARD MEETING SELF-EVALUATION**

Appel acted as the observer:

- Issues were framed well. Hemphill did a good job at wrapping up town hall update.
- Suggested allotting more time to each item.
- We were good at addressing issues at root of symptoms.
- Commended President's leadership. We got a lot done in this meeting.

Director Keys volunteered to act as observer on March 9.

**ADJOURNMENT**

President Leyva-Cutler adjourned the meeting at 11:30 pm.