

# Berkeley PUBLIC SCHOOLS

Berkeley Unified School District

Board Policy Subcommittee Minutes

Room 126

February 26, 2015

3:00 -4:30pm

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Director Daniels called the Policy Subcommittee Meeting to order at 3:03pm.

## **Roll Call**

Josh Daniels, Chair – Present

Ty Alper, Director – Present

Donald Evans, Superintendent – Present by phone

Lyz Chairez, Recorder – Present

## **Approval of Agenda**

Alper moved to begin with BP/AR 1312.3.

Motion to approve agenda as amended:

Alper/Daniels and unanimously approved 2-0

## **Public Comment**

Jasdeep Mali, an intervention team member at BHS, shared she has been involved in the sexual harassment training. She expressed concern about possible grey areas and would like to see more options for student support. She sits on the restorative justice (RJ) committee and is looking forward to seeing change of language in policy.

A BHS teacher stated that the policy should include how we are educating students at every grade level on good choices. He would like to see some alternatives to zero tolerance and suggested that the District look at other organizations' zero tolerance models.

Susan Craig commented on the grey areas and said she takes it personally as she is the gatekeeper for the expulsion process. Decisions are not made lightly. She is in favor of very carefully being able to

implement restorative justice as it takes a high level of expertise. She is excited about the direction we are going in.

An Impact Justice representative echoed that the primary piece is prevention. There are many ways to think about prevention. In restorative processes it is important to make it safe for all individuals involved to talk. It is also about having accountability at the center of these situations, especially when society has presented sexuality to our young people in a negative way. She said this requires a different response than the punitive model. Impact Justice is happy to help with protective mechanisms both for expulsion, juvenile justice and reentry, and to ensure that the process is inclusive from the beginning.

A second Impact Justice representative commented on the difference in RJ:

- The facilitator is not neutral (he/she would have met with all parties ahead of time).
- The process is completely voluntary for victims as it is victim oriented.
- It is an accountability that encourages the accused to take responsibility for actions and repair the harm.
- All information is confidential. It is a truth seeking process.

Oakland Police receives training in all of these areas.

**BP/AR 1312.3** (40 min instead of 45)

Alper proposed some amendments to BP/AR 1312.3. It currently arguably prohibits RJ in sexual assault cases (addition bolded on p.3 of BP).

Daniels expressed concern in including this addition if OCR has not distinguished ODR and RJ in writing. He further explained that if we can be confident that the person without power is generally the focus, this places pressure on the person running the process. It puts the victim in a vulnerable place.

Craig said that she was initially opposed to it, but has changed her mind in reconsidering how the victim and accused are impacted by process. She is open to allow the change only if Impact Justice leads it.

Participants discussed the proposed added language presented by Alper.

Before bringing it to the Board, Daniels suggested we make it clear that consent should be written not verbal, include training protocols in the AR, and ensure consistency in consent and implementation of RJ.

### Expulsion/Hearing Process

Alper explained that goal is to layout a series of positions for which he wanted to know if there was consensus among members of the policy committee.

Under *Overarching Principles*, Daniels suggested more clarity in how we define the offense.

Under *Extension of Suspensions*, Alper said that when a student is up for expulsion he/she is out of school for an extended period of time. He proposed that we limit suspension extensions to extraordinary circumstances. He asked: What approach do we take to avoid instruction interruption? In a 30-60 day suspension in anticipation of expulsion hearing, what is the role of staff and the Board? It is risky to have people that are not aware of all details and are not properly trained make final decision/recommendation?

Daniels said he'd be more comfortable if the Superintendent was the only one signing for approval of extensions in suspensions in anticipation of expulsion. He added that the process of determining if a suspension is brought to the Board should be more clearly outlined.

### **Naming Facilities: BP 7310**

Daniels proposed that a threshold percentage be required in order to consider a request for naming facilities. Part-time and full-time staff vote should be equally counted.

Daniels presented two options for naming a facility after a person. The committee agreed on option 2.

Daniels made changes to the language reflective of Alper and White's input.

This item will come back at the policy subcommittee on March 8 for action.

Motion to approve BB 9320 and BP 1312:  
Daniels/Alper and unanimously approved 2-0.

### **Update Board Policy Calendar**

Policies to consider at the next policy meeting on March 8:

Naming Facilities  
Discipline  
Student interaction with law enforcement  
UCP and RJ

Motion to approve policy calendar as amended:  
Daniels/Alper and unanimously approved 2-0

**Meeting adjourned at 4:35pm.**