

Berkeley PUBLIC SCHOOLS

Berkeley Unified School District

Board Policy Subcommittee Minutes

Room 126

March 8, 2016

3:00 - 4:30pm

Director Daniels called the Policy Subcommittee Meeting to order at 3:05pm.

Roll Call

Josh Daniels, Chair – Present

Ty Alper, Director – Present

Donald Evans, Superintendent – Present

Lyz Chairez, Recorder – Present

Approval of Agenda

Motion to approve agenda as is:

Alper/Daniels and unanimously approved 2-0

Public Comment

Lilly Chen said that her office is interested in participating in the development of student discipline/school climate policies. She hopes the result is a comprehensive plan. This is a great first step

Cory, An East Bay Community Law Center (EBCLC) representative, echoed Chen's comments. She expressed support in the District's efforts in developing this policy.

BP 7310: Naming Facilities

The committee reviewed the AR and agreed on language.

Motion to approve amendments to BP 7310, the new AR and E:

Daniels/Alper and unanimously approved 2-0.

BP/AR 1312.3: Uniform Complaint Procedures

Alper explained that the goal is to undo the restrictions set by UCP around the use of restorative justice (RJ).

Daniels asked whether we anticipate to employ RJ in all discipline cases.

Alper responded that RJ would apply to any case at the discretion of staff.

Daniels asked when would we have an articulated set of standards that are memorialized in the policy.

Craig said that it could i. go into the policy currently being developed or ii. it could be part of RJ practices.

Alper proposed that the Superintendent draft an AR for an interim RJ practices.

Daniels said he would feel more comfortable moving forward if standards can be developed by fall

Motion to approve BP/AR 1312.3 as currently proposed with the understanding that the Board would see standards in the fall:
Alper/Daniels and unanimously approved 2-0.

District-Police Interaction

Alper said there are two parts to this:

1. Board policy
2. MOU with BPD

Alper explained that he used Pasadena and Oakland's MOU.

Craig highlighted the specificity of Oakland's.

Superintendent Evans raised a question around how the agreement between OUSD and OPD was determined.

Cory commented on Oakland's policy, saying that the lack of specificity does not necessarily translate into action. She found much of it to be vague. She would like to see this policy address when district staff

bring/notify police voluntarily. She added that a good policy should not just address summoning police intervention, but should explicitly state that police should not be contacted.

Craig explained that under BUSDs current protocol, in a case where a student is found to be in possession of marijuana, for instance, BPD does not require the student's name; they just destroy the drugs.

Chen stated that communication with POs should also be specifically outlined as they are required to collaborate with police and judges.

Cory said there should be a distinction between providing information v. volunteering information.

Chen echoed Cory's remarks with regards to specificity. She reiterated that our Policy should specifically delineate what exactly should happen.

Daniels said he would like the BP to include structure to direct staff to enter into an MOU, identify rules of communication with current SRO, and establish what we're required to do by law. He suggested that we seek opinion from the DA to get a sense of differences of opinions around that. In a case where the police are pursuing a suspect, for instance, they can come on campus despite the policy. What provision do we have under the law to prohibit a BPD officer from coming on campus for any reason? Daniels added that it would be helpful to have an accurate description of limits, under the law, of what we are allowed to establish. He suggested that the MOU secure some kind of agreement to require a confidential write-up as justification for police-student interaction. This will allow us to identify and address any pattern of interaction without real justification.

Superintendent Evans clarified that we cannot stop law enforcement from doing what they're supposed to do, but we can weigh in on how they do it—that is the purpose of the MOU.

Alper suggested that we focus on the policy first and then the MOU.

Daniels said he agreed and added that the meat, if anything, would be in the MOU. He suggested that our policy lay out:

- when we will provide information to BPD, as required by law
- protocol for turning over evidence/contraband
- protocol for communicating with police and probation officers
- directing staff to enter into an MOU

Daniels said that adding anything more would mean asking to set expectations that would run into conflict with police behavior. Absent extenuating circumstances, he added, are not clearly defined. What is true in the moment is different from what is true two days later. Because we can go back and forth with BPD so much, Daniels suggested the MOU should focus more on how we learn from our experiences rather than on how police intervene.

Cory shared that in her experience she has seen student-police interaction be initiated by the school, not the police. This policy should help control these interactions.

Alper asked what the role of the SRO is in case of investigations/arrests.

Craig responded that there have been instances when the SRO has conducted arrest.

Update Board Policy Calendar

Policies to consider at the next policy meeting on March 25:

Board Bylaws 9321-9321.1 (30 min)

District interaction with law enforcement (30 min)

Motion to approve policy calendar as amended:

Daniels/Alper and unanimously approved 2-0.

Meeting adjourned at 4:40 p.m.