

BERKELEY PUBLIC SCHOOLS

**Board of Education
1231 Addison St., Berkeley, CA 94702
510-644-6206**

**Official Minutes
June 29, 2016**

President Leyva-Cutler called the meeting to order at 7:30p.m. She reported that the Board convened to Closed Session at 6:00p.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
Alaunte Keys, Student Director, BTA – Excused Absence

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:

Public Employee Appointment (Government Code Section 54957)

Acting Executive Vice Principal, Berkeley High School

Motion to accept staff recommendation to appoint Erin Schweng as Acting Executive Vice Principal at BHS:

Daniels/Hemphill and approved 4-0

Beatriz Leyva-Cutler, President – *Abstained*

Ty Alper, Vice President – *Yes*

Judy Appel, Director/Clerk – *Yes*

Josh Daniels, Director – *Yes*

Karen Hemphill, Director – *Yes*

Coordinator of Instructional Technology

Motion to accept staff recommendation to appoint Allison Krasnow as Coordinator of Instructional Technology:

Daniels/Alper and unanimously approved 5-0.

Collective Bargaining (Government Code Section 54957.6) Lead Negotiator Legal Counsel Roy Combs/District Representative Delia Ruiz – BCCE

The Board received an update on this matter; no action was taken.

Parent/Student Challenge to Content of Pupil Records (Ed. Code Section 49070 (c))

Motion to approve staff recommendation in this matter:

Appel/Hemphill and approved 4-0

Beatriz Leyva-Cutler, President – *Recused*

Ty Alper, Vice President – *Yes*

Judy Appel, Director/Clerk – *Yes*

Josh Daniels, Director – *Yes*

Karen Hemphill, Director – *Yes*

Conference with Legal Counsel—Existing Litigation (Gov. Code Section 54956.9 (a))

Settlement Authority Request—Case #LBI1400568

Motion to approve staff recommendation in this matter:

Alper/Appel and unanimously approved 5-0

Public Employee Performance Evaluation (Principal, Assistant Principal, Teacher, Teacher on Special Assignment)/Appeal of Complaint Pursuant to Board Policy 1312.1 (Government Code Section 54957 (b))

Motion to accept staff recommendation in this matter:

Alper/Daniels and unanimously approved 5-0

OPEN SESSION

APPROVAL OF REGULAR MEETING AGENDA

At the request of Director Hemphill, Consent Item 11.18, Approval of Interim Expulsion Policy was moved to Action.

Motion to approve agenda as amended by Director Hemphill:

Appel/Alper and unanimously approved 6-0

Recognition of Mark Coplan

Superintendent Evans presented Mark Coplan with a plaque in recognition and appreciation of his years of service to BUSD as the Public Information Officer.

Recognition of Student Director Angelo Paraiso-Arroyo

President Leyva-Cutler recognized Student Director Paraiso-Arroyo for his leadership as a student representative to the Board of Education for the 2015-16 school year.

PUBLIC TESTIMONY

A total of 11 people addressed the Board:

A student with Young Lives Matter Berkeley shared a negative interaction she experienced

with her classroom teacher.

A BHS Stop Harassing member commented on the interim expulsion policy.

A BAS teacher spoke in support of keeping BAS whole.

The Chair of the PAC suggested some amendments on proposed LCAP.

Two EBCLC attorneys commented in support of the interim expulsion policy.

A community member commented on the negotiations between the City of Berkeley and BUSD for the use of the Board Room.

A BHS BRIDGE student thanked BUSD and its support of the program; BRIDGE students shared their academic successes.

A community member commented on the interim expulsion policy.

A parent asked the Board to conduct an investigation in response to a complaint she has filed.

A member of the NAACP Berkeley Chapter addressed the Board on a recent incident where breakfast and lunch were served late during the summer session at BAM.

UNION COMMENTS

BFT President Cathy Campbell commented in support of the interim expulsion policy and the LCAP as proposed on the agenda tonight. On behalf of BFT, she thanked Mark Coplan for his years of service to BUSD.

COMMITTEE COMMENTS

Chair to the Facilities Safety Maintenance and Oversight Committee (FSMOC) reported that the committee has been meeting for the past six months and has met its goals despite some staffing issues. He shared that the budget is in good condition as there is a substantial reserve. He recommended that available revenue be used to address items that will result in long-term savings. He also added that they are in the process of onboarding new employees.

Co-Chairs to the PAC, Laura Babitt and Mimi Pullich, shared that the PAC is committed to insure that LCAP funds reach targeted students. With respect to the .4 FTE RTI, the PAC has submitted its recommendations to the Board and asked the Board to review with the intent to allot LCAP funds to reach targeted students in the most direct way possible.

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Director Appel extended condolences to the family of student who passed away shortly after graduating with the class of 2016. She thanked Coplan for his service to the District as he covered many of our events, both challenging and celebratory.

Director Hemphill congratulated Mark Coplan on his retirement and said that his presence in the District will be unmatched. She went on to report that the Anti-Racism Taskforce has met three times thus far and requested that a formal update of the

Taskforce's work be communicated to the community. She gave a shout out to Deborah Turner, the former Assistant to the Superintendent, and recognized her for her years of service.

Director Daniels appreciated the City Council for unanimously supporting to direct its staff to prepare a measure for the Nov 2016 to lower the voting age for school board elections to 16. City Council also approved their budget for 2016-17, including an allocation of over \$600,000 to BUSD's Cooking and Gardening Program. He acknowledged Vice president Alper for his contribution to the Policy Committee. He also acknowledged Coplan, saying that he is the most loyal BUSD employee he's ever known.

Vice President Alper announced the Board appointments to the City's Youth Commission. Director Keys appointed Noah Winkleman, Director Hemphill appointed Alexandria Hamilton, and the Board appointed Alexandria Rose Tescha and Ceara Schreiberstein. He congratulated Student Director Alaunte Keys for being reelected to represent BTA on the Board for another term. He thanked Mark Coplan for his love for BUSD. With respect to the Interim Expulsion Policy on the agenda tonight, he said he was proud of the collaborative process that took place and thanked the people who had a hand in crafting and improving this policy.

Superintendent Evans addressed the recent protest in Sacramento that involved one of our teachers. He directed the public to a letter he wrote in response to the incident. He acknowledged Deborah Turner as his right hand and very instrumental during his transitioned as BUSD's superintendent.

Student Director Paraiso-Arroyo thanked the Board members for the opportunity to serve alongside them and for their support and guidance. He too extended his condolences to the student and close friend of his who passed away just a week after graduation.

President Leyva-Cutler extended her condolences to the family of student who passed away. She went on to thank Mark Coplan for serving as a historian for BUSD. In response to the public comment regarding delay in the serving of breakfast and lunch, she apologized on behalf of the staff. She also acknowledged Deborah Turner, who was instrumental in helping her when she first became a Board member. She would like that a resolution in recognition of Ms. Turner be presented at a subsequent Board meeting.

CONSENT CALENDAR

Motion to approve the Consent Calendar without Consent Item 11.8, Interim Expulsion Policy:

Alper/Paraiso-Arroyo an unanimously approved 6-0

ACTION ITEMS

2016-17 Final Budget

Time allotted: 30 min

Actual time: 15 min

Director of Fiscal Services, Pauline Follansbee presented the final 2016-17 budget reflective of changes in the Classification and Compensation Study, multiyear projections and other considerations since the preliminary budget. Questions and discussion followed.

Motion to approve the 2016-17 final budget:
Appel/Alper and unanimously approved 6-0

2016-19 Local Control and Accountability Plan (LCAP)

Allocated time: 30 min

Actual time: 52 min

Presenters Pat Saddler and Maggie Riddle presented data highlighting some preliminary gains and made recommendations for new actions and services for 2016-17 under each of the three LCAP goals. In response to the Board's request for alternative scenarios for the allocation of \$41,000, they presented two options. The first option is to fund a .40 FTE RTI at MX; the second, to invest in counselors to support the Restorative Practices work at BHS. Questions and discussion followed.

Director Hemphill expressed that while she supports the .4 FTE RTI at MX, she does not support LCAP as its funding source. This position should be funded from the General Fund as an ongoing item. She proposed that, until a review of our RTI/Special Ed model concludes, we approve the .4 FTE RTI position at MX as a one-time item this year.

Vice President Alper expressed his support for the allocation to the Restorative Practices work at BHS, given there is close to \$1 million from LCAP already allocated to RTI. He deferred to staff's expertise.

Director Daniels commented that these funds can only be used on a school wide basis to principally target unduplicated students. Since the need for additional support arose at MX, there has been an allocation of an additional .6 FTE. Given the present need is a result of increase in enrollment, he added, option 1 is not an appropriate use of funds intended to serve unduplicated students.

Superintendent proposed a one-time funding of the .4 FTE RTI from the General Fund for one year.

Alper added that he did not support funding the .4 FTE RTI at MX, an ongoing need, as a one-time expense from the General Fund. He supports the .4 FTE RTI allocation at MX only if funded from LCAP; otherwise, he supports the allocation to the Restorative Justice Program at BHS.

Daniels moved to approve the LCAP with the rejection of options 1 and 2 (as described on page 129) and change in the amount allocated for this 16-17 supplemental funding and total funding (p.127 and corresponding pages for item 3.4S) from \$421,990 to \$462,990. Motion seconded by Leyva-Cutler.

Alper made a substitute motion to approve the LCAP with option 1 as recommended by staff. No one seconded.

Hemphill made a substitute motion to approve the LCAP with the exception of the .4 FTE RTI at MX, and to pull out the recommendation for the \$41,000 to Restorative Practices. No one seconded.

Roll call on original motion made by Daniels:
Daniels/Leyva-Cutler and unanimously approved 6-0

Beatriz Leyva-Cutler, President – Yes
Ty Alper, Vice President – Yes
Judy Appel, Director/Clerk – Yes
Josh Daniels, Director – Yes
Karen Hemphill, Director – *Yes, only because she would be in the position of having to abstain from the entire plan otherwise*
Angelo Paraiso-Arroyo, Student Director, BHS – Yes
Alaunte Keys, Student Director, BTA – N/A

Appel moved to reopen the preceding budget item:
Appel/Daniels and unanimously approved 6-0

Hemphill moved to direct staff to add funding for the .4 FTE RTI position at MX out of General Fund and to do so after final budget has been submitted. Motion seconded by Appel.

Alper made a substitute motion to adopt the budget as it was presented:

Alper/Daniels and failed to pass on a 3-3 vote
Beatriz Leyva-Cutler, President – No
Ty Alper, Vice President – Yes
Judy Appel, Director/Clerk – No
Josh Daniels, Director – Yes
Karen Hemphill, Director – No
Angelo Paraiso-Arroyo, Student Director, BHS – Yes
Alaunte Keys, Student Director, BTA – N/A

Roll call on Hemphill's original motion to approve funding for .4 FTE at MX out of the General Fund and to direct staff to do so after the final budget is submitted:

Hemphill/Appel and unanimously approved 6-0
Beatriz Leyva-Cutler, President – Yes
Ty Alper, Vice President – Yes
Judy Appel, Director/Clerk – Yes
Josh Daniels, Director – Yes
Karen Hemphill, Director – Yes
Angelo Paraiso-Arroyo, Student Director, BHS – Yes
Alaunte Keys, Student Director, BTA – N/A

Repurposing of School Facilities

Allotted time: 45 min
Actual time: 30 min

Director of Facilities Tim white presented to the Board options for the use of West Campus facilities that will become available upon the expiration of REALM's lease in Summer of 2018:

- Use the 16 classrooms currently in use by REALM as is, modernize gym and existing auditorium, and build new playground at existing field for an estimated total of 24 months.
- Modernize gymnasium building and reconfigure its locker rooms to house VAPA, an 18-month long project
- Build a new 42,000 sq. ft. elementary school on existing administration parking lot.

- Relocate BAS to 2020 Bonar (36 mos.) and revert Franklin site to an elementary school (17 mos.).

White noted that the timeline for each option accounts for a robust community engagement process.

Alper clarified that staff's recommendation is not for the Board to take a vote on any of the options, but to direct staff to come back with a final recommendation by the end of the calendar year. Questions and discussion followed.

Alper moved to extend open session to 11:30pm:
Alper/Leyva-Cutler and unanimously approved 6-0

Hemphill recommended that should staff determine to take relocating BAS off the table, they should make it known to BAS as soon as possible. This will bring relief to the BAS community as they have come before the Board a number of times advocating that their site be removed as an option.

Appel moved that an ad hoc subcommittee made up of Directors Daniels and Hemphill be formed to work with administration in making the final recommendation for the use of 2020 Bonar to be presented to the Board before the end of the calendar year:
Appel/Alper and unanimously approve 6-0

Approval of Interim Expulsion Policy

Hemphill expressed appreciation for all of the collaboration that went into crafting this policy, but explained that she pulled this item to suggest that it more clearly outline how suspended students with IEPs will be supported throughout the disciplinary process.

Alper agreed and, in response to a suggestion made during public comment about the policy excluding the offenses as listed in the ed code, he clarified that in extraordinary circumstances all of the other offenses listed in the ed code are grounds for expulsion.

Alper moved to adopt the interim expulsion policy with revisions reflective of suggestions above:
Alper/Daniels and unanimously approved 6-0.

DISCUSSION ITEMS

Midyear Evaluation of Board Procedures

President Leyva-Cutler welcomed feedback from the Board and staff around the evaluative process the Board has implemented in an effort to track its efficiency.

There was consensus among the Board and staff that board self-evaluation has helped with time management, organization, and overall flow of the meetings.

ADJOURNMENT

President Leyva-Cutler adjourned open session at 11:30p.m