

BERKELEY PUBLIC SCHOOLS  
Board of Education  
1231 Addison St., Berkeley, CA 94702  
510-644-6206

Official Minutes  
August 19, 2020

President Judy Appel called the meeting to order at 7:11pm. She reported that the Board convened to Closed Session at 5:30pm.

Roll Call

Board of Education:

Judy Appel, President – Present  
Ty Alper, Vice President – Present  
Ka’Dijah Brown, Director/Clerk – Present  
Beatriz Leyva-Cutler, Director – Present  
Julie Sinai, Director -- Present  
Miles Miller, Student Director, BHS – Present

Administration:

Brent Stephens, Ed., D, Superintendent  
Baje Thiara, Associate Superintendent, Educational Services  
Pauline Follansbee, Assistant Superintendent, Business Services  
Samantha Tobias-Espinosa, Assistant Superintendent, Human Resources  
Lyz Chairez, Recorder

OPEN SESSION

APPROVAL OF REGULAR MEETING AGENDA

Motion to approve agenda  
Brown/Alper and unanimously approved 6-0.

REPORT CLOSED SESSION

President Appel reported out on closed session:

Conference with Legal Counsel - Existing Litigation (Government Code Section 54596.9(a))

OAH Case No. 20020050100

Motion to approve staff recommendation:  
Alper/Leyva-Cutler and unanimously approved 5-0.

Anticipated Litigation – Regarding costs of services provided to student - One matter.  
Ed. Code § 54956.9, subd. (e)(2)

Motion to approve staff recommendation:  
Brown/Sinai and approved unanimously 5-0.

Collective Bargaining - Government Code Section 54957.6(a) (District Negotiator:  
Samantha Tobias-Espinosa)

BCCE

BFT

The Board heard an update on BCCE and BFT; no action was taken.

Public Employment (Government Code Section 54957)

Executive Director, Facilities

The Board heard an update on this matter and provided direction. No action was taken.

#### PUBLIC TESTIMONY

One person addressed the Board:

One public comment thanking the district for its tireless work in adjusting to a new normal.

#### UNION COMMENTS

BFT President Matt Meyer expressed feeling optimistic about providing the best education possible to our students despite the present challenges. Teachers have been working closely with the District to come up with a distance learning plan that can meet the needs of the student body. He thanked the teachers who worked through the summer to make sure this can happen, and he also thanked BUSD's administration for its contribution to and support of this work. This collaborative work will be ongoing as we assess successes and failures along the way. Mr. Meyer went on to comment in concern of the proposed policy on incompatible employment suggesting that it be rewritten to remove the limitation on teachers to tutor any BUSD student for compensation at any time. This poses a challenge at the secondary level since very few possess the content knowledge to tutor effectively. Families hire tutors because their students need help, and allowing teachers to provide additional support to students only during their duty hours is a disservice to students and their needs. Similarly, this policy as proposed also prohibits music teachers from providing private music lessons. Not only is this also a disservice to students who take music seriously and want the additional support, but it poses a challenge for music coaches who only work a couple days out of the week and rely heavily on private lessons in order to meet their financial responsibilities. The policy should focus on addressing valid district concerns as opposed to limiting the ways students receive help, and the ways teachers can provide it. Mr. Meyer went on to report that votes had been tallied and the distance learning

MOU between BUSD and BFT passed with overwhelming support. He concluded by stating BFT's commitment to making distance learning work and looks forward to sharing successes at the coming board meetings.

#### BOARD MEMBER AND SUPERINTENDENT COMMENTS

Director Leyva-Cutler welcomed students and families back to class via distance learning. She thanked staff for their work during the summer to make this new school year possible.

Student Director Miller shared that although distance learning was not how students expected to begin the school year, students have expressed feeling more comfortable doing distance learning in comparison to last spring.

Director Sinai expressed to BFT and the district team her appreciation for their work, and offered a special thanks to parents and guardians who are juggling work and other day-to-day responsibilities while supporting their student learning at home.

Director Brown thanked all who sent emails sharing their experience this week with distance learning. She acknowledged the challenges that families face as they transition to distance learning. She also thanked the Superintendent and staff who worked throughout the summer to prepare for this school year.

President Appel appreciated all BUSD employees and families for all the love they have poured into this new effort. She is happy to hear about all of the positive experiences, but acknowledged that this may not be the case for all students. The administration has done a lot of work to set up the framework and none of it would be possible without the teachers and classified staff.

Superintendent Stephens welcomed families and students to the new school year. He went on to thank BFT partners, the bargaining team, facilities, maintenance and operations team, ed hub partners, the educational services team, the business services team and all newly appointed administrators and business services. They all worked through the summer. Dr. Stephens shared he had the chance to stop by at Emerson where he saw astounding work from teachers as they led their students through distance learning and he also joined family meetings at Silvia Mendes. He thanked the teachers and staff for the empathy and care they show students and their families.

#### CONSENT CALENDAR

Motion to approve the Consent Calendar:  
Alper/Sinai and approved unanimously 6-0.

#### DISCUSSION ITEMS

Distance Learning Update - Professional Development for Teachers, Substitute Teachers, and Instructional Assistants

Associate Superintendent Thiara reported that the Education Services department launched professional development opportunities with a focus on preparing educators for distance learning. Certificated and in-classroom support staff had the opportunity to participate in a two-week series with over 100 live sessions over the summer.

Coordinator of Library Services Jessica Lee and Coordinator of Professional Development Adelita Martinez presented on the PD opportunities designed over the summer to ensure that the needs of all learners are met, especially the needs of our underserved students. Among the sessions available were trainings on how to use technology platforms and how to develop student agency. They shared a special calendar tool created to enable teachers to more easily navigate through all of the sessions available. There were 2500 responses from over 500 teachers, substitute teachers and instructional assistants. The resulting feedback showed that participants found the sessions useful overall. This presentation went on to feature snippets of some of the content included in the PD, as well as some of the feedback received. Questions and discussion followed.

### Overview of the Learning Continuity and Attendance Plan

Associate Superintendent Thiara introduced this presentation as an update on SB 98 signed by Governor Newsom at the end of June. SB 98 includes requirements for distance learning, suspends the 2020-21 Local Control and Accountability Plan (LCAP) for the 2020-21, and establishes the Learning Continuity and Attendance Plan (LCP). The purpose of the LCP is to provide an overview of school districts' plans to provide continuity in learning and address the impact of COVID-19 on students, staff and the community. The CA Department of Education released the timeline on August 1 and requires board adoption by September 30.

Director of State, Federal and Special Programs Michelle Sinclair walked the Board through the new template, highlighted some of the new requirements and provided an overview of the timeline. One of the changes expressed in SB 98 is a reduction to daily instructional minutes, which are now based on live interaction and the time value of assignments. The minimum for instructional minutes for Grades 1-3, for example, has been reduced from 280 to 230 minutes. Some of the new requirements for distance learning include ensuring that students have adequate internet access, ensuring that students eligible for free and reduced-price meals have nutritionally adequate meals, ensuring that live interactions happen daily, and ensuring that instructional content is aligned with grade level standards. School Districts are also now required to document

daily participation for each student, each school day. With respect to the timeline, feedback will be solicited from PAC and DELAC on September 1, a public hearing will be held on September 2, the LCP will be posted on the website between September 9-11, the LCP will be presented for Board adoption on September 16 and submitted to the Superintendent of Schools on September 30. Questions and discussion followed.

#### First Reading of New Board Policy: Non-School Employment and Incompatible Activities

Superintendent Stephens introduced this as a new policy modeled after CSBA's sample policy. The purpose of the policy is to establish that some activities may be incompatible with employment for BUSD staff. Questions and discussion followed.

There was consensus among the Board about equity concerns surrounding language in policy prohibiting teachers from tutoring students for compensation. The Board directed staff to slow down the process and consult policy with BFT partners. This policy will be revisited for further discussion.

#### ACTION ITEMS

##### Resolution to Waive the Need for a Second Reading and Approve Draft Board Policies

Motion to approve resolution:  
Appel/Brown and unanimously approved 6-0.

##### BP 1330, Community Relations, Use of School Facilities

Dr. Stephens explained that under normal circumstances, this policy encourages community use of facilities. The purpose of proposed amendment is to align policy with current COVID restrictions that prohibit public use of facilities.

Motion to approve amended BP 1330:  
Alper/Brown and unanimously approved 6-0.

##### BP 3550.1, Business and Non Instructional Operations, Food Service/Child Nutrition Program

Dr. Stephens explained that as it is written this policy encourages schools to create a welcoming and pleasant environment for eating. The proposed amendment aligns policy with current COVID restrictions.

Motion to approve amended BP 3550.1:  
Leyva-Cutler/Sinai and unanimously approved 6-0.

#### BP 5121, Students, Grades/Evaluation Of Student Achievement

Dr. Stephens explained that this policy reverses the temporary amendment adopted in March changing grading system from letter grade to pass/fail.

Motion to approve amended BP 5121 with the understanding that it may change:  
Alper/Brown and unanimously approved 6-0.

**ADJOURNMENT**

9:22pm