

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

Official Minutes  
September 16, 2020

President Judy Appel called the meeting to order at 7:00pm. 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:

Sinai/Brown and approved 5-0:

Judy Appel, President – *Excused from open session*  
Ty Alper, Vice President – *Yes*  
Ka'Dijah Brown, Director/Clerk – *Yes*  
Beatriz Leyva-Cutler, Director – *Yes*  
Julie Sinai, Director -- *Yes*  
Miles Miller, Student Director, BHS – *Yes*

## DISTANCE LEARNING SNAPSHOT

Teacher Debbie Lenz shared a video featuring science instruction in action via distance learning.

## REPORT CLOSED SESSION

Director Brown reported out on closed session:

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

### OAH Case No. 2020040765

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

### Case No. DSC1503595

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

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

### BFT

The Board heard an update. No action was taken.

### BCCE

The Board heard an update. No action was taken.

Public Employment (Government Code Section 54957)

### Director of Student Services

Motion to approve the appointment of Dr. Phillip Shelley as the next Director of Student Services:  
Appel/Leyva-Cutler and unanimously approved 5-0.

### Superintendent Evaluation

The Board discussed this matter; no action was taken.

## PUBLIC TESTIMONY

A total of seven people addressed the Board:

Four comments expressing concern about plans to resume some outdoor activity and to apply for a waiver to reopen.

Three comments in support of reopening schools. No action was taken.

## UNION COMMENTS

BFT President Matt Meyer commented that plans for a safe return to in-person learning have become part of heavily criticized conversation, making it harder to have a facts-based dialogue. We must work together as a community to keep health and safety at the center and it is important that we make science informed decisions. We now know that children can both become infected and transmit the virus. Children of color have a higher infection rate and are also more likely to live in multigenerational households. All of this needs to be taken into account as plans to reopen move forward given we are nowhere near the amount of testing necessary to contain COVID-19. We want to go back to in-person learning but the burden cannot be on the schools alone. If the federal, state and county governments want to return students and educators back to campus, they must invest the time and resources necessary to make it safe for all. At this point, it is extremely costly to resume in-person learning. The millions of dollars that we would be required to spend on facilities improvements and custodial needs to provide an increment of safety would come at the cost of unmet needs for our students. He advised that we proceed with caution as the health of the community is at stake.

#### COMMITTEE COMMENTS

PTA Council member Ana Vasudeo commented on the camera-on/camera-off practice during distance learning. While some teachers are strict about students keeping their cameras on for attendance tracking purposes, others are more flexible. The PTA Council discussed some equity reasons as to why students may prefer to keep their cameras off during instruction and considered that not all students' housing situation is ideal. Ms. Vasudeo noted that the Council did not take a position on camera-on versus camera-off policy, but agreed that it is important to keep equity in mind rather than taking a punitive approach to a district wide policy.

#### BOARD MEMBER AND SUPERINTENDENT COMMENTS

Director Sinai shared her desire to get through these challenging times in a unified way as expressed during tonight's public comment. It is important that we develop strategies that we can all agree upon to support our students, families and staff. Opting to complete the survey from the county was a way to express the readiness of school districts to reopen. This is an opportunity to assess what it will take to open in compliance with public health guidance, and in a way where we are making health and safety a priority. She stressed her personal commitment to continue this effort as we work together to find solutions.

Director Miller echoed Director Sinai's comment concerning the importance of working together, and not making it about teachers versus parents. We are all working towards a common goal.

Dr. Stephens provided that the forthcoming presentation would provide an update on the status of the district's readiness relative to elementary waiver application. Dr.

Stephens welcomed Dr. Phillip Shelley as Director of Student Services. He went on to note the agenda item pertaining to the first issuance of bond funding from Measure G, which was overwhelmingly approved by Berkeley voters late in March and just weeks before the shelter in place order was issued. He concluded his remarks in gratitude for the ability to move forward with facilities upgrades in spite of the current pandemic.

Vice President Alper thanked Director Sinai and Director Miller for articulating the importance of coming together and not pinning community groups against one another. He acknowledged and appreciated community members struggling through this time. He called out the incredible work teachers are doing to serve our students. He also shared his appreciation for families, especially working families who are no longer able to work because they cannot leave their young children unsupervised, or who must work, making it simply impossible to support student learning. Comments made during the public comment period have shed light on the many impossibilities students and families are facing as a result of the pandemic, and it is clear that we all want to resume in-person learning in the safest way possible for all. As we work together towards a common goal, it is important to appreciate how much all of us are bearing.

## CONSENT CALENDAR

Motion to approve the Consent Calendar:  
Brown/Sinai and unanimously approved 4-0.

## DISCUSSION ITEMS

### Update on Public Health and In-Person Learning

Director of BSEP and Community Relations Natasha Beery provided an overview of the state issued color coded tier system that takes into account key measures, including case rate per 100,000 residents and positivity rate. As of this week, we are in the purple “widespread” tier where we must remain for three weeks before moving down a level. At the county level, new daily cases are dropping to 5.6% and positivity rates to 3.4%. We must maintain these levels for at least two weeks before moving from purple to red. Once we move down to the red level, schools may be permitted to reopen with many safety measures in place. Currently, schools are only able to partially reopen with a waiver, and/or if they are serving targeted student populations.

Dr. Stephens reported that BUSD has completed an “In Person Learning Questionnaire”, the first step of the elementary waiver application process. He clarified that the questionnaire itself is not the actual waiver application, but rather a tool to gauge school districts’ interest in reopening. After indicating interest in both options for reopening, BUSD received the actual waiver application on September 10 and has until October 2 to submit it. Dr. Stephens walked the Board and members of the public through some of the 54 elements included in the application. Some of the elements include labor organization consultation, parent and community consultation, school district reopening plan, cleaning and disinfecting protocols,

and health screening plans. With respect to in-person cohorted supports, Dr. Stephens reported that newly set permissions issued by the state allow for in-person mandatory assessments for special education, targeted, specialized support, pre-k and elementary childcare, and youth activities such as sport conditioning and internships. As state and local guidance is adjusted, planning will move forward in consultation with local health officials and labor partners. Close assessment of BUSD's health practices, communication with staff, training for all staff, school recommendation of students and small, careful pilots will guide this planning. Ongoing updates will be provided to the Board and the community as plans move forward. Questions and discussion followed.

## ACTION ITEMS

### Approve 2020-2021 Learning Continuity and Attendance Plan (LCP)

Associate Superintendent Thiara recalled the information that was presented at the August 16 meeting regarding SB 98 which spells out changes to school accountability and replaces the Local Control and Accountability Plan (LCAP) with the Learning Continuity and Attendance Plan (LCP). The LCP being presented tonight for adoption is reflective of stakeholder input provided since the first iteration of the plan was presented on September 2.

Director of Programs and Special Projects Michelle Sinclair walked the Board and viewing audience through the resulting feedback from stakeholder engagement. Some of the themes that emerged from the feedback included the need to increase Office of Family Engagement and Equity (OFEE) capacity, accountability of programs during Distance Learning, Asynchronous Instruction rigor and clarity on attendance policy. These and other concerns are addressed in the summary portion of the LCP which can be located on the District website. Additionally, some of the revisions prompted by the feedback included the addition of an attendance plan, a proposed increase to OFEE staff, and an update on current and proposed work related to anti racism. This LCP will be sent to the Superintendent of Schools within the first five days following Board adoption. Questions and discussion followed.

Motion to approve the LCP:

Brown/Miller and unanimously approved 5-0.

### Approval of 2019-2020 Unaudited Actuals.

Assistant Superintendent of Business Services Pauline Follansbee walked the board through the closing of the books for 2019-2020. BUSD ended the fiscal year \$2.4 million above what was projected and met the 3% state required reserve. LCAP reserved end fund balance is \$1.4 million. Her presentation highlighted key changes in the variance report which included unspent funds due to disruption to in person instruction which in turn yielded a decrease in revenue. First Interim reporting ending October 31, 2020 will come before the Board at its December 9 meeting. Questions and discussion followed.

Motion to approve the unaudited actuals:  
Brown/Leyva-Cutler and unanimously approved 5-0.

Approval of Resolution 21-002 - Resolution for \$2,200,000 General Obligation Bonds, Election 2020 Series A; 67,800,000 General Obligation Bonds, Election 2020 Series B

Motion to approve Resolution 21-0021:  
Brown/Sinai and unanimously approved 5-0

EXTENDED PUBLIC COMMENT

A total of four people addressed the Board:

One comment in favor of keeping DL as an option for families

One comment inquiring about data presented earlier in the meeting

Two comments in favor of reopening

ADJOURNMENT  
9:23pm