

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

Official Minutes
October 07, 2020

President Judy Appel called the meeting to order at 7:04pm. 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

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

At the request of Vice President Alper, agenda item 11.12, Adoption of North Region SELPA Policy Manual and Related Procedures, and agenda item 11.13, Approval of SELPA Local Plan, were pulled from the agenda.

Motion to approve agenda as amended:

Brown/Alper and unanimously approved 6-0.

REPORT CLOSED SESSION

Director Brown reported out on closed session:

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

Case No. DSC1503595

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

OAH Case No. 2020050138

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

Anticipated Litigation – Regarding costs of services provided to student - One matter.
Ed. Code § 54956.9, subd. (e)(2)- Pulled from agenda
This item was pulled from the agenda.

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

Berkeley Federation of Teachers (BFT)

Berkeley Council of Classified Employees (BCCE)

Berkeley Union of Administrators (UBA)

The Board heard an update on three bargaining units; no action was taken.

Public Employment (Government Code Section 54957)

Superintendent Evaluation

The Board discussed this matter; no action was taken.

PUBLIC TESTIMONY

A total of eight people addressed the Board:

- Four comments in support of students returning to school in January.
- One term on long term effects of distance learning.
- One comment on
- One comment on payroll need new system
- One comment on need for childcare

UNION COMMENTS

UBA President Janet Levenson commented on taking the nearing retirement of BUSD's Director of Technology Jay Nitschke as an opportunity to rethink technology in BUSD. The District used to have an Instructional Technology position that was cut three years ago. At the time that the Director of Technology position was created it was decided that the department needed so much infrastructure that the position needed to be filled with someone possessing deep knowledge of technology. In doing so, the instructional side of things was neglected. Ms. Levenson urged the Board to think about the support teachers will continue to need now more than ever as they engage students via distance learning. The current health crisis presents the opportunity for BUSD to establish its vision for instructional technology. Ms. Levenson concluded her remarks with thanks to the Berkeley community for its incredible support of teachers, students and their families during these times.

BFT President Matt Meyer commented on the new information on city of Berkeley public health orders and what these changes mean to BUSD. While the reduced rate in local transmission is good news and a sign that our community is one step closer to resuming activities as usual, it is not the time to let our guard down. Tonight's update on school reopening efforts will feature plans to resume some limited one-on-one and small cohort based services. District staff will share how they have been working with labor partners to figure out details. Before we can consider the rerun to any in person services, we must meet an extensive array of safety practices. BFT members also vary in their opinions relative to resuming in-person instruction and BFT takes very seriously its responsibility to represent its members and their needs. To this end, BFT leadership has been working to understand members' concerns and priorities via a number of surveys. The most recent survey on resumption of in-person services had over 500 participants, and at its last general meeting, there were over 230 BFT members in attendance. Based on all of the input, it is clear that teachers miss their students and classrooms, many families are struggling with distance learning, and there are many inequities that need to be addressed. Some teachers are eager to return, some are afraid and reluctant to do so, and others are somewhere in the middle--eager to return while justifiably feeling concerned about how everyone will be safe. All teachers agree that we need to take the time necessary to get this right. BFT is negotiating with District leaders carefully, seriously and often. Mr. Meyer thanked the community for its support as we create a safe path forward.

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Director Miller stated that we all have the same goal and encouraged the community to continue social distancing as we near the holidays. He added that some of the safety precautions put in place are easier said than done. He shared that he took a COVID test which turned out to be more strenuous than he expected and considered the implications of safety measures on the younger students.

Director Leyva-Cutler thanked Director Miller for his comments about the importance of considering the implications of the safety measures on our students.

Director Brown thanked those who participated in tonight's public comment.

President Appel thanked those who spoke during public comment. She added that this is a difficult and unique time to make decisions about what next year will look like for staff and students. She appreciated the thoughtful feedback the Board has been receiving and encouraged the community to continue to express its concerns and input.

Director Sinai echoed her colleagues' remarks and appreciated everyone who has taken the time to share their experience. She added that this is a hard situation to try to balance, and thanked the Superintendent and labor partners who are at the table

grappling with these difficult decisions. She looks forward to tonight's update on this topic.

CONSENT CALENDAR

Motion to approve the Consent Calendar, without agenda items 11.12 and 11.13: Appel/Brown and unanimously approved 6-0.

Approval of Phased Plan for Return to In-Person Learning

Dr. Stephens shared some of the dilemmas the current health crisis has posed on staff as they take on the difficult task of bargaining between the education and the well being of our young people, and the health and safety of our community. The same goes for all central office staff whose perspectives expressed throughout the community and around the country are pressing and right on both sides. Dr. Stephens added that tonight's proposal with respect to a phased reopening recognizes that a variety of perspectives are better to inform this plan and welcomes the direction of the Board as it receives an honest assessment of BUSD's capacity to implement a variety of safety mechanisms. Dr. Stephens noted that communication has been particularly challenging in the last two weeks in light of misinformation in the media reporting that BUSD plans to reopen on the 13th. BUSD is doing everything possible to communicate clearly timelines that are realistic. He emphasized that schools are not reopening on the 13th. The only thing happening on the 13th is the county's approval of schools reopening in districts that have met the criteria allowing for this permission.

Dr. Stephens shared that as he weighs the various perspectives, he chooses not to be swayed by the extremes--schools that have recklessly reopened in some parts of the country and schools who refuse to reopen until there is a vaccine. Both scenarios are extremes that fail to take into account the loss of student learning, student isolation and the long-term implications associated with both. The goal is to approach reopening plans with a sense of moderation.

Dr. Stephens introduced the elementary school reopening dashboard, a communication tool that will provide the community updates on BUSD's state of readiness relative to the prerequisites provided by federal, state and local guidance for schools. Dr. Stephens walked the Board through the dashboard which is organized by category and includes status of implementation on a number of health mechanisms as required by the county. With respect to phased reopening, Dr. Stephens noted that all school reopening planning assumes community transmission rates remain stable or continue to decline at the county level. Currently, middle and high schools are restricted from reopening. Tonight's timeline will be specific to the gradual reopening of elementary schools under a hybrid model.

While the county permissions will allow for immediate and full reopening of elementary schools, staff is proposing a phased approach. The Superintendent walked the Board through the phases and associated target date for each. Phase 1 would allow for

students to return in cohorts of 8 selected by elementary COST teams on October 26. In Phase 1B, cohorts of up to 14 students can return to campus on November 9. Phase 2 includes grades TK-2 returning under a hybrid model (yet to be negotiated to completion) on December 2. Grades 3-5 return a week later on December 9. Mandatory training and testing will be provided for all staff at each phase. The next update to the dashboard will be on October 9. Questions and discussion followed.

President Appel expressed feeling comfortable moving to approve phase 1 and phase 1b, but not comfortable enough solidifying the December 2 date as part of phase 2.

President Appel moved to accept staff recommendation as proposed in Phase 1 and Phase 1B.

Director Sinai amended motion to move forward with phases 1 and 1b, and direct staff to continue to collect data from families about their level of comfort with a December 2 reopening date, and come back on the 21st with the data; President Appel seconded this motion; motion carried on a 5-1 vote:

Judy Appel, President – *Yes*

Ty Alper, Vice President – *Yes*

Ka'Dijah Brown, Director/Clerk – *Yes*

Beatriz Leyva-Cutler, Director – *No*

Julie Sinai, Director -- *Yes*

Approval of GANN Resolution 20-006

Motion to approve GANN Resolution 20-006:

Leyva-Cutler/Brown and approved 6-0.

DISCUSSION ITEMS

Report on Proposal for Spending Learning Loss Mitigation Funding/COVID Equity Fund

Director of Programs and Special Projects Michelle Sinclair explained that the government established the Cares Act Funding in response to COVID. This relief package provides funding for school districts to address the impact of COVID on their schools. Ms. Sinclair walked the Board through the allowable expenditures under this funding and in accordance with SB 98. When making the associated budgetary decisions, stakeholder feedback remains at the forefront.

Assistant Superintendent Follansbee provided a summary of expenditures through the spring of 2020, and a list of expenditures for 2020-21 totaling \$2.5 million.

Superintendent Stephens added that the CARES Act covers multiple years. After the current years= funds are spent, any remaining funds will be spent in the 2021-22 school

year, and up until September 30, 2022. Funds will be spent with a focus on supporting students experiencing learning loss. This item will come back for action on October 21. Questions and discussion followed.

EXTENDED PUBLIC COMMENT

A total of six people participated in public comment:

Four comments in opposition to the proposed phased reopening timeline. .

Once comment in opposition to the December 2 target date to reopen elementary.

One comment asking that BUSD communicate with parents clearly .

ADJOURNMENT

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