

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

Official Minutes
June 12, 2024

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

Roll Call

Board of Education:

- Ana Vasudeo, President – Present
- Ka’Dijah Brown, Vice President – Present
- Jennifer Shanoski, Director/Clerk – Present
- Laura Babitt, Director – Present
- Mike Chang, Director -- Present
- Katelyn Liao, Student Director, BHS – Excused

Administration:

- Enikia Ford Morthel, Superintendent
- Jill Hoogendyk, 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 Director Babitt Item 12.1 (Human Resources Report) from the Consent Calendar to Action following the Oxford Surplus item. Vice President Brown seconded the motion, and the amendment was approved on a unanimous vote.

REPORT CLOSED SESSION

Vice President Brown reported out on closed session: Closed session began at 5:42pm with all Board members present.

3.1	Conference with Legal Counsel – Existing Litigation (Government Code Section 54956 (a))
	3.1.1 OAH Case No.2024040837

	<p>Motion to approve staff recommendation on this matter: Babitt/Brown. Motion carried on a unanimous vote.</p>
	<p>3.1.2 BUSD Case No. 20232401</p> <p>Motion to approve staff recommendation on this matter: Brown/Babitt. Motion carried on a unanimous vote.</p>
	<p>3.1.3 BUSD Case No. 20232414</p> <p>Motion to approve staff recommendation on this matter: Babitt/Brown. Motion carried on a unanimous vote.</p>
	<p>3.1.4 BUSD Case No. 20232410</p> <p>Motion to approve staff recommendation on this matter: Babitt/Vasudeo. Motion carried on a unanimous vote.</p>
	<p>3.1.5 BUSD Case No. 20232415</p> <p>Motion to approve staff recommendation on this matter: Babitt/Brown. Motion carried on a unanimous vote.</p>
	<p>3.1.6 Student A v BUSD</p> <p>The board heard an update and provided direction. No action was taken.</p>
3.2	<p>Collective Bargaining - Government Code Section 54957.6(a) (District Negotiator: Samantha Tobias-Espinosa)</p> <p>The board heard an update and provided direction.No action was taken.</p>
3.3	<p>Superintendent's Evaluation (Government Code Section 54957)</p> <p>The board provided direction.No action was taken.</p>
3.4	<p>Conference with Real Property Negotiators (Government Code Section 54956.8)</p>
	<p>3.4.1. Property: 2515 Ninth Street, Berkeley, CA, 94710: Agency Negotiators: John Calise, Executive Director, Facilities Division Negotiating Parties: TSA Real Estate LLC Under Negotiations: Price and Terms of Payment</p> <p>The board heard an update and provided direction. No action was taken.</p>
3.5	<p>Conference with Legal Counsel – Anticipated Litigation: pursuant to § 54956.9(b): (One potential case)</p> <p>The board heard an update and provided direction. No action was taken.</p>
3.6	<p>Public Employee Appointment (Government Code Section 54957)</p>

	<p>3.6.1 Vice Principal, Berkeley High School</p> <p>Motion to approve staff recommendation on this matter: Brown/Vasudeo. Motion carried on a unanimous vote.</p>
	<p>3.6.2 Vice Principal, Berkeley Adult School</p> <p>Motion to approve staff recommendation on this matter: Babitt/Brown. Motion carried on a unanimous vote.</p>
	<p>3.6.3 Special Education Program Coordinator, Berkeley High School</p> <p>Motion to approve staff recommendation on this matter: Brown/Vasudeo. Motion carried on a unanimous vote.</p>
3.7	<p>Public Employment (Government Code Section 54957)</p> <p>The Board discussed this matter and voted to approve it on a unanimous vote during open session.</p>
	3.7.1 Associate Superintendent, Educational Services
	3.7.2 Assistant Superintendent, Business Services
	3.7.3 Assistant Superintendent, Human Resources
	3.7.4 Executive Director, Facilities Division



SUPERINTENDENT COMMENTS

Superintendent Ford Morthel provided her remarks for the evening.

PUBLIC TESTIMONY

A total of 21 people addressed the Board:

Four comments in support of a BUSD educator

Ten comments in support of the reparations task force recommendation.

One comment on BUSD’s Literacy Plan

Two comments in support of a Liberated Ethnic Studies in BUSD\

ZOOM COMMENTS:

One comments in support of a BUSD educator

One comments in support of a Liberated Ethnic Studies in BUSD
Two comments in support of the reparations task force recommendation.

COMMITTEE COMMENTS

Representative to the CBOC addressed the Board

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Board Directors made individual remarks.

CONSENT CALENDAR

Motion to approve the Consent Calendar without items 12.6 and 12.7:
Chang/Shanoski and unanimously approved 6-0.

ACTION:

Approval of Plan for Oxford Surplus and Resolution No. 24-047 (30 min)

Assistant Superintendent of the Facilities Division John Calise provided an update on BUSD's options for the Oxford surplus property and noted the associated implications for each possible scenario. which included. The presentations also included key legal components to consider should BUSD opt to formally declare the Oxford property as "surplus". Questions and discussion followed

Motion to approve staff recommendation and Resolution 24-047:
Brown/Babitt and unanimously approved 5-0.

Human Resources Report

Director Babbitt explained her request to pull it for the purpose of providing clarity concerning two after school program site coordinator positions. The impacted student, families and staff have expressed concerns on the negative impact this will have on the Program Director Babitt requested that the report be amended to remove the names of staff serving it the aforementioned positions, and directed staff to first conduct full investigation in order to respond to and resolve community concerns.

In response Assistant Superintendent of Human Resources Samantha Tobias-Espinosa emphasized that while personnel matters may not be discussed publically, BUSD acknowledges the expressed concerns and reaffirmed its commitment to directly engage with the Board and provide additional context and details in a manner permissible by the Brown Act. Ultimately, administrative personnel decisions fall under the purview of staff and that of the Personnel Commission.

Director Babitt thanked staff for clarification and moved to approve an amended HR report that does nor include the two after school positions in addition to the following directives:

- Staff to follow up with Directors to provide additional information
- Consider conducting an internal review process
- Board will decide to proceed, including whether to agendaize for further formal discussion in compliance with the Brown Act

Vice President Brown seconded the motion; motion carried unanimously.

DISCUSSION:

Reparations Task Force Update (20 min)

Representatives to the Reparations Task Force provided an update of the team's work over the last 14 months as they delved into research and led a robust community engagement process to explore and identify what reparations would look like within the unique context of BUSD, potential funding sources, and determine a plan for implementation. The taskforce submitted a three-component recommendation include the creation of a harm report, developing reparative curriculum that teaches the legacy of slavery and its impact at the local, state and federal level. The team noted that there is no request for approval tonight, but rather an ask for the Board's commitment to further explore the recommendations as proposed this evening before being presented for final board approval in the fall.

PUBLIC HEARING (Time Certain: 9PM)

Public Hearing on Developer Fee Justification Study and Resolution No 24-045 for the Adoption of School Facilities Fees

President Vasudeo opened this public hearing at 10:31pm.

No one came forward.

President Vasudeo closed the public hearing 10:31pm

ACTION:

Approve Developer Fee Justification Study and Resolution No. 24-045 for the Adoption of School Facilities Fees

Motion to approve Resolution No. 24-045:

Vasudeo/Shanoski and unanimously approved 4-0 with Vice President Brown in absentia.

PUBLIC HEARING (Time Certain: 9:15pm)

Public Hearing on Budget Reserves for the 2024-25 Fiscal Year

President Vasudeo opened this Public Hearing at 10:34pm

No one came forward.

President Vasudeo closed this public hearing at 10:35pm

ACTION

2024-2027 Local Control and Accountability Plan (LCAP) (20 min)

Associate Superintendent Hoogendyk and team provided an update on changes to the LCAP since it was last presented on May 29, namely highlighting the addition of minor technical features and the newly added Equity Multiplier as Goal 5. These changes are being proposed in compliance with ACOE guidance.

Motion to approve staff recommendation:
Vasudeo/Shanoski and unanimously approved 4-0.

President Vasudeo called for a motion to extend the meeting to 11:30pm:
Vasudeo/Babitt and unanimously approved 4-0.

Adoption of 2024-25 Budget and 2023-24 Estimated Actuals (30 min)

Assistant Superintendent Pauline Follansbee presented the final 2024-25 budget and 2023-24 estimated actuals for board approval noting that this proposal is reflective of feedback from the Board, labor partners and the budget advisory committee.

Motion to approve staff recommendation:
Vasudeo/Chang and unanimously approved 4-0.

PRESENTATION

Update on BUSD's Literacy Plan (15 min)

Dr. George Ellis presented the fourth monitoring report on BUSD's literacy plan. He provided an overview of progress made to date for each action and made recommendations. As BUSD enters year three of the four year plan, the focus will be on:

- Expanding to middle school implementation
- Ensuring family-facing transparency
- Building capacity through coaching and peer collaboration.

Overall, BUSD is making steady and meaningful progress in implementing systemic, sustainable literacy improvements in alignment with the Dyslexia Settlement Agreement.

EXTENDED PUBLIC COMMENT

A total of 3 people addressed the Board:

Two comments in support of Liberated Ethnic Studies in BUSD

One comment in support of a BUSD educator.

Five comments in support of academic freedom.

EXTENDED PUBLIC COMMENT

Director Babitt called attention to the informational items on the evening's agenda.

ADJOURNMENT:

11:19PM