

MINUTES, SPECIAL MEETING

Wednesday, JANUARY 26, 2000 at 6:00 p.m.

District Administrative Offices

Board Meeting Room

2134 Martin Luther King Jr. Way

CALL TO ORDER:

President Rivera called the Meeting to Order at 6:30 p.m., and the Board recessed to Closed Session.

1. BOARD ROLL CALL:

MEMBERS PRESENT: President Joaquin J. Rivera
Vice President Terry S. Doran
Director Pamela M. Doolan
Director Shirley Issel
Director Ted Schultz
Student Director Zachary C. Moon*

Administration: Superintendent Jack McLaughlin,
Secretary

MEMBERS ABSENT: None

2. Recess to Closed Session – Board Conference Room

- a. Discussion with Legal Council – Existing Litigation (Pursuant to Government Code Section 54956.9 (a))
- b. Discussion with District Counsel – Anticipated Litigation (Pursuant to Government Code Section 54956.9 (c))
- c. Collective Bargaining Session (Pursuant to Government Code Section 3549.I (d))

RECONVENE IN PUBLIC SESSION

The Board returned to Public Session at 8:00 p.m. President Rivera stated that there was nothing to report from Closed Session.

COLLECT “REQUESTS TO ADDRESS THE BOARD OF EDUCATION” CARDS

President Rivera collected the “Requests to Address the Board of Education” cards.

President Rivera explained the procedure for tonight’s workshop.

*The Student Director does not attend Closed Session

BOARD WORKSHOP: BOARD POLICY: "The Board shall hold workshops.... at which no action may be taken."

3. Discussion of WLC Architects' Report to house King School and the Adult School Programs during construction.

Mr. Lewis Jones, Manager, Facilities Planning and Mr. Robert J. Hensley, Principal Architect and Vice President, WLC Architects, Inc., presented this item. They gave a summary of the cost estimates that were utilized to support the Facilities Construction Plan.

Mr. Hensley highlighted the eight different options that WLC Architects developed. He reviewed the concept, added cost, cost savings, and cost impact of each of the eight options.

Following the presentation by Mr. Jones and Mr. Hensley, the Board listened to comments from the public.

Fifty-one Speakers addressed the Board regarding item #3:

At 10:02 p.m., the Board took a five minute recess.

At 10:07 p.m., the Board reconvened to Public Session.

The following are some comments made by Board members regarding WLC Architects Report to house King School and the Adult School Programs:

- Staff needs to analyze the documents that were given to the Board.
- Procedurally, will the Superintendent come back to the Board with a recommendation?
- Is there a plan to actually allocate and fix up the Berkeley Adult School?
- What will the impact be on the Measure A projects that are currently planned?
- What is the additional cost to keep King on site or at Franklin?
- If the track at King is used for portables, where will the track users go?
- The staff at King is suggesting option B4, B1, B3 in that order. What are the advantages and disadvantages of each of these options?
- The numbers need to be revisited.
- How much classroom space is available at the Franklin site?
- What is the cost for the improvement of the Franklin site?

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4. Student Assignment Program Report

Superintendent McLaughlin said the purpose of this workshop is to explore student assignment as it relates to the use or non-use of race in the Student Assignment Process.

PUBLIC TESTIMONY

Four speakers, including Mr. Barry Fike, President, Berkeley Federation of Teachers, Mr. John Selawsky and Ms. Nancy Riddle, Co-Chairpersons, BSEP (Berkeley Schools' Excellence Project), Planning and Oversight Committee, addressed the Board.

Board members made the following comments:

Vice President Terry Doran

"On November 17, 1999 this Board entertained a resolution that was passed and my thoughts were very clear at that time and after looking at the more recent court decisions that were made I still have the same opinion that I expressed at that meeting. This community has been committed to diversity in our schools since the mid-1960's. I was a teacher in Berkeley at that time and a member of the Berkeley Federation of Teachers Integration Task Force that helped write and put into affect our first integration plan in Berkeley which reorganized our city into K-3, and 4-6 schools to achieve that end. I was very passionate about this issue then and I still am now.

"Integration really must continue in this city. If we have any hope of living in harmony in our society it has to start with our schools. To reiterate, the resolution which we passed in November, the first statement, Is as follows: *"The student application and district administrative processes will continue to be implemented in the same manner as for the 1999-2000 school year in preparation for the student assignment process in March 2000."* I, for one, want it to stay that way. I think it is important and valuable that we explore and research other possible ways to keep our schools diverse and integrated but until we are forced to change by the current legal climate in this country I do not think we should initiate a change in our plan."

Director Pamela Doolan

"I think this is an area that we need to rely on our legal support and legal guidance. It is a difficult issue. I certainly would like to express my strong support, having raised four children through the system, that this is the system I wanted them to be in and they value this experience and it has enriched our lives. However, I am recognizing the legality of this issue. I think, we have to explore computer generated programs such as the Magnet School Program in four of our schools to show that there are other ways to achieve what we want to accomplish that might reduce our risk of liability.

"My recommendation is to take the advice of our legal counsel on this matter given that our financial resources are quite limited. I would not want to put us through the emotional wrenching and legal expenses if there is another way to accomplish what we all value. I think that we all agree on respecting the value of diversity but there might be different ways to get to it given the current legal climate. "

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4. Student Assignment Program Report (Continued)

Board Members' comments (continued)

Director Ted Schultz

"I think that for the current year it would be best to stay with the existing plan for the coming school year . I think we need to continue to study the situation. We need to make clear one thing that no matter what plan we go to unless there is strong state or federal pressure that demands we do something different, any plan we implement I am quite sure will be a plan that provides for racial integration.

"When we talk about diversity, there are other types of diversity that we have not focused on too much. For example, some of the numbers that showed our student population racial breakdown basically by geographic zone and the geographic zones (done last year) were formed based on income level. The data indicated that if you sum up all three zones you have about 10% of our students coming from high income families or zones; 35% from middle income; and 55% from low income areas. It appears as if we are getting a significant amount of integration in our residential houses. If we are integrating our residential housing racially we might end up with racially integrated schools but non-diverse schools income wise. So, if we go to a statistically geographic zone based Student Assignment Plan, we would expect to not only have racially integrated schools but schools that are integrated on an income basis and probably also with educational level which is a social indicator. If there was no concern about the legalities of this issue we may want to go to a system like our current Magnet School system to provide for income and socially integrated schools."

Director Shireley Issel

"There is a risk factor if we stay with our current policy. We need an adequate understanding of the risk factor. I would like to hear more about this issue from our attorneys. "We need to investigate the possibility of developing a process for providing additional community input regarding this issue.

President Joaquin Rivera

" I still feel the same way I felt in November. Our current plan is not illegal yet. This is an area that is in legal flux. At this point we are not being forced to change and unless we are forced to change by the state or in the courts, I think that we need to stick with our current plan. We should look at ways in which we can increase the diversity of our schools. Any changes that we make needs to have the buy in from the community. The most prudent thing is for us to stay with the current plan for the next academic year and continue looking at other ways to increase diversity."

At 11:05 p.m., the Board recessed to Closed Session.

At 12:03 a.m., the Board returned to Public Session. President Rivera stated that there was nothing to report from Closed Session.

ADJOURNMENT

President Rivera declared the Special Meeting of January 26, 2000, adjourned at 12:03 a.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

QG:hj