

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

MINUTES, REGULAR MEETING

Page 1

Wednesday, August 15, 2001
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

CALL TO ORDER

President Doran called the meeting to order at 4:30 p.m., and the Board recessed to Closed Session.

1. **BOARD ROLL CALL:**
 - President Terry S. Doran
 - Vice President Shirley Issel
 - Director Joaquin J. Rivera
 - Director Ted Schultz
 - Director John T. Selawsky
 - Student Director Sarena M. Chandler*

2. Recess to Closed Session – Board Conference Room
 - a. Conference with Legal Counsel—Existing Litigation (Government Code Section 54956.9(a):
 - Case name unspecified—Disclosure would jeopardize:
 - Service of Process Existing Settlement Negotiations
 - b. Liability Claims (Government Code Section 54956.9)
 - (1) Claim filed on behalf of a student for emotional distress allegedly caused by staff at Berkeley High School
 - (2) Claim filed by a Berkeley resident for payment of medical expenses allegedly incurred from a fall at Martin Luther King Jr. Middle School
 - c. Consideration of Student Expulsions (Education Code Section 48918)
 - (Separate document delivered prior to meeting)
 - (1) Case No. 224
 - (2) Case No. 225
 - (3) Case No. 231
 - (4) Case No. 232
 - (5) Case No. 233
 - (6) Case No. 234
 - (7) Case No. 235
 - d. Collective Bargaining Session (Government Code Section 3549.1(d)
 - e. Grievance Hearing (Government Code Section 54957)
 - f. Public Employee Discipline/Dismissal/Release (Government Code Section 54957)

*The Student Director does not attend Closed Session.

2. Recess to Closed Session (Continued)

g. Public Employment and Appointments (Government Code Section 54957)

Certificated Transactions:

- (1) Elementary Principal
- (2) Vice Principal – Secondary
- (3) Food Services Director

Classified Transactions

RECONVENE IN PUBOIC SESSION

The Board returned to Public Session at 8:21 p.m.

BOARD ROLL CALL: President Terry S. Doran
Vice President Shirley Issel
Director Joaquin J. Rivera
Director Ted Schultz
Director John T. Selawsky
Student Director Sarena M. Chandler

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Doran stated that there was nothing to report from Closed Session.

COLLECT “REQUESTS TO ADDRESS THE BOARD OF EDUCATION” CARDS

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

PUBLIC TESTIMONY

Four speakers addressed the Board.

UNION REPRESENTATIVES

Mr. Barry Fike, President, Berkeley Federation of Teachers, addressed the Board.

ADVISORY COUNCILS

No one addressed the Board at this time.

AGENDA REORDER

PRESENTATION

5. Presentation by Berkeley Arts in Education Steering Committee (BAESC)

Representatives from the Berkeley Arts in Education Steering Committee made a power-point presentation. They highlighted the Local Arts Education Partnership Grant for 2000-2001; Arts as Literacy; what teachers said they learned about the arts and future arts training. The representatives offered four recommendations for future arts professional development.

AGENDA REORDER

SUPERINTENDENT'S REPORT

Superintendent Lawrence reported that the plans to close the Berkeley High School campus for ninth graders will be revisited. The ninth graders will not be contained on campus at this time. She gave an update on the construction projects at Berkeley High School and Martin Luther King Jr. Middle School. Superintendent Lawrence stated that Associate Superintendent Christine Lim will be meeting with the Berkeley High School administrators regarding the WASC report. She also reported on the annual administrative team retreat.

BOARD MEMBERS' COMMENTS

Board Members welcomed Superintendent Lawrence. They noted that Associate Superintendent Catherine James has resigned from the District. Her last day will be August 31, 2001. The Board thanked Ms. James for her contributions to the District and wished her well in her future endeavors.

AGENDA REORDER

SPECIAL ORDER OF BUSINESS: ACTION

4. Acceptance of Gifts:

- (a) Jesus Mendez, MI TIERRA FOODS MARKET: A donation of \$150 to the Latino-Chicano Club at Berkeley High School
- (b) Mario Tejade, LA FIESTA RESTAURANT: A donation of \$250 worth of food for the Student Recognition Event at Berkeley High School
- (c) Tony Mejia, JUAN'S PLACE RESTAURANT: A donation of \$350 worth of food for the Student Recognition Event at Berkeley High School
- (d) Keith and Dana Dubinsky: A donation of \$150 to be used at Thousand Oaks Elementary School

President Doran thanked Jesus Mendez, Mario Tejade, Tony Mejia and Keith and Dana Dubinsky for their gifts.

Motion: Directors Doran/Rivera and approved unanimously on voice vote:

To accept these gifts to the District.

AGENDA REORDER

APPROVAL OF CONSENT CALENDAR

The Board pulled, for separate consideration, Item #8.

Motion: Directors Schultz/Selawsky and approved unanimously on voice vote:

That the remainder of the Consent Calendar, Action Items, be approved.

6. Approval of Personnel Recommendations
7. Approval to deny claims against the District
8. Action taken regarding decisions of Student Expulsion Administrative Panels:
Case Numbers: 224, 225, 231, 232, 233, 234 and 235

Please see below for action on this item.

9. Approval of Contracts and Purchases in Excess of \$15,000
 10. Approval of Resolution No. 7282: Authorization to File Eligibility Documents and State Facility Applications to the State for New Construction and Modernization Projects Under SB 50 Leroy F. Greene School Facilities Act of 1998
 11. Approval of Resolution No. 7284: Authorization to Approve the Award of Emergency Contract to WA Rose to Address A Number of Health and Safety Issues at Berkeley High School, including Restroom Maintenance and Football Bleacher Repair
 12. Approval of Resolution No. 7285: Approval of Authorization of Signatures
 13. Approval of Expenditure Plan Academic Performance Indicator (API) Governor's Performance Award for Thousand Oaks Elementary School
 14. Uniform Complaint Procedures—Revision to Board Policy—Second Reading
 15. Acceptance and Authorization for Publication of the Initial Environmental Study and Environmental Checklist for the Transportation Yard at Gilman and 7th Streets
 16. Acceptance of BAAQMD Funds for Lower Emission CNBG School Buses and Approval of Long Term Financing Plan for District Matching Funds
 17. Authorization to Contract with Signet Testing Labs for a Physical Survey of the Berkeley High School (BHS) Old Gym and Pools
 18. Authorization to Award Bid Schedule No. 1325 for Mobile Food Unit for Berkeley High School
8. Action taken regarding decisions of Student Expulsion Administrative Panels:
Case Numbers: 224, 225, 231, 232, 233, 234 and 235

Motion: Directors Rivera/Selawsky and approved 5-(1) on voice vote:

That the recommendations by the Student Expulsion Administrative Panels be approved for case numbers 224, 225, 231, 232 and 234.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
ABSTAIN: (Student Director Chandler. The Student Director does not vote on Student Expulsions, personnel recommendations or any Closed Session items.)

APPROVAL OF CONSENT CALENDAR (continued)

8. Action taken regarding decisions of Student Expulsion Administrative Panels:
Case Numbers: 224, 225, 231, 232, 233, 234 and 235 (continued)

CASE NUMBER 233:

Motion: Directors Rivera/Issel and approved 5-(1) on voice vote:

To change the recommendation of the Administrative Panel and expel the student for one year.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
ABSTAIN: (Student Director Chandler)

CASE NUMBER 235:

Motion: Directors Rivera/Schultz and approved 4-1-(1) on voice vote:

To change the recommendation of the Student Expulsion Administrative Panel from a suspended expulsion for one semester to a suspended expulsion for two semesters and that we also add as conditions for the suspension of the expulsion that the student must maintain an exemplary attendance record and that we recommend that the student attend counseling in addition to the items recommended by the Student Expulsion Administrative Panel.

AYES: Directors Doran, Rivera, Schultz, Selawsky
NOES: Director Issel
ABSTAIN: (Student Director Chandler)

APPROVAL OF ACTION ITEMS

19. Approval of Salary Increases for Berkeley Federation of Teachers (BFT)

Motion: Directors Rivera/Selawsky and approved 5-(1) on voice vote:

The approval of salary increases for Berkeley Federation of Teachers (BFT) and amended. The amendment is as follows:

- a. K-12 contract teachers: 5.94% - Delta Dental Increase = 5.83%
- b. Adult Hourly Teachers: 6.21%
- c. Substitute Daily Rates, Independent Study Hourly Rates, all Stipends: 3.67%
- d. Early Childhood Teachers: 4.87% - Delta Dental Increase = 4.72%
- e. UBA (Union of Berkeley Administrators), Non-Represented Managers, Contracted Administrators and Confidential Employees for 2001-2002: 6.05%

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
ABSTAIN: (Student Director Chandler)

APPROVAL OF ACTION ITEMS (continued)

20. Approval of Union of Berkeley Administrators (UBA) Agreement, Section 3g, Salary Increase Formula

Motion: Directors Issel/Rivera and approved unanimously on voice vote:

That this item be approved as amended. The amendment is as follows:

- a. Section 3j: 55 percentile is to be deleted and should read "rank of 15."
- b. Section 3g wording was changed to read:

"The District will increase salaries to **the Rank of 15** within the agreed to 31 Comparison Districts and using agreed upon like job descriptions, as measured by the Composite Compensation Index...."

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
ABSTAIN: (Student Director Chandler)

21. Approval of Salary Increases for Union of Berkeley Administrators (UBA) Non-Represented Managers, Contracted Administrators and Confidential Employees for 2001-2002

Motion: Directors Issel/Selawsky and approved 5-(1) on voice vote:

That this item be approved.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
ABSTAIN: (Student Director Chandler)

ADDITIONAL PUBLIC TESTIMONY

There was no Additional Public Testimony at this time.

BOARD MATTERS

22. Board Committee Appointments/Reports

- Berkeley Arts Education Steering Committee
- Berkeley School Financing Corporation
- Citizens Advisory Committee on Diversity
- Citizens Budget and Finance Advisory Committee
- Citizens Construction Program Advisory Committee
- Facilities Maintenance and Security Advisory Committee
- Music Program Committee
- Peace and Justice Commission
- Student Assignment Advisory Committee
- Surplus Facilities Advisory Committee
- Two-by-Two Committee

There were no appointments/reports regarding the above committees or commission.

- Youth Commission

Vice President Shirley Issel re-appointed **Andre Sternberg** to the Youth Commission.

Director John Selawsky appointed **Ryan A. Buckley** to the Youth Commission.

BOARD REQUESTS

There were no Board Requests at this time.

ADJOURNMENT

President Doran declared the Regular Meeting of August 15, 2001 adjourned at 9:33 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

qeg