

BERKELEY UNIFIED SCHOOL DISTRICT  
MINUTES, REGULAR MEETING

OFFICIAL BUT UNADOPTED MINUTES

Wednesday, December 5, 2001

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District Administrative Offices

Board Meeting Room

2134 Martin Luther King Jr. Way

Berkeley, CA 94704-1180

**CALL TO ORDER**

President Terry S. Doran called the Board of Education Meeting to order at 5:00 p.m.

**BOARD ROLL CALL**

**MEMBERS PRESENT:**

Director Terry S. Doran  
Director Shirley Issel  
Director Joaquin J. Rivera  
Director Ted Schultz  
Director John T. Selawsky  
Student Director Sarena M.Chandler  
(Arrived at 7:30 p.m.)

Administration:

Superintendent Michele Lawrence, Secretary

**ANNUAL ORGANIZATIONAL MEETING**

Election of Officers

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

That Director Shirley Issel is President of the Board of Education for 2002.

AYES: Directors Doran, Rivera, Schultz, Selawsky

ABSTAIN: Director Issel

EXCUSED: (Student Director Chandler)

Motion: Directors Doran/Selawsky and approved 4-1-(1) on voice vote:

That Director Joaquin J. Rivera is Vice President of the Board of Education for 2002.

AYES: Directors Issel, Doran, Schultz, Selawsky

ABSTAIN: Director Rivera

EXCUSED: (Student Director Chandler)

Resolution No. 7295: Signatures of Board Members

Motion: Directors Doran/Schultz and approved 5-(1) on voice vote:

That Resolution No. 7295 is approved.

Review of Board Committees

President Shirley Issel made the following appointments to Board Committees:

| <b>COMMITTEES/COMMISSIONS</b>                            | <b>2002 APPOINTEES</b>  |
|--|---|
| 1. Alameda County School Boards Association              | Director Terry S. Doran will serve until April 2, 2002. President Shirley Issel will begin serving effective April 2, 2002. |
| 2. Association of California Urban School Districts      | Vice President Joaquin J. Rivera  |
| 3. Berkeley Alliance                                     | President Shirley Issel and Vice President Joaquin J. Rivera  |
| 4. Berkeley Biotechnology Education, Inc.                | Vice President Joaquin J. Rivera  |
| 5. Berkeley High School Health Center                    | Director Ted Schultz  |
| 6. Berkeley Arts in Education Steering Committee         | Director John T. Selawsky   |
| 7. BSEP Planning & Oversight Committee                   | Director John T. Selawsky and other Board Members attend on a rotating basis.   |
| 8. Board/City 2X2 Committee                              | President Shirley Issel and Vice President Joaquin J. Rivera  |
| 9. Citizens Budget and Finance Committee                 | Vice President Joaquin J. Rivera and Director Terry S. Doran  |
| 10. Citizens Construction Program Advisory Committee     | Director Terry S. Doran and Director John T. Selawsky   |
| 11. Citywide Youth Collaborative                         | Director Ted Schultz and Director Terry S. Doran  |
| 12. District Advisory Council (DAC)                      | Director Terry S. Doran   |
| 13. District English Learner Advisory Council (ELAC)     | Vice President Joaquin J. Rivera  |
| 14. District Wide Library                                | Director John T. Selawsky   |
| 15. Facilities Maintenance & Security Advisory Committee | President <b>Shirley Issel</b> and Director John T. Selawsky  |
| 16. Music Committee                                      | Director John T. Selawsky   |
| 17. Peace & Justice Commission                           | None  |
| 18. Youth Commission                                     | None  |

Review of Board Committees (continued)

Vice President Rivera requested that each Board Member who is the liaison to a particular committee provide brief notes and any documents that are distributed at the various committee meetings be given to the other Board Members and share information during the Board Comments' section of the Board agenda. He also requested that a sign-up sheet be circulated among the Board Members for attendance at the BSEP Planning & Oversight Committee meetings and a calendar of those meetings be distributed to each Board Member.

Review Appointments of Citizens to Board Committees

Director **Schultz suggested that committee members start or renew their service each January and that the timing of the start or renewal of service needs to be addressed in the policy.**

Child Nutrition Advisory Committee:

The Board directed the Superintendent to come back with recommendations designating this as a Superintendent's Committee. That the Superintendent consults with the current members of the Child Nutrition Advisory Committee regarding the proposed change.

Ms. Karen Candito is the staff liaison to the Child Nutrition Advisory Committee.

Citizens Budget and Finance Committee:

According to the Charge of the Citizens Budget and Finance Committee, the appointments are to end December 2002. Therefore, the members who are serving on this committee will continue to serve until that time.

Vice President Rivera suggested that we re-visit the charge of the committees and re-affirm with the committee members the ways they can be most helpful to the Superintendent and Board.

The following people have been re-affirmed **or appointed**:

| <b>COMMITTEES</b>        |                                |                                 |   |   |
|--------------------------|--------------------------------|---------------------------------|---|---|
| Staff Liaison            | Karen Candito                  | Superintendent/<br>CBO          | Lewis Jones                                     | Lewis Jones   |
| Board Member             | Child<br>Nutrition<br>Advisory | Citizens<br>Budget &<br>Finance | Citizens<br>Construction<br>Program<br>Advisory | Facilities<br>Maintenance<br>& Security<br>Advisory |
| President Issel          |                                | Andy Gaines                     |   | Gail Keleman  |
| Vice President<br>Rivera |                                | Robert Smith                    |   |   |
| Director Doran           |                                | Fayette Wimberly                |   |   |
| Director Schultz         |                                | Donald Read                     | Tom Rose  | Jim Wert  |
| Director Selawsky        |                                | Lawrence Gurley                 | James Hallam                                    | Sally Reyes   |
|                          |                                |                                 |   |   |
|                          |                                |                                 |   |   |

| <b>COMMISSIONS</b>               |                 |                 |
|----------------------------------|-----------------|-----------------|
| <b>BOARD MEMBER</b>              | Peace & Justice | Youth           |
| President Shirley Issel          |                 | Andre Sternberg |
| Vice President Joaquin J. Rivera |                 |                 |
| Director Terry S. Doran          |                 |                 |
| Director Ted Schultz             |                 |                 |
| Director John T. Selawsky        | Steven Freedkin | Ryan Buckley    |
| Student Director Chandler        |                 |                 |
| Board appointee                  |                 |                 |
| Board appointee                  |                 |                 |
| Board appointee                  |                 |                 |

At this time President Issel re-affirmed the Adopt a School assignments for Board Members as follows:

| BOARD MEMBER                     | SCHOOL   |
|----------------------------------|--|
| President Shirley Issel          | Berkeley Adult School<br>Emerson<br>Jefferson<br>Oxford  |
| Vice President Joaquin R. Rivera | Berkeley High School<br>City of Franklin MicroSociety Magnet School<br>Rosa Parks Environmental Science Magnet School<br>Thousand Oaks                         |
| Director Terry S. Doran          | LeConte<br>Martin Luther King Jr. Middle School<br>Washington<br>Willard   |
| Director Ted Schultz             | Berkeley Alternative High School<br>Berkeley Arts Magnet<br>John Muir  |
| Director John T. Selawsky        | Cragmont<br>Early Childhood Education<br>Longfellow Arts & Technology Magnet Middle School<br>Malcolm X Arts & Academic Magnet School<br>Willard Middle School |

President Issel reviewed the telephone answering days as follows:

|                       |                            |
|-----------------------|----------------------------|
| Director Doran        | <b>Sundays and</b> Mondays |
| President Issel       | Tuesdays                   |
| Vice President Rivera | Wednesdays                 |
| Director Selawsky     | Thursdays                  |
| Director Schultz      | Fridays and Saturdays      |

Calendar:

Director Doran said that in the past, regular board meetings have been held on the first and third Wednesdays of each month. He wanted to know why staff is recommending deviating from this practice.

Vice President Rivera said December 4, 2002 is the same day as the CSBA Annual Education Conference and since he serves on the Delegate Assembly, he will not be able to attend a board meeting on that date. Director Doran suggested deleting the August 7, 2002 date. It was the consensus of the Board that staff re-visit these dates and bring the calendar back to the Board on December 19, 2001, for action.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 64956.9(a) and 54957) and Education Code Section 48918(c):

- a. Conference with Legal Counsel—Existing Litigation
- b. Consideration of Student Expulsions
  1. Case #12-02
  2. Case #14-02
  3. Case #15-02
- c. Collective Bargaining
- d. Public Employee Discipline/Dismissal/Release
- e. Public Employment and Appointments
- f. Property Acquisition

The Board recessed to Closed Session at 6:07 p.m. and reconvened in Public Session at 7:40 p.m.

Report Closed Session Action:

President Issel announced that in Closed Session, the Board voted to hire Mr. Jerry Kurr, Associate Superintendent, Business, on a provisional contract, effective January 1, 2002.

President Issel reported that in Closed Session, the Board took the following action regarding student expulsions:

- Case #12-02: The Board voted to suspend the expulsion.  
Case #14-02: The Board voted to expel the student for two semesters.  
Case #15-02: The Board voted to expel the student for two semesters.

Approve Agenda:

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

That the agenda is approved as amended. The amendment is to add items 2.1-A, 3.1-A and 4.1-A to the Consent Calendar.

At this time, Director Doran requested that agenda item 1.1-I, Report on Small Schools, be moved up on the agenda.

Regular Minutes, December 5, 2001

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

That the Minutes of the Regular Meeting held December 5, 2001 are approved as corrected.

The correction is on page 11, item 20, and third sentence. The sentence now reads:

Director **Selawsky** asked **for fingerprinting and background checks** of adults who accompany students on field trips.

Approval of Resolution of Appreciation for Outgoing President Terry S. Doran

President Issel read the Resolution of Appreciation for Outgoing President Terry S. Doran.

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

That the resolution is approved.

AYES: Directors Issel, Rivera, Schultz, Selawsky (Chandler)

ABSTAIN: Director Doran

After the reading of the Resolution, President Issel presented a Plaque of Appreciation to Outgoing President Doran. Director Doran thanked the Board, Superintendent and staff for their support during his tenure as Board President.

## **REPORTS**

### **Union Representatives' Reports:**

Mr. Barry Fike, President, Berkeley Federation of Teachers, said the teachers elect him and he speaks on behalf of the teachers. He said at last week's BFT Executive Board Meeting, the issues of maintenance and safety at some of the school sites were discussed. Mr. Fike gave an update regarding the PAR (Peer Assistance & Review Program). Mr. Fike said he will be meeting with BFT members and discussing small schools.

### **Board Committee Reports:**

Ms. Stephanie Allen, Maintenance, Safety & Security Committee, announced that the "boom truck" has been sent to the "bone yard." She expressed concern that some of the schools have flooding problems due to the heavy rains.

Mr. Kevin Madden, Music Curriculum Committee, thanked the Board for their efforts in funding the Music Department. He expressed appreciation to the Music Department staff—Ms. Suzanne McCulloch, Coordinator, Music and Performing Arts and Ms. Annette Lys, Secretary.

### **Board Members' Comments:**

Director Doran expressed his support for small schools.

Director Selawsky acknowledged and congratulated Director Doran for successfully executing the office of President of the Board of Education. Director Selawsky recommended that people contact their legislators and put pressure on them to put pressure on Governor Davis not to make further cuts in public education. The Governor has earmarked 800 million dollars to be cut from the State education budget.

Vice President Rivera thanked Director Doran for his year as President of the Board.

President Issel expressed her gratitude to Director Doran for a job well done as President of the Board.

## **HEARING SECTION**

Ms. Beebo Turman, Maintenance Advisory Committee; Mr. Mark Coplan, President, In Dulci Jubilo, Inc.; Ms. Susan Brian; Ms. Valerie Peters; Ms. Marcia Wong; Ms. Irma Parker; Ms. Betty Harrison; Ms. Michiko Murillo; Ms. Laura Singh; Ms. Dibey Machta; and Ms. Vicki Bonnell addressed the Board regarding small schools.



**CONSENT ITEMS**

The Board Members had questions concerning several of the items.

President Issel read the Proclamation in Honor of Berkeley City Ballet's 28<sup>th</sup> Annual Presentation of *The Nutcracker*.

Director Selawsky said in 3.7-C he would like to see the contracts before they begin. Is it in affect now? What happens if the Board does not approve a retroactive contract? In the future, staff is expected to provide a written explanation prior to requesting Board approval. **Director Rivera expressed concern about the practice of using grant money to fund ongoing costs.** He said we need to be sure and careful that as we go out for grants we look at it as seed money.

Director Selawsky asked why, in 4.1-C, if it is less than \$15,000 it is included on this list?

Directors Selawsky had questions regarding 4.2-C.

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

That the Consent Calendar is approved.

1.1-C: Approval of Proclamation in Honor of Berkeley City Ballet's 28<sup>th</sup> Annual Presentation of *The Nutcracker*.

1.2-C: Acceptance of Gifts/Donations

2.1-C: Acceptance of Personnel Report

3.1-C: Approval of Out-of-State Travel Request

3.2-C: Approval of Overnight Field Trip Requests

3.3-C: Approval of Expenditure Plan for the Academic Performance Index (API) School Site Employee Bonus Award for Thousand Oaks Elementary School

3.4-C: Approval of Revised Expenditure Plan for Governor's Performance Award for Rosa Parks School

3.5-C: Approval of Rosa Parks Proposal for Permanent Art Work

3.6-C: Adopt textbook *Introduction to the Practice of Statistics*

3.7-C: Approval of a Two-Year (2001-2002 and 2002-2003) Contract between the District and the California Department of Health, California Nutrition Network Local Incentive Awards Program

3.8-C: Acceptance of Adult Education Workforce Investment Act Grant Award

4.1-C: Approval of Purchases in Excess of \$15,000

4.2-C: Approve Listing of Warrants issued in September and October 2001

4.3-C: Authorization to award a contract with ABM Engineering to provide a maintenance manager for a period not to exceed five months at a cost not to exceed \$50,000

## INFORMATION

### General Services

#### 1.I-1: Report on Small Schools

Ms. Katrina Scott-George and representatives from the Coalition of Equity and Excellence via Small Schools and Mr. Rick Ayres, Coordinator, CAS (Communication of Arts and Science), made a presentation regarding small schools. They elaborated on the goals of the small learning communities: high school achievement; personalization and physical safety for students and staff.

Ms. Katrina Scott-George gave a history of **the proposed** timeline for small school planning. Mr. Bradley Johnson, a Berkeley High School student, highlighted the **student** survey he and other students conducted at Berkeley High School regarding small schools.

Vice President Rivera clarified the resolution, which was passed by the Board. He said the resolution was for small learning communities not small schools. **He indicated that the major differences between the policy presented by the group and the policy discussed at the Board Workshop are the issues of autonomy and if we keep the comprehensive high school or not.** Vice President Rivera said we should make sure that the people who oppose small schools are also heard.

Director Doran asked the Superintendent if at the next Board Meeting, she could recommend that in September 2003 we will be in a position to implement small schools at Berkeley High School? Is September 2003 possible or 2004 to start something? Director Doran asked if the Superintendent Lawrence could give a time line when her research regarding small schools will be ready to share with the Board and what the time will produce.

Superintendent Lawrence said she needed to do a significant amount of research; she presently is preparing to visit schools. She could not give a timeline about when she would recommend shall schools.

Director Schultz clarified that any group can suggest policy for Board action. He suggested the way we move forward is that the Superintendent form an inclusive working committee of everyone involved and select a time when staff and interested people can visit other small school sites. He said: "If we go ahead with this working committee, when can you get back to the Board with a schedule of site visits and a policy statement and what is the impact on the District's priorities?"

**INFORMATION** (continued)

General Services (continued)

1.I-1: Report on Small Schools (continued)

Superintendent Lawrence said she needs to concentrate on working through the WASC issues. Ms. Lawrence said staff could review the evaluation of existing small school programs and other successful models in other parts of the county in early February. Further, staff needs to work to analyze the financial implications, study the District's staffing allocation, facilities in addition to other issues like transcripts and grades.

**CONFERENCE**

Human Resources

2.1-CF: Second Reading of Revision of Board Policy 4030: Non-Discrimination in Employment

President Issel was not seated at 11:45 p.m. Vice President Rivera presided over the meeting from 11:45 p.m. to 11:48 p.m. At 11:48 p.m., President Issel returned and presided over the remainder of the meeting.

On page 130, under STATEMENT OF GENERAL POLICY, second sentence, **the Board discussed** replacing the word imperative with either the word desirable, valuable or important.

A district employee **shall** be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains.

At this time, two parents addressed the Board regarding small schools

**ADJOURNMENT**

President Issel declared the Regular Meeting of December 5, 2001 adjourned at 12:05 a.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
President, Board of Education  
Berkeley Unified School District

\_\_\_\_\_  
Secretary, Board of Education  
Berkeley Unified School District

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