

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

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MINUTES, REGULAR MEETING

Wednesday, October 17, 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 6:00 p.m.

1. BOARD ROLL CALL:

MEMBERS PRESENT:

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

Administration: Superintendent Michele Lawrence, Secretary

2. Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 54957

No one addressed the Board at this time.

3. Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) and 54957 and Education Code Section 49818(c)—Board Conference Room

a. Conference with Legal Counsel—Existing Litigation
 Service of Process Existing Settlement Negotiations

b. Liability Claims:

1. Claim filed by an employee for damage and reimbursement of expenses allegedly caused by students at Longfellow Arts & Technology Magnet Middle School
2. Claim filed by a parent for reimbursement of medical expenses and possible pain and suffering for her child when she allegedly fell at Emerson Elementary School
3. Claim filed by a parent for reimbursement of medical expenses and possible pain and suffering for her child when her child allegedly scratched his face on a nail at Arts Magnet Elementary School.

*The Student Director does not attend Closed Session.

3. Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) and 54957 and Education Code Section 48918(c)--(continued)

- c. Consideration of Student Expulsion: Case #07-02
- d. Collective Bargaining Session
- e. Public Employee Discipline/Dismissal/Release
- f. Public Employment and Appointments

RECONVENE IN PUBLIC SESSION

The Board returned to Public Session at 8:00 p.m.

4. BOARD ROLL CALL

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

APPROVAL OF AGENDA AS PRINTED

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

That the agenda is approved as printed.

REPORT OF ACTION TAKEN IN CLOSED SESSION

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

PUBLIC TESTIMONY

The following people addressed the Board regarding various issues: Ms. Lois Burbach and Ms. Mary Wainwright, representatives from the League of Women Voters; Mr. Jeffrey Linman, a Berkeley High School parent, Berkeley Unified School District employee and taxpayer; Ms. Stephanie Allen, Co-Chairperson, Maintenance Advisory Committee; Ms. Gail Kellerman, Berkeley High School Maintenance Advisory Committee; Mr. Dan Pippen, a Berkeley High School parent; Ms. Yolanda Huang, a Berkeley High School parent; Ms. Beebo Turman, a member of the Facilities Maintenance and Security Advisory Committee; and, Mr. Jerome Wiggins, a member of the Alameda County Board of Education.

UNION REPRESENTATIVES

No one addressed the Board at this time.

ADVISORY COUNCILS

Ms. Nancy Riddle, Co-Chairprson, BSEP (Berkeley Schools Excellence Project) and Ms. Yolanda Huang, Co-Chairperson, Facilities Maintenance and Security Advisory Committee, addressed the Board.

SUPERINTENDENT'S COMMENTS

The Superintendent did not make a report at this time.

BOARD MEMBERS' COMMENTS

Board Members responded to comments made during Public Testimony and during the Advisory Councils section of the agenda.

Director Rivera stressed the importance of all District stakeholders working together to reach our ultimate goal of educating all of our students.

Director Selawsky reported on the Berkeley High School benefit, which was held at Spenger's Restaurant. He thanked Ms. Karen McKie, a strong supporter of the Berkeley schools, and everyone else who supported this successful event. Director Selawsky said it was an inspiring activity and should be an annual event.

President Doran announced that the remaining scheduled Board of Education Meetings for the year are: November 14, 2001 and December 5, 2001. He also announced that Ms. Thelette A. Bennett, Vice Principal, Longfellow Arts and Technology Magnet Middle School, will be recognized at the Berkeley Community Fund's Annual Dinner on October 25, 2001 at the Radisson Hotel. Ms. Bennett will receive an Individual Achievement Award for her contributions to the students of the Berkeley Unified School District.

AGENDA REORDER

APPROVAL OF ACTION ITEMS

19. Approve the submitting of a waiver to suspend the Budget Review Team Process

Superintendent Michele Lawrence explained that since the District has received formal notification from the Alameda County Office of Education that the District's budget has been disapproved; the additional requirements under AB 1200 are being planned and implemented. She then introduced and deferred to Ms. Sheila Jordan, Superintendent of Schools, Alameda County Office of Education.

Ms. Sheila Jordan stated that she is officially appointing FCMAT (Fiscal Crisis Management Team) as the District's fiscal agent. She introduced Ms. Lou Highlander, Director, District Business and Advisory Services, Alameda County Office of Education, and Mr. Joel Montero, Deputy Executive Officer, FCMAT (Fiscal & Crisis Management Assistance Team). Mr. Montero gave a detailed outline of what FCMAT will do for the District. He said FCMAT will create a short and long-term work plan for the District. Their approach is a recovery team approach. There will be a full-time FCMAT representative in the District with a technical background. The FCMAT representatives will address the future of the Business Office, which includes reviewing the District's Data Processing, Accounting and Payroll systems. After they have completed their analysis, they will submit their recommendations to the Superintendent and Board of Education.

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

Approve the submitting of a waiver to suspend the Budget Review Team Process.

AGENDA REORDER

DISCUSSION/INFORMATION/REPORTS

21. Presentation of the Third Annual Report on the District's Early Literacy Plan

Ms. Christine Lim, Associate Superintendent, Instruction, reviewed the history of the District's Early Literacy Plan. She said the Early Literacy Plan reads:

"By the end of third grade, all students who have completed kindergarten through third grade in Berkeley schools...will read at or above grade level...as measured by a District-wide assessment system."

DISCUSSION/INFORMATION/REPORTS (continued)

21. Presentation of the Third Annual Report on the District's Early Literacy Plan
(continued)

Ms. Lim introduced seven staff members who are involved in various portions of the Early Literacy Plan. The staff members highlighted ten successes of the Plan, which includes the following:

- Early Literacy Groups (small group reading instruction model) was implemented at nine sites at the K-3 grade level.
- All sites have identified Literacy Teacher Leaders, K-5, who provide peer coaching and support in literacy practices, site training in District assessments, and staff development.
- Eleven/twelve sites have received K-3 training in a research-based, classroom reading methodology.

Ms. Christine Lim, Associate Superintendent, Instruction, said the next ten steps includes continuance of effective literacy classroom instruction and the increase of hourly feedback time for coaching to seven hours per teacher. She said sites that do not currently have Reading Recovery at full implementation will begin to identify ways to increase the number of students served and the remaining three sites will implement Early Literacy Groups.

22. Report on 2001 Day & Extended School Year Programs

Ms. Christine Lim, Associate Superintendent, Instruction, reported that instructional support and intervention for students at risk of retention in the District is provided in two ways: (1) the Extended School Year Program and (2) Extended Day Programs.

Board Members asked if the schools are meeting the needs of the students in the program and if there is an effective assessment of the success of the students. They suggested that comparative evaluation test results be done of students from the regular school year and the summer school program. The Board asked if there is any data on how the SST (Student Study Team) is working.

23. Notice and Advertisement Concerning Personnel Commission Vacancy

Dr. David Gomez, Associate Superintendent, Administrative Services, explained this item.

PUBLIC HEARING AND AUTHORIZATION

24. Public Hearing on District Reopener Proposals for Public Employees Union Local One and Authorization to Develop Negotiations Proposals

President Doran opened the Public Hearing at 10:19 p.m.

Dr. David Gomez, Associate Superintendent, Administrative Services, explained this item.

President Doran declared the Public Hearing closed at 10:20 p.m.

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

Authorization to develop negotiations proposals on the District's reopener proposals for Public Employees Union Local One.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky

ABSTAIN: (Student Director Chandler. The Student Director does not vote on negotiation items.)

AGENDA REORDER

APPROVAL OF MINUTES

5. Approval of Minutes: September 29, 2001 and October 3, 2001

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

Approval of the September 29, 2001 Minutes as printed.

Approval of the October 3, 2001 Minutes as amended. The amendment is on page 8 of the minutes, item #16, and last paragraph. The paragraph now reads:

"Some Board Members said they would like for the District's graduation requirements to align with the University of California and California State University admissions requirements."

APPROVAL OF CONSENT CALENDAR

The Board pulled, for separate consideration, items 7 and 13.

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

That items 6, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 are approved.

6. Approval of Personnel Report

The Student Director does not vote on personnel items.

7. Action taken regarding decision of Student Expulsion Administrative Panel: Case Number 07-02

Please see page 8 of these minutes for action on this item.

8. Approval to deny claims against the District

9. Approval of Purchases in Excess of \$15,000

10. Approval of Contract Between Berkeley Unified School District and Hatchuel, Tabernik and Associates

11. Approval of Contract Between Berkeley Unified School District and the Bay Area Community Resources (BACR)

12. Approval of Placement of Two Special Education Students in Non-Public Schools:

a. Seneca for the period of September 28, 2001 to June 30, 2002, at a cost of \$30,137

b. La Cheim for the period of October 1, 2001 to June 30, 2002, at a cost of \$35,600

13. Approval of Memorandum (MOU) between the City of Berkeley and Berkeley Unified School District related to architectural and engineering services for the Warm Water Pool and Old Gymnasium Project at Berkeley High School

Please see page 8 of these minutes for action on this item.

14. Approval of Expenditure Plan for Governor's Performance Award for Willard Middle School

15. Approval of Out-of-State Travel Requests

16. Adoption of Resolution No. A331: Authorization to Accept Completion of the Electrical Conduit Project at Multiple Sites

APPROVAL OF CONSENT CALENDAR (continued)

17. Receive and Approve Information on the issuance of payroll warrants for Employees Services for September 2001
18. Approval of Consulting Services related to operations of the District's Business Information System for the period, October 17, 2001 to January 31, 2002

7. Action taken regarding decision of Student Expulsion Administrative Panel:

Motion: Directors Issel/Selawsky and approved 3-2-(1) on voice vote:

To accept the Student Expulsion Administrative Panel's recommendation.

AYES: Directors Doran, Issel, Selawsky

NOES: Directors Rivera, Schultz

ABSTAIN: (Student Director Chandler. The Student Director does not vote on Closed Session items.)

13. Approval of Memorandum (MOU) between the City of Berkeley and Berkeley Unified School District related to architectural and engineering services for the Warm Water Pool and Old Gymnasium Project at Berkeley High School

Board Members expressed concern that the City of Berkeley's timeline might not mesh with the District's timeline. They wanted to know what will happen if the City is ready and the District is not ready?

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

That this item is approved.

AGENDA REORDER

APPROVAL OF ACTION ITEMS

20. Approve the Comprehensive Plan for Facilities Operations and Maintenance

Superintendent Lawrence presented this item. She said she is very sensitive to the staff and community members who have worked on this plan in the past. Ms. Lawrence reiterated the importance of developing a long-term strategy for dealing with facilities operations and maintenance in the District. She feels this plan is the blueprint, which will guide the District in the right direction.

President Doran asked if this new plan is approved, will the other plan be discarded?

Director Rivera requested that staff submit a status report to the Board regarding the District's energy audit.

Vice President Issel inquired about the cost of the positions, which are listed in the Facilities Maintenance and Security Advisory Plan.

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

Approval of the Comprehensive Plan for Facilities Operations and Maintenance, including the organizational chart.

ADDITIONAL PUPBLIC TESTIMONY

There was no Additional Public Testimony at this time.

BOARDS MATTERS

25. 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
- Youth Commission

There were no appointments nor reports regarding the above committees and commissions.

BOARD REQUESTS

There were no Board Requests at this time.

ADJOURNMENT

President Doran declared the Regular Meeting October 17, 2001, adjourned at 11:09 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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