

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, April 10, 2002
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

ADOPTED MINUTES
Page 1

CALL TO ORDER

President Shirley Issel called the Board of Education Meeting to order at 6:00 p.m.

BOARD ROLL CALL

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

Administration: Superintendent Michele Lawrence, Secretary

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

No one addressed the Board at this time.

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

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsion
 - 1. Case #: 30-02
- c) Collective Bargaining
 - 1. Level III Grievance
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment and Appointments
- f) Liability Claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 6:00 p.m. and reconvened in Public Session at 8:04 p.m.

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

All Board Members were present.

Report Closed Session Action

President Issel stated that in Closed Session, the Board took the following action:

b) Consideration of Student Expulsion

1. Case #: 30-02

The Board voted to uphold the Student Expulsion Administrative Panel's decision.

c) Collective Bargaining

1. Level III Grievance

The Board discussed the Level III Grievance.

f) Liability Claims

The Board gave staff the authority to settle the liability claims.

Approve Agenda, April 10, 2002

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

That the agenda is approved as amended. The amendments are that item 3.5-C be corrected to read Arts Magnet instead of Jefferson. That item 1.2-C be pulled and corrected. Items 3.1-A be corrected and be considered as a Consent Item and item 4.1-A be added as a Consent Item.

PUBLIC TESTIMONY

Two speakers addressed the Board.

REPORTS

Union Representatives' Report

Mr. Barry Fike, President, Berkeley Federation of Teachers, expressed concern about remarks made by Board Members in which he perceived to mean that the raise teachers received last year caused the budget crisis.

Ms. Lisa Davis, Public Employees' Union Local One, addressed the Board regarding classified layoffs. Mr. Rick Spaid, Public Employees' Union Local One, commented regarding the Merit Commission Classification Study.

Advisory Councils' Reports

Mr. Michael Miller, Music Committee, reported on the Monterey Jazz competition and thanked the Board for its past and future support of the music program. Ms. Yolanda Huang, Chair, Maintenance Advisory Committee, expressed appreciation to the maintenance crew who cleaned Berkeley High and other schools.

Superintendent's Report

Superintendent Lawrence expressed pleasure and pride for Berkeley High School's winning Chess Team. She also thanked Student Director Chandler for organizing the students' forums regarding the District's budget. She announced that the teacher layoff hearings would be held on April 18 and 19, 2002. Superintendent Lawrence addressed the issue of grants. She said we are not saying "no" to grants, which are important and support our programs, however, we need to be careful not to seek grants, which will obligate the District to maintain funding. Grants need to come through an established approval process.

Board Members' Comments

Director Doran extended his congratulations to the Berkeley High School Chess Team. He reported that at a recent PTSA meeting, there was an informational discussion regarding the construction at Berkeley High School. He feels that it is necessary to bring back the students, staff and Facilities Committee members to guide the process of how best to utilize the available space at the high school.

Director Ted Schultz expressed his concern regarding the remarks made by Barry Fike about salaries of certificated employees' impact on the budget. He said he does not think the amount was that overwhelming.

Director John Selawsky said the PTA and other parents are organizing a rally to go to Sacramento on May 8, 2002 to lobby the Governor and legislators to earmark more funds for education. Representatives from the Oakland, San Francisco and Los Angeles areas are also planning to attend the rally.

President Issel expressed concern regarding remarks made by Mr. Fike. She said: "All of us must take responsibility for comments made that the budget deficit was caused by the raises given to teachers and how the raises impacted the budget. It was not the intention of the Board to blame the teachers. The Board is proud to have supported the raise given to our teachers. It is only good sense to pay competitive salaries if we are to keep good teachers."

CONSENT ITEMS

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

That the Consent Items are approved as amended.

The amendments are as follows:

Items 1.2-C: Approval of Resolution: The Board of Education of the Berkeley Unified School District, Sacramento Lobbying Trip, May 8, 2002.

Fourth paragraph, second and third lines: Delete the words "elected officials".

Staff is to send a letter to other school districts urging them to support the May 8, 2002 rally in Sacramento.

CONSENT ITEMS (continued)

- 1.1-C: Acceptance of Gifts/Donations
- 1.2-C: Acceptance of Personnel Report
- 2.1-C: Acceptance of Personnel Report
- 2.2-C: Approval of 2002-2003 School Calendar
- 3.1-C: Approve the Out-of-State Travel Request
- 3.2-C: Approve Overnight Field Trip Requests
- 3.3-C: Approve Workforce Investment Act, Adult Education and Family Literacy Funds
- 3.4-C: Community-Based English Tutoring (CBET) Program Participation
- 3.5-C: Expenditure Plan for Governor's Performance Award for Berkeley Arts Magnet School
- 4.1-C: Approval of Contracts/Purchase Orders in Excess of \$15,000
- 4.2-C: Receive and Approve Information on the Issuance of Payroll Warrants for Employee Services for February 2002
- 4.3-C: Approve to advertise the repair of Play Equipment Project: Resolution 02-11
- 4.4-C: Approval to advertise the Jefferson Modernization Project: Resolution 02-12
- 4.5-C: Establish the 2002-2003 Tax rate for the "Berkeley Public Schools Educational Excellence Act of 1994" (Measure B, 1994—Schools Special Tax): Resolution 02-13
- 3.1-A: Revised Board Policy 5116: Intradistrict Open Enrollment

General Services

1.1-CF

Accept for First Reading, the Revised Board policies

Dr. Irving Phillips, Director, Magnet Programs, presented revisions made to the current Board policies. He explained the need to bring the policies into compliance with Education and Government codes. He said these policies are being presented as a replacement for our present policies. Dr. Phillips stated that a representative from the California School Boards Association (CSBA), has served as our consultant during this process.

General Services

1.1-CF

Accept for First Reading, the Revised Board policies (continued)

Director Doran thanked Dr. Phillips and other staff members who worked on this project for all of their hard work. He agreed with Dr. Phillips that the project should be completed. However, he expressed his strong objections to replacing our existing policies. Director Doran is adamantly against throwing out our old policies but is committed to changing those policies that are outdated and not in compliance with present laws, the Education and Government Codes.

Director Selawsky expressed his appreciation to Dr. Phillips and the staff for the work done so far and for future revisions and updates.

Board Members, except Director Doran, stated during the meeting that they had not had an opportunity to read the entire document and had no comments, at this time, about the validity or desirability of adopting the revised Board policies.

Listed below are Director Doran's comments, which are in parenthesis:

- 0420.4(a): Charter Schools **(Delete)**
- 1325(a): Advertising and Promotional **(Delete)**
- 3100(a): (Budget Advisory Committee states Superintendent appoints, it should read that the Board appoints)
- 3312: Contracts for exclusive sale or advertising of Carbonized beverages. (This one and the next (3312(c) are not revisions to our policies but new ones).
- 3312(c): (Contracts for Electronic Products or Services (talks about "the dissemination of advertising to students...")
- 3550: (Food Policy. Entire section on Food Service/Child Nutrition Program should include the entire policy, which was recently adopted by the Board)
- 3551.(a): Bottom of page: ("Contracts with outside providers" talks about private companies offering fast food items for sale to students.)
- 3554(a): (All new. Check out last lines, contradicts our food policies)
- 4111(a): (Says Superintendent may provide incentives (money) to recruit teachers...I think we, the Board, needs to keep this authority if we ever have to do this, as well as have it negotiated with employee organizations)
- 5116.1(a): Assignment of students. (Take out reference to City of Franklin. We need to have a determination of priority for children for District employees who live out of Berkeley, and which is legal under the Education Code.)
- 5123: Promotion/Retention...(We passed a policy different from what is printed here).
- 5123.1: Middle of the page. (I like option #2)

1.1-CF

Acceptance for First Reading, the Revised Board policies (continued)

- 5144.1(c): (Decision not to enforce expulsion order. I would like explanation of differences in the options offered).
- 5145.12(a): Search and Seizure—(Do we need this at all? If yes, I strongly object to the inclusion of Metal Detectors (bottom of page).
- 5145.12(b): (I strongly object to any reference to Drug-Detection Dogs).
- 6112: School Day. (Does this language include collective bargaining? We do not have the unilateral power to do this).
- 6141.5(a): Advanced Placement courses. (Check out whole section. Do we want to state the number of courses? Also, refers to course prerequisites for AP. I thought we could not, and should not, require prerequisites for AP, only honors courses).
- 6146.1(a): Graduation requirements. (Not correct in relation to Social Living and Ethnic Studies, or at least what we are doing this year in the Freshmen year).
- 9100: Organization – Election of Officers. (Has term limits for officers).
- 9322(a): Agenda Preparation. (A new paragraph two to read as follows:

“Any Board member may place an item on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee....(the remainder of paragraph two is to be retained.)

New paragraph three would read as follows:

“Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The Board President and Superintendent shall decide whether these requests are within the subject matter jurisdiction of the Board. Items submitted by the public not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board President and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda. All requests must be in writing and be submitted....(conclude with language in original paragraph two.)

- 9323(a) Meeting Conduct: (I believe that all of the existing policies, that is, all of 9300 GOVERNANCE, should be in this new section, unless it can be shown that it is not now legal. I particularly would like to focus on “rules of order” and completely eliminate the suggested new section on Abstentions).

1.1-CF

Acceptance for First Reading, the Revised Board policies (continued)

Director Doran further stated that the new, suggested manual has a concluding section, ARTICLE 9, BYLAWS OF THE BOARD (series 9000). He says the numbering system makes sense to him. Our present Series 9000 was in Section 14, and called "Governing Board," but, we need to carefully look over the present policies while we are updating them and be careful about what the new, suggested policies state and leaves out.

Section 9300, in our current policy book, is called Governance, where the new suggestion is Board Operations and where our present 9300 section deals with the conduct of our meetings, the new policies places them in a new Section 9323(a).

Motion: Directors Selawsky/Schultz and approved 4-1-(1)-0 on voice vote:

To accept, as a first reading, the revised Board policies, with the understanding that Director Doran's concerns must be taken into account by the staff in bringing back the policies for a second reading.

EXTENDED PUBLIC TESTIMONY

No one addressed the Board at this time.

At 10:55 p.m., the Board recessed to Closed Session.

The Board returned to Public Session at 11:25 p.m. President Issel stated that there was nothing to report from Closed Session.

ADJOURNMENT

President Issel declared the Regular Meeting of April 10, 2002 adjourned at 11:25 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District