

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, REGULAR MEETING
Wednesday, February 20, 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. and the Board recessed to Closed Session.

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 48919(c)—Board Conference Room

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsions
 - 1. Case #20-02
 - 2. Case #21-02
 - 3. Case #23-02
 - 4. Case #24-02
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Special Education Aide
- f) Public Employment and Appointments
- g) Liability Claims
- h) 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 7:51 p.m.

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 of Education Members were present.

Report Closed Session Action

b) Consideration of Student Expulsions:

1. Case # 20-02:

The Board upheld the recommendation of the Administrative Panel.

2. Case #21-02:

The Board upheld the recommendation of the Administrative Panel.

3. Case #23-02

The Board voted to extend the expulsion for two semesters.

4. Case #24-02:

The Board voted to expel the student for two semesters but to suspend the expulsion with certain conditions. If any of the conditions are breached, the full expulsion will go into effect immediately.

Recess to Closed Session (continued)

d) Public Employee Discipline/Dismissal/Release

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

That a five-day suspension be imposed on a classified instructional assistant.

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

NOES: None

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

ABSENT: None

Approve Agenda

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

That the Agenda is approved as modified.

The modifications are to change the wording on item 1.1-C to read:

The minutes should reflect that the Board voted for the four incumbents: Janice Friesen, Bill McMillin, Joaquin Rivera and Ann White.

That item 4.3-C be pulled for further clarification.

Regular Minutes

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

That the Minutes of January 23, 2002 are approved as corrected. The correction is on page 3. Director Doran abstained because he was excused from the January 9, 2002 Board Meeting.

Regular Minutes (continued)

That the Minutes of February 6, 2002 are approved as corrected. The correction is on page 8. President Issel requested that her comments be added to item 3.1-A: Revised Board Policy 5117 Transfers Attendance.

President Issel said:

"I do not agree that Berkeley Unified has made a commitment to middle school students for high school admission based on past practices. It is my view that the recommendation to renew interdistrict permits annually indicates that the right to refuse admission or release students to other districts has been reserved by Berkeley Unified."

PUBLIC TESTIMONY

Fourteen speakers addressed the Board regarding the District's budget and the proposed personnel cuts.

REPORTS

Union Representatives' Reports

Mr. Rick Spaid, Public Employees Union Local One, addressed the Board regarding the budget crisis.

Mr. Barry Fike, President, Berkeley Federation of Teachers, introduced members of their Executive Board. He reiterated the request he made to staff regarding the proposed program cuts and reorganization plans, and how teachers' input will be incorporated into the Superintendent's recommendations.

Advisory Councils' Reports

Ms. Yolanda Huang, Chair, Maintenance Advisory Council, asked for clarification regarding how the money from Measure BB is being spent?

Advisory Councils' Reports (continued)

Mr. Michael Kelly, Co-Chair, Music Committee; Ms. Susan Medak, Berkeley Arts in Education Committee, and Mr. Bruce Wicianis, Construction Advisory Committee, made comments regarding the budget crisis.

Superintendent's Report

The Superintendent did not make a report at this time.

Board Members' Reports

Student Director Chandler commented about student safety at Berkeley High School. She then deferred to seven Berkeley High School students who addressed the Board regarding student safety.

Director John Selawsky responded to comments made during Public Testimony, specifically, the City of Franklin and the manner in which the students, staff and community heard that that school maybe closing. He thanked the Berkeley High School students who brought their safety concerns to the Board and requested that the Superintendent pursue this issue and find a solution to solve it.

CONSENT ITEMS

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

That the Consent Items are approved, except item 4.1-C. Director Selawsky had a question regarding the Self-Insurance Fund item.

1.1-C

Approval of 2002 California School Boards Association (CSBA) Delegate Assembly

The Board approved the four incumbents:

Janice Friesen, Castro Valley Unified School District
William "Bill" McMillin, Newark Unified School District
Joaquin J. Rivera, Berkeley Unified School District
Anne White, Livermore Valley Joint. Unified School District

CONSENT ITEMS (continued)

2.1-C

Acceptance of Personnel Report

3.1-C

Overnight Field Trip Request

3.2-C

Approval of placement of two special education students in non-public schools

4.2-C

Approval of Contracts/Purchase Orders in excess of \$15,000

4.3-C

Receive and Approve listing of warrants issued in January 2002

4.1-C

Receive and approve information on the issuance of payroll warrants for employee services for January 2002

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

That item 4.1-C is approved.

ACTION ITEMS

Educational Services

3.1-A

Public Hearing and Approve Resolution for Grades K-12 Textbook and Instructional Materials Compliance, Fiscal Year 2001-2002

President Issel opened the Public Hearing at 9:34 p.m.

No one addressed the Board during the Public Hearing.

President Issel declared the Public Hearing closed at 9:35 p.m.

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

Approval of the Resolution for Grades K-12 Textbook and Instructional Materials Compliance, Fiscal Year 2001-2002.

Business Services

4.1-A

Approve Budget Revisions to the First Interim Report Approved on January 17, 2002

Mr. Jerry Kurr, Associate Superintendent, Business and Operations, explained that the revisions for the current year are recommended in order to bring this year's budget into balance. He explained the five proposed revisions.

Directors Doran and Selawsky inquired about the Food Services Fund and item #4: "Maintain the Berkeley High School fire insurance settlement in the General Fund."

Motion: Directors Doran/Selawsky and approved unanimously on Roll Call vote:

Approval of the Budget Revisions to the First Interim Report approved on January 17, 2002.

At this time, a third grade student at the City of Franklin MicroSociety Magnet School addressed the Board regarding the proposed closure of that school.

INFORMATION

General Services

1.1-I

Discussion of Proposed Recovery Plan for Projected Budget Shortfall in 2002-2003

Superintendent Lawrence reported that she has already met with representatives from the three unions; all District staffs except King Middle School. (She will be meeting with the King staff next week). Also, public forums have been held to discuss the budget. In addition, there will be additional opportunities for people to discuss the budget issue.

At this time, Dr. David Gomez, Associate Superintendent, Human Resources Division, presented the proposed organizational changes his division. He said these changes will create an estimated budget increase of \$36,000.

General Services (continued)

1.1-I

Discussion of Proposed Recovery Plan for Projected Budget Shortfall in 2002-2003 (continued)

Ms. Christine Lim, Associate Superintendent, Educational Services, outlined the proposed organizational changes in the Educational Services Department. She reported that the changes will create an estimated savings of \$311,860.00.

Mr. Jerry Kurr, Associate Superintendent, Business and Operations, explained the proposed organizational changes in the Business and Operations Department. He said the organizational changes will result in an estimated savings will be \$844,000.

Superintendent Lawrence discussed the proposed changes in the reporting structure of the Superintendent's area. She said the middle school principals and high school principal/director will report to the Superintendent. The high school principal/director will become a part of the Superintendent's Cabinet in order to improve communication between the District Office and the high school. The Director of Data Assessment and Program Evaluation will be involved in statistical analysis and reporting of District data which will be used to drive decisions to improve student achievement and organizational effectiveness. Superintendent Lawrence said there is no recommendation to eliminate the music, reading recovery nor and library positions.

Extend Public Testimony to receive comments on budget recommendations

Ten speakers commented regarding the proposed recovery plan.

Following are some comments made by Board Members regarding the Proposed Recovery Plan:

Director Schultz requested clarification regarding some of the organizational changes and the impact these will have on various District programs.

Vice President Rivera said he is comfortable with the direction that staff is proposing. He said if the Board votes to close the City of Franklin, those students should be given first priority regarding their school preference. Staff should begin to work with City of Franklin students, parents, staff and community regarding the proposed closure. Vice President Rivera requested more information regarding the long-term effect the proposed changes will have on Berkeley High School.

Director John Selawsky said he concurs with Vice President Rivera regarding the City of Franklin MicroSociety School. He requested additional information regarding Independent Study including the number of students in the program. Director Selawsky asked about the budget impact of a sixth period day at Berkeley High School. He said staff needs to develop a simulation of a sixth period day so we can see how it would look. Director Selawsky said he can "reluctantly go along with most of the recommendations."

Director Terry Doran said he is very uncomfortable about process regarding the proposed closure of the City of Franklin. He asked staff to provide assignment information regarding where the students will be placed. Director Doran said the Board should be included in the discussions regarding the proposed changes at Berkeley High School. He asked how many Advanced Placement Science sessions are currently being offered at Berkeley High School?

President Shirley Issel said she supports the proposed recovery plan as presented. She expressed concerns regarding the proposal to close the City of Franklin. She asked staff to address the students' needs and communicate with the parents and staff. President Issel expressed her agreement with Vice President Rivera regarding Berkeley High School. She asked what will happen to the Performing Arts Department in a sixth-period day? She suggested that staff rethink this item. President Issel expressed concern regarding the proposal that both seventh period day and transportation be dropped from Longfellow Arts & Technology Magnet Middle School.

Student Director Sarena Chandler expressed opposition to eliminating the Social Living and Ethnic Studies departments.

ADJOURNMENT

President Issel declared the Regular Meeting of February 20, 2002, adjourned at 12:30 a.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

qeg