

BERKELEY UNIFIED SCHOOL DISTRICT
MINUTES, SPECIAL MEETING
Wednesday, February 27, 2002
District Administrative Offices
Board Meeting Room
2134 Martin Luther King Jr. Way
Berkeley, CA 94704-1180

ADOPTED MINUTES

CALL TO ORDER

President Shirley Issel Called the Special Board of Education Meeting to Order at 6:01 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 M. 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.

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsions
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
(1) Non-reelection of probationary certificated teachers
- 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 6:01 p.m. and reconvened in Public Session at 7:39 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 of Education Members were present.

Report Closed Session Action

a) Conference with Legal Counsel—Existing Litigation

President Issel reported that the Board conferred with legal counsel regarding Ralph Larsen. The Board unanimously approved the proposed settlement with Ralph Larsen.

b) Consideration of Student Expulsions:

The Board reconsidered two Student Expulsions:

Case #15-02 and Case #16-02:

The Board took action to unanimously rescind the two Student Expulsions.

c) Collective Bargaining

The Board had a short discussion regarding non-reelection of probationary certificated teachers.

d) Public Employee Discipline/Dismissal/Release

(1) Non-reelection of probationary certificated teachers

The Board took action to issue a notice of non-reelection to seven probationary certificated employees Pursuant to Education Code Section 44926.21(b) effective at the end of the 2001-2002 school year. The Board directed the Superintendent or designee to send the appropriate legal notices to these employees.

Report Closed Session Action (continued)

e) Public Employee Discipline/Dismissal/Release (continued)

(1) Non-reelection of probationary certificated teachers (continued)

The Roll Call vote was:

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
NOES: None
ABSTAIN: (Student Director Chandler. The Student Director does not attend nor vote on Closed Session items.)
ABSENT: None

f) Liability claims

The Board discussed a claim settlement and gave direction to staff.

Approve Agenda

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

Approval of the Special Board of Education Meeting Agenda of February 27, 2002.

AGENDA REORDER

Superintendent's Report

Superintendent Lawrence gave an update regarding the budget crisis. She explained why many of the important decisions have to be made under such quick timelines. Superintendent Lawrence said under normal circumstances, school districts would have had many months to go through and plan and be able to bring people together to make some of these decisions and to plan some of the implementation strategies related to the proposed cuts. But, unfortunately, that is not the case because of the tight time constraints we are under. Our work has been fast because we have the statutory requirement of meeting the March 15th deadline of notification of many employees. Superintendent Lawrence reviewed the most significant items of her recommendations that have changed. These changes are as follows:

Superintendent's Report (continued)

1. Superintendent Lawrence asked the Board to table her recommendation regarding the closure of the City of Franklin MicroSociety Magnet School. She said staff needs more time to evaluate this recommendation. Superintendent Lawrence stated that by closing the City of Franklin, it would mean a savings of \$300,000.00 for the District.
2. The recommendation pertaining to the BSEP (Berkeley Schools Excellence Project) Office is being modified so that the personnel and functions of that office will be under the Business and Operations Division.
3. Regarding the Independent Study recommendation, the plan is to move forward regarding the finances connected to Independent Study. However, moving that program to the Adult School is not a viable option. But, there are some ways that that program can be reorganized that will save the District money. We will be studying this program for that purpose.
4. In addition, Superintendent Lawrence explained that the names of some of the music teachers are included on the layoff list. However, the recommendation for the reduction is approximately one or two FTEs (full time equivalent). But, in order for us to evaluate how to better reorganize the music department and also to meet the March 15th deadline, we need to send certificated layoff notices. Between March 15th and May, many of those notices will be rescinded.
5. By declaring a fiscal emergency, it will allow the Board to raise class sizes. Without the declaration, we cannot move forward to give notices in the event that class sizes need to be raised.

Superintendent Lawrence said there are some recommendations that she can completely support and move forward. However, some recommendations are going to be modified and adjusted over the next few months. Staff will continue to come forward with budget updates and communication to the Board and community. Also, the unions will be involved throughout this process.

PUBLIC TESTIMONY

Twenty-three speakers addressed the Board regarding the budget crisis.

Union Representatives' Reports

Ms. Carol Isen, Associate Director, International Federation of Professional & Technical Engineers, Local 21, said a few months ago they filed an election petition to represent the remaining unrepresented classified employees in the District. Many of those employees are set to lose their jobs if the Board adopts the Superintendent's recommendations. Since a representation issue is pending, the elimination of these positions may amount to interference in the election, especially in light of the fact that some of the duties maybe shifted to newly created positions. So, Local 21 intends to file an unfair labor practice charge with the Public Employees Relations Board. Ms. Isen requested a meeting with the Superintendent and the affected employees to discuss this issue.

The following union representatives addressed the Board regarding the District's budget:

- Mr. Rick Spaid, Public Employees' Union Local One;
- Ms. Karen Anthony, Business Agent, Public Employees Union Local One; and,
- Mr. Barry Fike, President, Berkeley Federation of Teachers. Mr. Fike reiterated his request for certain information.

Advisory Council's Reports

Ms. Nancy Riddle, BSEP (Berkeley Schools Excellence Project) Planning and Oversight Committee, spoke in opposition to the proposed modifications to the BSEP office. Mr. Derick Miller, President, PTA Council, expressed his concerns regarding the recent budget forum. Ms. Yolanda Huang, Chair, Maintenance Advisory Committee, asked that staff revisit the Custodial Supervision model. Ms. Rosemary Ritchie, Music Committee, announced that the next Music Committee Meeting will be held on March 14, 2002. She invited the Superintendent and Board Members to attend. Mr. Don Read, Chair, Budget and Finance Committee, commented regarding how Measure BB funds are being spent. He requested that staff disclose to the public the basis for the severe fiscal emergency.

Superintendent's Report

Superintendent Lawrence addressed some of the issues raised during public testimony. She responded to requests made by Mr. Barry Fike, President, Berkeley Federation of Teachers. She said she and the Associate Superintendents will be meeting again with the union representatives on Monday. Superintendent Lawrence announced that the layoff hearings will not be held during Spring Recess. She reiterated that the Reading Recovery Program and the libraries will not be brought forward for reduction or elimination, unless we are in a dire emergency. The Literacy and library programs will remain priorities. The Superintendent said she wants to be sure that we have balanced programs which promotes achievement for all of our students.

Please see pages 4 and 5 of these minutes for additional comments by the Superintendent.

Board Members' Reports

Board Members expressed their appreciation of the comments made during Public Testimony. They assured the audience that their comments will be taken under advisement.

Director Selawsky requested that in the future, students be allowed to speak first and that ten minutes be set-aside for them.

Vice President Rivera announced that there was a misquote in a newspaper regarding the expenditure of bond monies. He reassured the Berkeley community that the bond funds have always been spent appropriately.

CONSENT ITEMS

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

Approval of the Consent Items.

Educational Services

3.1-C

Overnight Field Trip Requests

CONSENT ITEMS (continued)

3.2-C
Out-of-State Travel Request

3.3-C
Application for AB 1339 (Knox) Education Technology Staff Development Program Funds

3.4-C
Artwork Extension Grants Submission Approval

ACTION ITEMS

General Services

1.1-A
Approve Recovery Plan for Projected Budget Shortfall

Motion: Directors Selawsky/Doran and approve 4-01(1)-0 on voice vote:

Accept the Recovery Plan, as modified. The modifications include the following:

1. Pull the proposal regarding closing the City of Franklin.
2. Reassign the BSEP personnel and functions to the Business and Operations Division.
3. Revisit the Independent Study Program for financial savings options.

AYES: Directors Doran, Rivera, Schultz, Selawsky

NOES: None

ABSTAIN: Director Issel (Student Director Chandler)

ABSENT: None

1.2-A
Declaration of Fiscal Emergency

The Board had before it an eight-page document, "Berkeley Unified School District, A Summary of Proposed Class Size Reduction Staffing Models for FY 2003."

Superintendent Lawrence explained that the declaration of a fiscal emergency allows staff the flexibility to notify certificated employees should there not be enough temporary teachers who are released or other budget reductions fail to materialize.

Staff presented five alternative models for the classroom teacher staffing ratios for FY 2003.

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

Approval to declare a Fiscal Emergency for the 2002-2003 fiscal year and to approve Model F, class size reduction staffing model for FY 2003.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
NOES: None
ABSTAIN: (Student Director Chandler)
ABSENT: None

2.1-A
Resolution 02-03: Reducing Particular Kinds of Services

Motion: Directors Rivera/Selawsky and approved 5-0-(1)-0 on voice vote:

Approval of Resolution 02-03.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
NOES: None
ABSTAIN: (Student Director Chandler)
ABSENT: None

2.2-A

Resolution 02-02: Elimination of Specified Classified Positions

Motion: Directors Rivera/Selawsky and approved 5-0(1)-0 on voice vote:

Approval of Resolution 02-02.

AYES: Directors Doran, Issel, Rivera, Schultz, Selawsky
NOES: None
ABSTAIN: (Student Director Chandler)
ABSENT: None

EXTENDED PUBLIC TESTIMONY

No one addressed the Board at this time.

ADJOURNMENT

President Issel declared the Special Meeting of February 27, 2002 adjourned at 1:16 a.m.

APPROVED:

ATTEST

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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