

BERKELEY UNIFIED SCHOOL DISTRICT  
MINUTES, REGULAR MEETING  
Wednesday, January 23, 2002  
District Administrative Offices  
Board Meeting Room  
2134 Martin Luther King Jr. Way  
Berkeley, CA 94704-1180

OFFICIAL BUT UNADOPTED MINUTES  
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**CALL TO ORDER**

President Shirley Issel Called the Board of Education Meeting to Order at 6:02 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.

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

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsions
  - 1. Case #: 17-02
  - 2. Case # 19-02
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment and Appointments
- f) Liability Claims
- g) Property Acquisition

The Board recessed to Closed Session at 6:02 p.m. and reconvened in Public Session at 7:40 p.m.

Report Closed Session Action

President Issel stated that in Closed Session, the Board dealt with Closed Session items (b): Consideration of Student Expulsions: Cases 17-02 and 19-02; (d): Public Employee Discipline/Dismissal/Release; and, (f): Liability Claims.

**Case #: 17-02**

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

There was no action on this case; it was given an extension of ten days.

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

ABSTAIN: (Student Director Chandler. The Student Director does not vote on student expulsions)

**Case # 19-02**

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

That the student is expelled for two semesters, as recommended by the Administrative Panel.

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

ABSTAIN: (Student Director Chandler. The Student Director does not vote on student expulsions.)

Approve Agenda

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

That the agenda is approved as amended. The amendments are as follows:

Items 3.2-C, 3.4-C, 4.1-C, 4.2-C, 4.5-C are pulled. Item 2.1-A is moved to the Consent Calendar.

Regular Minutes

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

That the Minutes of the Regular Meeting held January 9, 2002 is approved as corrected. The correction is on page 3 under Union Representatives' Reports, first bullet. It now reads:

- 162 teachers and counselors voted;

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

NOES: None

ABSTAIN: Director Doran. Director Doran was excused from the January 23, 2002 Board Meeting.

ABSENT: None

**HEARING SECTION**

Student Director Chandler read a statement from Rose Lockwood-Holden, a Berkeley High School student, who could not attend the Board Meeting. The statement was regarding the use of the Berkeley High School baseball field. Four members of the audience addressed the Board regarding the Longfellow Soccer Team, and the use of the Berkeley High School baseball field.

## **REPORTS**

### Advisory Councils' Reports

Ms. Mary Reiter, BSEP (Berkeley Schools' Excellence Project) Planning and Oversight Committee, representing the Class Size Reduction Subcommittee, said they need to know what the budget assumptions are in order to make meaningful recommendations to the Board from the Class Size Reduction Subcommittee and the Planning and Oversight Committee. She said some of the data that is essential for assessing the current budget situation and anticipating next year's budget include the following:

- The actual enrollment figures by grade level for the current school year;
- The projected enrollment by grade level for next year;
- The average daily attendance (ADA) data for the current year, by grade level;
- The projected ADA for the budget year including both projected ADA based on projected enrollment and the ADA figures that are being used to estimate revenue for the budget year, if it is different because of declining enrollment;
- The current average teacher salary;
- The projected average teacher salary for next year.

Ms. Yolanda Huang, Chair, Maintenance Advisory Committee, addressed the Board. She said maintenance staff has been performing non-maintenance tasks such as moving furniture and the entire salary of the staff has been charged to the maintenance budget.

President Issel asked the Advisory Council representatives to please inform the Board prior to addressing the Board, which comments are from their committee and which comments are from them as individuals.

### Union Representatives' Report

Mr. Barry Fike, President, BFT (Berkeley Federation of Teachers), introduced three BFT executive board members. Mr. Fike commented regarding the budget. He expressed his appreciation for the informational letter Superintendent Lawrence distributed explaining the budget crisis. He said BFT's position is that we must all come together during this budget crisis. Mr. Rick Spaid, Public Employees' Union Local One, is suggesting that a stakeholders committee be formed to make recommendations regarding the budget crisis.

Superintendent's Report

Superintendent Lawrence said some concerns were raised during the meeting in which Student Director Chandler seconded a motion. At that time, her second was negated. The Superintendent said she conducted an investigation regarding this issue and sought advise from two attorneys. Our policy clearly defines that the Student Director's vote is an advisory vote and she may make a motion but the Education Code is very narrowly defined and because our Board policy is also very narrowly defined, by allowing her to make a second moves the motion into the position of being voted upon and then gives her, as an advisory vote, more authority than making a motion. Both attorneys advised that there was no legal authority in Education Code or in our Board policies to allow an advisory vote to have a second. What could have happened is that Student Director Chandler could have made the motion, Director Doran could have seconded the motion and then the item could have been up for discussion.

Superintendent Lawrence informed the Board that an informational budget letter has been distributed to all of our employees. She said she plans to visit as many school sites and talk with as many employees personally as possible to ease their minds and put the budget issue in perspective and let the employees know the direction staff is taking.

Board Members' Comments

Student Director Chandler said Governor Gray Davis is proposing cutting \$843 million dollars from the education budget. She encouraged the Board to write a letter to the Governor disapproving this proposal. Director Doran highlighted his visits to various school sites. He requested that staff provide a status report regarding the success of the ninth grade program—Critical Pathways. Director Doran also requested that the small school agenda item be revisited. Director Selawsky requested that staff conduct as much of our budget deliberations and decisions in public as possible. He said it is imperative for us to inform the community about how we are making our budget decisions and what we are basing those decisions on. He said we should look at the District's budget the same way as a business looks at its budget by requesting each department to cut 10% out of their budget. Regarding agenda item 1.I-A: Schedule of dates for additional special board of meetings—study sessions, Director Selawsky suggested that the following topics be scheduled as Board study sessions: small schools, information regarding the 9<sup>th</sup> grade program and the co-principal model, what the future principal/co-principal model at Berkeley High School would resemble, and the WASC process and student achievement at Berkeley High School. Vice President Rivera said he opposes the small school discussion because of the timing and the budget crisis. President Issel said she agrees with Vice President Rivera regarding the timing of a Board study session about small schools.

**BOARD MEMBERS' COMMENTS** (continued)

President Issel expressed sympathy on behalf of the Board of Education, the Superintendent and District staff, to Mrs. Cassandra Powell on the loss of her husband, Mr. Curtis Powell who was a District employee in the Maintenance Department; Mrs. Geraldine Morgan on the loss of her father and Ms. Diane Pico on the loss of her father. President Issel declared a moment of silence to reflect on the preciousness of life.

**CONSENT CALENDAR**

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

That the Consent Calendar is approved.

- 2.1-C: Acceptance of Personnel Report
- 3.1-C: Approve overnight field trip
- 3.3-C: Approve amendment to the contract between the District and the Berkeley YMCA
- 4.3-C: Workers Compensation Renewal effective December 31, 2002
- 4.4-C: Approve additional system application module and software
- 2.1-A: Election by Classified Employees concerning appointment process for Personnel Commissioners

3.2-C

Approve contract for \$86,250 with the City of Berkeley Mental Health, Family, Youth and Children Services

Director Selawsky requested more information about the source of funding for this program. He also asked if this program is sustainable and if there has been an evaluation of the program?

Ms. Julie Sinai, Manager, School Linked Programs, responded to Director Selawsky's questions.

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

That item 3.2-C is approved.

3.4-C

Approval of Out-of-State Travel Requests

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

That item 3.4-C is approved.

**CONSENT CALENDAR** (continued)

4.1-C

Issuance of Payroll Warrants

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

That item 4.1-C is approved.

4.2-C

Approve of Contracts and Purchase Orders in Excess of \$15,000

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

That item 4.2-C is approved.

4.5-C

Contract with California Financing Services not to exceed \$50,000

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

That item 4.5-C is approved.

**ACTION ITEMS**

General Services

1.I-A

Schedule of dates for additional Special Board Meetings—Study Sessions

Superintendent Lawrence explained why she is recommending that the Board schedule additional Special Board Meetings—Study Sessions.

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

That additional Special Board Meetings—Study Sessions, be held on the following dates:

- February 27, 2002
- March 13, 2002
- May 15, 2002
- October 16, 2002

Superintendent Lawrence said she will have an information item on the next Board agenda regarding the status of the Master Schedule at Berkeley High School. Director Selawsky requested that the high school study session also include a discussion regarding small schools.

Educational Services

3.1-A

Public Hearing on Waiver Request of Education Code Section 3550(d)

President Issel declared the Public Hearing open at 9:44 p.m. No one addressed the Board at this time.

Ms. Christine Lim, Associate Superintendent, Instruction, explained this item.

President Issel closed the Public Hearing at 9:45 p.m.

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

Approval of waiver request of Education Code Section 35505(d)

Business Services

4.1-A

Waiver of current Board Policy IEA, requiring the estimated planning budget to be presented in February 2002

Director Selawsky said in order for him to support this waiver, staff needs to provide a commitment for an alternate date for submittal of the First Estimate Budget. Director Schultz commented regarding the requests made by the BSEP Planning and Oversight Committee. President Issel appealed to the Board to join together to support this recommendation.

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

Waiver of current Board Policy IEA, requiring the estimated planning budget to be presented in February 2002.

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



## **CONFERENCE**

### Instruction

The Board agreed, by consensus, that the following two items be discussed together:

#### 3.1-CF

Revise Board Policy 5117: Interdistrict Transfer; and

#### 3.2-F

Administrative Regulations for Board Policy 5117: Interdistrict Transfers

Superintendent Lawrence said about two years ago a complaint was filed to the State on a compliance issue regarding permits of students with disabilities coming into the District and that issue is related to the Allen Bill. She said there has been a discussion at the staff level about whether or not that issue needs to be included in the Administrative Regulations or as a separate regulation. The other issue is that the policy that was approved by the Board is not a philosophy or policy but more an administrative regulation. Staff is suggesting that these be separate so that it would allow staff the freedom and flexibility of making changes in that administrative regulation without violating the Board's intention related to the policy. The policy is a comprehensive, philosophical, positional type. That seems to be the role the Board needs to play in defining these issues. The most significant change, which has occurred in the policy statement, is the issue of seating capacity and availability. The Board is making a statement by accepting a policy that the seating capacity and availability is going to drive the issue related to policies. If a school is viewed as over-crowded, the Board will not, in fact, recommend accepting the permit. The other issue is informing students who come into our District on permits are expected to adhere to the academic and behavioral standards set forth by the Board of Education for out-of-district students and the Board will strictly monitor performance and behavior of the students.

Superintendent Lawrence then deferred to Francisco Martinez, Coordinator, Parent Access, who made a slide presentation regarding Berkeley High School and the interdistrict permits that are currently in the District.

3.1-F

Presentation on current status of the District's Disaster Plan

Ms. Christine Lim, Associate Superintendent, Instruction, summarized the District's Disaster Plan. She distributed an up-to-date copy of the Incident Command Chart. Ms. Lim then introduced representatives from the District's Disaster Preparedness Committee: Ms. Bernadette Cormier, Supervisor, Transportation Operations; Mr. Lewis Jones, Manager, Facilities Planning; and, Mr. Alex Palau, Principal, Berkeley Alternative High School. Mr. Jones reported that station 5 on the District's two-way radios is the emergency station and the Transportation Department is the emergency center. Dr. David Gomez, Associate Superintendent, Administrative Services, explained the organizational structure of the District's Disaster Plan. Ms. Bernadette Cormier outlined the communication team training session, which will be held in February. She said there will be a district-wide preparedness training session in March. Mr. Alex Palau described the next steps and Mr. Jerry Kurr provided the financial information to implement the Disaster Plan.

Director Doran expressed concern regarding the location of the command center. He asked if people cannot move from their current site, what is the alternate plan? Director Doran requested that staff be informed about the Education Code regarding their responsibilities in case of an emergency. Director Selawsky asked what is the responsibility of Board Members in the event of an emergency?

Director Schultz asked if the Transportation Department is earthquake proof? If not, what is the backup plan?

Director Issel also expressed concern about the location and safety of the Transportation Department. She said two-hour radios are not long enough. She wants to know what means have been developed to report to Board Members in case of an emergency?

**ADJOURNMENT**

President Issel declared the Regular Meeting of January 23, 2002, adjourned at 11:59 p.m.

APPROVED:

ATTEST

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President, Board of Education  
Berkeley Unified School District

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Secretary, Board of Education  
Berkeley Unified School District