

# BERKELEY UNIFIED SCHOOL DISTRICT

## Minutes, Regular Meeting

Wednesday, February 7, 2007  
District Administrative Offices  
2134 Martin Luther King Jr. Way  
Berkeley, CA. 94704-1180

## ADOPTED MINUTES

### Roll Call

Members Present:

Joaquin J. Rivera, President  
John Selawsky, Vice President  
Karen Hemphill, Director  
Shirley Issel, Director  
Nancy Riddle, Director  
Mateo Aceves\*\* - Student Director

Administration:

Superintendent Michele Lawrence, Secretary  
Eric D. Smith, Deputy Superintendent  
Neil Smith, Assistant Superintendent of Educational Services

Excused Absence: Lisa Udell, Assistant Superintendent of Human Resources

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(a) and 54957) and Education Code Section 49819(c)

**President Rivera called the meeting to order at approximately 7:45pm.**

Report on Closed Session Actions:

The Board considered student expulsions:

**Student Case No. #0607-25-051391**

**Selawsky/ Hemphill** to approve unanimously on voice vote to approve suspended expulsion to the end of the academic year

**Student Case No #0607-27-072293**

**Issel/ Riddle** to approve unanimously on voice vote to approve suspended expulsion to the end of the academic year

**Student Case No #0607-28-071694**

**Issel/ Selawsky** to approve unanimously on voice vote to approve suspended expulsion to the end of the academic year

**Student Case No. #0607-21-011692**

**Selawsky/ Issel** to approve suspended expulsion on a vote of 3/2 with Riddle and Hemphill voting no

**Student Case No. #0607-20-050191**

**Selawsky/ Issel** to approve student suspended expulsion on a vote of 3/2 with Riddle and Hemphill voting no.

Public Employment /Appointment

**Hemphill / Selawsky** to approve employment of Nancy Williams

**Liability Claims**

Claim # 07-08 Issel/ **Selawsky** to reject claim on a unanimous vote

Claim # 07-09 **Issel/ Selawsky** to reject claim on a vote of 4/1 – President Rivera abstained

Approve Agenda

Approve the Regular Meeting Agenda of February 7, 2007

**Issel/Riddle** to approve agenda

Superintendent Lawrence stated that she would be bringing ratification to the Board at the next regular meeting for a late request from CAS for a field trip to the Headlands. She stated that all the appropriate paperwork had been submitted but not in time to be included in the February 7, 2007 Board Meeting.

Issel requested that all policies be moved to consent 1.1-A, 1.2-A, 1.3-A, 1.4-A and 3.1-A.

Hemphill had questions regarding 1.4-A and 3.1-A

Rivera requested Item 4.1-C be removed from Consent

**TEACHING AND LEARNING**

The Arts Anchor School Program at Oxford: Principal Janet Levenson and Teachers Rita Davies and Carolyn Chan

There was a very informative presentation on the Arts Anchor School Program at Oxford School presented by Principal Janet Levenson and Teachers Rita Davies and Caryn Chan. This program teaches children to express themselves in ways other than writing by using strategies that have the same steps as the

writing process. Samples of students' art work and writings were read to the Board emphasizing how revising and reflecting is an ongoing process. As a result of this program, teachers are seeing the power of improving their student's writing skills. The Board thanked the Principal and staff for their presentation, and the Superintendent congratulated Ms. Davies' on her decision to retire after 42 years of teaching.

### **PUBLIC TESTIMONY**

Nancy Rader who is a Washington School parent spoke on behalf of herself and another parent (Lonnie Kimmons) who expressed concerns for children who have nut allergies. Ms. Radar stated that Principal Kimball has been supportive and has requested that nuts not be included in the lunches sent to Washington School. Rader requested that the District adopt a policy banning the serving and use of nuts in the Berkeley Unified School District's food and garden programs.

### **Union**

Tim Donnelly, BCCE president, made allegations concerning the Administration's unfair hiring practices within the Nutrition Services Department and stated that the Merit Board would review such practices at their February 13, 2007 meeting.

### **Superintendent's Report**

Michele Lawrence praised the Staff Development Day and thanked Assistant Superintendent, Neil Smith for an effective Staff Development Day. She also announced the loss of Denise Brown, Vice Principal and long time teacher at Berkeley High and Longfellow Schools. Ms. Lawrence also expressed appreciation to Jim Slemm, Mayor Tom Bates and health officials for their support of the students and staff during their grieving process.

### **Board Members' Reports**

Mateo Aceves added additional remarks about Denise Brown and stated the entire school has been affected.

Nancy Riddle expressed her condolences to the children of Denise Brown.

Karen Hemphill stated she wants Denise's family to know that immortality is in the fact that as long as there are people who think about us and remember us ...with Denise that will be more many, many years and generations. She announced that the week of February 11 through February 17 will be take your family to school week, an event encouraged by the National PTA.

Shirley Issel thanked fellow board members who have talked about the terrible loss of Denise Brown.

John Selawsky thanked the parent who spoke about the peanut allergy and stated he realizes that this is a bigger issue than just Washington School and he will follow up on her concerns. He also expressed his condolences and stated that Denise Brown will be missed.

Joaquin Rivera expressed condolences to the family and to all who knew Denise and what a huge loss it is to the District.

### **CONSENT ITEMS**

Director Hemphill asked how a member of the Board could place an item on the agenda. President Rivera stated that the Director would need to take the item to the Superintendent to be included in the agenda.

Approved all consent items with the exception of 3.2-C and 4.1-C a  
**Issel/Selawsky and** approved unanimously on voice vote.

#### Item 3.2-C – Consolidated Application (Part II)

Director Hemphill requested that a simple cover or Executive summary memo be included with this type of report in a more user friendly format. This would enable the public or people who were less knowledgeable to understand and to be able to follow the information.

**/Riddle** and approved unanimously on voice vote.

#### Item 4.1-C – Contract and Services

Director Rivera is requesting additional information as to why there is a need for an increase on several of the items presented for example # 31, 31 and #33. The Deputy Superintendent stated that this list may or may not mirror the budget and these items were not a request for additional budget or funding. He stated that we should encumber the entire amount to avoid these types of discrepancies and not list each expenditure individually. He also stated that a threshold of \$50,000 or more has been established and these items will be presented to the Board as separate Board items for consideration. Student Director Aceves questioned #9 and asked if there was some kind of evaluation to determine what programs are most effective. He also requested a list of activities offered in the After-School Programs. Hemphill asked if a there was a need for an increase in funds not previously budgeted would that have to come before the Board for funding. Superintendent Lawrence stated yes, and it would come as a separate item with the fiscal impact presented as additional background information. Typo Page 20, #10 Oxford Elementary School (not Middle School)

**Aceves/Selawsky and** approved unanimously.

### **ACTION ITEMS**

#### 1.1-A

Approval of Board Policy 6162.2 on Damaged or Lost Instructional Materials  
Hemphill questioned the administrative implementation of this policy and what happens when a low income family can't pay? Assistant Superintendent Neil Smith explained that the Principal (Superintendent's designee) would determine if families have made an attempt and just can't pay, no additional action would be taken. It was noted that in the past the PTA helped in circumstances. No one is ever denied education due to failure to return a book. Director Hemphill wants to make sure there are options to families.

**Issel/Selawsky and** approved unanimously.

#### 1.2-A

##### Approval of Board Policy 0430 – Comprehensive Local Plan for Special Education

Director Hemphill asked if there is parental involvement when these types of policies are being written. Superintendent Lawrence explained that the policies before the Board are mandated and follow the Educational Code and CSBA guidelines. The Board has little latitude in the language of the policy.

Lawrence explained that there is also a Board Policy Committee made up of Board Members also. She noted in the past she has been asked to go to the community, site councils and the PTA for community input, citing the Nutrition Services food policy as an example. Director Issel stated that if there is something Director Hemphill doesn't agree with, the time to bring it up is at its first reading, and it would then be referred to the Policy Committee. She also stated that if any policies need broader input the Board can do so. Hemphill wants to understand when there is an opportunity to go beyond a basic policy and to include parental input. Superintendent stated that this policy can be expanded in the future and can go out to the Community at a later date.

President Rivera stated that some of these policies have already been adopted and these are updates to those policies.

**Issel/Selawsky** and approved unanimously reading

#### 1.3-A

##### Approval of Board Policy 6159 – Individualized Educational Program

Director Hemphill stated she had similar concerns as she did with Item 1.2-A.

**Issel/Selawsky** and approved unanimously

#### 4.1-A

##### Facilities Financial Plan Modifications

Superintendent Lawrence wanted to make sure there was no confusion on this item. She stated that staff is preparing to provide the Board with a recap of how Bond monies have been spent. This comprehensive report /analysis are forthcoming. Superintendent is requesting that these specific projects (which are in the queue) be allowed to go forward since part of the work may have already been done and the expense for these projects are not hugely significant in their expenditures. These would be included in the more comprehensive report. Issel and Hemphill both stated this was a very user friendly report.

Facilities Director Lew Jones answered questions regarding the item.

**Selawsky/Riddle** and approved unanimously

### **INFORMATIONAL ITEMS**

#### 3.1-I Williams Complaints Report

Received for information

#### 3.2-I Free and Reduced Lunch Report

Director Issel commented that the District's goal includes diversity and an socio- economic balance and there is a much higher percentage of students at Le Conte compared to other sites who qualify for free/reduced lunch. The District should do what it can to rebalance the percentages at our different sites. Superintendent stated that these numbers used to be different and as a

result of changing the student assignment process, huge progress has been made. She stated that there is a down side to having a socio-economic balance. Unless we have the 50%, the school would not qualify for certain programs such as CNN which can result in lost revenue. Student Director Aceves questioned why the numbers at BHS are so different. Superintendent stated that the data received is self reported and the District attempts to get the information by tracking siblings. Students who don't have siblings must self report. Lawrence stated she is sure the numbers at the high school are higher and that our costs could be reduced and the District could be reimbursed if we capture the students who are eligible for free lunch at the high school. Director Hemphill stated that her experience at Longfellow showed that when the food improved, the number of free/reduced applications increased.

### **3.3-I Advisory Program Report from BHS**

Jim Slemph began his report with reflections of denise brown. Slemph said that the denise brown was a hero because she was a model as to how you should treat all people.

Slemph gave an Advisory program update.

The Student Director questioned instructional minutes. Superintendent Lawrence wanted to know the amount of minutes in which there would be a loss of instructional times going to advisory. Slemph explained that the minimum lost time would be 40 minutes and the maximum would be 2 hours per week depending on the option. Board Member Riddle requested an overview of the block scheduling option. The Board also wanted to know the financial impact. Slemph stated that advisory groups will meet in various places on campus and he had personally found a place for each and every advisory to meet. There have been recent lively discussions regarding lack of classroom space at BHS. There is a real concern about giving up precious instruction time by all of the Board Members.

Advisory would follow students for 4 years. The advisory teacher would therefore know each student for 4 years and as a result they would become a surrogate family. Individual advising would not replace individual counselors. Advisories would allow counselors to focus on students with greater needs. Issel would like evaluations and feedback from the student. She would want information on teacher support of this proposal. There was discussion as to the advisory curriculum and what it would include. The Board looks forward to reviewing the final advisory plans in the future.

### **3.4-I**

#### **Monthly School Enrollment and Average Daily Attendance**

President Rivera expressed concerns in regards to the B-Tech number of students who were not in attendance in November and had previously improved in October and that this number was less than it was a year ago. Superintendent Lawrence stated that she and Victor Diaz are aware of this problem, and she will advise him that it is not only herself but the Board as a whole that is very concerned. He is aware that unless the attendance improves

the District cannot support this school. Board Member Issel also expressed the same concerns about the attendance numbers for both B-Tech and the Independent Study. There was discussion regarding SARB and the national average for attendance. Director Hemphill asked what the ADA attendance should be; Deputy Superintendent stated that the state average is 94.5 % and BUSD runs about 92%. We use P2 for budgeting purposes. Director Hemphill said we should look for ways to boost attendance and gain more ADA money. She asked if there is something in the plan to monitor when a school goes below state average. The real issue is that if students are not in class then they are not learning and therefore can't be successful. It was also pointed out that that BHS potential lost revenue vs. money not earned was \$183,855.

4.1-I Accessibility Report  
Received for information

4.2-I Information on the Governor's Budget  
The Deputy Superintendent presented a power point presentation highlighting the information received at the Governor's Budget Workshop. He stated this was a "no frills" budget and stated there were two controversial proposals regarding Home to School Transportation and Stage II Cal Works Child Care Program which he believes will be adamantly opposed. He also stated that Special Education continues to encroach on a state-wide basis. There was discussion regarding defraying mandated cost reimbursements and deficit factor. Eric said this is a decent but somewhat anti-climactic budget after last year's.

#### **ADDITIONAL ACTION ITEMS**

Approve Minutes of January 17, 2007

**Selawsky/ Riddle** and approved unanimously on voice vote as amended

Approve Minutes of January 31, 2007

**Riddle/Issel** and approved unanimously on voice vote as amended on a 4/1 vote with Vice President Selawsky abstaining

#### **ADJOURNMENT**

---

Joaquin J. Rivera  
Board President

---

Michele Lawrence  
Secretary