

BERKELEY PUBLIC SCHOOLS
Board of Education
1231 Addison St., Berkeley, CA 94702
510-644-6206

Official Minutes
July 15, 2020

President Judy Appel called the meeting to order at 7:04pm. She reported that the Board convened to Closed Session at 5:00pm.

Roll Call

Board of Education:

Judy Appel, President – Present

Ty Alper, Vice President – Present

Ka'Dijah Brown, Director/Clerk – Present

Beatriz Leyva-Cutler, Director – Present

Julie Siniai, Director -- Present

Administration:

Brent Stephens, Ed., D, Superintendent

Baje Thiara, Associate Superintendent, Educational Services

Pauline Follansbee, Assistant Superintendent, Business Services

Samantha Tobias-Espinosa, Assistant Superintendent, Human Resources

Lyz Chairez, Recorder

OPEN SESSION

APPROVAL OF SPECIAL MEETING AGENDA

At the request of Appel 12.1 was changed to approval:

Motion to approve agenda as amended:

Appel/Brown and unanimously approved 5-0.

REPORT CLOSED SESSION

Vice President Alper reported out on closed session:

Conference with Legal Counsel - Existing Litigation (Government Code Section 54596.9(a))

Case No. DSC1503595

The Board heard an update on this matter and gave direction. No action taken.

Case No. 202021-01

The Board heard an update on this matter and gave direction. No action taken

Collective Bargaining - Government Code Section 54957.6(a) (District Negotiator: Samantha Tobias-Espinosa)

Berkeley Council of Classified Employees (BCCE)

The Board heard an update on this matter and gave direction. No action taken.

Berkeley Federation of Teachers (BFT)

The Board heard an update on this matter and gave direction. No action taken.

Public Employment (Government Code Section 54957)

Vice Principal

Alper moved to appoint Linda Morgan as the new Vice Principal of Malcolm X elementary. Motion was seconded by Leyva-Cutler; motion carried on a 5-0 vote.

PUBLIC TESTIMONY

A total of 16 people addressed the Board:

Six comments opposed to schools reopening in the fall and urging BUSD to take all safety measures before reopening

Two comments in support of reopening schools in the fall for families who choose to send their children back to school.

One comment requesting the support of BUSD for parents to ensure effective distance learning.

One comment advocating for the use of the outdoors as a tool to reopening schools.

One comment expressing the importance of using medical science to inform and reopening plans.

One comment around the sports that are being resumed and asking why spring and winter sports are being prioritized over fall sports which also happen to be all-boys sports.

One comment requesting supports to be put in place for teachers and asking to be able to meet students and their caregivers one-on-one during the first two weeks of school.

Three comments in favor of schools reopening given medical science has shown that children are not the main spreaders.

One comment in support of Superintendent's plan to reopen schools.

UNION COMMENTS

BFT President Matt Meyer thanked BUSD for its leadership as it has been thinking about how to return students to the classrooms in the safest way possible in light of rising COVID cases and hospitalization, and with trace tracking not being widely available. Basic, necessary infrastructure improvements like adding hand washing stations throughout our campuses will take more time than we have available before school starts in August. Instead of making more resources available to meet these new demands, state funding has decreased significantly. There will be many challenges along the way, but BFT looks forward to a continued partnership with BUSD to solve problems as they arise.

BOARD MEMBER AND SUPERINTENDENT COMMENTS

Vice President Ty Alper acknowledged the 500 attendees at tonight's meeting, a record breaking number since he's been on the Board. This is no surprise considering that we are dealing with a very important issue regarding the reopening of our schools. He thanked the community for their thoughtful emails to the board containing research and arguments for and against reopening schools. We know that distance learning cannot substitute in-person instruction, and we know that we have to keep our students and staff safe. BUSD staff has been working with its union partners around the clock planning and preparing for the fall. What distance learning will look like is still being negotiated and all questions cannot be answered tonight. More information will be available at the next meeting.

Director Julie Sinai welcomed new BHS Student Director Miles Miller and also announced that she has appointed BHS student Isela Vasquez to the City's Youth Commission. While there are many things out of our control, she said that what we can control is figuring out how to deliver the best education possible via distance learning, the safest way to engage with our students right now. She noted that while Berkeley may have a low number of positive COVID cases, we have staff that come from other cities like east Oakland, currently a hotbed for positive testing. Given the surge in COVID cases in the region and the Federal Government's failure to provide test kits to increase testing ability, we are doing our best as we focus on establishing a robust distance learning experience until schools can safely reopen.

Director Beatriz Leyva-Cutler thanked all of the community who have expressed their concerns and stance via emails and letters to the Board. She disclosed that Director Sinai's appointee to the Youth Commission is her granddaughter and she is very proud of her. She agreed with Directors Sinai and Alper's comments, adding that school districts are doing their best to grapple with the current transition with little support from both the Federal and State Government, and as they read through and interpret a number of documents containing new policies and ultimately providing schools with guidance on how to reopen. She encouraged the community to continue partnering with BUSD in order to best support our students.

Student Director Miles Miller thanked his peers for their leadership in organizing a BLM protest. All students are feeling the weight of not being able to be in the classroom. He added that even though we are not getting guidance from the Federal Government, we can individually do our part as we continue to wear masks and social distance.

Director Kadajah Brown thanked all attendees and speakers tonight, as well as the larger community for their emails and letters to the Board. As a member of the community of learners who has historically gotten the short end of the education stick, she understands that returning to the classroom is critical to continue tackling the academic gap. As a classroom teacher who also is caregiver to an elder, she is concerned to contract COVID. She shared this to emphasize how difficult of a decision this is for everyone. Among the many emails she received, were several suggesting that BUSD looks to other countries like Denmark as a model to safely reopen. She reminded everyone that the reason countries like Denmark were able to reopen safely is because their government took all the measures necessary to contain COVID. Our government has not done the same. The argument that children are less likely to contract the virus dismisses the fact that hundreds of adults work at our schools and are now having to choose between their job and their health. The argument that we are not Florida dismisses the fact that if we do not do our individual part to be safe and cautious we could very well be Florida. It is critical that we ensure the safety of both our students and staff alike. To this end, she thanked Dr. Stephens and staff for their tireless work.

President Judy Appel joined her colleagues in thanking the community for its rich feedback to the Board via emails and letters. She shared that this has been the most difficult time since she's been on the board. It is also the first time that she feels that the majority of families want to return to schools and the majority of teachers don't, marking a strong difference in opinion in comparison to other times when the community and teachers have for the most part been on the same page. Staff had been working towards a hybrid model up until last week when positive COVID cases increased. She noted that areas that have relaxed restrictions are experiencing a significant spike in cases. She reassured families that our teachers care about the connection that happens with in-person learning and it is our goal to optimize our creativity to find ways to safely engage with students. It is frustrating that the Federal Government is providing little to no guidance, but she is confident that we are working as a team with shared values.

Dr. Stephens thanked all attendees and acknowledged the emotions that we are all coping with in addition to attempting to process data and new information with respect to planning for the fall. He noted that staff is not ready to provide details this evening on a particular reopening plan as collaboration with labor partners is ongoing to address elements like teacher workday restructuring in order to create the best experience possible for our students. There will be more information and answers to

many questions at the upcoming July 29 meeting. In response to concerns expressed by the Early Childhood Education (ECE) community, he explained that the letter issued Monday evening describing staff recommendation to begin the school year with distance learning, talked about prioritizing the reopening of some programs including ECE. They also included special education, after school programs at elementary and middle schools and sports and clubs at the high school. As these plans move forward, the focus is not on a specific reopening date, but rather an order of operations and an intent to begin thinking about reopening efforts all while recognizing that our younger children do need to be in school and our older children need opportunities to see one another. Prioritizing these programs does not dismiss all of the proper procedures that need to be in place and do not disregard the health of staff and students. This work will continue in partnership with our teachers and parents, and will follow federal guidelines concerning COVID.

Public Hearing and Approval for Authorization/Resolution for PG&E Easement for Transportation for Electrical Infrastructure (Time Certain: 8:30)

President Appel opened the public at 8:38PM.

Executive Director of Facilities John Calise explained that this was the second of a two-part document. This is to grant a public use easement on BUSD property at the transportation department, as required by pg&e and ed code for the installment of proper infrastructure for electrical school buses.

No one came forward.

Motion to approve staff recommendation:
Alper/Sinai and unanimously approved 6-0.

CONSENT CALENDAR

Motion to approve the Consent Calendar:
Brown/Leyva-Cutler and unanimously approved 6-0.

ACTION ITEMS

Approval of the 2020/21 Measure H Annual Plan

Director Calise said this plan comes before the Board annually and it reports what has been achieved with Measure H, the maintenance partial tax. It also includes goals within the facilities department as it works with maintenance and operations to improve our schools.

Motion to approve:
Sinai/Alper and unanimously approved 6-0.

Approval of Board Policies

Resolution to Waive the Need for a Second Reading and Approve Draft Board Policies

Motion to approve resolution waiving need for a second reading of new policy re short-term accommodations for medically vulnerable staff, BP 1250, BP 4040, and BP 0460:

Appel/Leyva-Cutler and unanimously approved 6-0.

Short-Term Accommodations for Medically Vulnerable Personnel

Dr. Stephens explained that the purpose of this new policy is to adopt the procedures in the ADA and to apply them to employees who may need special work accommodations due to COVID. The policy explains the procedures an employee would have to go through to request special accommodations.

Motion to approve the new policy on short-term accommodation for medically vulnerable personnel:

Brown/Sinai and unanimously approved 6-0.

BP 1250 - Community Relations, Visitors/Outsiders

Dr. Stephens explained that under normal circumstances, BUSD welcomes community members on to a campus. This policy has been amended to describe that visitors are restricted to campus only to office areas or outside spaces.

Motion to approve amended BP 1250:

Leyva-Cutler/Brown and unanimously approved 6-0.

BP 4040 - Personnel, Employee Use Of Technology

Dr. Stephens explained that currently this policy describes how technology must be used in the context of work. It has been amended to include the condition of a teacher who may be working from home and to expand the definition of offensive speech and action as included in our harassment policy.

Motion to approve amended BP 4040:

Appel/Sinai and approved unanimously 6-0.

BP 0460 - COVID-19 Mitigation Policy

Dr. Stephens explains that the purpose of this amendment is to, once conditions allow it, to adhere to current health guidance. We may revisit this to amend it so that it applies to whatever conditions are relevant at the time of implementation.

Motion to approve the amendment to BP 0460:
Alper/Leyva-Cutler and unanimously approved 6-0.

Fall 2020 School Planning

Dr. Stephens prefaced this presentation by clarifying that its purpose is not to be specific to the details of a distance learning plan as ongoing collaboration continues BUSD and its labor partners.

BSEP Director Natasha Beery reported a status update on the City of Berkeley relative to COVID-19 indicators. The goal is to be at under 5% of positive testing for Alameda County. We are currently at 4.5% and at 1.8% in Berkeley. She noted that Berkeley has significant wait times for appointments and results. Appointments for testing are booked two weeks in advance and results may take 4-6 days.

Dr. Stephens emphasized that if nothing changes with the current SIP order, we will not be permitted to reopen in any case, regardless of a Board approval to do so. He highlighted facilities modifications that will be implemented including plexiglass partitions in school offices, hand-washing stations, air filtration units, essential personnel equipment, and Early Childhood modification to bathrooms, offices, and laundry. A good portion of staff's time has been dedicated to researching and understanding, in ongoing consultation with health officials, the variety of procedures that we will have to enact when and if we return to our schools. In terms of programming, there are plans to develop a child care program that would operate during the school day in the event that we are not allowed to reopen. We hope to offer some limited child care to staff affected by COVID.

Human Resources has been busy designing accommodation procedures for staff that are at higher risk of complications due to COVID. These modifications translate to over \$10 million in new expenses related to COVID 19, including facilities, equity fund mental health, cleaning supplies and EPE, and Professional Development.

Approval to Begin the 2020-21 School Year with Distance Learning

This recommendation proposes that elementary and middle schools stay in distance learning for the first eight weeks of school, until October 9. By September 15, BUSD will assess and announce its capacity and timeline for the next steps in transition to on campus teaching, but only if it is allowed to do so in compliance with health guidance.

Similarly, high school students will stay in distance learning until the December break, supplemented by afterschool activities. BUSD will assess the feasibility of transitioning to campus learning sooner, keeping in mind that the logistical issues for high school may delay transition to semester break.

This recommendation also includes a request for approval for phased, prioritized reopening of key programs as soon as we can implement required risk reduction practices.

Motion to approve staff recommendation:
Appel/Brown and unanimously approved 6-0.

EXTENDED PUBLIC COMMENT

A total of addressed the Board

Two comments requesting that new information be communicated to parents sooner than it would be during a typical school year.

One comment expressing how distance learning impacts single-parent households.

One comment requesting flexibility in when and how students fulfill their academic requirements.

Once comment expressing equity issues with remote learning and suggesting that schools support teachers to organize pods around specific teachers and classrooms.

One comment on the impact on transportation with respect to passengers social distancing.

The Board recessed to Closed Session at 10:18pm.