

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

Official Minutes  
December 9, 2020

President Judy Appel called the meeting to order at 7:00pm. She reported that the Board convened to Closed Session at 5:30pm.

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 Sinai, Director -- Present  
Miles Miller, Student Director, BHS – 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 REGULAR MEETING AGENDA

Motion to approve agenda as amended:  
Alper/Brown and unanimously approved 6-0.

REPORT CLOSED SESSION

President Appel reported out on closed session:

Anticipated Litigation – Regarding costs of services provided to students - Ed. Code § 54956.9, subd. (e)(2)

BUSD Case No. 202021-18

Motion to approve staff recommendation:  
Alper/Leyva-Cutler and unanimously approved 5-0

BUSD Case No. 202021-19

Motion to approve staff recommendation:  
Alper/Sinai and unanimously approved 5-0.

Existing Litigation -- Conference with Legal Counsel-- (Gov. Code section 54956.9(d)(1))

OAH Case No. 2020090310

Appel/Alper and approved 4-0:  
Judy Appel, President – *Yes*  
Ty Alper, Vice President – *Yes*  
Ka'Dijah Brown, Director/Clerk – *Yes*  
Beatriz Leyva-Cutler, Director – *Yes*  
Julie Sinai, Director -- *Recused*

OAH Case No. 2020080773

Motion to approve staff recommendation:  
Brown/Leyva-Cutler and unanimously approved 5-0.

Conference with Real Property Negotiators (Government Code Section 54956.8)  
District Negotiator: John Calise; Negotiating Party: City of Berkeley; Property: Multiple Properties; Under Negotiation: Use Agreement  
The Board heard an update. No action was taken.

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

BCCE

The Board heard an update; no action was taken.

BFT

The Board heard an update; no action was taken.

LOCAL 21

The Board heard an update; no action was taken.

UBA

The Board heard an update; no action was taken.

**RECOGNITION**

Vice President Alper introduced this time as an opportunity to celebrate departing Directors Judy Appel and Beatriz Leyva-Cutler for their 20 collective years of service to BUSD.

Former and current colleagues, board members, the Superintendent, friends and elected officials shared words in appreciation of outgoing directors.

Board members and the Superintendent took this opportunity to make parting remarks in honor of outgoing Directors Judy Appel and Beatriz Leyva-Cutler .

Director Leyva-Cutler thanked all for sharing their thoughtful words and reflections on her 12 years on the School Board. She congratulated newly elected directors, Laura Babitt and Ana Vasudeo. She is confident in their leadership and looks forward to their contributions to BUSD. She trusts that the new School Board will continue to keep equity at the forefront as it furthers the work to support DELAC, English Learners, immigrant students and their families, child development programs, community partners, dual immersion programs, bilingual education, adult education, Dreamers, translation services, the Office of Equity and Family Engagement, and the EL master plan. She went on to share how participating on the Student Attendance Review Board (SARB) taught her to see beyond data and numbers as she had the opportunity to listen to the student perspective concerning the number of barriers that often interrupt their education. Chronic absenteeism and truancy are areas in need of resources to more adequately support students and their families. It is her hope that the Board and BUSD will continue to work to identify and dismantle systemic barriers that get in the way of student success.

President Appel also thanked those who shared remarks on her eight years on the Board. She also thanked Director Leyva-Cutler for her words and for being a great ally around important issues in our community. She thanked the Board for its support of her during her leave of absence following her accident. She shared that she is proud of her work in support of the LGBTQ community, restorative justice and facilities. She has dedicated her career to social justice and considers her role on the board her most impactful work around social justice. She is proud of how her board colleagues represent the communities that they each are part of while standing as allies for one another's advocacy of said communities. She is confident that the new Board holds these same values and will continue this very important work.

#### **PUBLIC TESTIMONY**

A total of 15 people addressed the Board:

Two comments in support of reopening schools

One student comment thanking Directors Leyva-Cutler and Appel for their 20 years of collective service to the School Board.

One comment sharing how distance learning has negatively impacted their family, and urging the District to look at what is working in different parts of the country in support of reopening schools.

One comment in opposition to reopening due to the number of COVID related deaths.

One comment urging that science guide the District in all of its decision making, and for a viable in-person learning model.

Five comments in opposition to reopening schools.

One comment on a confirmed positive covid case at school site set to host early reopening.

Three comments in support of reopening schools.

### **UNION COMMENTS**

BFT Vice President Janine Waddell endorsed former BFT President Cathy Campbell's remarks in appreciation of departing Directors Appel and Leyva-Cutler. She thanked them for their service to BUSD schools and the community. She also thanked the Board for bringing forth a resolution calling for teachers and classified personnel who work in person with students to be prioritized as essential workers to receive the vaccine. This will address a significant hurdle to returning to in person instruction. Ms. Waddell reported that BFT and BUSD have been meeting consistently in efforts to negotiate the schedule and terms of a possible return to in person learning. BFT is committed to representing the views of its members. The goal is to agree on a schedule that meets the needs of students who will choose to return to in person instruction and of students who opt to stay home.

### **BOARD MEMBER AND SUPERINTENDENT COMMENTS**

Director Sinai thanked everyone who has come out tonight. She looks forward to the forthcoming discussions on Jefferson renaming and school reopening plans.

Vice President Alper thanked everyone for coming out. He also appreciated Ms. Waddell's comments in support of the resolution being presented tonight.

President Appel noted that on the consent calendar there is a request for the Board's approval of a new policy in support of transgender and gender nonconforming students. She is proud of this policy and even more proud to approve it at her very last board meeting.

### **CONSENT CALENDAR**

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

### **ACTION ITEMS**

## Approve Recommendation for Renaming Jefferson Elementary School as Ruth Acty Elementary School

Director of BSEP and Community Relations Natasha Beery and GraceKongGrace Khan walked the Board through the timeline and process that has resulted in the recommendation to replace Jefferson Elementary with Ruth Acty Elementary.

First grade teacher Nick Williams explained that a team of 8 staff members made seven different presentations teaching about each of the seven names over the course of three weeks. Students, parents and staff voted on the top three names. Ruth Acty rose to the top. Ruth Acty was the first African American teacher in BUSD where she worked for over 50 year. The naming advisory committee recommends that Jefferson Elementary be renamed Ruth Acty Elementary.

Beery added that the community has expressed interest in renaming parts of the school in honor of the other six names.

The Board expressed its appreciation of the naming committee, Ms. Beery and Ms. Kongfor their work.

Motion to approve the recommendation of renaming of Jefferson to Ruth Acty: Sinai/Alper and unanimously approved 6-0.

## Approval of Coordinated Comprehensive Early Intervening Services (CCEIS) Plan

Special Education Director Shawn Mansager explained that the purpose of the CCEIS plan is to improve the academic outcomes for the identified group in general education and to decrease the overrepresentation into special education. Mr. Massager provided an overview of the plan development process.

Director of Student Services Dr. Phillip Shelley went on to talk about the identified root causes to the disproportionate representation of African American students in special education. Some of the contributing factors identified included implicit bias and the underutilization of Section 504. This presentation addressed measurable outcomes and highlighted the actions and activities that will be implemented to improve programmatic systems and infrastructure.

President Appel moved to approve the current plan.

Director Sinai proposed a friendly amendment to direct staff to come back in January with an update on how culturally responsive teaching will be addressed, as well as how it will incorporate the power and asset concepts that Director Brown touched on during

the discussion. Motion was seconded by Director Brown and carried unanimously on a 6-0 vote.

President Appel proposed to change order of agenda and jump to the discussion on the phased school reopening plan.

### Update on BUSH's Phased Approach to School Reopening

Dr. Stephens reported that there have been a number of confirmed COVID cases at some school sites. All of this information is tracked and accessible to the public online via the COVID-19 Dashboard. There have been a number of changes to the State's health tier system, including a return to the purple level and a continued stay-at-home order that will allow for schools that have already reopened for in-person learning to remain open. Currently, there is a 4-5 week delay between transmission and positivity rate and the possible permission to reopen schools. Dr. Stephens explained that in order for the district to be given permission to reopen its schools, 2-3 weeks in red level are required, and an additional 2 weeks of steady or declining transmission and test positivity rates are also required. January 13 continues to be the Board's target, but it is unlikely that it will be met given what the experts are saying concerning the spike as a result of Thanksgiving travel. A series of town halls have taken place and have facilitated the collection of feedback from students and families. The surveys returned helpful information and made it clear that there is a divide in perspective among the community concerning return to in person instruction. BUSD continues to work with labor partners. With respect to testing, we are currently on the second round of staff testing. The goal is to test all 1500 employees every two weeks. Student testing support is not available, nor is it required for school reopening. Comments and discussion followed.

President Appel moved to extend the meeting to 11:15pm. Director Brown seconded motion and motion carried unanimously with a 6-0 vote.

### Approval of First Interim Budget Report

Assistant Superintendent Pauline Follansbee highlighted the district's positive certification, as well as its deficit spending of \$1.1 million and a \$2.3 million Undesignated fund balance. Ms. Follansbee provided a brief overview of the significant changes listed in the variance report which included COLA increase from -8 to 0. Initially additional revenue led to rescinding of cuts. Multi year projections include a budget shortfall as a result of one-time funding loss and increase in expenses. Unless additional State and Federal funding is made available, significant ongoing reductions are projected in the out years. The 2020-21 budget calendar will be presented for approval in January and the Second Interim in March.

Motion to approve the First Interim Budget Report:  
Alper/Brown and unanimously approved 6-0.

### LCFF Budget Overview for Parents

Ms. Follansbee explained that the LCFF budget overview for parents was created in compliance with SB 820 to provide fiscal transparency to stakeholders.

Motion to approve the LCFF Overview for Parents:

Alper/Sinai and unanimously approved 6-0.

**ADJOURNMENT:**

11:15pm