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May 10, 2016

Berkeley Unified School District  
2020 Bonar St  
Berkeley, CA  
94702

**TO:** The Board of Directors of the Berkeley Unified School District: Judy Appel, Beatriz Leyva-Cutler, Karen Hemphill, Ty Alper, and Josh Daniels

**Subject: Ethnic Cleansing of African-American Employees At BUSD**

Based on my observations and interactions with BUSD administration and staff over the last 10 months, I have concluded that BUSD is engaging in a process of Ethnic Cleansing of African-American Employees.

We the members of the Berkeley NAACP hereby affirm an **Assertion of No Confidence** in Superintendent Donald Evans, Assistant Superintendent of Human Resources Delia Ruiz, Director of Personnel for Classified Employees Randy Perez, Berkeley High School Principal Sam Pasarow, and Assistant Superintendent for Education Services Pasquale Scuderi.

We do not take this position lightly; however, we feel it necessary to put this issue to the forefront as the Board is the arbiter of District Policy. We take this action for the following reasons;

- (1) There is a lack of transparency and accountability on all levels as it relates to communication provided to the public regarding district policies and Ed Codes.
- (2) The Human Sources Department has demonstrated a hostile, toxic, dishonest, and unprofessional attitude as it relates to its interaction with Certificated and Classified Employees.
- (3) I have witnessed questionable operations outside of Delia Ruiz position as Assistant Superintendent, particularly relating to jurisdiction over the Personnel Commission matters.
- (4) HR has failed to provide and/or oversee proper training of Safety Officers (regarding CPR Certification; training of Instructional Assistants and Secretarial and Clerical Staff).

- (5) Improper protocols as it relates to Certificated and Classified Staff in servicing of student's needs. In Particular, Delia Ruiz fails to create an environment of processes for staff to collaborate with students.
- (6) HR has failed to ensure that the job duties are enforceable to the job description. In particular, no protocols or procedures exist to ensure oversight and accountability in servicing of students.
- (7) HR has failed to communicate to Classified Staff regarding communicable diseases that students may be subjected to. This is gross safety and legal concern for the Classified Staff.
- (8) HR has failed to train Classified Staff substitutes. This places an undue burden on the Classified Employees to train Classified Substitutes.
- (9) BUSD Policies have failed to properly train Certificated Substitutes and therefore leaves the Classified Staff as the de facto Certificated Staffer. In effect, the Classified Staff is operating outside of their job descriptions. This is a gross violation of the Education Code. Also, the Classified Staffers are kept out of IEP's to prevent proper disclosure of wrong doing in the service of students.
- (10) The 10 month investigation of BUSD's Human Resource Department by the NAACP has only yielded an accelerated continuance of retaliatory and discriminatory behavior by BUSD officials. In particular, there is an appearance of retaliation against African-American Employees and others who voice wrong-doing by Administration Officials.
- (11) There is a Lack of transparency and proper recording of minutes at the School Board and Personnel Commission meetings. A court reporter for these events should have been hired to promote transparency and accountability. Also, the School Board Minutes fail to reflect the actual sentiments and concerns of the persons making them.
- (12) Wrongful behavior by BUSD officials voiced at Board Meetings are not investigated and consequently pushed under the rug and never voiced at future Board Meetings.
- (13) BUSD officials have taken zero steps to **cease** the practice of holding secret personnel files on employees. Based on information revealed at the Personnel Commission meeting on Thursday, May 5, 2016, the BUSD administrators demonstrated a practice of not providing timely **advance notification** to employees regarding their remaining **leave time** prior to placing employees on the 39 month rehire list. More specifically, Director of Personnel for Classified Employees Randy Perez deliberately failed to notify an injured African-American employee of 25 years who was released to return to work February 2016 that she had bumping rights. Consequently, he allowed her leave time to be exhausted and he placed her on the 39 month rehire list (firing). He also posted her original job prior to her last day of employment.

Delia Ruiz, Assistant Superintendent HR, gave false information stating that an employee cannot use their seniority (bumping rights) while on 39 months re-employment list. This appears to be a violation of **Ed code 45195** and an example of "patterns and practices" as it relates to African-Americans and some older employees. The long-term employee in question, because of her unethical termination, she and her family are experiencing economic trauma which is also a form economic terrorism. In addition to illegal terminations, an HR staff, believed to be Randy Perez, is **trying to prevent employees** from receiving their Unemployment Insurance benefits by lying to EDD, telling them that BUSD employees **quite their jobs**. (Please review Personnel Commission minutes of Thursday, May 5, 2016).

- (14) District Officials have deliberately failed to implement the 2011/2012 Berkeley Unified School District Equity Strategy Frame Work and Rubric district-wide. It is believed that this failure have contributed to the recent racial incidents at Berkeley High School.
- (15) BUSD has also failed to develop a deeper understanding of equity challenges and promising equity strategies.
- (16) The District failed to examine the implications of racism on student learning through the lenses of leadership, students, families, and the community.
- (17) The District failed to develop and support the implementation of, and provide ongoing review of the District's Equity Goals.
- (18) Lastly, and most importantly, BUSD officials have taken no steps to implement effective targeted programs specifically designed to assist African American Students who are in crises, are at-risk, and are struggling throughout BUSD's schools. Others groups are being accommodated with targeted programs and culturally competent staff in multidimensional ways. The African American community is seeking 100% equity on all accords. BUSD's Administrators' action will continue to create an atmosphere that requires litigation as the final resolution. City of Berkeley tax payers deserve better.

It is your duty, as the arbiter of the District's Policies, to do a comprehensive investigation of these complaints. Members of the public and employees alike have come before your Board on several occasions to express their disillusionment with the individuals listed above. We cannot allow continued micro-aggressive nor macro-aggressive discrimination against African-Americans at BUSD; consequently, we must do what is morally and legally right. Therefore, we demand a Board review of all these BUSD Officers and Employees listed above and, where warranted, release them of their duties.

The Berkeley NAACP can provide numerous BUSD employees/complainants that are willing to provide confidential testimonies to a neutral party; therefore, we are requesting that BUSD Board of Directors support this action. It is imperative that action be initiated in the very near future.

Sincerely,



Mansour Id-Deen,  
President, Berkeley NAACP

cc: Dee Williams-Ridley, City Manager's Office  
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