



Berkeley Branch NAACP
 P.O. Box 613
 Berkeley, CA, 94701

June 3, 2016

TO: Ms. Beatriz Leyva-Cutler, BUSD Board President, Berkeley School Board President and Berkeley Unified School Board Members

Dear President Beatriz Leyva-Cutler and BUSD School Board Members:

I want to thank you and the board for your response to my letter to the School Board dated May 10, 2016. The Berkeley Branch of the NAACP is very encouraged that the BUSD and BNAACP have found common grounds regarding engaging an "independent firm to investigate the alleged complaints and develop findings and present to the Board and Superintendent". As requested in your letter, the Berkeley NAACP will vigorously participate in this investigation and we will provide the independent investigator all supporting facts and testimonies related to the issues noted in our letter.

This is a great start; however, all employees, past and present, that participate in this process will receive complete anonymity unless they choose to make themselves known. We strongly urge Superintendent Evans and the School Board members to move quickly in the selection of an independent firm considering the fact that the outcome of this investigation is a paramount issue to some injured employees. We have accumulated a considerable number of complaints from BUSD's employees who are willing to participate in the process.

Additionally, during your selection of an independent firm, the BNAACP would like for the board and superintendent to consider a local firm run by Dr. Eleanor Mason Ramsey, a Berkeley resident with "over 30 years of experience in core affirmative action services. Dr. Ramsey, Ph.D. holds a doctorate degree in anthropology from the University of California, Berkeley. She earned a baccalaureate from Hunter College, New York, New York. As president of Mason Tillman, Dr. Ramsey directs the staff's performance on the firm's disparity studies. Under her direction and leadership, Mason Tillman has managed 119 unchallenged disparity studies on time and within budget".

On the behalf of the BNAACP I want to also thank you for assuring us that the Board and Superintendent take the BNAACP allegations very seriously. We are dealing with bread-and-butter issues that deprive alleged injured parties of their "Life, Liberty and the pursuit of Happiness" as stated in the United States Declaration of Independence. As you well know, the loss of one's employment through what is

perceived as unfair employment practices creates traumatic financial conditions that affect one's entire family. Regarding this matter, the BNAACP is searching for the truth and want to work with BUSD to assist those who have been illegally harmed to get back to work.

I understand your concerns about me using the term *ethnic cleansing*; however, there are many different variations of the definition of "ethnic cleansing". One of those definition has to do with separations and the systemic removal of a group of people. Specifically, the ethnic cleansing that I am referring to relates to is separation of African-Americans in both the workplace and classroom. Therefore, I will stand by my statement regarding ethnic cleansing until I am proven wrong or the situation has been remedied.

Contributing to African-Americans separations from BUSD include but are not limited to: 1) Lack of direct actions required to reduce the disproportionality of suspensions; and 2) Disproportionately low number of African-American students receiving inter-district transfers. Over the last three years, enrollments of BUSD African-American students at have plumped to record lows. The discriminatory hiring practices and disproportionate number of African-Americans staff being force on the 39 month re-employment list is another factor related to the separation of long-term Black/African BUSD employees. Many are forced to accept early retirement or take the chance of being placed on the 39 month re-employment lay-off list.

As I stated to the Personnel Commissions of May 5, 2016, if the district wants to help someone keep their job, they will make it happen. Contrarily, if they want to eliminate/separate someone from his/her job, they will make that happen also in violations of Ed Code 45195. To add insult to injury, HR is telling Unemployment Insurance representatives that employees placed on the 39 month re-hire list quit their jobs. This is a clear attempt by HR to deny *eligible* African-American employees with *no income* their right to receive unemployment compensation/benefits. We are requesting that BUSD School Board investigate HR and hold any and all HR employee(s) who are guilty of these transgressions accountable. It is my understanding that several top members of BUSD's HR team formerly worked for the Oakland Unified School District in similar positions where they generated parallel employees' complaints.

BUSD African-American employees and students will not be delegitimized; therefore, I will provide the investigator the names of individuals, both present and former employees, who have experienced discriminatory actions by HR. I am sure that further investigation will identify many more victims of HR's Unemployment Insurance denial strategy. Racially motivated separations using miss-information and psychological terror have no place in BUSD's workplace.

The BNAACP's goals are to address issues related to social and racial disparities within BUSD; consequently, collectively, we cannot allow the situations mentioned in my letter to become common place in Berkeley. It will takes all of us working together and speaking up to bring about positive changes. This is why the Berkeley NAACP is involved in matters and would like to call the district's attention to following issue areas below:

- (1) **Berkeley Unified School District Equity Strategy Framework and Rubric:** The BNAACP is seeking immediately district-wide implementation of the Berkeley Unified School District Equity Strategy Framework and Rubric as originally designed. The ESFR was to be implemented during the 2011/12 school year. Individual Berkeley schools were to use the ESFR document as a self-assessment tool. Moving forward, this tool ESFR was to become an equity audit instrument. The ESFR could have sensitized both teachers and students regarding cultural differences. The ESFR is an excellent document and we believed that if it had been implemented in 2011/12 school

year, BUSD could have most likely preempted most, if not all of the highly publicized racial incidents experienced by the district over the last three years. It is time to move forward with the ESFR. The According to ESFR, **“the purpose of this tool is to review, analyze, and improve systems and practices that directly affect the academic achievement of student of color in the district and in no way connected to staff members evaluations”**. We are requesting that BUSD post the “Berkeley Unified School District Equity Strategy Framework and Rubric” document to your website so local stakeholders can have access to its contents.

- (2) **Williams Act:** The Williams Act requires school administrators to both (a) “provide qualified classroom teachers and (b) “every child must have a well-trained teacher”. Based on the requirement listed above, Berkeley High School has been in violation of the Williams Act during the 2015/16 school year. This is specifically true in relations to the Teacher Vacancy and Teacher Misassignment for the African-American Studies class. Members of the local community have raised this issue at several recent school board meetings. Prior to the opening of school, BUSD’s administrators was well aware that a teacher vacancy existed in the African-American Studies class. From September 2, 2015 through January 2016 there was no certified teacher assigned to teach the African-American Studies class. During this same period, the BHS’ principal Sam Pasarow, allowed two non-certified U.C. Berkeley students to teach the African-American Studies class (AASC). At of this date, the teacher of record for the AASC has only an emergency teaching credential. The BNAACP is still requesting that the AASC teaching position at BHS be filled with a teacher with proper subject matter credentials and subject matter competencies. We have also seen no accountability for the lack of judgement by administrators related to in this matter.
- (3) **Checks and Balances:** The BNAACP believe that both BUSD and the community will be better served if there is a clear system of checks and balances that will allow for broad based transparency and accountability between the school board and BUSD’s administration. Additionally, we recommend that each school board member have a chief of staff. Presently, BUSD school board members have no such support system; therefore, it impact their capacity to perform oversight and indebt research of all employees, citizens and stakeholders complaints. I am specifically referred to several violations of Ed Code 35145.5. We believe that for the School Board to become more efficient, there needs to be a greater separation between Board and Administration in the execution of educational and Human Resource issues. A Chief of Staff can provide unfettered information to board members that allow them to make independent decisions separate from those provided to them by the Superintendent and Human Resources. Trying times require innovative policy changes to combat complex challenges in the public education system. In the past, Berkeley has lead the way for progressive changes; hence, this is that time.
- (4) **The General Counsel:** The Berkeley NAACP recommends that Berkeley Unified School District hire an in-house General Counsel. Currently, BUSD uses high-paid outside law firms that primary duties are to prosecute actions against employees who are seeking to be made whole as a result of employment related injuries. Review of a Public Records related to attorney fees might trigger the school board and administration to take a difference approach toward handling worker’s compensation cases and return to work orders. Revisiting and implementation of BUSD’s **Mission** and **Vision** statements will most likely end the mounting level of employees’ complaints that often lead to exorbitant legal fees. Our recommendation is the elevation of Mr. Roy Combs as BUSD’ in-house General Counsel.
- (5) **Staff Lounge at Berkeley High School:** Berkeley High School is the only school in BUSD without a staff lounge. This fact has crushed the morale of the many teachers because there isn’t a

designated space where they can coagulate to exchange ideals and discuss policy changes required to create a more positive and productive learning environment for students. Point of fact, over 50 teachers recently met in a teacher's classroom to build staff togetherness. In addition, an architect from the firm of Noll and Tam also came to discuss the feasibility of such an endeavor. You might want to survey teachers at BHS regarding this issue. Providing a teacher's lounge at BHS would be major good faith gesture. It would most likely lead to improved working conditions and greater contentment for BHS' certified employees.

Moving forward, the BNAACP will continue to help end social and racial disparities in education and employment at BUSD. Finally, as demonstrated by your recent statistics, BUSD's efforts to close the African-American students' achievement gap has fallen short of its goals. Of course, if BUSD continue to use the same strategy/programs to alleviate the achievement gap for African-American students, we can expect the same dismal results.

Therefore, we encourage the School Board to accept PCAD's viable solution, presented to you at your June 1, 2016 board meeting, to use LCAP Supplemental funding to implement the innovative "Algebra Project". School Board Member Karen Hemphill stated that Berkeley schools incorporated the Algebra Project in the past and that it was very successful. We encourage Board Member Hemphill to use her advance knowledge of Algebra Project and work with PCAD to reactivate this highly successful project back into Berkeley schools.

I hope our suggestions are helpful and well received. On the behalf of BUSD' African-American employees, students, and stakeholders, we look forward to heighten our engagement with BUSD.

Sincerely,



Mansour Id-Deen,
President, Berkeley NAACP

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