

GREEN PARTY QUESTIONNAIRE:

Name:

Ken Berrick

Phone:

510-339-8388

Email:

ken.berrick@gmail.com

Website:

www.berrickforeducation.com

Line of work:

Children's non-profit director

- 1) Please give a brief summary of your background and qualifications for the office of County School Board.

In 1985, I founded Seneca Family of Agencies, a non-profit dedicated to helping children and families struggling in schools, child welfare, and juvenile justice. Seneca has served thousands of children in Alameda County and is currently in over 50 schools providing a range of services including special education, mental health, and family support services. Our mission, to help children through the most difficult times in their lives, has extended to helping children to be able to succeed in school by providing intervention and support at the earliest possible moment.

For the past eight years I've served as Trustee on the Alameda County Board of Education, District 3, and as Vice President and President of the Board. In that capacity, I've helped to provide leadership in oversight of our community schools, with a specialty area of children's mental health. I believe I bring a strong voice to the board that supports disadvantaged students. My decisions are always considered through a lens of social justice.

- 2) A. Why are you running?

I am running for re-election to the Board because I believe that we can do a better job educating our most vulnerable students -- those who have not had access to the wealth and privilege that others may access in our education system. During my tenure on the Board we've been working hard to improve the quality of our court and community schools and to bring services to districts as they transition to common core and the Local Control Funding Formula. I've strongly supported efforts to bring funding to the County Office and to Districts to help with curriculum development, arts in the schools (e.g., Beats, Rhymes and Life, and Elevate Oakland). And early intervention and mental health programs that give students a chance to succeed and thrive.

- B. What do you believe are the main priorities for the County School Board?

There are two priorities going forward: One is in the area of serving as an appeals body for disputes relating to expulsion, suspensions, inter-district transfers, and charters. The other priority relates to our ongoing programs and services within the Alameda County Office of Education and in providing support to the districts we serve. These important functions have both preventative and restorative functions.

With regard to the review of suspensions and expulsions, there are occasions when districts have rigid rules about suspension and expulsion that don't always consider the rights of youth and their circumstances. In those situations, I've provided a strong voice for those youth and a deep understanding of their circumstances and needs. I believe the districts' knowledge that youth will have a voice on appeal has helped to lower the number of capricious expulsions and helped the districts to be more thoughtful about the consequences of expulsion to youth, their families, and our broader community.

In the area of inter-district transfer appeals, I have brought that same lens of social justice to the Board. I closely review whether special circumstances are at play when an inter-district transfer is denied, especially if

factors that should not be considered predominate in the case. I have brought a strong voice to the board, knowledgeable about youth's rights in inter-district transfers -- a powerful tool to help even the field in access to education. I believe my voice supporting youth rights has also had a preventative effect on capricious denials of students' and families' rights.

In the area of oversight of Charter schools, I have held Charters to a rigorous standard of performance and have voted to close schools that were not meeting their obligations academically, fiscally, or ethically. I have also voted to support charters that I believe add opportunity and unique options for students when they have not been available in districts.

In the area of our ongoing responsibilities I have and will continue to work closely with the Superintendent to support our community schools and our efforts to support Alameda County District schools in bringing opportunities to students normally denied them. Over the past eight years I have helped to dramatically increase access to mental health services and work closely with the Superintendent to increase the quality of our community schools.

As President of the California County Boards of Education, I helped to provide leadership in the formation of the Local Control Funding Formula to make sure that foster youth and youth in juvenile justice had a voice in education and were included in consideration in the funding formula. Going forward, I will work to ensure that funding that can and should be focused on the most disadvantaged students in our system, finds its way to serving those students effectively and increases their chances of experiencing success.

C. If you are an incumbent, how would you assess your job performance? Please cite specific accomplishments and setbacks. [[If you are not the incumbent: How would you assess the current incumbent's job performance? Please cite specific strengths and/or weaknesses.]]

I believe that I have been an extremely effective advocate on behalf of children and youth, but especially those youth who struggle with mental health issues, those with special education needs, those who are served by foster care, or who are served by the juvenile justice system. I think there is ample evidence of my strong advocacy for these students not only in my service to the Alameda County School Board as a Trustee and also as Past-President, but also in my role as President of the Association of California County Boards of Education where I advocated for statewide policies on behalf of our most vulnerable students. In addition, I serve as a Governor's appointee to the California Child Welfare Council, where I've led efforts on behalf of foster youth in education (including passage of legislation on partial credit in partnership with youth advocacy organizations across the state), increasing access to mental health services, and advocacy for tiered-intervention programs, including a national pilot emphasizing early support and intervention.

In spite of many successes to support the educational rights of vulnerable students I have found this work enormously frustrating at times. The degree to which issues of race, poverty, and social injustice are not considered in educational decisions is sometimes astonishing. For example, in order to have foster youth considered in the Local Control Funding Formula, the advocacy community practically had to stage a revolution, as there was no focus on foster youth in the debate (much less youth involved in juvenile justice). I feel fortunate that these students' needs were ultimately recognized, and that my voice, along with many others, contributed to a positive outcome. Still, what we have available to these youth is utterly inadequate. In my view, the table is set so that many youth and families are disadvantaged before they ever arrive in school, and their circumstances sometimes worsen even more dramatically after their entrance. While I've spent my career trying to impact this fact, what we have done, and what I have done is inadequate to the need. I must admit, that I considered not running this term, because of my utter frustration with our systemic injustices that compromise the well-being of children and youth. I believe that these injustices have the potential to fundamentally compromise our democracy. In spite of my frustration with systems, I am not prepared to give up on these youth and families and will continue to be their advocate if I am re-elected to the County Board.

- 3) Concretely and specifically, how will you make yourself available to those who elect you? That is, how can we participate in holding you accountable if you are elected?

I hope to find way to talk with my constituents and interest groups much more directly. I have to admit that I have found the volume of e-mail an ineffective means of communication because it doesn't allow for deep dialogue. I believe that I have been quite accessible for direct conversation when issues of importance have arisen and will continue to be so.

- 4) How familiar are you with the School Board's responsibilities under the Local Control Funding Formula? What efforts would you make to hold district's accountable for demonstrating that they have conducted an adequate process for getting public input into their Local Control Accountability Plan? How will you ensure that the LCAP aligns with the state priority areas and expressed community needs?

As you know, this is a two-tiered question. The Alameda County Office of Education has responsibility for the Local Control Accountability Plans for the districts, and our own accountability plan. As it relates to the districts, oversight authority lies with the Superintendent and as it relates to our own accountability plan for ACOE, it lies with the Board and the public. While formal authority for district oversight lies with the Superintendent I've been privileged to have the Superintendent rely on my opinion and expertise in supporting her review, particularly as it relates to mental health, special education, and issues relating to foster youth and juvenile justice. I also believe that my knowledge of non-profit and government finance has been an asset in understanding how districts and the County are using our finances and whether or not those finances are distributed consistent with LCFF's intention, which is to provide resources to those students who have traditionally been peripheralized and disadvantaged in the education system.

As it relates to our own County plan, I have both supported (and demanded) student, staff, and family participation in plan development. I am pleased to say that the LCFF plan has enhanced our access to student councils and parent networks. This is a case where LCFF has worked. The levels of community participation in the development of the plan have increased dramatically and it is beginning to yield results.

- 5) How will you deal with violations of the law over which the School Board has direct control? Specifically, Education Code section 41372 requires that when a district fails to meet its obligation to spend at least 55% of expenditures on current classroom expenses, the deficiency needs to be set aside and paid to teachers and instructional assistants the following year. The Superintendent's office has either waived the provision or, when she has refused to waive it, has not mandated the funds be used in the proscribed manner the following year. Would you enforce this provision?

As you clearly know by the nature of the question, there is an ongoing struggle in County Boards where there is an elected Superintendent over the authority of the Board versus the authority of the Superintendent in district fiscal oversight. In Alameda County's situation, as in most of the state, the Superintendent has maintained that authority over this provision lies solely in her discretion as an elected official. To my knowledge, that provision has not been tested in the state and so those decisions have not been brought to our Board.

I feel very strongly that the intent of LCFF (to distribute resources to teachers and schools who are serving ELL students, foster youth, and students who qualify for free and reduced lunch) constitute the correct priorities and I would be excited to work closely with engaged members of the Green party who wish to make sure that the provisions of this law are enforced. Ultimately, I believe that this question (what is the role of County Boards in the enforcement of LCFF) will be litigated and that a citizen's group (rather than elected officials) will resolve the issue.

- 5) A. Alameda County has had several "fiscally challenged" districts over the past few years, with Oakland perhaps being the most notorious. Are there systemic reasons why this is so, and how can the County School Board address these if they do, in fact, exist?
B. What role can the County School Board play in addressing this issue?

In our current structure, the elected superintendent's office does not review districts' fiscal performance with the Board nor does it bring the Board into questions of districts with fiscally questionable practices. My personal belief is that in the past, when Oakland went into fiscal crisis, their administrative costs were not brought under control as their enrollment changed and their realities changed. The larger issue here is: What should the County Boards role be, relative to an elected Superintendent? In the past, I have advocated (along with the League of Women Voters) that appointed Superintendents (as is the case with five counties in the state) and elected Boards might be a more effective structure. This would give the County Board a more direct role in fiscal oversight of districts. That approach has typically been routinely rejected by voters who are loath to give up their ability to elect the Superintendent. That being said, due to my deep understanding of school and non-profit finance, I've worked closely with both Superintendents when questions have arisen primarily regarding finance for both districts and charters. . In all truth, I'm not sure the solution lies in an enforcement approach as very little can be done without extraordinarily adversarial engagement.

In the past (prior to my tenure on the board), I believe the ACOE delayed action for too long in efforts to maintain collaboration and oversight of Oakland and other districts. In the future, the Board needs to be much more proactive in partnership with FCMAT where issues occur. I have advocated and will continue to advocate that at least twice a year these issues be brought to the Board for oversight and consultation. I would be very interested in understanding the Green party's position on the structural difficulties in counties with elected boards and elected superintendents.

- 6) The School Board and the Superintendent provide fiscal oversight for Alameda County's school districts, including Oakland Unified School District. The Oakland Education Association previously said that "Oakland Unified has gotten over 20% in COLA since 2002, yet District employees have received less than 1%!" Please explain how your fiscal oversight will be used to benefit the students and employees of OUSD.

The easiest answer for me to give on this question would be an untruth. You will see these responses from candidates not just in Alameda, but across the state. Those candidates will tell you that they can influence this process in dramatic ways through their oversight of the Superintendent. This is absolutely false. In point of fact, the oversight afforded to Superintendents over district finances weak, at best, and County Board members' authority to influence the Superintendent and staff is virtually non-existent with the exception of their engagement, influence, and partnership. District boards, on the other hand, have much more direct influence over their Superintendent. I know this is not an answer that readers at the Green Party want to see, but the dishonesty of any other response would be hard for me to palate.

This question implies an issue which is, perhaps, the single most important issue in education: Teacher support and compensation. I have been involved in supporting the Teacher Pay Project and have taken positions on my own County Board (in opposition to other County Board members) that the Board stipend increases and other administrative increases *should not be considered* until union negotiations are complete and should never be considered until and unless teachers' compensation reaches benchmark levels. I believe we have to stand together to say that teacher compensation and paraprofessional compensation are the two most important issues in education reform.

- 7) A previous County Superintendent's message on the ACOE website stated that "it is true that we lack the funding needed to do the job right." What proposals do you have for increasing funding to our schools? Please include proposals that can be implemented at the County level and also proposals for which you advocate when contacting State-level officials.

On this issue, I have been extraordinarily focused on a single strategy to bring more funding into the schools. We've been remarkably effective at implementing that proposal. There are currently tens of millions of dollars across the state being spent by school districts for mental health services that could be appropriately and legally funded with federal and state dollars. This diversion of funding drains resources and deprives youth of services that are both necessary and appropriate. Let me clarify that mental health services are broader than traditional thinking, and can be comprised of a myriad of support services that can make teachers more effective and provide support to students in classrooms, at recess, and at home. There are few strategies that are as clear as this, and can be administered within current law. Through strategies to bring mental health services to schools, over \$30 million of support has been brought in and it is possible to increase this valuable source of funding.

I will also continue to support efforts to reform the tax system, particularly as it relates to reform of property taxes on businesses to bring necessary revenue into our schools. At a recent meeting of education leaders, I had the opportunity to speak with colleagues from New York and Connecticut where funding is close to double that of California. They were shocked and appalled at the utterly inadequate resources that this state brings to support our children and youth.

- 9) What is your position on charter schools? Will you support charter school applications turned down by local school districts?

As you know, appeals from districts related to charters come in two ways. In the first case, a new charter may be reviewed by the district and rejected. In the second, a district may choose not to renew an existing charter

and that decision may also be appealed to the county Board of Education. In yet a third case, the county may have approved a charter rejected by a district, but may choose to non-renew that charter if the Board feels that the charter has not performed according to its agreed upon educational and financial goals.

My voting record best reveals my overall position on charters.¹ We have reviewed approximately 11 charter applications that have been rejected by school districts. In at least 3 of those cases the boards of the district noted in their rejection that it did not meet the legal requirements to reject a charter and that the charter very likely (most certainly) would be accepted by either the county office, or barring that, the State Board of Education. In one of those cases, the district actually voted against the required "finding of facts," a document which is required to accompany a rejection, which effectively assured that the State Board of Education would approve the charter, thereby removing any ability of the local organization to impose a memorandum of understanding with conditions for operation of the charter. In those cases, our charter office urged approval of the charter and in those cases I voted to support those charters.

Overall, the totals are approximately 4 appeals that I voted to approve, and 7 that I voted to reject, along with the majority of the Board. I am pleased to say that in all cases, those rejections were not overturned by the State Board of Education. I have voted for, and our board has supported, all appeals of non-renewals (with the exception of Cox Academy noted above) and all but one of those (American Indian Charter School) have been upheld by the State Board of Education.

As you know, the County office also reviews applications for county wide charters. In those cases, I have voted to support (along with the majority of the board) 3 unique schools that brought options not afforded by districts (Montessori, Waldorf-inspired, and Mandarin immersion) to Alameda County citizens. Two out of three of those schools are currently serving student populations above 50% free-and reduced-lunch with options that were previously unavailable to any but the county's wealthiest students.

In terms of new applications, I have rejected approximately 70% of the applications that we have reviewed.

10) A. What is the role of the County School Board in appeals from parents and students from the local districts?

As mentioned earlier, the County Board reviews two types of administrative actions by districts. (1) Inter-district transfers. In inter-district transfers, the county reviews applications for students who feel they have a compelling reason to attend another district. I view these applications through a social equity lens and have voted to overturn districts in approximately 40% of the appeals that we have reviewed. (2) Appeals of expulsions. Students have the right to appeal expulsions to the County Board of Education. This is a fairly rare occurrence and tends to happen only when parents and students feel that there has been an administrative error or error of justice. Most of these settle prior to reaching our Board but of those that have reached the Board, I have voted to sustain (typically with a majority of the Board) approximately 65% of the district's decisions.

B. Transfers, expulsions, other decisions of the local boards are sometimes overruled at the County level. What is the criteria for overruling a local decision?

The criterion for overruling an expulsion is strictly based on errors in procedure or policy within a district. The county Board may not try to re-interpret district policy or second-guess the reasons for a district expulsion. It is our responsibility, however, to make sure that the expulsion complies with the law and that due process has been extended based upon education code.

There is somewhat more discretion in the review of inter-district transfers, but the Alameda County office of Education applies a fairly narrow criterion to inter-districts. Early in my tenure we saw more inter-district transfer appeals as districts applied rules that were somewhat arbitrary and in some cases discriminated against lower income students. In my first four years we sustained approximately 70% of inter-district transfer appeals. As the districts came to a better understanding of my and our board's criteria regarding students coming from extraordinarily challenging backgrounds, and their families' needs, we have seen far fewer of

¹ I present here my best estimates, though I will need to review my records at the county to confirm the exact numbers on my voting record.

those appeals as districts have tended to settle them prior to coming to the County Board. As a result of this greater clarity of understanding, and reduction in numbers of unsettled appeals coming to our Board, there has been a significant increase in the number of appeals where our Board has voted in alignment with the districts. My greatest concern relative to inter-districts and expulsions is that there should not be disproportionate advantage to students and families with financial resources and that it is the county Board's responsibility to make sure that rules are applied equally to all students.

11) A. How much money do you currently have for this race?

I have not begun my fund raising efforts at this point but anticipate raising approximately as much as I did in my first contested raise, which was \$30,000. I intend to begin my campaign with a loan in order to insure an early start. To this point I have raised \$4,000.

B. How much money do you plan to raise?

Approximately \$30,000.

C. Where will the money come from?

Primarily small individual donors who supported me in my last campaign, typically in amounts of \$100 - \$500.

D. Describe sources of financial contributions for your campaign that you would refuse to accept (if any).

This has never been an issue for me in the past as it is a school board race. Certainly, groups that represent substantial sources of social injustice would be out of the question, though frankly, they would have no interest in me. I'm pretty sure that the NRA will be giving money to anybody but me – but if they offer, I will certainly refuse.

12) What endorsements have you received thus far?

In my last campaign, I was endorsed by the Green party and the Wellstone Democratic Club. I also had endorsements ranging from Margaret Shelladah to Jerry Brown, Tom Bates, Sandre Swanson, Nate Miley, former Secretary of Education Delaine Eastin, Dion Aroner, Loni Hancock, and many local school board members from Berkeley, Oakland, as well as civic and business leaders.

As I had not anticipated an opponent, I have just begun to gather endorsements again, but have already gathered endorsements from former Assemblymember Dion Aroner, Assemblymember Tony Thurmond, County Superintendent Karen Monroe, all of the other members of my current Board of Education, as well as numerous education and business professionals in the community. I would anticipate that I will be able to gather many more endorsements in the coming weeks (now that I see that I am in a contested race), which I will add to this list as we move forward.

13) What is your political party affiliation and how committed are you to that affiliation?

I am a lifelong Democrat, as were my father and mother. I think I would be disowned from the grave if I changed parties. In my work, both as a non-profit director and as an elected official, every decision I make is guided by a deep commitment to social justice. I believe that education is the most fundamental tool in creating social equity and that the denial of equal access to education is the greatest single flaw in our democracy. In my understanding of the values of the Green Party, I could not be more aligned with the social justice orientation that guides the thinking of so many of your members. With sincere appreciation,

Ken Berrick, Trustee, Alameda County Board of Education