

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Wednesday, September 10, 2008

4:00 PM

Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
State Administrator and/or Board of Education

***Vincent C. Matthews, State Administrator/Trustee and/or
President David Kakishiba and Vice President Alice Spearman
Directors: Kerry Hamill, Gregory Hodge, Gary Yee, Noel Gallo, Christopher Dobbins
Student Directors: Shannon Chase and Cecilia Lopez
Staff: Edgar Rakestraw, Jr., Secretary, Board of Education***

A. Call To Order

President David Kakishiba called the meeting to order at 4:20 p.m.

B. Roll Call

Roll Call: Present: Cecilia Lopez, Shannon Chase, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, David Kakishiba and Vincent Matthews
Excused: Kerry Hamill
Absent: Gregory Hodge

C. President's or State Administrator's Statement Disclosing Item(s) To Be Discussed In Closed Session Today

President David Kakishiba stated that the Board will recess to Closed Session to consider Labor Negotiations and Pupil Matters.

D. Recess To Closed Session

President Kakishiba recessed the meeting to Closed Session at 4:21PM.

E. Closed Session Item(s)**Labor Matter(s)****08-0122 Conference With Labor Negotiators**

United Administrators of Oakland Schools (UAOS), Service Employees International Union - Local 1021 (SEIU), Oakland Education Association (OEA), Oakland Child Development Paraprofessional Association (OCDPA), American Federation of State, County and Municipal Employees-Local 257 (AFSCME), Brotherhood of Teamsters, Auto Truck Drivers-Local 70 of Alameda County, Brotherhood of Teamsters, Warehouse, Mail Order, Retail Employees- Local 853 of Alameda County, American Federation of Teachers/CFT-Local 771 (AFT), Building and Construction Trades Council of Alameda County, California School Employees Association (CSEA) .

Principal District Representative: Deborah Cooksey, Interim General Counsel

Pupil Matter(s)

Readmission(s)

07-1415 **Readmission Hearing - Student N**

07-1548 **Readmission Hearing - Student T**

08-0889 **Readmission Hearing - Student M**

F. **Reconvene To Public Session**

President Kakishiba reconvened the meeting to Public Session at 5:19 P.M.

G. **Second Roll Call**

Roll Call: Present: Cecilia Lopez, Shannon Chase, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, David Kakishiba and Vincent Matthews
Excused: Kerry Hamill
Absent: Gregory Hodge

H. **President's or State Administrator's Statement of Reportable Action Taken In Closed Session and the Vote of Members or State Administrator, If Any**

State Administrator Vincent Matthews stated there are no reportable actions, on behalf of the State Administrator, from the Closed Session. Likewise, President Kakishiba stated there are no reportable actions for the Board of Education from the Closed Session.

I. **Report of Student Board Members**



08-1926 Student Directors' Report - September 10, 2008

Presentation of Student Directors' Report by Shannon Chase and Cecilia Lopez - September 10, 2008

Attachments: [Document\(s\)](#)

Student Director Shannon Chase reported on the Youth Organizing Retreat she attended two weeks ago hosted by All City Council.

Student Director Chase reported she and her colleagues did a lot of community building activities to get to know one another. We discussed our campaigns; what we had in common; concerns that we had in our schools; did an overview of the school year and the activities that we have planned, said Student Director Chase. Currently, we are working with Brad Stam on the citizenship curriculum and our first meeting will be next Thursday at Rudsdale (not Skyline.)

Presentation/Acknowledgment Made

J. Speaker Request Cards/Modifications To the Agenda

Director Gallo requested that Legislative File 08-1934 be pulled from the Board of Education General Consent Report for seperate action.

President Kakishiba stated he will recuse himself from the meeting and any discussion, deliberation, or action on the State Administrator's General Consent Report pertaining to the East Bay Asian Youth Center two items that are listed on said agenda since he is the Executive Director of EBAYC and will turn meeting over to Vice President Spearman.

K. Adoption of the Pupil Discipline Consent Report

07-1415 Readmission Hearing - Student N

07-1548 Readmission Hearing - Student T

08-0889 Readmission Hearing - Student M

Passed the Pupil Discipline Consent Report

A motion was made by Vincent Matthews, seconded by Vincent Matthews, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 1 - Vincent Matthews
Nay: 0
Recused: 0
Absent: 2 - Kerry Hamill and Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Roll Call (Secretary's Observation)

President Kakishiba, in the absence of Vice President Alice Spearman, who had stepped out of the room momentarily, at 5:25 P.M., turned the chair over to Noel Gallo, Senior Member of the Board, and left the meeting room since there are two items on the State Administrator's General Consent Report being considered for action tonight for the East Bay Asian Youth Center, of which he is the Executive Director. State Administrator Matthews approved "his" General Consent Report without any further debate.

Roll Call: Present: Cecilia Lopez, Shannon Chase, Kerry Hamill, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman and Vincent Matthews
Excused: Gregory Hodge
Absent: David Kakishiba

L. Adoption of General Consent Report - State Administrator

Pupil Achievement



[08-1772](#)

Memorandum of Understanding - East Bay Asian Youth Center - Roosevelt Middle School

Approval by State Administrator of a Memorandum of Understanding between District and East Bay Asian Youth Center, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Roosevelt Middle School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$218,208.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant.

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



[08-1774](#)

Memorandum of Understanding - Aspiranet - Think College Now

Approval by State Administrator of a Memorandum of Understanding between District and Aspiranet, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Think College Now, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$82,634.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



[08-1785](#)

Memorandum of Understanding - Safe Passages - Edna Brewer Middle School

Approval by State Administrator of a Memorandum of Understanding between District and Safe Passages, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Edna Brewer Middle School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$118,871.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1799

Memorandum of Understanding - Oakland Leaf - Ascend Elementary School

Approval by State Administrator of a Memorandum of Understanding between District and Oakland Leaf, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the 21st Century Community Learning Center (21st CCLC) Program Grant Lead Agency at Ascend Elementary School for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$244,443.00 (maximum reimbursable amount).

Funding Source: 21st Century Community Learning Center (21st CCLC) and the After School Education and Safety Program (ASES) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1807

Memorandum of Understanding - Bay Area Community Resources - Rudsdale Continuation School

Approval by State Administrator of a Memorandum of Understanding between District and Bay Area Community Resources, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Grant Lead Agency at Rudsdale Continuation School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$211,772.00 (maximum reimbursable amount).

Funding Source: 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1812

Memorandum of Understanding - YMCA of the East Bay - College Preparatory & Architecture Academy

Approval by State Administrator of a Memorandum of Understanding between District and YMCA Urban Services, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Grant Lead Agency at College Preparatory & Architecture Academy, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$161,875.00 (maximum reimbursable amount).

Funding Source: 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1815

Memorandum of Understanding - Youth Together - Skyline High School

Approval by State Administrator of a Memorandum of Understanding between District and Youth Together, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Grant Lead Agency at Skyline High School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$201,810.00 (maximum reimbursable amount).

Funding Source: 21st Century High School After School Safety and Enrichment for Teens (ASSETs) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1835

Memorandum of Understanding - East Bay Asian Youth Center - Franklin Elementary School

Approval by State Administrator of a Memorandum of Understanding between District and East Bay Asian Youth Center, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Franklin Elementary School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$135,989.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1844

Memorandum of Understanding - Spanish Speaking Citizens Foundation - Lazear Elementary School

Approval by State Administrator of a Memorandum of Understanding between District and Spanish Speaking Citizens Foundation, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Lazear Elementary School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$85,990.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant.**Attachments:** [Document\(s\)](#)**This Matter was Adopted on the Consent Agenda.****[08-1874](#)****Memorandum of Understanding - Bay Area Community Resources - Learning Without Limits Elementary School**

Approval by State Administrator of a Memorandum of Understanding between District and Bay Area Community Resources, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Learning Without Limits Elementary School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$90,134.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant**Attachments:** [Document\(s\)](#)**This Matter was Adopted on the Consent Agenda.****[08-1883](#)****Memorandum of Understanding - San Francisco Bay Area Council, Learning for Life - Marshall Elementary School**

Approval by State Administrator of a Memorandum of Understanding between District and San Francisco Bay Area Council, Learning for Life, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Marshall Elementary School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$91,813.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant**Attachments:** [Document\(s\)](#)**This Matter was Adopted on the Consent Agenda.****[08-1884](#)****Memorandum of Understanding - Bay Area Community Resources - Hoover Elementary School**

Approval by State Administrator of a Memorandum of Understanding between District and Bay Area Community Resources, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Hoover Elementary School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$89,934.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant**Attachments:** [Document\(s\)](#)**This Matter was Adopted on the Consent Agenda.**

[08-1891](#)**Memorandum of Understanding - Aspiranet - Melrose Leadership Academy**

Approval by State Administrator of a Memorandum of Understanding between District and Aspiranet, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant and 21st Century Community Learning Center (21st CCLC) Program Grant Lead Agency at Melrose Leadership Academy, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$176,422.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant and the 21st Century Community Learning Center (21st CCLC) Program Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1892](#)**Memorandum of Understanding - Safe Passages - Frick Middle School**

Approval by State Administrator of a Memorandum of Understanding between District and Safe Passages, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Frick Middle School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$111,851.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1893](#)**Amendment No. 1 - Memorandum of Understanding - Oakland Asian Students Educational Services - Westlake Middle School**

Approval by State Administrator of Amendment No. 1 to the Memorandum of Understanding between District and Oakland Asian Students Educational Services, for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the 21st Century Community Learning Center (21st CCLC) Program Grant Lead Agency at Westlake Middle School, for the period of September 11, 2008 through June 30, 2009, in an additional amount not to exceed \$167,122.00 increasing the Agreement from \$117,348.00 to a not-to-exceed amount of \$284,470.00. (maximum reimbursable amount). All other terms and conditions of the Memorandum of Understanding remain in full force and effect.

Funding Source: After School Education and Safety (ASES) Grant and 21st Century Community Learning Center (21st CCLC) Program Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1894](#)**Memorandum of Understanding - YMCA of the East Bay - Explore College Preparatory Middle School**

Approval by State Administrator of a Memorandum of Understanding between District and YMCA of the East Bay for the latter to provide Tutoring, Arts, Recreation, Leadership and Family Literacy activities for the site's Comprehensive After School Program in the capacity of the After School Education and Safety Program (ASES) Grant Lead Agency at Explore College Preparatory Middle School, for the period of September 11, 2008 through June 30, 2009, in an amount not to exceed \$110,798.00 (maximum reimbursable amount).

Funding Source: After School Education and Safety (ASES) Grant

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1906

Professional Service Contract - Focus on Results - High School Network 2

Approval by the State Administrator of Professional Service Contract between the District and Focus On Results (FOR), for the latter to provide on-site coaching, instructional walk-throughs & debriefings and on-site training and leadership development framed around "The Seven Areas of Focus-A Strategic Framework for Whole School Improvement" for Network 2 High Schools and Network 2 Middle Schools, subject to Contract form and content approval by General Counsel, for the period September 15, 2008 through June 30, 2009 in the amount not to exceed \$213,450.00.

Funding Source: Measure E

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

Passed The General Consent Report - State Administrator

A motion was made by Vincent Matthews, seconded by Vincent Matthews, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 1 - Vincent Matthews
Nay: 0
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 2 - Gregory Hodge and David Kakishiba
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Roll Call (Secretary's Observation)

President Kakishiba returned to the meeting room at approximately 5:26 P.M. Director Gallo immediately returned the chair to President Kakishiba.

Roll Call: Present: Cecilia Lopez, Shannon Chase, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, David Kakishiba and Vincent Matthews

Excused: Kerry Hamill
Absent: Gregory Hodge

M. Adoption of the General Consent Report - Board of Education

Personnel Management



[08-1861](#)

Memorandum of Understanding - The New Teacher Project (TNTP) - Oakland Practitioner Teacher Program

Approval by Board of Education of the Memorandum of Understanding between District and The New Teacher Project (TNTP), for the latter to establish an Intern Partnership Agreement for the Oakland Practitioner Teacher Program, a Teacher Education Alternative Certification District Internship Partner Program, for twenty-seven participants at a cost not to exceed \$275,000.00, as specified in/from funding sources named herein, for the period October 1, 2008 through September 30, 2009.

Funding Source: California Commission on Teacher Credentialing - \$67,500.00; Participants Tuition - \$81,000.00; External Funders - \$126,500.00

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



[08-1907](#)

Personnel Report No. 0008-0003

Approval by the Board of Education of Personnel Report No. 0008-0003.

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



[08-1909](#)

Application - Single Subject English Teaching Credential and Math Teaching Credential

Approval by the Board of Education of Resolution No. 0809-0018 - Application to the Commission on Teacher Credentialing requesting one (1) Preliminary Single Subject English Teaching Credential and one (1) Preliminary Single Subject Math Teaching Credential be issued to the following teacher, respectively, for the 2008-2009 school year:

- Sherry Burton, Preliminary Single Subject English, Madison Middle School, Grades 6-8
- Hilary Ewing, Preliminary Single Subject Math, Montera Middle School, Grades 6-8

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

**08-1910****Application - District Internship Single Subject Social Science Credential**

Approved by the Board of Education of Resolution No. 0809-0019 - Application to the Commission on Teacher Credentialing requesting District Internship Single Subject Social Science teaching credential be issued to the following Project Pipeline TEACH intern teacher for the 2008-2009 school year:

- Lawrence Brown, District Internship Single Subject Social Science, Business and Information Technology, Grades 11 and 12.

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

**08-1911****Application - District Internship Education Specialist (Mild-Moderate) Teaching Credential**

Approval by the Board of Education of Resolution No. 0809-0020 - Application to the Commission on Teacher Credentialing requesting District Internship Education Specialist (Mild-Moderate) teaching credential be issued to the following Oakland Practitioner Teacher Program (OPTP) intern teacher, respectively, for the 2008-2009 school year:

- Kacey Crosthwait, District Internship Education Specialist Mild/Moderate Edna Brewer, Grades 6-8,
- Beverley Jenkins, District Internship Education Specialist Mild/Moderate Markham, Grades K-5,
- David Maron, District Internship Education Specialist Mild/Moderate Skyline High School, Grades 9-12 and
- Kristin Psiaki, District Internship Education Specialist Mild/Moderate Frick Middle School, Grades 6-8.

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

**08-1912****Creation of a Classified Management Position - Risk Management Department**

Approval by the Board of Education of Resolution No. 0809-0027 - Creation of a non-represented classified management position in the Risk Management Department as follows:

Create:

Position Title/FTE	Salary Schedule/Range
Specialist, Workers' Compensation and Reasonable Accommodation (1.0 FTE)	Classified Management Confidential Salary Schedule, CFCA, Range 13 \$59,049 - \$75,359 12 months, 261 days, 7.5 hours

Creation of the above-stated position as specified herein authorizes the Superintendent of Schools to fill the newly created position subject to the District's employment procedures.

Funding Source: District's Self Insurance Fund

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

Facilities Management



[08-1859](#)

Purchase and Installation Contract - Noodle, Inc. - Calvin Simmons Middle School Modernization Project

Approval by Board of Education of Purchase and Installation Contract between District and Noodle, Inc., Alamo, CA, for the latter to provide and install - 1 Avaya Merlin Magix R.R.0 with two 412TDL modules, (5) Avaya 4412D+telsets, and all programming, training and installation in conjunction with the Calvin Simmons Middle School Modernization project for the period commencing August 1, 2008 and terminating December 31, 2008 in an amount not to exceed \$8,560.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



[08-1895](#)

Professional Services Agreement - Enovity, Inc. - Cole Middle School Renovations Project

Approval by Board of Education of Professional Services Agreement between District and Enovity, Inc., San Francisco, CA, for the latter to provide new and replaced HVAC, lighting and controls, and other work as specified for Building A - Auditorium (mechanical upgrade of building consisting of classrooms, library and an auditorium), Building B - Cafeteria (mechanical upgrade of building consisting of cafeteria and several classrooms with renovated building to house cafeteria and health clinic), Building C - Gymnasium (new heating ventilation unit) and Systems Commissioning, as specified in Appendix A, Scope of Work, in conjunction with the Cole Middle School Renovations Project for the period commencing August 1, 2008 and concluding no later than January 1, 2010 in an amount not to exceed \$79,250.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



[08-1896](#)

Professional Services Agreement - Keithly Barber Associates - Urban Promise Academy Multi-Purpose Room Project

Approval by Board of Education of Professional Services Agreement between District and Keithly Barber Associates, Burien, CA, for the latter to provide commissioning services that include heating, ventilization, air-conditioning systems, HVAC related control systems, air and water side HVAC balancing and interior lighting systems and to prepare a final report and record in conjunction with the Urban Promise Academy Multi-Purpose Room Project for the period commencing August 15, 2008 and concluding no later than January 15, 2010 in an amount not to exceed \$50,000.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1897

Professional Services Agreement - Marvin Saltzberg - Bret Harte Middle School Modernization Project

Approval by Board of Education of Professional Services Agreement between District and Marvin Saltzberg, Hercules, CA, for the latter to provide Division of State Architect Inspection services in conjunction with the Bret Harte Middle School Modernization Project for the period commencing March 29, 2008 and concluding upon completion of the project, or permanent abandonment of the Project by the District, or December 31, 2008, whichever occurs first, in an amount not to exceed \$71,400.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1898

Professional Services Agreement - Testing Engineers - Whittier Elementary School Modernization Project

Approval by Board of Education of Professional Services Agreement between District and Testing Engineers, San Leandro, CA, for the latter to provide concrete cast-in-place and batch plant inspection in conjunction with the Whittier Elementary School Modernization Project for the period commencing May 1, 2008 and concluding no later than September 26, 2008 in an amount not to exceed \$1,226.00.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1900

Amendment No. 3 - Beverly Prior Architects - Chabot Elementary School Portable Replacement Project

Approval by Board of Education of Amendment No. 3 to Professional Services Agreement between District and Beverly Prior Architects, San Francisco, CA, for the latter to provide revision of Increment One and Increment Two civil engineering, and plans & specifications to consolidate domestic water services to one service for the entire campus, convert (E) service to serve as required Irrigation service for campus, provide temporary domestic water service for interim housing due to lead time for EBMUD and various other items as described herein in conjunction with the Chabot Elementary School Portable Replacement Project in an additional amount not to exceed \$8,325.00, increasing the Agreement from \$1,679,307.00 to a not-to-exceed amount of \$1,687,632.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1901](#)**Amendment No. 1 - Loving & Campos Architects, Inc. - Oakland High School Modernization Project**

Approval by Board of Education of Amendment No. 1 to Professional Services Agreement between District and Loving & Campos Architects, Inc., Walnut Creek, CA, for the latter to provide architectural services for additional site improvements requested by the District in conjunction with the Oakland High School Modernization Project in an additional amount not to exceed \$741,407.00, increasing the Agreement from \$843,500.00 to a not-to-exceed amount of \$1,584,907.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1902](#)**Amendment No. 3 - Marvin Saltzberg - Various ADA Accessibility Projects**

Approval by Board of Education of Amendment No. 3 to Professional Services Agreement between District and Marvin Saltzberg, Hercules, CA, for the latter to provide continuing Division of State Architect (DSA) inspection due to numerous changes required by DSA; and subsequent project approval and construction delays, and to install the following: new international symbol of accessibility signs at entrances, new room and path of travel signage and various other items as described herein in conjunction with the Various ADA Accessibility Projects in an additional amount not to exceed \$9,176.00, increasing the Agreement from \$57,557.54 to a not-to-exceed amount of \$66,733.54, and extending the end date from August 31, 2005 to April 1, 2008. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1903](#)**Amendment No. 1 - Safir Rosetti - Tilden Fire Alarm Project**

Approval by Board of Education of Amendment No. 1 to Professional Services Agreement between District and Safir Rosetti, Oakland, CA, for the latter to provide redesign of the fire alarm system as the original contract excluded the creation of the AutoCAD backgrounds; create site backgrounds and floor plans necessary to complete the fire alarm design, due to a District requested change of scope in conjunction with the Tilden Fire Alarm Project in an additional amount not to exceed \$16,816.00, increasing the Agreement from \$28,702.00 to a not-to-exceed amount of \$45,518.00. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.

[08-1904](#)**Small Construction Contract - Alaniz Construction, Inc. - Jefferson Portable Relocation Project**

Approval by Board of Education of a Small Construction Contract between District and Alaniz Construction, Inc., for the latter to provide asphalt at the bottom of three portable ramps and protection over surface laid conduits rather than installation underground in conjunction with the Jefferson Portable Relocation Project in an amount not to exceed \$14,000.00, for the period August 4, 2008 through August 6, 2008.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1905

Small Construction Contract - IMX, Inc. - Ralph Bunche Middle School Project

Approval by Board of Education of a Small Construction Contract between District and IMX, Inc., for the latter to remove 90 linear feet of steel ramps, walk way and stairs, wood debris and haul off to clear the site for the upcoming school year at Ralph Bunche Middle School in an amount not to exceed \$1,500.00, for the period August 11, 2008 through September 30, 2008.

Funding Source: General Obligation Bond-Measure B

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1930

Change Order No. 3 - Bay Cities Paving and Grading - Castlemont High School Paving Project

Approval by Board of Education of Change Order No. 3 to Construction Contract between District and Bay Cities Paving and Grading, Concord, CA, for the latter to provide trench and conduits for new parking lot lighting which had to be re-routed due to unforeseen underground conditions, dig up and reset pull boxes and stub up conduit risers in 4 locations, pursuant to Buildings and Grounds request, and various other items described herein in conjunction with the Castlemont High School Paving Project, in the additional amount of \$5,414.62, increasing the Agreement from \$1,855,899.52 to \$1,861,314.14. All other terms and conditions of the Agreement remain in full force and effect.

Funding Source: Deferred Maintenance

Attachments: [Document\(s\)](#)

This Matter was Adopted on the Consent Agenda.



08-1934

Agreement - Legal Services - Division of Facilities Planning and Management - Bryant and Brown Law Firm

Approval by Board of Education of a Professional Services Agreement between District and Bryant and Brown Law Firm, for the latter to provide, upon request, legal advice relating to the following aspects of the District's school facilities related concerns: Measure B Oversight Committee, development of a District local vendor policy, Facilities Use Agreement between District and City, and additional projects as specifically requested by the District, with the latter subject to advanced approval by the Superintendent of Schools, for the period July 1, 2008 through June 30, 2009, in an amount not-to exceed \$150,000.00.

Funding Source: General Obligation Bond - Measure B

Attachments: [Document\(s\)](#)

This file, pulled by Director Gallo, was taken up by Board before consideration of the Board of Education's General Consent Report.

Director Gallo said the reason he requested the item 08-1934 be pulled - An Agreement for Legal Services for the Division of Facilities Planning and Management with Bryant & Brown Law Firm has nothing to do with the performance of the law firm. Director Gallo had the following questions/concerns regarding the contract.

(1) What is the funding source?

Superintendent Mayor responded that the item would be paid out of Measure B Facilities Bond Funds.

(2) We have had discussions on this item in the past. We hired an attorney to work specifically with the Facilities Department. Is that individual still in place?

Superintendent Mayor responded - Yes, we do have in-house counsel in the area of Facilities. This particular contract is to continue the services of Bryant & Brown on several issues they worked on in the last year or two. Also to maintain the continuity to deal with a certain scope of work.

Director Gallo asked - Do we not have the capacity with our current in-house legal counsel to do that type of work?

Superintendent Mayor responded - There is enough work in the area of Facilities that there are times when the Assistant Superintendent may want to utilize Legal Counsel from more than one attorney. Superintendent Mayor also stated that the District also has contracts with other attorneys.

Director Gallo stated one of the discussions we had with the Board is that any contract for Legal Services we had the Legal Office would monitor and supervise that activity. Is that still in place?

Superintendent Mayor responded "yes" that is correct.

Director Gallo asked if our Legal Office reviewed and is currently supervising Bryant & Brown Law Firm at Facilities.

Superintendent Mayor responded - "Yes" that is correct.

Director Gallo stated that in the past three years this law firm has earned over \$2 million dollars from the District and now we are coming back for another \$150,000 out of Measure B Funds. Are we required to do a RFP to make it a competitive contract considering the millions of dollars we are allocating?

Superintendent Mayor responded by saying the District is allowed to contract with people who have particular expertise in an area and in this particular case because this law firm has been engaged with the District in developing the Local Vendor Policy, in working with the Measure B Oversight Committee and working with the City of Oakland helping the District to construct a Facilities Use Agreement with the City. We thought it might be prudent to have access to this particular law firm to complete those projects, said

Superintendent Mayor.

Vice President Spearman had some comments regarding this item. This law firm has been diligent in doing their job. Last year the State used this law firm to do other work that wasn't provided in their contract which increased their amount for services and the state made them do this. Vice President Spearman said she looks forward to working with this law firm since she brought forth the direction to the Facilities Department for us to have a Local Vendor Policy. When we work with the City the firm does excellent work. The Measure B Committee has requested that this law firm work with them. People from the City have praised this law firm. Vice President Spearman thought this was a race issue.

Public Comments on the matter - Jim Mordecai

Mr. Mordecai stated the issue of the attorney should be have been brought before the Measure B Committee before coming to the Board.

Secretary's Note: Legislative Files 08-1934; 08-2159; 08-2160 and 08-2161, herein, are all interrelated.

A motion was made by Alice Spearman, seconded by Gary Yee, that this matter be Adopted. The motion failed by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Gary Yee, Alice Spearman and David Kakishiba
Nay: 2 - Noel Gallo and Christopher Dobbins
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 1 - Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

08-2159 **Reconsideration - Agreement - Legal Services - Division of Facilities Planning and Management - Bryant and Brown Law Firm**

Adoption of Motion to Reconsider possible approval by Board of Education of a Professional Services Agreement between District and Bryant and Brown Law Firm, for the latter to provide, upon request, legal advice relating to the following aspects of the District's school facilities related concerns: Measure B Oversight Committee, development of a District local vendor policy, Facilities Use Agreement between District and City, and additional projects as specifically requested by the District, with the latter subject to advanced approval by the Superintendent of Schools, for the period July 1, 2008 through June 30, 2009, in an amount not-to exceed \$150,000.00. (Legislative File 08-1934)

Secretary's Note: Legislative Files 08-1934; 08-2159; 08-2160 and 08-2161, herein, are all interrelated.

A motion was made by Alice Spearman, seconded by David Kakishiba, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 4 - Gary Yee, Christopher Dobbins, Alice Spearman and David Kakishiba

Nay: 1 - Noel Gallo
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 1 - Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

08-2160 Agreement - Legal Services - Division of Facilities Planning and Management - Bryant and Brown Law Firm

Approval by Board of Education, following adoption of Motion to Reconsider, of a Professional Services Agreement between District and Bryant and Brown Law Firm, for the latter to provide, upon request, legal advice relating to the following aspects of the District's school facilities related concerns: Measure B Oversight Committee, development of a District local vendor policy, Facilities Use Agreement between District and City, and additional projects as specifically requested by the District, with the latter subject to advanced approval by the Superintendent of Schools, for the period July 1, 2008 through June 30, 2009, in an amount not-to exceed \$150,000.00 (Legislative File 08-1934).

Following motion by Vice President Alice Spearman, second by President David Kakishiba, the above-entitled matter, prior to the Call of the Question, was superseded by a Motion to Table as reflected in Legislative File 08-2161.

Secretary's Note: Legislative Files 08-1934; 08-2159; 08-2160 and 08-2161, herein, are all interrelated.

A motion was made by Alice Spearman, seconded by David Kakishiba, that this matter be Adopted. The motion failed by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 0
Nay: 0
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 1 - Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

08-2161 Agreement - Legal Services - Division of Facilities Planning and Management - Bryant and Brown Law Firm

Adoption of Motion To Table Pending Motion by Board of Education to approve (Legislative File 08-1934) a Professional Services Agreement between District and Bryant and Brown Law Firm, for the latter to provide, upon request, legal advice relating to the following aspects of the District's school facilities related concerns: Measure B Oversight Committee, development of a District local vendor policy, Facilities Use Agreement between District and City, and additional projects as specifically requested by the District, with the latter subject to advanced approval by the Superintendent of Schools, for the period July 1, 2008 through June 30, 2009, in an amount not-to exceed \$150,000.00. (Legislative File 08-1934)

Secretary's Note: Legislative Files 08-1934; 08-2159; 08-2160 and 08-2161, herein, are all interrelated.

A motion was made by Christopher Dobbins, seconded by Gary Yee, that this matter be Tabled to a Date Certain. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 4 - Gary Yee, Christopher Dobbins, Alice Spearman and David Kakishiba
Nay: 1 - Noel Gallo
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 1 - Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

Community Relations and Governance

08-1134 Board Policy - Business and Non-Instructional Operations - BP (TBD) - Local Vendor Policy - Presentation Date

Adoption by Board of Education of request to Superintendent of Schools to research, develop and present proposed Board Policy - Business and Non-Instructional Operations - BP (NTBD) - Local Vendor Policy not later than the last Regular Meeting of October, 2008.

This Matter was Adopted on the Consent Agenda.

Passed The General Consent Report - Board of Education

A motion was made by Gary Yee, seconded by Christopher Dobbins, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 5 - Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman and David Kakishiba
Nay: 0
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 1 - Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

N. Unfinished Business - State Administrator

None

Roll Call (Secretary's Observation)

Director Gregory Hodge present at 6:23 P.M.

Roll Call: Present: Cecilia Lopez, Shannon Chase, Gregory Hodge, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, David Kakishiba and Vincent Matthews
Excused: Kerry Hamill

Roll Call (Secretary's Observation)

Roll Call (Secretary's Observation)

Student Directors Cecilia Lopez and Shannon Chase absent from the meeting at approximately 6:25 P.M.

Roll Call: Present: Shannon Chase, Gregory Hodge, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, David Kakishiba and Vincent Matthews
Excused: Kerry Hamill
Absent: Cecilia Lopez

O. Unfinished Business - Board of Education

Community Relations and Governance

08-1932 Introduction of New Matter - District's Response to Pending Public Requests for Items to Be Scheduled on Board Regular Meeting Agenda

1. Request of Jim Mordacei for addition of Board staff to keep Legislative bodies Minutes current. - Edgar Rakestraw, Jr., Board Secretary
2. Request of Jim Mordacei for Policy prohibiting staff from banning press from District public events. - Roberta Mayor, Interim Superintendent.
3. Request of Craig Gordon for review and possible augmentation of Robinson Visual Arts School budget and staffing. - Roberta Mayor, Interim Superintendent.

The Board Secretary and the Superintendent, respectively, responded to one or more items brought by a member of the public for scheduling on an Agenda of a Regular Board Meeting.

Item # 1. - A request for addition of board staff to keep legislative body minutes current. I will have Mr. Rakestraw respond to that item, said Superintendent Mayor.

Mr. Rakestraw responded - We have hired an additional staff person who started with us a

week ago. We hope this one addition will help us do the minutes timely. We will, hopefully be caught up within the next 60 days. He introduced Linda Floyd, as the new Executive Secretary, Board of Education.

Item # 2 - Superintendent Mayor responded - There is a Board policy that address this. The right of the Media to have District access. The media has the right to access District facilities to cover their story. District staff cannot bar media from school sites for news gathering purposes. However, in order to insure the welfare and safety of the students under the following conditions; media access may be managed..

- (1) Crime scene marked off until the investigation is complete
- (2) Areas where media could interfere with emergency operations
- (3) From areas where media and other are excluded due to possible physical danger in the area
- (4) When access would disrupt educational or other school programs
- (5) When access would violate student or employee privacy or confidentiality of records
- (6) Media representatives shall register immediately upon entering the school ground when school is in session.

Item #3 - A request by Craig Gordon to review and possible augmentation to review the budget and staffing of Paul Robeson Performing Arts School

Superintendent Mayor said she did visit the school - The school is staffed by 14 teachers. Enrollment projection was 289 students and on the 10th day count they were 20 students over the projection. The concern was the lack of sufficient staff to provide a visual and performing arts program at the site. With the additional students to the school and if those numbers hold until the 15th day of school, that particular school should get some additional revenues based on that increased count. It is at that time that site should decide how best those resources should be used. If that site determines a dance teacher or some other performing arts teacher will the best use of the revenue, then central office will honor that decision.

Public Comments - Jim Mordecai

Mr. Mordecai responded to item # 1 - He is pleased the public will get the Board Minutes posted in a speedy manner.

Mr. Mordecai responded to item # 2 - And he does not see how the Superintendent's response addresses his concern. The incident he was referring to was a personnel matter and hopes the appropriate persons will pay attention to what happened and hopefully avoid this type of incident happening again. Mr. Mordecai said he wasn't talking about access, he was talking about retaliation. The District does not have a policy; what you [Superintendent Mayor] read was regarding access.

Discussed and Closed

P. New Business - State Administrator

Pupil Achievement

**08-1929 2007-2008 District Academic Performance Report**

Presentation of the 2007-2008 District Academic Performance Report.

Attachments: [Document\(s\)](#)
[08-1929 - 2007-2008 District Academic Performance Report.ppt](#)
[08-1929 - 2007-2008 District Academic Performance Report.pdf](#)

Report on 2007-2008 Academic Performance by Brad Stam.

Power Point Presentation incorporated herein by reference as though fully set forth.

Mr. Stam presented the report today to provide the Board with the 2007/2008 year end summary performance data from the California Standards Test and the California High School Exit Exam as well as data to address federal accountability on adequate yearly progress or Average Yearly Progress (AYP) and state academic accountability.

Allendale School talked about the growth at their school site. Sharon Casanares, Executive Officer for Allendale, said Allendale's growth this year was a result of several best practices implemented by the teachers, the leadership team, and the principal. They developed a strong learning environment for students as well as for the adults. As a results of their practices Allendale's API score increased from 678 to 741 which is a 63 point gain and they met all AYP criteria.

Steve Thomasburger, Principal and Rue Avant, ELA Coach gave an overview of the school wide practices at Allendale.

The last two years a lot of time was spent developing the professional development communities. We started by asking ourselves three basic questions.

- 1. What do students need to know?*
- 2. How do we know when they do?*
- 3. What do we do when they don't?*

How did we get to what does the student need to know.

- A. We have structured collaborative time every week.*
- B. We feel there are not enough assessments. We have planned assessments every week.*
- C. We have to reach all our students and we expect the teacher is going to know every child; what their levels are; what instruction are they going to deliver to every student and add in resources if far below.*

Our math scores made a huge improvement this year. We got training in how to teach basic math facts.

Questions from Board Members

Director Hodge asked how many students are at Allendale and the stability of the staff?

Mr. Thomasburger responded that he has been at Allendale for four (4) years. Year one (1) about half the staff turned over. Since that time every year about 20-25% of the staff has turned over with a teaching staff of 21 teachers and 475 students.

Director Yee noted Allendale has come before the Board many times before and this is powerful work in progress and he appreciates the Principal's commitment. He likes the evaluation process used; particularly interested in their intervention process.

Director Gallo asked Mr. Thomasburger of the 21 teachers at Allendale, how many were new teachers?

Mr. Thomasburger responded he had five (5) that were new to the school but not new to teaching. Overall the site has an experienced staff.

Director Gallo noted that at some school sites one half of the teachers are new teachers and those sites are in the red. He congratulated the staff and students on their success.

Vice President Spearman commended Allendale on the good work. She is very interested in the achievement gap in our high schools. What are the differences in achievement between African American students and Latino students in high school? Mr. Stam said it was a combination of factors including the following:

The instruction is not based on grade level standards.

The pattern of enrolling students in courses that are not rigorous.

The teaching population is not as diverse as it needs to be.

Inadequate counseling support addressing early intervention.

Vice President Spearman said she thought the smaller school size was supposed to address these issues?

Mr. Stam said he believes they have in part.

Vice President Spearman asked what type of person are we looking for when we hire principals?

Mr. Stam said we are looking for people who are committed to education as education is the civil rights challenge of the 21st century; have high expectations for all students. They understand the challenges of education in the urban context; the urban setting. They know how to work with teachers. They know how to develop adults. And they have a heart to go along with a fine mind. We have a rigorous principal selection process in place that has multiple steps that include community engagement. In the last couple of years in most cases, we have made very solid principals from our selection process. Our small networks continue in the development of those principals.

Vice President Spearman asked if we don't have educational leaders who know curriculum and what the standards are, how can they help bring other adults along if they don't know?

Mr. Stam said you are absolutely right.

Vice President Spearman asked what are we doing to enhance the newer principals who don't have that background?

Mr. Stam said we provide the following to new principals:

1. Coaching support.
2. Instructional Coaches also provide coaching to the teachers as well as the principals.
3. Require principals to attend the professional development that the teachers are receiving.

Director Dobbins had a couple of questions -

1. Where can a person find out their school's AYP Score?

-Go to www.cde.ca.gov and look for school AYP Scores.

-OUSD has a link to this and will place it on the front side of the home page.

2. *Explain the math program used in Long Beach that was developed in Singapore.*

Mr. Stam said the aunt of a math teacher in Long Beach Unified from Singapore developed part of the program and the teacher in Long Beach developed the other part. His student achievement was very high so his principal asked him to be a math coach at the school. Through his efforts their District's achievement improved over 20 points for the whole district in 2-3 years.

Director Gallo said every year we have problems with principals resigning before school starts that we should have a policy or contractual statement; the same procedure we have for teachers; if you want to resign and leave OUSD you must give notice by June.

President Kakishiba said according to this report for most grades in the elementary level we are at 40% for reading and this is a doubling improvement in five years. The District, Principals, and Teachers should be commended. However, he noted we see a significant drop in the middle schools. President Kakishiba asked that the two new Executive Officers for the Middle Schools be present at the October 4th meeting.

Public Speakers

Betty Olsen Jones said she wants to stop equating achievement with test scores. She acknowledged there are still huge gaps and students are still not achieving according to the test scores. We have had great reading programs in this District that worked such as Reading Recovery. The Open Court Reading Program was mandated. Before Open Court we had Balanced Literacy and a variety of programs. A lot of programs previously used are coming back. Bring back teacher collaboration and put the time for it; show teachers respect; smaller class sizes; and provide the resources to create success.

Jim Mordecai said the Board did away with some flexibility such as split reading. We have had good programs and you keep throwing them out. It is our loss when we throw away things that work. Pay attention to the teachers. The emphasis on math is great. Pay attention to personnel.

Discussed and Closed

Financial Management



08-1947

Agreement - Between District and Identity Fraud, Inc. - Identity Thief Protection Services

Approval by State Administrator of Agreement between District and Identity Fraud, Inc., for the latter to provide identity theft prevention services, educational resources, and access to Federal Credit Reporting Act certified professional to resolve identity theft issues, occurring for District employees, if any, as a result of the theft of ten desk top computers that may have contained personal identification information of all District employees on or about September 2, 2008, for the period September 2, 2008 through September 1, 2010, in the amount for \$132,500.00.

Funding Source: Self-Insurance

Attachments: [Document\(s\)](#)

Supplemental Item added to tonight's agenda. 08-1947

Requesting approval by the State Administrator for an Agreement between the District and Identify Fraud, Inc., to provide identify theft prevention services, educational resources, and access to federal credit reporting act, a certified professional to resolve identify thief issues as a result the theft of the 10 desktop computers that may have contained personal information of all employees on September 2, 2008. Approval in the amount of \$132,000. The funding source is Self-Insurance or fund 67.

Comments from the Superintendent

On September 2nd our Human Resources Department was burglarized and 10 desktop computers were taken that contained some files saved to the hard drives. This emergency item arose after the agenda was posted. Most employee personal information resides on the District's server and that security was not breached. There is no loss of information such as payroll accounts, credit card accounts, or bank statements accounts. The only information compromised for some of our employees was names and social security numbers. We are taking steps to protect all employees both current and former to make sure they don't become the victim of identify fraud. If they do, we have engaged this firm to work with our employees to assist them. We have given employees information on how to protect themselves. A letter will go out to all employees tomorrow that will alert them in the steps to take in this particular action.

Director Gallo requested at a later date he would like for us to bring back to the body current procedures, practices of the employees that we do hire.

Director Dobbins asked if other firms were looked at?

Superintendent Mayor responded that we did confer with two insurance firms and this is the firm that offered a lower bid and we felt offered better services and they are locally located to work with us more closely.

Director Yee commented that we were employing standard operating practices that were acceptable; it is not negligence on our part that the computers were stolen.

Superintendent Mayor - The computers were stolen from a locked facility; entry was made from the second level and the persons(s) broke through wire mesh and entered a second story office. It was a locked office and we took prudent action to safeguard the employee information. We will certainly improve the security in our building and taking additional measures to make sure this does not happen again.

Public Speakers on the Subject

Betty Olsen-Jones, OEA President - Will the opt-in cost be covered by the District?

Superintendent Mayor said our identified employees are covered by this service.

Laura Moran said the family opt-in clause - Family members are not covered; however, there is an opt-in clause at reasonable cost to family members.

State Administrator Matthews said this action is being taken after today's agenda was published and posted to protect employees from adverse consequences should personal information on the stolen computers be compromised or fraudulently used. This contract is being considered and acted upon pursuant to Government Code Section 54954.2(b)2. This

agreement is hereby approved.

Vice President Spearman wants the public to know this is protection for all bargaining units and not just the teachers. This affects all current and some former employees of the Oakland Unified School District including School Board Members.

A motion was made by Vincent Matthews, seconded by Vincent Matthews, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 0
Nay: 0
Recused: 0
Excused: 1 - Kerry Hamill
Absent: 1 - Gregory Hodge
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



08-1919

Annual Statement of All Receipts and Expenditures of the District (Closing of the Books) - Fiscal Year 2007-08 (Unaudited Actuals) (Closing of the Books)

Approval by the State Administrator of Resolution No. 0809-0045 - Annual Statement of All Receipts and Expenditures of the District for the 2007-2008 Fiscal Year (Unaudited Actuals), (aka, Closing of the Books), and approval to file said statement with the Alameda County Superintendent of Schools.

Attachments: [Document\(s\)](#)
[08-1919 - Annual Statement of All Receipts and Expenditures of the District - 2007-2008 Fiscal Year - Presentation\).ppt](#)
[08-1919 - Annual Statement of All Receipts and Expenditures of the District \(Closing of the Books\) - Fiscal Year 2007-08 \(Unaudited Actuals\) \(Closing of the Books\)](#)

Report of actual expenditures for 2007/2008 school year - the Unaudited Actuals presented by Leon Glaster. The projection does not include any salary increases. Whereas incorporated herein as though fully set forth.

Mr. Glaster using a Power Point presentation, presented the report on the closing of the 2007/2008 books which is incorporated herein by reference as though fully set forth.

Comments from Board Members

Director Gallo - Alameda County Office of Education sent Board Members a letter regarding a review of the annual report you submitted and the 2007/2008 Budget came back with disapproval. There are areas we should be concerned about. I would like to schedule the County to come before the Board and give a presentation of the financial picture of OUSD.

President Kakishiba asked if the County has responded to our 2008/2009 budget?

Superintendent Mayor said the response letter just arrived and it will be shared with the Board.

Director Dobbins said he would like a one page fact sheet that included our assets, debts, and liabilities.

Kristen Vital said the Board was sent the 10th day count and re-sent because we were over 100 at Oakland High. We are currently 130 over projected enrollment. Between the 15th day and 20th day enrollment will go up and down.

Superintendent Mayor clarified Ms. Vital's statement - The District's projected 700 fewer students this year than last year so our expected decline is not as steep as projected. We still have fewer students this year and are still in a state of declining enrollment. Operational costs continue to go up and we would still be in deficit mode. We need to continue to reduce expenditures to stay within our expected revenues coming in.

Director Yee had a question regarding the ending fund balance and the beginning fund balances. He stated that the 10 million had to be there in case the audit findings go against us for the Oakland Athletic League or School Safety. We roughly have about 3 million in the bank. Regarding salary increases - step and column increases are included in the budget but not salary increases.

Vice President Spearman - How much money do we have in the bank now?

Mr. Glaster said we have \$19.5 million in the bank. We received revenues and expenditures. We are going to use the revenue that we receive this year against expenditures. We will not attach our bank account.

Vice President Spearman asked how much money are we operating on?

Mr. Glaster said in 2007/2008 we received \$263 million and we spent \$263 million. For the 2008/2009 we have approximately \$27 million less in unrestricted funds and about \$263 million in our unrestricted funds.

President Kakishiba - If \$34 Million is ending the unaudited balance, there is a discrepancy between the ending and the beginning balances. President Kakishiba wanted to know how we can reduce long term debt? Why don't we increase the reserve amount for economic uncertainty? If the state is unwilling to use the state loan to pay of any long term debt why don't we use our ending fund balance or undesignated reserve for paying off one or two these notes that are in the back around our certification of participation which could free up a minimum of \$1.1 million in annual payments.

Superintendent Mayor said that she and Mr. Glaster were going to discuss with the Audit Committee some aspect of what you were talking about. We are investigating how we are paying for some of the Certificates of Participation and accelerating the payments so we don't get stuck with a high interest bill. We will come back to the Audit Committee with ways to reduce our outstanding debt and looking at various funds to pay that down.

Public Speakers

Jim Mordecai said all redevelopment funds should be directed to only those schools in the areas of redevelopment. What is the purpose of redevelopment funds and do we have a moral obligation to have the funds directed to the schools impacted to make them whole?

Craig Gordon of Paul Robeson High School - The Superintendent's report stated that

Robeson is over enrolled by 20 students not including Special Education Students. Last year they had two drama classes taught by an English Teacher and two dance classes and both have been removed. We were promised a dance teacher at the end of last school year. We came back in the fall and do not have a dance teacher as promised. Now that enrollment is up we would like for the school to get the dance teacher promised. Mr. Gordon urged the Board to put this on the next agenda through a motion to discuss.

A motion was made by Vincent Matthews, seconded by Vincent Matthews, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
 Adv Nay: 0
 Adv Abstain: 0
 Aye: 1 - Vincent Matthews
 Nay: 0
 Recused: 0
 Excused: 1 - Kerry Hamill
 Preferential Aye: 0
 Preferential Abstention: 0
 Preferential Nay: 0

Q. New Business - Board of Education

None.

R. Special Recognitions and/or Presentations

None.

State Administrator and Board of Education



08-1920 Support for and Participation In Walk to School Day - October 8, 2008

Joint adoption by State Administrator and Board of Education of Resolution 0809-0046 - Support of International Walk to School Day - October 8, 2008 - and Encouraging Each Elementary School to Participate in Walk to School Day.

Attachments: [Document\(s\)](#)
[08-1920 - Support for and Participation In Walk to School Day - October 10, 2008.pdf](#)

A motion was made by David Kakishiba, seconded by Alice Spearman, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
 Adv Nay: 0
 Adv Abstain: 0
 Aye: 7 - Gregory Hodge, Gary Yee, Noel Gallo, Christopher Dobbins, Alice Spearman, David Kakishiba and Vincent Matthews
 Nay: 0
 Recused: 0

Excused: 1 - Kerry Hamill
Absent: 0 - Cecilia Lopez and Shannon Chase
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

S. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District - Up to 30 Minutes

Public Comments

08-1927 Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District - State Administrator/Board of Education - Regular Meeting - September 10, 2008

Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the District - State Administrator/Board of Education - Regular Meeting - September 10, 2008.

Tania Kappner - Teacher at Oakland and OEA Executive Board

Small schools with no resources do not work. Schools were forceably broken up against the wishes of the community in many cases. It should be a decision of the community with an elected school board and a superintendent who is not coming up with a plan on how to close schools but to fight for the resources. We need positive changes and we count on the Board to support our contract proposal to give us what is fair to retain the experienced teachers. We are counting on the Board to support the California Dream Act. There will be a state-wide march on September 26th and we are calling on the Board to support the initiative and to provide three buses for students and parents who want to attend the march.

Oscar Wright

Mr. Wright said he is concerned that African American students have not progressed in terms of test scores in the last ten years. Black students have been here forever and we say that we cannot teach them but we can teach everybody else. If we teach children they can learn. I hope the Board works with Dr. Mayor to make things better.

Jim Mordecai

Talked about charter schools. If we continue to provide the funds for charter schools everyone will come. Encouraged the Board to vote no on Measure N.

Betty Olsen-Jones - OEA President

The OEA took a vote and the majority of the members are against Measure N as it does not provide for essential staff. Ms. Olsen-Jones asked the Board to sign on a letter written by the teachers and the Central Labor Council to say N stands for no. Oakland has the highest percentage of charter schools in the state. Charter schools are publicly funded and privately run.

Presentation/Acknowledgment Made**T. Public Hearing(s) - State Administrator**

None.

**08-1775****American Indian Public Charter School - American Indian Model Petition and Proposed Charter**

Public Hearing - American Indian Public Charter School - American Indian Model Petition and Proposed Charter.

Attachments: [Document\(s\)](#)

[08-1775 - American Indian Public Charter School - American Indian Model Petition and Proposed Charter.pdf](#)

President David Kakishiba opened the Public Hearing at 9:11 P.M.

Janet Roberts, Director of Native American Charter Schools reported that all Native

American Schools scored above 900 on the 2007/2008 API. All information needed is in the packet.

Director Dobbins - What's the waiting list to get into the school?

Ms. Roberts said all students that applied were accepted. If they applied after the deadline another school is found for them. If a spot opens up we hold a lottery.

Director Gallo - Congratulated the school for the outstanding work they are doing.

President Kakishiba closed the Public Hearing at 9:13 P.M.

Hearing Held and Closed

**08-1776****Kipp Bay Area Schools - KIPP Bridge Charter School - Material Revision of Charter - Governance Changes, Et Seq - Petition and Proposed Charter Amendment**

Public Hearing - Kipp Bay Area Schools - KIPP Bridge Charter School - Material Revision of Charter - Governance Changes, Et Seq - Petition and Proposed Charter Amendment.

Attachments: [Document\(s\)](#)

[08-1776 - Kipp Bay Area Schools - KIPP Bridge Charter School - Material Revision of Charter - Governance Changes, Et Seq - Petition and Proposed Charter.pdf](#)

Beth Thompson, at 9:14 P.M., withdrew the Pending Charter Material Provision

Petition was withdrawn because signatures are required for a material change for a charter. Ms. Thompson re-submitted the application tonight with signatures. Secretary Rakestraw will assign a new Legislative File Number to new petition.

Withdrawn

U. Public Hearing - Board of Education

None

V. Superintendent's Report

Superintendent Mayor reported that every Wednesday morning she visits one to three school sites as her schedule allows. She has been impressed so far with the schools visited, stated Mayor. Students are on task; teachers are involved in the classrooms; and really pleased with the good job that is being done and wanted to thank staff.

W. State Administrator's Report

State Administrator Matthews thanked the staff at all school sites and central offices. The growth in pupil achievement is not where we wanted it to be but we did see significant growth in a number of areas and wanted to thank staff for their hard work and for making things happen for the children in the City of Oakland.

X. Report of Regular Board Members

Director Gallo reported that he would like to present a resolution on the California Dream Act. Director Gallo will work with Mr. Rakestraw to provide the language. Hopefully at the next Board we can get the Board to pass the resolution. Director Gallo would like to thank the East Bay Conversation Corps and a group of students from West Oakland who were at the Burbank Gardens this afternoon and made a difference in landscaping the area. Director Gallo is supportive of Measure N. He supports this measure because passage will allow the District to compensate the best teachers to make a difference. Director Gallo wants to make sure the students at the bottom end get the best instruction and have the best teachers that will make a difference.

Director Dobbins thanked everyone for coming out to the Arts and Soul Festival. Thanked Frick Middle School's SSC who presented him with a medal from the sport festival at their SSC Meeting yesterday. Skyline had a great SSC Meeting and thanked Mrs. Boyd for always running engaging meetings. Recognition was given to Markham and Whittier Schools for tremendous test gains. Carl Munck is doing well but are having some staffing issues. Webster School had 22 computer stolen and welcome any donations from the public. The Oakland A's is presenting the OAL with a check for around \$25,000 this Friday. Director Dobbins co-authored the California Dream Act with Director Gallo.

Director Hodge urged the District do a better job securing District property and had a special message to the public - when you steal from the District you are stealing from the children. We don't have the resources every year to keep replacing the equipment.

Vice President Spearman thanked the First AME Church for its annual shoe give away on Labor Day that provided a \$25 gift card to needy children. Vice President Spearman wanted the public to know it was not just the Union President of the OEA that did not support Measure N. Vice President Spearman advised the public to read the booklet regarding Measure N. Vice President Spearman talked about tonight's discussion the

Board had regarding hiring a black legal firm that lives in District 7. Vice President Spearman urged the people in District 7 to be aware and to support your local school. People of color are still below the proficiency line and are not at grade level.

President Kakishiba recognized Board Member-Elect Jody London.

Board Member-Elect Jody London reported that she and Director Kerry Hamill will be hosting a Town Hall Meeting on Thursday, October 2nd from 7:00pm-9:00pm at Claremont Middle School. The topic will be Fostering Family and Community Involvement in Oakland Schools.

Y. Introduction of New Matter

Director Gallo introduced during his Board Report a new matter the California Dream Act and asked it be on the next Regular Meeting Agenda.

Director Dobbins requested an update on the Robeson issue.



08-1982

Kipp Bay Area Schools - KIPP Bridge Charter School - Material Revision of Charter - Governance Changes, Et Seq - Petition and Proposed Charter Amendment

Presentation of Kipp Bay Area Schools - KIPP Bridge Charter School - Material Revision of Charter - Governance Changes, Et Seq - Petition and Proposed Charter .

Attachments: [Document\(s\)](#)
[08-1982 - Kipp Bay Area Schools - KIPP Bridge Charter School - Material Revision of Charter - Governance Changes, Et Seq - Petition and Proposed Charter Amendment.pdf](#)

This matter was introduced by Beth Thompson, petitioner, during Agenda Item S, Public Comments On Non-Agenda Items.

Referred to Community Accountability Department



08-2136

Endorsement of the California Dream Act - SB 1301

Presentation to the Board of Education of Resolution No. 0809-0050 - Endorsing and Urging Governor to Sign Senate Bill 1301 - The California Dream Act.

Attachments: [Document\(s\)](#)
[08-2136 - Endorsement of the California Dream Act - SB 1301.pdf](#)

Referred to Board of Education

Z. Adjournment

President Kakishiba adjourned the meeting at 9:30 P.M.

Prepared By: _____

Approved By: _____